

Proposed Amendment to Article 15 of the Bylaws
**“Clarify organizational policy for professional conduct and establish
procedures for enforcing violations of organizational ethics”**

I. Change the preamble

Current

Preamble: The Cross Examination Debate Association is committed to promoting ethical communication behavior. Its members recognize that the adversarial and competitive nature of academic debate places participant students, educators, judges and tournament administrators in the position of having to weigh the merits of competing strategies that may have ethical implications. This Article attempts to set forth the aspirations of the Association for ethical and educational debate activity. It is hoped that this statement of ethical principles will promote behavior and discussion which ensure the long-term growth and survival of intercollegiate debate.

Proposed: (new content underlined)

Preamble: The Cross Examination Debate Association is committed to promoting ethical communication behavior **as important part of an activity that maintains a deep respect for freedom of expression.** Its members recognize that the adversarial and competitive nature of academic debate places participant students, educators, judges and tournament administrators in the position of having to weigh the merits of competing strategies that may have ethical implications. In recognition that the Cross Examination Debate Association is an association of professional educators committed to promoting a respectful form of argumentation; the Association recognizes that behaviors which belittle, degrade, demean, or otherwise dehumanize others are not in the best interest of the activity because they interfere with the goals of education and personal growth. All CEDA participants should recognize the rights of others and communicate with respect for opponents, colleagues, critics, tournament hosts and audience members. CEDA participants should also adhere to the CEDA Constitution, CEDA By-laws, and local, state and federal laws. Behaviors by any tournament participants occurring at Association supported, sanctioned or sponsored events that violate this standard of a healthy educational environment should be recognized as “Unprofessional Conduct;” and inconsistent with the mission of the Association. These actions are subject to sanction(s) by the Association. **The community should continue to emphasize best practices for ethical and respectful forms of argumentation.**

Deleted text:

This Article attempts to set forth the aspirations of the Association for ethical and educational debate activity. It is hoped that this statement of ethical principles will promote behavior and discussion which ensure the long-term growth and survival of intercollegiate debate.

II. Change Section 2: Educator Practices

Current:

Section 2: Educator Practices

Because CEDA debate is primarily an educational activity, forensics educators should emphasize learning before competitive success and should try to pass on this view to their students. It is the responsibility of the forensics educator to maximize the opportunity for ethical development and behavior among all debate participants. Ethical principles for forensics educators participating in CEDA include:

Proposed: (new content underlined)

Section 2: Educator Practices

Because CEDA debate is primarily an educational activity, forensics educators should emphasize learning before competitive success and should try to pass on this view to their students. It is the responsibility of the forensics educator to maximize the opportunity for ethical development and behavior among all debate participants. Forensics educators **should** also act in accordance with their own institutional obligations. Failure to adhere to one's own employer's policies (e.g. If a person is suspended or terminated for violations of their university sexual harassment policy, substance abuse policy, fiduciary policy or academic responsibility policy; that person may be subject to sanctions by the Association. These are only examples and do not limit the scope and applicability of this subsection). Ethical principles for forensics educators participating in CEDA include:

No text deleted

III. Change Section 5

Current

Section 5: Epilogue

Provisions of this article are not subject to adjudication. For specific standards regarding eligibility and their adjudication, participants should consult the CEDA bylaws. Resources used in the preparation of this document include the American Forensic Association Professional Relations Committee Code of Forensics Program and Forensics Tournament Standards for Colleges and Universities (1982), American Forensics in Perspective: Papers from the Second National Conference on Forensics (1984) and the Statement of Ethics for the Northwest Forensic Conference (1985).

Delete entirely and replace with the following new content:

Proposed (all the following text is new):

- A. Procedures in Cases of Unprofessional Conduct.
1. Complainants will have one calendar year from an event to present a complaint a Professional Review Board.
 - a. This board will be comprised of three individuals representing different CEDA regions. Each will serve two-year, renewable terms. The President will appoint each member and select a chairperson. These committee members need not be current coaches, but they must provide a publically accessible means of discreetly contacting the committee and filing a complaint.
 - b. PRB members are subject for recusal in specific cases if there is a conflict of interest. The President is authorized to appoint an interim PRB member to fulfill the duties of the standing PRB member in the particular case in which the PRB member is recused. The interim PRB member is also subject to recusal for conflict(s) of interest.
 2. At any point during the proceedings any of the parties involved may choose to be accompanied by an adviser. All parties are free to consult with an attorney, if they choose to do so, but the investigation and hearing procedure is not a legal proceeding and attorneys may not be present or participate.

3. At all times throughout the procedures outlined below confidentiality will be preserved carefully whenever appropriate.
4. All written records pertaining to case shall be kept permanently in a file held by the CEDA Executive Secretary.
5. Procedures:
 - a. If agreeable to the complainant, an informal meeting with both parties and the Professional Review Board will be the first step pursued. If an acceptable outcome is not reached, then the complainant may proceed to the following steps.
 - b. The complainant submits a detailed complaint, to the Chair of the Professional Review Board (“PRB”). Complaints must be in writing. The complaint must, at a minimum:
 - i. identify the date(s) of the alleged unprofessional conduct;
 - ii. identify the Association sponsored, supported or sanctioned activity;
 - iii. specifically identify the alleged unprofessional conduct;
 - iv. provide names and contact information for any known witnesses;
 - v. provide a narrative account of the allegations;
 - vi. identify the complainants(s)
 - c. Once the complaint has been filed and accepted by the PRB, the complainant shall be considered solely as a witness in an investigation by the PRB.
 - d. As expeditiously as possible, the PRB will investigate, meet with all parties involved and ensuring that the accused has an opportunity to see and respond to all statements made against him or her. After a complaint has been accepted and investigated by the PRB, a person accused of unprofessional conduct shall be able to review and inspect all evidence presented in the investigation, subject to state and federal privacy protection laws.
 - e. If the PRB finds that no behavior in violation(s) of any CEDA By-laws identified behaviors has taken place, the matter will stop at this point and the immediate parties shall receive notification that the case will go no further. Copies of this report and other relevant information will be kept on file permanently and will remain confidential.
 - f. If the PRB is convinced that a violation(s) of CEDA By-laws occurred, they will prepare a complete report including their findings, the statements of the accused party as well as the other witnesses and their conclusions about the nature and seriousness of the event that has taken place. The PRB will make final recommendations for sanctions to the President.
 - g. This report shall be submitted to the President, who shall review the evidence and, if necessary, request additional information.
 - h. In consultation with the PRB, the President shall determine an appropriate sanction. Depending on the severity of the event, this sanction may include any of the following (this should not be viewed as an exhaustive listing of all possible sanctions, just the most likely):
 - i. Oral reprimands;
 - ii. Written reprimands to be sent Forensics supervisors, academic supervisors and other university officials.
 - iii. Removal from future participation at the National Tournament (competing, judging, or attending);
 - iv. Removal from future participation at any CEDA sanctioned tournament;
 - v. Removal of the professional’s debate program’s CEDA points, in whole or in part; (e.g. removal of a debate program’s CEDA points from a tournament where the violation occurred or removal of all CEDA points for an entire year) or
 - vi. Suspension of individual membership in CEDA;
 - vii. Suspension of a debate program’s membership in CEDA.
 - i. The President has discretion to determine the combination, severity and/or duration of sanctions. The President will direct the Executive Secretary to enforce the sanctions in a timely manner.
 - j. Sanctions will not be applied if the President’s decision is under appeal. Sanctions will not be applied until all appeals within the Association are exhausted.

- k. Sanctions apply to the individual and will carry over to any new programs employing or utilizing an individual subject to these sanctions. (Example: a Director of Debate is sanctioned for battery on another coach by suspension of membership in CEDA. If that individual becomes a Director or coach at another institution, that institution will not be eligible to become a member of CEDA or to earn CEDA points).
6. Appeals Procedures:
- a. If the individual(s) found guilty of unprofessional conduct wishes to appeal the PRB's findings, President's decision or sanctions imposed, he/she or they may request that an Appeals Board hearing be held to review the decision. Ordinarily, such an appeal will be possible only if the individual(s) involved can present new evidence not previously considered or evidence of procedural violations during the formal procedures.
 - b. The Appeals Board will consist of those available members of the Executive Committee, not previously involved in the formal hearing and not having conflicts of interest. Members of the Appeals Board are subject to recusal for conflict of interest. Replacements may need to be appointed to produce a committee of at least five members.
 - c. The Appeals Board shall review the written evidence in the case, consider new evidence provided to them, interview witnesses as they deem necessary and shall consider the proposed disciplinary action in relation to the evidence provided.
 - d. The findings, recommendations and sanctions from the Appeals Board are considered final.
7. Effective Date.
- a. These procedures are effective immediately upon final enactment into the Cross Examination Debate Association Constitution and By-Laws.
 - b. Non-Retroactivity. No complaints may be filed under this Section for behaviors occurring prior to this Section's effective date.