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## CONSTITUTION OF THE CROSS EXAMINATION DEBATE ASSOCIATION (3/2016)

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# **CONSTITUTION OF THE CROSS EXAMINATION DEBATE ASSOCIATION**

## **ARTICLE I: THE ORGANIZATION**

Section 1. This organization shall be known as the Cross Examination Debate Association and shall use the initials CEDA as its abbreviated title.

Section 2. This Constitution provides formal organization for the former Southwest Cross Examination Debate Association which began September 1971 and became the Cross Examination Debate Association in May 1974.

Section 3. CEDA is organized exclusively for educational purposes, included, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Section 4. No part of the net earnings of CEDA shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in ARTICLE I, Section 3.

Section 5. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Section 6. Upon the dissolution of CEDA, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

## **ARTICLE II: PURPOSE OF THE ASSOCIATION**

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Section 1. The Cross Examination Debate Association is a national intercollegiate debate organization offering professional service, support and community to intercollegiate debate coaches, students and alumni. The mission of the Cross Examination Debate Association is to: create and support a community of scholar-advocates within the larger; institution of higher education who respect one another as seekers of knowledge and agents of social justice; actively encourage participation in all forms of academic debate as a means to create personal leadership, transformation and growth; embrace a diversity of ideas and participants in order to foster an appreciation of the complexity and richness of human existence; promote the value of argumentative discourse as a means of producing reasoned, measured, cooperative solutions to contemporary problems of social and political significance.

Section 2. The Association will provide each year sweepstakes trophies and other awards to recognize outstanding debate teams, students and educators.

Section 3. The Association will maintain a national sweepstakes point system and host an annual National CEDA Championship Tournament.

## **ARTICLE III: MEMBERSHIP IN THE ASSOCIATION**

Section 1. There are three classes of members: institutional, associate and emerging memberships.

A. Institutional membership in the Association is open to any college, university or community college that, acting through its program director, wishes to join. Members of the Cross Examination Debate Association agree by joining the Association and paying the membership fee to follow the Constitution and Bylaws of CEDA in their participation in CEDA-sanctioned activities.

B. Associate membership is individual membership in the Association without voting privileges and is open to any person with an interest in the purposes of this organization. Membership entitles the individual to receive the Association's journal and mailings from the Executive Secretary. Associate membership fees will be less than regular membership.

C. New or emerging programs.

1. New or emergent programs (defined by programs who previously have not been members of CEDA or earned 20 or fewer points in the annual sweepstakes in the previous three years) receive free membership for their first three years. They must complete the registration progress with the Executive Secretary and be certified as a new or emergent program. During the three years, those programs will receive full benefits of Institutional membership status, including voting, journal and eligibility for national and regional sweepstakes awards.

2. Programs which face financial hardship from CEDA membership dues may petition the Executive Council for additional waivers for up to two (2) additional years.

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Section 2. Membership fees shall be determined at the annual business meeting(s) of the Association and will be passed by a majority vote of the Executive Council.

Section 3. The period of membership shall be August 1 through July 31.

## **ARTICLE IV: OFFICERS AND THEIR DUTIES**

Section 1. The elected officers of this Association shall be a President, First Vice President, Second Vice President, Executive Secretary, Treasurer and Recording Secretary. These elected officers, the two immediate past presidents and the Regional Representative from each CEDA region shall constitute the national Executive Council. Elected officers should be members of the American Forensics Association. The appointed officers of the Association will include an Archivist and Editor of the Association's journal. The editor is chosen by the Executive Council from the pool of applicants and nominees for the position and appointed by the President for a three-year term. The Archivist serves until resignation or the appointment of a successor.

Section 2. The President's duties are to:

A. Be responsible for upholding this Constitution and its Bylaws and all other decisions made at the annual business meetings of the Association;

B. Chair the National Tournament Committee until the July 1 immediately following the conclusion of the National Tournament of his or her Presidential term;

C. Chair and be a voting member of the Executive Council;

D. Serve as a voting member of the Topic Selection Committee until the submission of the resolution ballot for the topic commencing after the completion of his or her Presidential term;

E. Serve as representative of the Association to other organizational meetings (if he/she is unable to attend, the First Vice President, the Second Vice President or the Executive Secretary, in that order, shall fulfill that obligation, or if none of them can attend, then the President shall appoint a member of the Association as his/her representative);

F. Appoint members and chairs of standing committees and, from time to time, of such committees as he/she deems suitable or are requested by the membership at the annual business meetings;

G. Fill, by appointment or special election, as indicated in Article V, vacancies among officers or regional representatives;

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H. Fill by appointment a vacancy in the position of Editor of the Association's journal, such appointment to be for the unexpired term of the individual who has been replaced;

I. Following his/her term as President to serve for two years as a voting member of the Executive Council.

Section 3. The First Vice President's duties are to:

A. Assist the President by assuming such duties as chairing an annual business meeting if the President so requests;

B. Replace the President in case of the latter's death, resignation or severance of connection with forensics;

C. Serve as a voting member of the Executive Council;

D. Serve as voting member of the Topic Selection Committee;

E. Serve as member of the National Tournament Committee; and

F: Serve as Chair of the Annual Awards Committee.

Section 4. The Second Vice President's duties are to:

A. Replace the First Vice President in case of the latter's death, resignation, severance of connection with forensics, or assumption of the position of President;

B. Serve as a voting member of the Executive Council;

C. Serve as a voting member of the Topic Selection Committee commencing upon the submission of the resolution ballot for the topic commencing during his or her Second Vice Presidential term; and

D. Chair the Research Committee.

Section 5. The Executive Secretary's duties are to:

A. Govern balloting for all official CEDA operations in accordance with procedures determined by the Executive Council or as set forth in the Constitution or Bylaws, including:

1. Elections for officers of the Association.

a. If the Executive Secretary's name appears on the ballot, the First Vice President will conduct the election;

2. Selection of CEDA debate topics;

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3. Amendments and such other matters as directed by the Executive Council.
- B. Governance of CEDA balloting includes:
  1. Production and distribution of a formal, written ballot to all eligible voters;
  2. Setting and announcing the dates that a ballot is open for voting. Each ballot must remain open for a minimum of 14 days;
  3. Providing confirmation that each individual ballot has been received and will be tabulated;
  4. Announcing results, including reporting the total number of ballots received and the total number of votes cast for each candidate and each ballot item. The Executive Secretary should also publish a voter roll of each program that voted in that election. This information should only contain a list of which programs voted and not include any information about how that program voted.
- C. Insure official records of the current standings of schools in CEDA sweepstakes competition are maintained and periodically to communicate this information to the membership of the Association. The Executive Secretary need not personally calculate the points and may delegate this duty and provide resources to insure the points are maintained. Even if delegated, ultimate responsibility for the completion and accuracy of the points resides with the Executive Secretary.
- D. Correspond in the name of the Association with prospective tournament hosts and/or members of the Association;
- E. Serve as a voting member of the Executive Council;
- F. Establish an agenda for the annual business meetings of the Association with the assistance of the President; and
- G. Maintain an updated version of the Constitution and Bylaws and disseminate these to the membership periodically.
- H. Shall call and organize any necessary email, listserv or other computer or electronic discussions of the Executive Council.
- I. To ensure that officers' and regional representatives' names are included in the National Communication Association Convention Program.
- J. Accept membership applications to CEDA, receive all membership dues and other payments to the Association.
- K. Approve the applications to host CEDA-sanctioned tournaments.
- L. Distribute the Association's journal and maintain a library of back issues.

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Section 6. The Treasurer's duties are to:

- A. Serve as the primary financial officer of the Association;
- B. Pay all expenses of the Association that are authorized by the President or Executive Council;
- C. Prepare and give accounting of the financial state of the Association to the annual business meetings of the Association each year;
- D. Order all trophies and awards;
- E. Maintain the nonprofit corporate tax-exempt status of the Association;
- F. Be responsible for tax preparation and accounting for the Association;
- G. Become bonded;
- H. Submit to audits as required by the Executive Council; and
- I. Serve as voting member of the Executive Council.
- J. Prepare a budget for each year in consultation with the Executive-Secretary and President.

Section 7. The Recording Secretary's duties are to:

- A. Record the minutes of each of the Association's Annual Business Meetings.
- B. Record the minutes of each of the Associations Executive Council Meetings.
- C. Keep a record of all online meetings of the Association that are not subject to privacy concerns
- D. Serve as a voting member of the Executive Council.

Section 8. Each of the Regional Representatives' duties are to:

- A. Serve as a voting member of the Executive Council;
- B. Represent his or her region at the meetings of the Executive Council;
- C. Serve as liaison between the region and the Executive Council, including providing the Executive Council with an annual report at the CEDA Summer Meeting regarding the state

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of the region;

D. Hold regional meetings at appropriate tournaments during the year; and

E. Coordinate scheduling of regional tournaments.

F. Facilitate the election for student representative to the Executive Council. The election should be completed by October 1.

G. If a regional representative is unable to attend an Executive Council meeting, she or he may appoint a substitute with voting privileges from the region. If no substitute is appointed by the regional representative, the President may appoint a substitute with voting privileges from the region.

H. Regional representatives may establish criteria for regional awards to be presented at the National Tournament and may request funding from the Treasurer to pay for those awards.

Section 9. The Archivist's duties are to keep, so far as possible, a complete and accurate record of the organization and its history.

Section 10. The duties of the Editor of the Association's journal are to:

A. Select an editorial board (all should be members of the forensics staffs at CEDA-member schools and an attempt should be made to include persons from a variety of CEDA regions); and

B. Be responsible for all aspects of preparation and printing of the journal, including adherence to a timely publication schedule.

Section 11. The Executive Council shall:

A. consist of the President, First and Second Vice Presidents, Executive Secretary, Treasurer, each region's representative and the two most recent past Presidents;

B. lead the Association;

C. provide interpretation of any article of the Constitution or its Bylaws;

D. be consulted when any action not clearly specified in this Constitution or in the Bylaws is to be taken.

E. perform other functions outlined for them in the Constitution and By-laws.

F. The Executive Council may meet at: (1) annual meetings of the NCA (National



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Communication Association), (2) the annual National Tournament, (3) any special meetings (e.g., summer conferences) and (4) by e-mail or by other kinds of computer or electronic communication.

G. A quorum of the Executive Council is considered to be 50 percent of the membership plus one member for meetings as specified in (1-4) in section G. The Executive-Secretary shall maintain either an e-mail address list or a listserv for all Executive Council members. The Executive-Secretary shall contact members who do not have access to e-mail by other means. In case of other means of communication, the Executive-Secretary shall be responsible for making sure that all members of the Executive Council have access to any deliberations.

H. Suggested Protocol for E-mail Deliberations: The Executive-Secretary should contact all members and notify them of the need for a discussion. A reasonable but limited period of time (e.g., two weeks) shall be set for the deliberations. Members must refrain from voting until such time as discussion has ended and the Executive-Secretary calls for a vote. Members may not rescind their individual votes during deliberations, but they may ask for reconsideration or rescinding of the group votes by normal parliamentary means after all voting has concluded.

I. The Executive Council should refrain from making decisions which can or should be made by a general business meeting or a general vote of the membership.

J. Investigate allegations of unethical behavior.

## Section 12: Student Representatives.

A. Each region will select a student representative who will serve as a member of the Student Representatives Committee. Student Representatives must be officially enrolled, undergraduate students in good standing at the college or university they attend.

B. The duties of the Student Representatives Committee are to:

1. Report the concerns of debaters to the Executive Council.
2. Provide input and support to the Executive Secretary for a national election of one debater to serve on the Topic Selection Committee. The Executive Secretary should direct a balloting system for the student representative that fulfills all elements of a CEDA ballot described in Article IV, Section 5.

C. Each student representative will have one vote at the annual business meetings of the Association. Student Representatives may vote by proxy under the provisions specified in Article VII.

## Section 13: Removal of Officers and Elected Representatives.

A. Executive Officers (President, Vice-Presidents, Executive-Secretary, Treasurer) And

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those appointed to positions (e.g. Editors, Committee Chairs, etc.) may be removed for non-feasance, misfeasance and malfeasance by a two-thirds vote of the Executive Council.

B. Regional Representatives may be removed for non-feasance, misfeasance and malfeasance if (1) a petition of 10 percent of the membership of the region petitions the Executive-Secretary for removal and (2) the Executive Council agrees to removal by a two-thirds vote.

## **ARTICLE V: NOMINATIONS AND ELECTIONS**

Section 1. The Nominating Committee is responsible for nominations for the regional representatives, Second Vice President, Executive Secretary and Treasurer when their terms have expired. The Committee shall solicit or receive nominations from each region of CEDA. When nominating for Second Vice President, Executive Secretary and/or Treasurer, the Nominating Committee should attempt to submit at least two names for each position.

Section 2. Nominations shall be submitted by the Nominating Committee at the first annual business meeting of the Association, at which time additional nominations for any office may be submitted by any member present. If the President feels the slate of nominees is insufficient or nominations for particular positions are lacking, they may grant an extension of the nomination process of 30 days to work with the Nominating Committee and Committee Chair to complete candidate recruitment.

Section 3. No later than 30 following the closure of nominations (either 30 days following the business meeting or following a Presidential extension outlined in Section 2), the Executive Secretary shall submit to the membership by mail or email a ballot containing the names of all nominees. Members will vote for national officers and the representative of their particular region. Ballots may be returned to the Executive Secretary by mail, email, or fax. Phone balloting will not be accepted. Balloting shall cease at midnight 14 days after submission of the ballot. A plurality of ballots returned will elect. In the event of a tie between the two leading contenders for an office, their names shall be resubmitted to the membership. The Executive Secretary shall, upon receipt of a personnel ballot, provide acknowledgement of its receipt via email to the sender. The notification shall not disclose the particular vote, but is merely intended to inform the sender their ballot has been received and will be tabulated. The Executive Secretary shall inform any member of problems with their ballot at this time (e.g. improperly completed ballot). When announcing election results, the Executive Secretary shall report the total number of ballots received.

Section 4. Officers shall serve the following terms, commencing upon the completion of the National Tournament following their election: After serving as Second Vice President for one year, that individual becomes First Vice President for one year and then assumes the Presidency for one year. All duties associated with these offices shall commence upon the completion of the

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National Tournament following their election unless otherwise noted in Article IV. Members from the regions on the Executive Council serve two-year terms. The regions of the Northeast, Mid Atlantic, North Central, and South Central shall elect their representatives in even numbered years. The term of the recording secretary is two years and shall be elected in even numbered years.

Section 5. Vacancies, whether occasioned by death, resignation, or severance of connection with forensics, shall be dealt with as follows. The Executive Council may authorize a special election to restore the staggering of terms for regional representatives.

A. If the office of President becomes vacant, the First Vice President will assume the vacated office of President. If the remaining term is six months or more, the new President will fill that term only and will vacate the office of first Vice President. If the remaining term is less than six months, the new President may assume the duties of President not only for the remainder of that term but for the term he/she normally would have served as well.

B. If the office of the First Vice President becomes vacant, the Second Vice President will assume the vacated office of the First Vice President for whatever remains of the term and will vacate the office of Second Vice President.

C. If the office of the Second Vice President becomes vacant, the President will hold a special election as described in this Article. Until such time, the First Vice President temporarily will assume the duties of the Second Vice President.

D. If the office of Executive Secretary or Treasurer becomes vacant, the President will hold a special election as described Section f of this Article. The term of the new Executive Secretary or Treasurer will run until June 1 of the calendar year three years after the date of the election.

E. If a vacancy occurs among the regional representatives, the President will either 1) appoint a replacement for the remaining term of the representative or 2) call a special election as described in Section F of this Article.

F. If the President is required to call for a special election by the terms of this article, he/she, with the advice of the Executive Council, will nominate at least two individuals to run for the vacant office and instruct the Executive Secretary to hold a special election. The President may appoint an individual to act as Executive Secretary, Treasurer or Regional Representative until such time as the newly elected person takes office.

G. Should a Past President entitled to serve on the Executive Council be unable or ineligible to do so, then the last preceding Past President who is eligible and willing to do so will be given that place on the Council.

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## **ARTICLE VI: REGIONS OF THE ORGANIZATION**

Section 1. The Association is divided into regions as specified in the Bylaws.

Section 2. If a member school wishes to be in a district other than the one assigned to them and listed in the Bylaws, the Director of Forensics at that school must petition the Executive Council, in writing, thirty days prior to an Executive Council meeting. Action by the Executive Council to move a school to another district requires a 2/3 vote and becomes effective following the Association's National Tournament.

Section 3. The Executive Secretary will monitor the membership in CEDA regions. If the geographical boundaries listed in the Bylaws result in serious inequities in representation for three consecutive years, the Executive Council shall propose to the CEDA membership a plan for redistricting.

Section 4. Each region, with the approval of the Executive Council, shall have the right to determine their own regional name.

## **ARTICLE VII: ANNUAL BUSINESS MEETINGS OF THE ASSOCIATION**

Section 1. Members attending the annual business meetings of the Association constitute its governing body. Changes to the Bylaws may be made at annual business meetings. Between business meetings, the Executive Council will make such rules as are necessary to support the purposes of the Association. Actions of the Executive Council will have the force of Bylaws. Members will be notified of the Executive Council's actions and at the next business meeting will have the opportunity to approve or reject continuation of those rules.

Section 2. Business meetings shall be held annually at the fall national convention of the National Communication Association and at the Association's National Tournament and at the CEDA Summer Meeting.

Section 3. Each regular or affiliate member institution will have one vote.

Section 4. In order to conduct any business other than hearing and discussing reports, a quorum of representatives of at least 12 institutions must be personally present (proxy votes do not count for a quorum).

Section 5. Proxy voting at business meetings will be allowed under the following conditions:

A. The Executive Secretary will distribute with the agenda for the national business

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meetings a proxy form for each business item that requires a vote of the membership;

B. Members who do not attend the business meetings may complete, sign and send these forms to the national meetings with another voting member;

C. No member institution may vote more than five proxies in addition to its own vote;

D. Proxy votes are to be submitted to the Executive-Secretary at the start of each business meeting. The Executive-Secretary will count only those proxy ballots that are complete and signed.

E. Proxy votes apply to main motions but not secondary motions;

F. In the event that successful amendments to a main motion substantially alter its intent, the President may rule that proxies are void.

Section 6. If a quorum exists at the business meeting, members (and proxy voters) may modify the Bylaws by majority vote. Proposed amendments to the constitution will be discussed and if they receive a majority vote of members (and proxy voters), they will be submitted to the entire membership by mail, at which time they will require a two-thirds vote to pass.

Section 7. The presiding officer at a business meeting will be entitled to vote as the representative of his/her institution.

Section 8. Parliamentary authority for the organization will be Robert's Rules of Order, Newly Revised.

## **ARTICLE VIII: AMENDMENTS TO THE CONSTITUTION AND BYLAWS**

Section 1. Amendments to the Constitution

A. An amendment to the Constitution may be initiated by any member school;

B. Amendments to the Constitution must be submitted to the Executive Secretary 30 days prior to a business meeting to be discussed at that meeting. The Executive Secretary will communicate proposed amendments to the membership no later than 15 days prior to the business meeting;

C. A majority vote of the schools represented at the business meeting will be necessary for a proposed constitutional amendment to be sent to the membership;

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D. Within 30 days following the business meeting, the Executive Secretary will distribute a formal ballot containing all proposed constitutional amendments;

E. Constitutional amendments require a two-thirds vote by school representatives voting by formal ballot.

## Section 2. Amendment to the Bylaws

A. An amendment to the Bylaws may be initiated by any member school;

B. Amendments to the Bylaws must be submitted to the Executive Secretary no later than 30 days prior to a business meeting to be considered at that meeting. The Executive Secretary will communicate proposed amendments to the membership no later than 15 days prior to the business meeting;

C. Bylaw amendments require a majority vote by school representatives and proxies voting at the business meeting.

D. Within 30 days following the business meeting, the Executive Secretary will distribute a formal ballot containing all proposed Bylaw amendments;

E. Bylaw amendments require a majority vote by school representatives voting by formal ballot.

## Section 3. Alternative Amendment Procedures for the Constitution and Bylaws

A. An amendment may be proposed by a two-thirds vote of the Executive Council or by a petition of 5% of the current CEDA membership to the CEDA Executive Secretary and the CEDA President.

B. The proposed amendment shall be distributed to the membership. Members will have 30 days to send comments on the proposed amendment to the Executive Secretary.

C. Within 45 days of the publication of the proposed amendment, the Executive Secretary will distribute a formal ballot to the membership containing a copy of the proposed amendment.

D. A three-fourths vote of all members voting will be required to enact an amendment initiated under this section.

## Section 4. CEDA will address cosmetic corrections of grammar, spelling and language through perfecting amendments under the following process:

A. Amendments will be submitted to the Executive Secretary who will determine if the change is a substantive alteration of meaning or simply clarifying the statute's intended

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meaning. Amendments that are determined to be only for clarification will be termed perfecting amendments.

B. The Executive Secretary will then place the perfecting amendment(s) on the ballot for member schools to vote yes or no.

C. If the vote takes place during face-to-face official meetings of the CEDA membership (National Communication Association, CEDA Nationals, Summer Meeting), the perfecting amendment(s) will be voted on without discussion.

## **ARTICLE IX: CONFLICT OF INTEREST POLICY AND ANNUAL STATEMENT**

### Section 1. Purpose

A. The purpose of this conflict of interest policy is to protect CEDA's interests when it is contemplating entering into a transaction or arrangement that might benefit the private interests of an officer or director of CEDA or might result in a possible excess benefit transaction.

B. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

### Section 2. Definitions

A. Interested person -- Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

B. Financial interest -- A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

1. An ownership or investment interest in any entity with which CEDA has a transaction or arrangement,
2. A compensation arrangement with CEDA or with any entity or individual with which CEDA has a transaction or arrangement, or
3. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which CEDA is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the Board or Executive Committee decides that a conflict of interest exists, in accordance with this policy.

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C. Independent Director -- A director shall be considered “independent” for the purposes of this policy if he or she is “independent” as defined in the instructions for the IRS 990 form or, until such definition is available, the director –

1. is not, and has not been for a period of at least three years, an employee of CEDA or any entity in which CEDA has a financial interest;
2. does not directly or indirectly have a significant business relationship with CEDA, which might affect independence in decision-making;
3. is not employed as an executive of another corporation where any of CEDA’s executive officers or employees serve on that corporation’s compensation committee; and
4. does not have an immediate family member who is an executive officer or employee of CEDA or who holds a position that has a significant financial relationship with CEDA.

### Section 3. Procedures

A. Duty to Disclose -- In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Board or Executive Committee.

B. Recusal of Self – Any director may recuse himself or herself at any time from involvement in any decision or discussion in which the director believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists.

C. Determining Whether a Conflict of Interest Exists -- After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board or Executive Committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or Executive Committee members shall decide if a conflict of interest exists.

#### D. Procedures for Addressing the Conflict of Interest

1. An interested person may make a presentation at the Board or Executive Committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
2. The President or Chairperson of the Board or Executive Committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
3. After exercising due diligence, the Board or Executive Committee shall determine whether CEDA can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.



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4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board or Executive Committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in CEDA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

E. Violations of the Conflicts of Interest Policy

1. If the Board or Executive Committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

2. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board or Executive Committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Section 4. Records of Proceedings

The minutes of the Board and all committees with board delegated powers shall contain:

1. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or Executive Committee's decision as to whether a conflict of interest in fact existed.

2. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Section 5. Compensation

A. A voting member of the Board who receives compensation, directly or indirectly, from CEDA for services is precluded from voting on matters pertaining to that member's compensation.

B. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from CEDA for services is precluded from voting on matters pertaining to that member's compensation.

C. No voting member of the Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from CEDA, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Section 6. Annual Statements

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- A. Each director, principal officer and member of a committee with Board delegated powers shall annually sign a statement which affirms such person:
1. Has received a copy of the conflict of interest policy,
  2. Has read and understands the policy,
  3. Has agreed to comply with the policy, and
  4. Understands CEDA is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
- B. Each voting member of the Board shall annually sign a statement which declares whether such person is an independent director.
- C. If at any time during the year, the information in the annual statement changes materially, the director shall disclose such changes and revise the annual disclosure form.
- D. The Executive Committee shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

#### Section 7. Periodic Reviews

To ensure CEDA operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

1. Whether compensation arrangements and benefits are reasonable, based on competent survey information (if reasonably available), and the result of arm's length bargaining.
2. Whether partnerships, joint ventures, and arrangements with management organizations, if any, conform to CEDA's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement or impermissible private benefit or in an excess benefit transaction.

#### Section 8. Use of Outside Experts

When conducting the periodic reviews as provided for in Section 7, CEDA may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for ensuring periodic reviews are conducted.

## **BY-LAWS**

### **I. MEMBERSHIP DUES AND BUDGET:**

Section 1: The Treasurer, in consultation with other Executive Officers (President, Vice-Presidents and Executive Secretary) should present a budget of anticipated income and expenses

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and existing resources as a guide for the financial activity of the Association. The budget should include a proposed membership fee structure for the upcoming year. The budget should be presented to the Executive Council no later than the meeting at the National Tournament. The budget shall be passed with a majority vote of the Executive Council.

Section 2: Legitimate CEDA related expenses of the officers of the Association will be reimbursed from the Association's funds. Travel, lodging and food at National Communication Association Conventions will not be covered. Additionally, the President, Executive Secretary, Treasurer, National Tournament Computer Manager/Operator, and the Editor of the Association's journal will receive annual honoraria in amounts established by the Executive Council.

## **II. CURRENT REGIONS OF THE ASSOCIATION**

The following geographical areas shall constitute the current regions of the Association:

1. Pacific – Arizona, California, Hawaii, Nevada.
2. The West - Alaska, Colorado, Idaho, Montana New Mexico, Oregon, Utah, Washington, Wyoming, and El Paso, Texas.
3. North Central--Iowa, Wisconsin, Minnesota, South Dakota, North Dakota, Nebraska and Illinois.
4. Mid-America--Missouri, Kansas and Oklahoma.
5. East Central--Ohio, Indiana, Michigan and West Virginia.
6. South Central--Louisiana and Texas
7. Southeast--Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
8. Northeast—Maine, Massachusetts, Rhode Island, New Hampshire, New Jersey Vermont, West Virginia, New York, and Connecticut.
9. Mid-Atlantic--Pennsylvania, Delaware, D.C., Maryland, and Virginia.

## **III. STANDING COMMITTEES**

The standing committees of this Association shall include :

Section 1: Committee on Discrimination and Sexual Harassment. This committee is chaired by the Sexual Harassment Officer and is responsible for administering CEDA's policy on discrimination and sexual harassment, which is contained in the Bylaws.

Section 2: Committee on Program Development. This committee shall promote new membership, assist new and potential programs in CEDA-related activities, assist programs facing budgetary or other problems, coordinate efforts to regain lost memberships and suggest available forensic materials relevant to CEDA.

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Section 3: Public Relations Committee. This committee shall promote the activities of CEDA and its member schools, including promotion of national standings and award winners among the various national and regional media and coordinate efforts at development of alternative funding support sources.

Section 4: Nominating Committee. This committee shall solicit and receive names of individuals for elective office in the organization and propose the slate of nominees at the annual business meeting, as indicated in Article V of the Constitution.

Section 5: Research Committee. The Second Vice President will serve as Chair of the Research Committee. This committee shall evaluate proposals for research to be conducted at the Association's National Tournament and approve only those proposals which meet standards for ethical and competent research. Committee procedures and guidelines for evaluation appear in the Bylaws.

Section 6: National Tournament Committee. The Committee shall administer the Association's National Tournament. Guidelines and procedures for administration appear in the Bylaws.

Section 7: Professional Development Committee. This committee shall promote the professional development of director/coaches, coaches, and the graduate/undergraduate assistants associated with debate programs. The committee shall select a representative to attend the National Communication Association Program Planners meetings, plan any programs assigned by the National Communication Association to CEDA, serve as the National Communication Association Convention liaison, which includes scheduling meeting times, be in charge of carrying out any programs assigned by the National Communication Association to CEDA as a consequence of CEDA's affiliate status with the National Communication Association.

Section 8: Annual Awards Committee. This committee shall oversee the criteria for the award of the Association's annual student, coaching and program awards. The First Vice-President shall serve as Chair of the Annual Awards Committee.

Section 9: Tournament Site Committee. This committee shall oversee the solicitation of a host for future National Tournaments of the Association. This committee shall also gather data regarding the conduct of the Association's tournament. This committee should include, at a minimum, the treasurer, president, and both past presidents.

## **IV. TOPIC SELECTION**

Section 1: The CEDA Topic Selection Committee will be responsible for choosing problem areas and writing debate topics. The CEDA Topic Selection Committee will consist of nine members: Two of the following (President, 1st Vice President, 2nd Vice President) three at-

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large members, one undergraduate student representative, one graduate student representative, one representative appointed by the National Debate Tournament, and one representative appointed by the American Debate Association. Open nominations for the at-large members will be solicited at the Fall business meeting. The term of office of the three at-large representatives will be three years, and to provide for overlap one will be elected each year.

Section 2: By May 1 the committee will report to the Executive Secretary no fewer than three problem areas to be voted upon by the general membership. In early July the committee will report to the Executive Secretary no fewer than three resolutions corresponding to the winning topic area.

Section 3: The Executive Secretary will distribute a formal topic selection ballot to all CEDA members in early July. The designated deadline must be no more than five days before the topic announcement date.

Section 4: Topics will be selected through a proportional voting system. Voters will be required to rank as many choices as they wish, consecutively, with one being the first rank. All first place votes will be counted. If one choice receives a majority, it wins. If not, the choice with the LEAST first place votes will be thrown out, and ballots that had the discarded choice as first will be counted using their second place votes. This process will be repeated until one choice attains a majority. If two or more of the choices to be eliminated have equal numbers of first place votes, they will be eliminated together, with second place votes for both added to the respective first place totals on the same round. If a choice is eliminated and its second choice is already eliminated, that ballot's third choice will count as a first choice, and so forth. In the event of a tie, the resolution with the highest number of initial first-place votes will win. If still tied, the resolution with the highest number of second-place votes will win, and so forth.

Section 5: The CEDA topic will be announced on the third Friday in July. When announcing election results, the Executive Secretary shall report the total number of ballots received and the vote totals for each topic wording.

Section 6: The chair of the Topic Selection Committee may be a committee member selected by a majority vote of the committee. The committee may also elect a non-voting chair from outside their membership.

Section 7: The Executive Secretary shall, upon receipt of a problem area ballot or a topic-wording ballot, provide acknowledgement of its receipt via email to the sender. The notification shall not disclose the particular vote, but is merely intended to inform the sender their ballot has been received and will be tabulated. The Executive Secretary shall inform any member of problems with their ballot at this time (e.g. improperly completed ballot). When announcing results, the Executive Secretary shall report the total number of ballots received and the break down of votes for each problem area.

Section 8: Within each four-year cycle the national topic should reflect a rotation of at least one

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of each of the following topic categories.

- 1) Domestic – A topic that relates to issues within the United States.
- 2) Legal – A topic that relates to a controversy within legal jurisprudence and where the topic wording emphasizes legal research.
- 3) International – A topic of primarily international relations or policy.

## **V. TOURNAMENT SANCTIONING**

Section 1: For a CEDA tournament to carry sweepstakes points, it must be sanctioned by the Executive Secretary and listed in the official Calendar of CEDA Tournaments as represented by the official CEDA website/forum or a designated electronic proxy site. To apply for official sanctioning, the college or organization must request the CEDA Executive Secretary for approval to hold a CEDA tournament at least 30 days in advance of the scheduled tournament. A tournament may also be sanctioned through the submission of a regional calendar of tournaments submitted by a Regional Representative on behalf of his/her region to the Executive Secretary. The Executive Secretary will post all sanctioned tournaments for the season on the CEDA Forums, and a tournament listed electronically on the CEDA Forums will be considered a sanctioned tournament for the purposes of sweepstakes calculations, unless otherwise noted by the Executive Secretary.

Section 2: Tournaments once sanctioned by the Executive Secretary continues to be approved until the tournament is not held for two consecutive years. If an approved tournament has been canceled by its host school two years in succession, then a written explanation must be offered to and accepted by the Executive Secretary before that tournament will be placed again on the Official CEDA Calendar. Any tournaments finding themselves in this position will be so notified.

Section 3: Approval of a tournament as qualifying to award CEDA sweepstakes points may be rescinded by a two-thirds vote at a meeting of the Executive Council, provided a month's prior notice has been given that it will be on the agenda for that business meeting.

Section 4: CEDA sanctioned tournaments must abide by any and all division requirements (e.g., novice definition) and publish these requirements clearly in the tournament invitation.

Section 5: Individual tournament directors may modify time limits or use variants of cross examination and determine which CEDA division(s) (e.g. open, junior, novice, etc.) and other experimental divisions using the CEDA topics and may allow as many teams per school to enter their CEDA divisions as they wish. The tournament is obligated to use the appropriate CEDA topics for the tournament and to follow divisional rules where applicable..

Section 6: The Director of a tournament with a CEDA division agrees to transmit to the Executive Secretary complete win-loss records at the tournament within two weeks after the

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tournament and in no case later than the close of registration at the Association's National Tournament.

Section 7: CEDA approved tournaments may commence no sooner than the second Friday of September. Regional workshops on CEDA debate and the topics are encouraged between announcement time and commencement of the official fall season. The President will conduct the Association's National Tournament to end the season, at which time Sweepstakes Awards shall be presented.

Section 8: Regional Representatives should coordinate the scheduling of CEDA tournaments in their regions to avoid conflicts among those tournaments insofar as possible, and should pursue the goal of ensuring that at least three tournaments occur each semester in each region.

Section 9: All CEDA sanctioned tournaments are expected to abide by the provisions of the Statement on Discrimination and Sexual Harassment (Bylaw XIV) and the Statement on Ethical Principles (Bylaw XV). Tournament invitations and tournament practices should reflect this support. Local tournaments may need to adapt the specifics of these statements, but the underlying principles should be maintained. The invitation to the Association's National Tournament should endorse these two statements explicitly.

Section 10: Hosts of CEDA sanctioned tournaments must provide a 50% reduction in entry fees for teams participating in their tournament(s) for new and emerging programs (as defined in Article III, Section 1A(1)) for a period of three (3) years for teams from those program(s). If the fee reduction would impose a hardship on a tournament host, they can petition the Executive Secretary for a waiver.

Section 11: For a tournament to receive CEDA sanctioning and qualify for CEDA points, the tournament Director must identify in the invitation if a judge preference system is to be used in assigning judges. The preference system must include a method to affirmatively place racial minorities in judging assignments. If a tournament director is unable or otherwise precluded from affirmatively placing racial minorities in judging assignments, the tournament director may appeal to the CEDA Executive Council for tournament sanctioning. The preference system must include a method to affirmatively place women in judging assignments. If a tournament director is unable or otherwise precluded from affirmatively placing women in judging assignments, the tournament director may appeal to the CEDA Executive Council for tournament sanctioning.

## **VI. SWEEPSTAKES PROCEDURES**

Section 1. An essential aspect of the work of the Cross-Examination Debate Association will be the conferring of sweepstakes awards on schools that have participated in CEDA tournaments during the year.

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Section 2. To be eligible for CEDA points, a division must A) contain at least six teams from a minimum of three different schools and B) may set the first elimination round bracket so that half of the teams will advance (rounded down; for example, a tournament with 26 or 27 teams would advance 13 teams to the elimination rounds). Once the appropriate bracket has been established, tournaments may advance additional teams with a winning record so long as the number of elimination rounds does not change (i.e., a partial octafinal bracket can be filled with additional teams, so long as a double-octafinal bracket is not created).

Section 3. Points in preliminary rounds will be accumulated for sweepstakes according to the following formula:

A. One point shall be awarded for each debate win (including a win for a "bye" and a win for an opponent's "forfeit") by a team in the last six preliminary rounds of a CEDA-sanctioned division of a tournament.

B. Each of a maximum of two teams for which a school receives credit toward sweepstakes at a CEDA tournament will receive at least one point toward the CEDA sweepstakes, even if they win no debates at all, providing they participated in more than half of the number of scheduled preliminary rounds.

C. Should a school enter more than two teams in a CEDA tournament, then the points of only the two teams with the most points in the tournament will be counted toward sweepstakes.

D. Where students from two different schools combine to form a CEDA team at a tournament, the total points and tie-breakers earned by such a split team will be divided between their two schools.

E. Competition in CEDA on a Lincoln-Douglas or individual debate basis will count as half the point that would be awarded for team competition. Up to a total of four Lincoln-Douglas individual debaters may be counted toward sweepstakes, in whole or in part with two-person team points, except that no more than four debaters, whether team or individual entries, shall be counted. A debater may earn sweepstakes points in only one division per tournament.

F. Teams from a host school may enter preliminary rounds in their own tournament and count wins in preliminary rounds toward their sweepstakes total; teams from the host schools may continue into the elimination round in their own tournament, but no CEDA sweepstakes points will be awarded them in these elimination rounds, although they may receive whatever tie-breaker points accrue to their performance. Host teams may earn full CEDA points for participating in their own tournament if that tournament is run by a committee composed of Directors of Forensics from several schools or an autonomous tournament director from a school other than the host school.

G. All eight preliminary rounds at the Association's National Tournament will count for points.



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H. Should a team be composed of debaters from different schools, each school receives half the points earned by the team. Should only one debater on a team be eligible for CEDA points, the school for the other debater will receive half the points earned by the team. This rule applies equally to tie-breaker points.

Section 4. Points in elimination rounds will be awarded as follows:

A. CEDA sweepstakes points may be counted for only a single set of elimination rounds for each division at a tournament. In the event of a tournament with a collapsed division which results in two separate elimination round brackets, only the higher level bracket of elimination rounds will count for CEDA Sweepstakes points.

B. One point for each ballot won by a team in an elimination round, with the limitation that no more than three points may be acquired in a single elimination round, regardless of the number of judges used (anything less than a unanimous decision in an elimination round will be treated as a 2-1 decision for sweepstakes purposes) and

C. At tournaments in which teams in elimination rounds are given "byes"(as opposed to instances where two teams from the same school are paired against each other) a team receiving a bye shall be awarded the maximum number of sweepstakes points available to other teams debating in that round

D. Should two teams from the same school reach a final round in a CEDA division of a tournament, their school will receive three points for winning the round, even though the debate was not held (or as many points, but no more than three, as actually holding the debate would have produced for them); the same rule shall hold true whenever two teams from the same school meet in elimination rounds (or preliminary rounds), even though no actual debate occurs.

Section 5. In case of ties in the standings, these will be resolved by tie breaker points based on places won in the six tournaments at which the school has won the most points, at the rate of five points for a first place, three points for a second place and one point for a third place (or a tie for third or semifinalists).

Section 6. Any errors or omissions in the CEDA reports of tournament results and sweepstakes point totals must be brought to the attention of the Executive Secretary no later than 14 days prior to the commencement of the National Tournament for that academic year. Any mistakes made on tournaments held within two weeks of the National Tournament must be corrected during the first day of preliminary rounds of the National Tournament.

Section 7. Final sweepstakes awards will be based on the point totals accumulated at the six tournaments at which each school has gained the most points.

Section 8. Any school that is a member of the Association winning debates in any or all of the

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CEDA divisions of CEDA sanctioned tournaments is eligible for a sweepstakes award.

Section 9. At the end of the CEDA season, national sweepstakes trophies for first through tenth places will be presented. Trophies for first through fifth place among two-year colleges competing in CEDA will also be presented. Also, any approved regional sweepstakes awards will be presented. If no award are submitted by the regional representative, then they will be given to the top three schools in that region in the standings that did not receive one of the top ten national sweepstakes awards.

## **VII. ELIGIBILITY TO EARN POINTS IN CEDA DEBATE**

Section 1: Tournament contestants eligible to earn points are to be officially enrolled, undergraduate students in good standing at the college or university they represent in forensics competition.

A. Contestants are considered "officially enrolled undergraduates" when they are duly registered in accordance with institutional regulations as undergraduate students at the college or university they are representing in competition and are not in possession of a bachelor's degree.

B. "Good standing" shall be determined by the rules and policies set by the institution the forensics competitor is representing in competition.

C. A graduate student officially enrolled and in good standing may petition the Executive Secretary to compete at the National Tournament and earn CEDA points, for a period of not more than two consecutive time blocks, if the student has not competed in CEDA, NDT, Lincoln-Douglas, NFA, parliamentary, or an equivalent form of debate during his/her undergraduate or high school careers. The Executive Secretary will notify the Director of Forensics tournament directors regarding the outcome of the petition. This does not relieve individual Directors of Forensics from verifying whether the participation of a graduate student is acceptable to individual.

Section 2. Tournament contestants are eligible to earn points for a maximum of five different, not necessarily consecutive, academic years. Participation in other forms of post-secondary debate will factor into eligibility calculation when conditions in subsequent subsections are met, with the exception that one year in parliamentary debate will not count against a student's ability to participate in and earn CEDA sweepstakes points in one year of novice CEDA competition assuming other eligibility conditions are met.

A. Students shall have used their eligibility to earn points in a given academic year when they participate in three or more debate tournaments during that year.

1. For purposes of eligibility, a "tournament" is defined as a forensic contest involving a least three schools and six teams in which at least four rounds of debate are held and

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decisions are rendered by judges. Summer workshop tournaments do not count in the calculation of a student's eligibility.

2. "Participation" in a tournament is defined as competing in more than half of the scheduled preliminary rounds of the tournament. A student's participation in individual events, with the exception of Lincoln-Douglas debate, shall not count against his/her eligibility to earn CEDA points.

B. Hardship appeals, based on medical hardship or similar exigent circumstances may be heard by the CEDA executive committee. Directors have an affirmative duty to accurately determine student eligibility prior to the start of a season and make appeals once those determinations have been made. The executive committee will resolve appeals governed by this section as soon as possible upon receiving an appeal to enable Directors to make appropriate travel decisions.

C. In case of co-enrollment, a student may earn CEDA points for only one institution per academic year.

Section 3: A contestant may not earn CEDA points for participation in a novice or junior division of a tournament unless that student meets the following definitions:

A. A novice is defined as an individual with no more than 24 rounds of team policy debate at the high school or college level, or CEDA non-policy debate, or 50 rounds of debate (including Lincoln Douglas, public forum, parliamentary, and policy debate). If a debater competes in no more than 24 rounds of team policy debate during his/her first year as a novice at the college level, they retain novice eligibility during their second academic year in debate. However, if debaters have more than 24 rounds of team policy debate during their first year at the college level but have not advanced to elimination rounds at two tournaments during that first year of novice eligibility they are entitled to a second year of eligibility until advancing to elimination rounds in two tournaments or upon completion of the second academic year. Any debater with under 100 rounds of policy debate is eligible for junior varsity. However, any debater with more than 100 rounds of policy debate who has not won an elimination rounds at three tournament in junior varsity, varsity or open at the college level will be allowed to stay in junior varsity until they do so. The elimination round provision only applies to those tournaments that clear to at least full quarters in the division and does not count for partial elimination rounds. An exception will be made for Junior Varsity National Tournaments. This exception only applies to the year in which the student was forced to progress. A waiver process for this section may be established by the Executive Council for extraordinary situations.

B. The preceding eligibility rules shall not restrict individual tournament directors from implementing additional eligibility requirements for their tournaments.

Section 4: Adjudication Procedures for Bylaw VII:

A. Any person who is a student or faculty member at a CEDA member school may

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initiate proceedings under this section for a violation of this Bylaw by sending a complaint in writing to the Executive Secretary of CEDA. If the complaint involves a student from the Executive-Secretary's school, the complainant will submit the complaint to the Second Vice President (or, if that creates a conflict of interest, the First Vice President, Treasurer, or person designated by the President) who will follow the procedures outlined below. The complaint must make one of the following allegations:

1. a student competing for a certain school is not "officially enrolled" at the college or university he/she is representing in competition;
2. a student has already received a bachelor's degree;
3. a student is not in "good standing" at the institution he/she is representing in competition;
4. a student has already competed for eight time blocks or five different, not necessarily consecutive academic years;
5. a student is co-enrolled and earning CEDA points for more than one institution per time block; or
6. a team competing in a novice or junior division of a CEDA tournament did not meet the CEDA definition of a novice or junior team.

B. The person(s) making the complaint shall attach to the complaint all information used leading to the filing of the complaint. This shall include any tabulation sheets, tournament results or statements of any persons. Such information will be attached to and will become part of the complaint.

C. Upon receiving a complaint, the Executive Secretary shall notify in writing by registered mail the Director of Forensics of the students alleged to be in violation of this Bylaw, that CEDA points are being disputed for that student. Any response by the Director of Forensics to the Executive Secretary concerning the complaint must be in writing and sent by registered mail.

1. Upon receiving clear written evidence from that Director of Forensics that the complaint was made in error, the Executive Secretary shall notify all parties to the complaint that the CEDA points earned by the student are being recorded.

2. If no evidence of the complaint being in error is provided by that Director of Forensics within two-weeks after notification, the Executive Secretary shall deduct CEDA points earned by the violating students during the time period(s) in question.

D. If evidence is unclear, or if any party to the complaint wishes to appeal, the matter

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shall be forwarded to the CEDA Executive Council for resolution. The Executive Secretary shall forward to all members of the Executive Council by a copy of the complaint and all evidence submitted by the parties. All appeals must be filed within two-weeks of notification.

1. Members of the Executive Council with a potential conflict of interest in the case should remove themselves from consideration of the appeal. Conflicts of interest include, but are not limited to, affectional or institutional affiliation with one or more of the parties involved in the dispute.

2. After a two-week review period, the CEDA President shall poll the Executive Council members by phone or email to determine whether a decision regarding the alleged violation can be rendered by phone or whether an evidentiary hearing is needed. A majority vote of the Executive Council is required to dispose the case.

a. If a majority of the Executive Council renders a decision by phone or email, that decision will be reported to the Executive Secretary, who will notify the parties involved of the decision and adjust CEDA points in a manner consistent with the decision.

b. If a majority of the Executive Council votes in favor of a hearing or if the Executive Council fails to render a majority decision by phone or email ballot, a hearing shall be scheduled at the next regular meeting of the council.

(1) The CEDA President will notify the parties involved by registered mail of the time and place of the hearing, of the violation(s) which shall be the subject of the hearing, of the names of witnesses who may possibly appear at the hearing and of the right of the complainant(s), Director of Forensics and/or student to be represented at the hearing by legal counsel.

(2) At the hearing, the CEDA President will read the complaint and summarize supporting materials; allow Executive Council members to call witnesses and receive documents into evidence; allow the complainant(s), the Director of Forensics and/or the student to cross-examine witnesses and examine documents; and keep a tape recording of the proceedings.

(3) At the conclusion of the hearing, the Executive Council will render a decision by majority vote. The Executive Secretary will notify all parties involved in writing of the decision and adjust CEDA points consistent with the decision.

## **VIII. TRANSFER STUDENT ELIGIBILITY**

Section 1: Students who transfer from a college or university with an existing debate program may not, effective Fall 1997, earn CEDA points for the next two time blocks for which they

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would otherwise be eligible, unless:

A. They have not competed in debate during the two time blocks previous to transfer, or

B. They have submitted to the Executive Secretary a written release from the director of the school from which they are transferring. This release should indicate that no recruiting violations occurred, the transfer is in the best interest of the student, and CEDA points resulting from the student's competition should be counted immediately upon transfer. This will be effective Spring 2004.

Section 2: This provision does not restrict students' rights to compete, but rather students' eligibility to earn national CEDA points.

Section 3: Directors of Forensics have an affirmative obligation to inform the Executive Secretary in writing of the names of transfer students who represent their college or university in competition.

Section 4: Adjudication Procedures for Bylaw VIII:

A. Any person who is a student or faculty member at a CEDA member school may initiate proceedings under this section for a violation of Bylaw VIII by sending a complaint in writing to the Executive Secretary of CEDA. The complaint must allege a specific violation of Section VIII, Subsection A.

B. The person(s) making the complaint shall attach all information used in filing the complaint. Such information may include, but is not limited to, team rosters and tabulation sheets and will become part of the complaint.

C. Upon receiving a complaint, the Executive Secretary shall notify in writing by registered mail, the Director of Forensics of the student alleged to be in violation of this Bylaw that CEDA points are being disputed for that student. Any response by the Director of Forensics to the Executive Secretary concerning the complaint must be in writing and sent by registered mail.

1. Upon receiving clear written evidence from that Director of Forensics that the complaint was made in error, the Executive Secretary shall notify all parties to the complaint that CEDA points earned by the student are being recorded.

2. If no evidence of the complaint being in error is provided by that Director of Forensics within two-weeks after notification, the Executive Secretary shall deduct CEDA points earned by the violating student during the time period(s) in question.

D. If evidence is unclear, or if any party to the complaint wishes to appeal, the matter shall be forwarded to the CEDA Executive Council for resolution. The Executive Secretary shall

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forward all members of the Executive Council by registered mail, a copy of the complaint and all evidence submitted by the parties. All appeals must be filed within two-weeks of notification.

1. Members of the Executive Council with a potential conflict of interest in the case should remove themselves from consideration of the appeal. Conflicts of interest include, but are not limited to, affectional or institutional affiliation with one or more of the parties involved in the dispute.

2. After a two week review period, the CEDA President shall poll the council members by phone or email to determine whether a decision regarding the alleged violation can be rendered by phone or email or whether an evidentiary hearing is needed. A majority of the Executive Council is required to dispose the case.

a. If a majority of the council renders a decision by phone or email, that decision will be reported to the Executive Secretary, who will notify the parties involved of the decision and adjust CEDA points appropriate to the decision.

b. If a majority of the council votes in favor of a hearing or if the Executive Council fails to render a majority decision by phone or email ballot, a hearing shall be scheduled at the next regular meeting of the council.

(1) The CEDA President will notify the parties involved by registered mail of the time and place of the hearing, of the violation(s) which will be the subject of the hearing, of the names of witnesses who may possibly appear at the hearing and of the right of the complainant(s) Director of Forensics and/or student to be represented at the hearing by legal counsel.

(2) At the hearing, the CEDA President will read the complaint and summarize supporting materials; allow council members to call witnesses and receive documents into evidence; allow the complainant(s), the Director of Forensics and/or the student to cross-examine witnesses, examine documents; and keep a tape recording of the proceedings.

(3) At the conclusion of the hearing, the Executive Council will render a decision by majority vote. The Executive Secretary will notify all parties involved in writing of the decision and adjust CEDA points appropriate to the decision.

## **IX. DIRECTION OF THE NATIONAL TOURNAMENT**

Section 1: The Association will host a National CEDA Tournament in March or April.

Section 2: Bids should be received and reviewed no later than the Executive Council's fall meeting for the subsequent academic year's National Tournament. The Executive Council will

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award the tournament on the basis of bids received. As much as possible, the tournament should rotate nationally.

Section 3: The President and Executive Secretary will provide bidding schools with a detailed bid form. Bids are to be submitted in writing and should indicate such things as the services and facilities available, letters of support from appropriate school administrative bodies and hotel information.

Section 4: When possible the National Tournament should be scheduled to avoid conflicting with significant religious holidays, such as Easter and Passover. When conflict with significant religious holidays cannot be avoided the CEDA Executive Council will schedule tournament events such that interested participants have the opportunity to attend religious observances.

Section 5: In accepting bids from tournament hosts, the CEDA Executive Council shall obtain appropriate assurances from prospective hosts that religious observances for interested parties can be secured at or near the host site. Arrangements might include a place of worship and special dietary requirements.

Section 6: The President, assisted by the First and Second Vice Presidents and a tournament committee selected by the President, shall be responsible for all tournament operations, such as invitations, computer matching arrangements, schedules and schematics, etc.

Section 7: This tournament will have eight preliminary rounds and offer the appropriate number of elimination rounds to insure that all teams with five or more wins in preliminary competition compete in elimination rounds.

Section 8: The Treasurer is responsible for ordering appropriate tournament and sweepstakes awards.

Section 9: The Executive Secretary is responsible for sweepstakes calculations.

Section 10: The National CEDA Tournament shall be administered in a manner that is consistent with the CEDA STATEMENT ON ETHICAL PRINCIPLES and the STATEMENT ON DISCRIMINATION AND SEXUAL HARASSMENT in the Bylaws.

Section 11: Additional information related to tournament management is contained in the Suggestions for Tournament Administration in this document.

Section 12: The CEDA President is encouraged to include a low-cost tournament motel or hotel for the CEDA National tournament.

Section 13: The CEDA President shall send congratulations letters to the administrations of all teams clearing at CEDA Nationals whose directors provide an administrator's name and address.



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#### Section 14: Fees and Tournament Entry

A) Participant fee. Each person attending the CEDA national tournament will pay a fee (determined by the host and the President). The fee should go directly to the host institution to underwrite the costs associated with hosting the tournament.

B) Entry fees. The fees are set by the President, in consultation with the Executive Committee, each year and announced with the issuance of the invitation to the championship tournament. “New programs” (as defined in Article III, Section 1) may receive a 50% reduction in the national tournament entry fees for a three year period. Should the fees present an undue financial burden on the program after the initial period, they may petition the Executive Committee for a reduction for an additional two years.

Section 15: Mutual preference judging should be used to assign judges for debates at the national tournament.

Section 16: Brackets will not be broken in any elimination round.

Section 17: Judge assignment for the final round at CEDA Nationals.

The final round of CEDA Nationals shall have an odd number of judges, between 9 and 13 as determined by the below criteria.

A. (1) Each regional representative shall provide a judge and an alternate to judge the final round at the national tournament. (2) If, by the close of registration, a region has not presented the Tournament Director with the name of a judge selected by their region for the final round panel, that region’s slot shall be forfeited. (3) Following the conclusion of the debating in the quarter-final round, the debaters shall preference any regionally selected judge, including any alternate which may assigned to the finals round panel, who were not on the original preference sheet. No restrictions shall be placed on the preferences.

B. (1) Any remaining slots on the final round judging panel shall be filled with available judges, maximizing mutuality and preference based on each teams mutual preference judging rankings. (2) As soon as possible after the semi-finalists are identified, the tournament staff shall post a list of judges they believe to be available who are highly preferred by the remaining teams with a request that they makes themselves available to judge the final round.

## **X. ELIGIBILITY TO PARTICIPATE IN THE NATIONAL CEDA TOURNAMENT**

Section 1: National CEDA Tournament contestants are to be officially enrolled undergraduate students in good standing at the college or university they represent in competition, although students who have bachelor's degree may compete at the National CEDA Tournament only if they receive their degrees in the time block during which the National Tournament occurs.

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Section 2: Students may participate in no more than four National CEDA Tournaments.

Section 3: Each program entering the National CEDA Tournament is required to submit official documentation from their college or university verifying that each competitor is currently enrolled and in good standing.

Section 4: Adjudication Procedures for Bylaw X;

A. Any person who is a student or faculty member at a CEDA member school may initiate proceedings under this section for a violation of this Bylaw by sending a complaint in writing to the President. The complaint must be made no later than the second day on which preliminary rounds are scheduled. If the complaint involves a student of the President, the complainant will submit the complaint to the First Vice President (or, if that creates a conflict of interest, the Second Vice President, Executive-Secretary, Treasurer, or person designated by the President) who will follow the procedures outlined below. The complaint must make one of the following allegations:

1. That a student competing for a certain school is not an officially enrolled undergraduate student in good standing at the college or university they represent at the National Tournament.

2. That a student competing for a certain school earned a bachelor's degree prior to the time block during which the National Tournament occurs.

3. That a student competing for a certain school has already participated in four National CEDA Tournaments.

4. That a student competing for a certain school has already competed for eight time blocks or five different, not necessarily consecutive academic years.

B. The person(s) making the complaint shall attach to the complaint all information used leading to filing of the complaint. This shall include written statements of persons charged with certifying enrollment in good standing at the student's currently attended institution, statements of persons who could verify receipt of a bachelor's degree at the current or previously attended institution, or tabulation sheets from prior National Tournaments. Such information will be attached to and will become part of the complaint.

C. Upon receiving a complaint, the President shall immediately notify the Director of Forensics of the student alleged to be in violation of this Bylaw that a challenge to the student's eligibility has been presented.

1. Upon receiving clear written evidence from the Director of Forensics that the complaint was made in error, the President shall notify all the parties to the complaint that the student remains entered in the tournament.

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2. If no evidence of the complaint being in error is provided by that Director of Forensics, the President shall disqualify the student from the tournament.

D. Appeals of the decision of the President may be made by all parties to the complaint. The student may continue his/her participation at the CEDA National Tournament while the appeal is disposed.

1. The CEDA First Vice President will call a meeting of the Executive Council upon being notified in writing of an appeal. The First Vice President will notify the parties involved of the time and place of the hearing, the violation(s) which will be the subject of the hearing, the names of witnesses who may possibly appear at the hearing and of the right of the complainant(s), Director of Forensics and/or student to be represented at the hearing by legal counsel.

2. The President will provide the Executive Council with the complaint and all evidence submitted by the parties.

3. At the hearing the CEDA First Vice President will read the complaint and summarize supporting materials; allow council members to call witnesses and receive documents into evidence; allow the complainant(s), Director of Forensics and/or the student to cross-examine witnesses and examine documents; and keep a tape-recording of the proceedings.

4. At the conclusion of the hearing the Executive Council will render a decision by majority vote. The First Vice President will notify the parties involved and the President of the decision in writing.

## **XI. NATIONAL TOURNAMENT RESEARCH PROCEDURES**

Section 1. The Cross Examination Debate Association endorses research in debate pedagogy, theory and practice. Research practices should conform with generally accepted standards for Social Science Research. Minimum standards for research involving human subjects include the subject's informed consent, voluntary participation, right to terminate participation, protection of confidentiality and appropriate debriefing. In all instances, researchers should use the least intrusive means for gathering information. Research protocols involving human subjects should be reviewed by appropriate Institutional Review Boards prior to their use. Research may be conducted at the CEDA National Tournament when it does not intrude upon competitor participation and performance or tournament administration. Further, research may be conducted at the National Tournament only when explicitly authorized and in compliance with requirements established by CEDA. While CEDA authorization is necessary to conduct research at the National Tournament, the researcher(s) retain responsibility for obtaining other authorizations as well as for the administration of the research, as specified below.

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Section 2. CEDA assumes none of the responsibility for research authorized at its National Tournament. The policy and procedures established for the authorization of research are only intended to facilitate the orderly execution of research. Researchers retain the responsibility to ensure the interests of subjects are protected.

Section 3: Persons desiring to conduct research at the National CEDA Tournament shall submit a written request including the following information:

- A. A request for authorization to conduct research at the National CEDA Tournament;
- B. An abstract of the study identifying its purpose, methods and procedures;
- C. A research protocol including any questionnaires, interview schedules, or other instruments which will be administered at the tournament. Protocols should indicate when the instrument(s) will be administered/distributed (e.g., at registration, between rounds, etc.) and the estimated time needed for completion;
- D. Documentation that the research protocol has been approved by the Institutional Review Board or equivalent (e.g., Human Research Committee, etc.) of both the home institution of the researcher as well as the host institution of the tournament;
  - 1. Researchers should contact the tournament host to coordinate host school institutional requirements and procedures.
- E. Five copies of the request, abstract, research protocol and Institutional Review Boards approval should be sent to the chair of the CEDA Research Committee.

Section 4: Requests which fail to meet the preceding requirements will not be considered for authorization.

Section 5: Research Committee Membership

- A. The Second Vice President will serve as Chair of the CEDA Research Committee.
- B. The President of CEDA will appoint four additional members of the Research Committee.

Section 6: CEDA Research Committee Responsibilities

- A. Screen research authorization requests for compliance with the conditions enumerated in Section A.
- B. Rank order the requests complying with the authorization requirements. The

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Committee shall evaluate proposals on the following criteria:

1. unobtrusiveness to tournament administration;
2. unobtrusiveness to participant performance; and
3. scholarship/pedagogical merit.

C. In consultation with the President, the Research Committee will determine how many research proposals may be authorized. The authorization will follow the rank order.

D. The Research Committee Chair shall notify applicants of the disposition of their proposals.

E. Authorization for conducting research is valid only for the National Tournament occurring in that calendar year. Research which is not conducted or completed must be submitted for reconsideration at subsequent CEDA National Tournaments.

F. Proposals not authorized for the National Tournament in a given calendar year may be revised and/or resubmitted the following year.

#### Section 7: Deadlines

A. Requests for authorization with their supporting documents must be postmarked by February 1 for research to be considered for the National Tournament in that calendar year.

B. Notification of authorization by the Research Committee should be completed by March 1.

## **XII. AWARDS**

Section 1: National Recognition Awards. Each year the organization should solicit nominations and recognize members of the community by awarding the following honors. Each of these awards should be presented at the national tournament. An awards committee should be composed by the First Vice President to review nominations. Attendance at the national tournament is not a requirement for nomination. Suitable awards, funded by proceeds from the National Tournament, will be given to recipients at the National Tournament. A budget for all trophies should be approved by the Executive Council as part of the annual budget. Future engraving costs for any travelling awards presented by CEDA shall be borne by the CEDA treasury as an annual expense. The organization will publicize the winners.

Section 2: Student Awards. The organization should solicit nominations of outstanding students for each of the following awards. Awards nominations should proceed in a uniform fashion, so that students nominated for the most exclusive award are also applying, if eligible, for all other

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student awards. Students may win multiple awards.

A. Brian “Baby Jo” Johnston Debater of the Year Award. The annual award named in honor of 1994 CEDA National Champion Brian Johnston is designed to recognize an outstanding debater in CEDA. The ideal candidate demonstrates competitive success and a commitment to represent the highest values of the debate community.

B. Outstanding New Competitor Award. The recipient will be selected among a pool of applicants who began their participation in interscholastic debate in college, are in their first year of competition and are participating at the CEDA championship tournament. Their application should show evidence of growth and participation in the activity. The student’s participation during the year may have been at any level of competition (e.g. varsity, junior varsity or novice). No preference will be given for either regional or national travel schedules.

C. All-American Debate Squad Award. The organization should honor a maximum of thirty CEDA debaters as those students who represent the best of intercollegiate debate. They should demonstrate competitive success, academic success, good conduct, and contributions to their squad. No more than two students from a given school shall receive this award. At least two recipients must be from community college programs.

D. National Debate Scholar. The organization should honor students who maintain strong academic records in addition to their competitive accomplishments. There will be no minimum or maximum number of students eligible for any of these awards. To be eligible for any level of national scholar recognition, a student must have attained at least junior standing, competed in at least 18 rounds on the current topic, and meet the minimum grade point average for that specific award.

National Debate Scholar – summa cum laude. Minimum 3.75 GPA.

National Debate Scholar - magna cum laude. Minimum 3.5 GPA.

National Debate Scholar - cum laude. Minimum 3.25 GPA.

National Debate Scholar – Honorable Mention. Minimum 3.0 GPA

Section 3: Coaching Awards. The organization should solicit nominations of outstanding coaches for each of the following awards.

A. The Brownlee Award. The Brownlee Award is given annually to a forensic educator who demonstrates outstanding achievement in scholarship, education and service to CEDA. The award is named in honor of longtime coach and founding CEDA member Don Brownlee. The ideal candidate demonstrates some element of all three factors (scholarship, education and service to CEDA).

B. The Galentine Award. The annual award named in honor of Rebecca Galentine is designed to recognize an outstanding female debate coach in CEDA. The ideal candidate can demonstrate service to programs and the organization, community building and competitive success.

C. The Matt Grindy Outstanding Graduate Student Coach Award. This award is intended to recognize both the pedagogical and competitive contributions to the growth and development of policy debate by graduate student coaches, who are balancing their obligations to their schoolwork and that of their programs. The recipient needs to demonstrate excellence in graduate and professional obligations as well as their work as coaches.

Section 4: Program Awards

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A. Founders' Award. The Founders' Award will be given annually to the school accumulating the most points over time in CEDA sweepstakes. When a school wins the Founders' Award, their accumulated points revert to zero and they begin accumulating points anew the following year.

B. Garrison Newcomers' Award. The Garrison Newcomers' Award is given annually to the school with highest sweepstakes points who currently is an emerging member and who has not previously won the award.

C. The National Public Debate Award.

1. This award is given to the intercollegiate debate program which, over the course of the past academic year, has best advanced the values of debate in the public sphere through sponsorship of one or more public debate activities including international public debates, multimedia debates, public debates on campus or for community groups, and through general promotion of public discourse to promote critical examination of public issues for diverse and general audiences.

2. Nominees should submit a portfolio including a narrative description of their public debate activities. Programs are also asked to submit supporting materials of their choosing which might include participant lists, publicity and promotional materials, attendance figures, transcripts or recordings, commendations and letters of appreciation, and any other materials that they feel are appropriate.

3. The awards committee may elect to provide up to three awards each year and may also recognize as many Honorable Mention entrants as they deem appropriate. Each recipient and Honorable Mention will receive recognition through letters sent to the appropriate officers of their academic institutions.

Section 5: Community Awards. The organization should recognize the following outstanding members of the extended debate community.

A. CEDA Alumni Award. This award recognizes outstanding achievement, contribution and service by a program alumna of a member school. The best candidates are those who are not active coaches, but those alumni who embody the best values of debate through their own debate, philanthropy, and leadership. These candidates, trained in debate, should now provide valuable service to our larger communities.

B. Public Advocate of the Year. The award acknowledges the contribution of an individual during the past year that made a positive contribution to public discourse on matters of social import. The award recipient need not have a direct relationship to intercollegiate debate, but must be someone who has made a significant difference in local, regional, national or international affairs

### **XIII. CONTEMPORARY ARGUMENTATION AND DEBATE**

Contemporary Argumentation and Debate is the official journal of the Association. The Editor serves a three-year term. The Editor is chosen by the Executive Council from the pool of applicants and nominees for the position. Duties of the editor include:

Section 1: Selection of an Editorial Board: The selection will be at the discretion of the editor. However, all should be members of the forensics staffs at CEDA member schools and an attempt

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should be made to include persons from a variety of CEDA regions.

Section 2. Responsibility for all aspects of preparation and printing of the Journal, including adherence to a timely publication schedule.

Section 3: The Editor shall consult with the President, Executive Secretary and Treasurer about the financial needs associated with the Journal.

## **XIV. STATEMENT OF ETHICAL PRINCIPLES**

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.

### **Section 1: Competitor Practices**

Students competing in CEDA debate contests share a unique opportunity to develop their abilities to analyze, research, organize, evaluate and communicate ideas and to experience personal growth. This opportunity is maximized when participants recognize their responsibility to preserve and promote the educational benefits of intercollegiate debate.

#### **A. Participation**

Participants in CEDA debate should recognize that their academic program is more important than their competitive success. Minimally, students who compete in CEDA debate should be in good standing at and be making normal progress toward a degree from the institution which they represent in competition. Maximally, students who compete in CEDA debate will apply their developing abilities in such a way as to achieve the very best academic standing of which they



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are capable. Sacrificing one's academic progress for competitive success, or extending one's college career to excessive length in order to go on debating are behaviors contrary to the goals of this organization. While there are exceptional occasions in which a student with a baccalaureate degree wishes to participate in debate (e.g. a non-traditional student seeking certification to teach), CEDA debate is designed to be primarily an undergraduate activity. Competitive fairness is best maintained for all students when eligibility standards and division definitions are respected by all participants. Students should be familiar with the eligibility provisions and division definitions of the CEDA constitution and bylaws and of individual tournaments and should abide by those limits.

## B. Competitive Behavior

Students participating in CEDA debate are obligated to adhere to high ethical standards. Such an ethical commitment by debaters is essential because the value of tournament activity is directly dependent upon the integrity of those involved. For that reason, it is the duty of each debater to participate honestly and fairly. Furthermore, students should remember that debate is an oral, interactive process. It is the debater's duty to aspire to the objective of effective oral expression of ideas. 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. The ethical CEDA debater recognizes the rights of others and communicates with respect for opponents, colleagues, critics and audience members. Communication which engenders ill-will and disrespect for forensics ultimately reduces the utility of forensics for all who participate in it and should, therefore, be avoided. Students should recognize the importance of judges to the debate activity. Students should be willing to listen to judges' statements regarding conduct of rounds suggestions for improvement and reasons for decisions. While debaters should feel free to ask questions of judges, they should be wary of badgering judges for decisions and comments during the course of a tournament; they should recognize that the written ballot is the primary means of communicating reasons for decision and that tournament rules often prohibit revelation of decisions.

## C. Use of Debate Materials

The primary creation of argument and the primary research effort in CEDA debate must be the student's. Students who rely on briefs written or evidence researched by faculty or graduate assistants, on handbook evidence rather than library research, or materials and evidence traded among programs fall short of the goal of maximizing their development as competent arguers and users of evidence. Evidence plays a key role in debate. It is important, therefore, that debaters use evidence responsibly. Responsible use of evidence includes accurate recording and documenting of material, as well as avoidance of plagiarism, misrepresentation, distortion, or fabrication. Debaters are responsible for the integrity of all the evidence they use. Debaters should clearly identify and qualify, during their speeches, the source of all the evidence they use. Omitting the source of evidence denies opponents, judges and the audience the opportunity to evaluate the quality of the information. Claiming another's written or spoken words as one's own is plagiarism, a very serious offense against responsible scholarship. Debaters should use only

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evidence which is in the public domain and, hence, open to critical evaluation by others. Debaters should not fabricate, distort, or misrepresent evidence. If evidence is misrepresented, distorted, or fabricated, the conclusions drawn from it are meaningless and ethically suspect. Fabrication of evidence refers to falsely representing a cited fact or statement of opinion as evidence when the material in question is not authentic. Distorted evidence refers to misrepresenting the actual or implied content of the factual or opinion evidence. In determining whether evidence has been distorted, debaters should ask if the evidence deviates from the quality, quantity, probability, or degree of force of the author's position on the particular point in question. Any such deviation should be avoided because such alteration can give undue rhetorical force to an advocate's argument. Distortions include, but are not limited to:

1. quoting out of context;
2. misinterpreting the evidence so as to alter its meaning;
3. omitting salient information from quotations or paraphrases;
4. adding words to a quotation which were not present in the original source of the evidence without identifying such as addition;
5. failure to provide within a reasonable time complete documentation of the evidence [name of author(s), source of publication, full date, page numbers and author(s) credentials when available in the original] when challenged.

#### D. Commitment to Program

Debaters should recognize that when they join a forensics program, that program commits substantial teaching and monetary resources to their education and personal growth. Consequently, transferring from one CEDA debate program to another is not encouraged. A student who is considering transferring to another debate program should notify his/her current coach as soon as possible. The student should consult with his/her coach about the desirability of the transfer prior to making the final decision and should notify the former coach as soon as possible after the final decision is made.

#### 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

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applicability of this subsection). Ethical principles for forensics educators participating in CEDA include:

A. Forensics educators should enter student competitors in accordance with national, regional and individual tournament regulations for eligibility.

B. Forensics educators should encourage their students to compete honestly, fairly and ethically in each and every competitive debate round in which they participate.

C. Because students differ in talent, experience, motivation and purpose, forensic educators should adapt pedagogical methods to student needs. In all cases, however, coaching efforts should supplement, not substitute for, student efforts. The primary creation of argument and the primary research effort in debate must be the student's. Forensics educators may engage in limited research designed to teach students research techniques, demonstrate model evidence or briefs, or identify key areas of argument while teaching scholarly techniques in debate, but the fundamental arguments, cases, briefs and research must be the students' own.

D. Forensics educators should maintain and teach their students to maintain, the highest ethical principles of logic and reasoning, evidence and behavior in debate. Forensics educators should teach students the principles and objectives of sound reasoning and the value of rigorous scholarship.

E. Forensics educators should encourage behavior that will insure ordinary progress towards the completion of students' undergraduate degrees. Forensics educators should also recognize the importance of students' development as whole persons, including positive relationships with family, friends, employers and community.

F. Because all students can benefit from debate experience at some level and because all students, at whatever level, require and deserve coaches' attention and efforts, forensics educators should treat all students fairly and promote equality of opportunity for appropriate and challenging learning experiences for all students.

G. Forensics educators should recognize that the recruiting and transfer issues in collegiate debate are sensitive ones. The standard in recruiting and transfer should always be the overall best interests of the student. CEDA endorses the following guidelines for forensics educators:

1. Forensics educators should be honest with students concerning the educational opportunities of their schools and of their forensics programs and of the educational opportunities and forensics programs of other institutions

2. Forensics educators should avoid unduly influencing students from another program. When transfer between programs becomes a serious possibility, the student's new coach should seek professional contact with the student's current coach to discuss the matter.

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3. Forensics educators should avoid conflict of interest vis a vis their recruiting efforts when running a workshop or tournament (e.g., granting potential recruits special jobs or opportunities), or when judging (e.g., rewarding decisions or high points to promote recruiting goals).

### Section 3: Judge Practices

Judges are important to the debate activity. In addition to supplying decisions as judges, they educate the student participants through their reasons for decision and suggestions for improvement. CEDA recognizes the inherent tension and potential conflict between these two roles. In an attempt to facilitate both functions, CEDA encourages judge-educators to acknowledge their two-fold responsibility and act with competence, integrity, fairness and courtesy before, during and after each debate round. Debate seeks to be a full, free testing of ideas. Yet as educators, some feel a responsibility to discourage student behavior they find to be counterproductive. Often judges must delicately balance these two considerations: the need for rigorous examination of any and all views, however unpopular or unrealistic and the guidance and direction of student behavior. If undesirable behavior is discouraged in a positive, fair and courteous manner, the judge/educator roles can be simultaneously satisfied. Ethical principles for judges participating in CEDA include:

A. Judges should strive at all times to render impartial decisions. Judges should excuse themselves from rounds they do not feel they could judge fairly.

B. Judges should be willing to inform debaters, either through a statement of philosophy or through response to student questions, of strongly held beliefs or standards that could affect the outcome of the debate round.

C. Judges should evaluate debate rounds on the arguments as they are presented by the debaters, rather than on personal knowledge of or opinion about particular substantive arguments. Judges need not be "tabula rasa" but do need to be fair.

D. Judges should provide detailed and constructive criticism of any and all rounds of debate they evaluate. Reasons for decision should be in accordance with any beliefs or standards announced at the outset of the round. Judges are expected to provide written comments on the ballots provided by the tournament, even if they also provide an oral critique. These written comments should be made available to all the debaters a judge has heard by the conclusion of the tournament.

E. Judges have an ethical obligation to uphold without exception the tournament rules. Judges should inform the tournament director of any conflicts which could prevent them from carrying out this duty.

F. Judges who have the misfortune of witnessing fraudulent behavior on the part of

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competitors they are judging should:

1. conform to tournament rules (if any), and
2. act in accordance with their consciences in assessing appropriate sanctions.

#### Section 4: Tournament Administration Recommendations

In administering tournaments, educators should strive to insure that all students have an equal opportunity to excel. Educators should be particularly cognizant of the issues involved in scheduling and judge assignment. Tournament administration should seek to promote high quality and fair learning experiences for all debaters. Tournaments should be hosted for educational, not profit-making, reasons.

A. In order to give all participants equal information about tournament procedures, tournament invitations should include clear definitions of events and divisions, clear explanations of matching and judge assignment systems, clear explanations of criteria for advancement to elimination rounds and for awards, clear announcements of fees and schedules and a clear statement of tournament rules.

B. In order to provide a fair and educational tournament, administrators matching debate rounds should attempt to allow students an equal number of rounds on each side of the resolution and should maximize insofar as possible the range of opponents encountered by each team.

C. In order to provide a fair and educational tournament, judge assignment insofar as possible should be systematic, based upon a predefined process. Debaters should have equal opportunity to be heard by a range of judges and to be protected from judges who might have a conflict of interest.

D. In order to maximize the educational function of tournaments, administrators should make results and ballots available to all participants as soon as possible at the end of competition.

#### Section 5: Epilogue

##### 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

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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 complainant(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.

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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.

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- 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.

## **XV. STATEMENT ON SEXUAL DISCRIMINATION**

Preamble: The Cross Examination Debate Association is dedicated to the principle of free expression and exploration of ideas in an atmosphere of civility and mutual respect. Related to this principle is the belief that all members of this community will have access to CEDA debate activities without regard to race, creed, age, sex, national origin, sexual or affectional preference, or non-disqualifying handicap. These principles should guide the behavior of the organization's members and participants.

### Section 1: The Nature of the Academic Debate Community

It is the nature of the academic debate community to provide a forum for the robust expression, criticism and discussion (and for the tolerance) of the widest range of opinions. It does not provide a license for bigotry in the form of demeaning, discriminatory speech actions and it does not tolerate sexual harassment. Any member of this community who is threatened by discrimination or harassment is liable to be harmed in mind, body or performance and is denied the guarantee of an equal opportunity to work, learn and grow inherent in the above principles. In the debate community, the presentation of a reasoned or evidenced claim about a societal group that offends members of that group is to be distinguished from a gratuitous denigrating claim about, or addressed to, an individual or group such as those enumerated above. The former is bona fide academic behavior while the latter may demean, degrade or victimize in a discriminatory manner and, if so, undermines the above principles. Sexual harassment is a form of discrimination and consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, that has the effect of denying or limiting one's right to participate in the activity, or creates a hostile, intimidating or offensive environment that places the victim in an untenable situation and/or diminishes the victim's opportunity to participate fairly. Sexual conduct can become discriminatory and harassing when the nature of the interaction is unwelcome, or when a pattern of behavior that is offensive to a "reasonable woman" exists. Discrimination or harassment by one person against another is particularly abhorrent when the first person is in a position of power with respect to the second. At the same time, it should be understood that false accusations, whether malicious or fanciful, have serious far-reaching effects. A deliberate false accusation will be regarded as a very serious matter, as will threats of retaliation by the accused against individuals who have filed complaints of discrimination or harassment. In formulating a policy on discrimination and sexual harassment, CEDA hopes to eliminate a rather narrow range of behaviors and actions from this activity. But, we cannot guarantee that the environment will be comfortable for all members of the community all the time. Often, arguments in debate are



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unsettling and disturbing. When one's ideas are under attack the experience can be both painful and highly educational. The simple fact that a situation is uncomfortable does not automatically make it discriminatory or harassing. In this regard, it is central to debate that teachers and students should be able to take controversial positions without fear, in accordance with the principles of academic freedom. Being able to determine when something is outside the bounds of academic legitimate debate strategy or argumentation, or simple civility and good taste comes with education, experience and social maturity. The following policy is designed to foster education and provide grievance procedures for discrimination and sexual harassment complaints and help reestablish a working and learning environment free of harassment.

## Section 2: Methods of Dealing with Harassment and Discrimination

### A. Direct, Personal Strategies--the Preferred Model

1. You can sometimes stop harassment by taking direct action. Past experience within organizations and academic institutions indicates that many grievances can be resolved without resorting to a formal investigation. Therefore, this section outlines a series of steps that might be followed in an attempt to reach a satisfactory resolution when an individual chooses not to follow formal grievance procedures immediately.

a. Say "No" to the harasser. Ignoring the situation will not make it go away.

b. Ask the judge to intervene. Sexual harassment is a case when judge intervention may be required to comply with the letter of the law.

c. Write a note to the harasser. Describe the incident and how it made you feel. State that you want the harassment to stop. Keep a copy.

d. Keep a record of what happened, when it happened and who might have witnessed the event.

e. Ask another person (coach, friend, trusted colleague, the judge in the round) to intervene in your behalf--make good use of the fact that we are people trained in or learning about argument and conflict resolution. Talk out as many cases as possible.

2. In the event that a personal approach is inappropriate or unlikely to produce change, resort to filing a formal complaint as outlined below.

### B. Strategies: Administrative Structure and Duties;

1. The President of the Cross Examination Debate Association will appoint a Sexual Harassment Officer (SHO), preferably a woman, who will chair the Committee on Discrimination and Sexual Harassment (CDSH). The CDSH will consist of no fewer than three

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and no more than five active CEDA members. The CDSH will be provided with adequate and appropriate training.

2. The names of the SHO and CDSH members will be widely published: listed in newsletters, included in the national tournament invitation and made known in other appropriate ways.

3. The SHO and CDSH members shall be available to consult with complainants within the procedure as outlined in this procedure. (It is particularly important that the SHO be available at the National Tournament.)

4. The CDSH shall facilitate and review an educational program annually, informing members of the CEDA debate community about the definitions and interpretations of discrimination and sexual harassment and about procedures for initiating complaints.

C. Procedures in Cases of Discrimination or Sexual Harassment (these procedures only apply to incidents that occur during the duration of the CEDA National Tournament):

1. Complainants will have until the end of the following CEDA National Tournament to present complaints.

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 confidential file held by the CEDA Executive Secretary.

5. Procedures:

a. If agreeable to the complainant, an informal meeting with both parties and the Sexual Harassment Committee 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, in writing, to the SHO.

c. Once the complaint has been filed and accepted by the SHO, the complainant shall be considered solely as a witness in an investigation by the CDSH.

d. As expeditiously as possible, the SHO and CDSH (or appropriate

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replacements) 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.

e. If the CDSH finds that no discrimination or harassment 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.

f. If the CDSH is convinced that discrimination or harassment has 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.

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 CDSH, 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): oral reprimands; written reprimands to be sent to directors of forensics and/or Deans of Faculty or Students and/or College or University Presidents; removal from future participation at the National Tournament (either competing or judging); removal of CEDA points; or suspension of membership in CEDA.

#### D. Appeals Procedures:

1. If the individual(s) found guilty of discrimination or harassment wishes to appeal the President's decision, he/she or they may request that a 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.

2. 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. Replacements may need to be appointed to produce a committee of at least five members.

3. 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.

4. The findings and recommendations from the Appeals Board are considered final.

5. All reports are to be filed permanently with the Executive Secretary

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### Section 3: Epilogue:

Resources used in preparing this document include Sexual Harassment in Higher Education: Concepts and Issues, NEA, 1992; Sexual Harassment: It's Not Academic, Dept. of Education, 1984; Sexual Harassment, Cornell University, 1990; Statement on Discrimination and Academic Freedom, Carleton College, 1990; and Whitman College Staff Handbook, 1992.

## **XVI. SUGGESTIONS FOR TOURNAMENT ADMINISTRATION**

Many items related to tournament administration are not ethical issues. Furthermore, except for provisions contained in Bylaws V of the CEDA Constitution, the Cross Examination Debate Association leaves tournament administration procedures to local hosts. In order to assist students and coaches who seek information about tournament procedures, this Suggestions for Tournament Administration sets forth some guidelines which typify the operations of many debate tournaments.

Section 1. Guidelines for debate tournament matching which protect equality of competition include:

A. A debate team should not meet the same team during preliminary rounds of a tournament unless:

1. There are so few teams entered that it would be impossible for the tournament to proceed, in which case the two teams should switch sides the second time they meet, or
2. The schools entering the tournament have agreed to suspend the provision that teams not debate each other twice in preliminary rounds.

B. So far as possible, debate teams should debate an equal number of preliminary rounds on each side of the debate proposition. Rounds on each side of the question should generally alternate. In tournaments with an odd number of preliminary rounds, efforts should be made to balance a team's total of affirmative and negative contests when matching even numbered rounds.

C. Tournament round matching procedures should be advertised in the invitation to include:

1. The number of rounds pre-set with the principles guiding pre-set assignment (i.e., "random," "geographic distribution," "approximate strength of schedule," etc.).
2. The number of power matched rounds and principles guiding power-matching

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(i.e., "high-low," "high-high," "lag-power," etc.).

Section 2. Guidelines for judge assignment which protect equality of competition include:

A. A judge should not be assigned to judge his/her own team.

B. A judge should not judge the same debate team twice during a tournament's preliminary rounds unless there is no way to avoid this conflict. In such cases, the judge should hear the debate team on the opposite side, unless it is impossible to do this, or the schools competing agree to suspend this provision.

C. A judge should not judge the same debate team in elimination rounds that s/he has previously heard in the preliminary rounds or in successive elimination rounds if it can be avoided.

D. A judge should not judge debaters when there is a conflict of interest, such as:

1. The judge has previously coached in college a debater s/he is to hear.

2. The judge was, within the last two years, the coach of the school whose team s/he is about to hear.

3. The judge was, within the last two years, an undergraduate forensics competitor at the school whose team s/he is about to hear.

E. Prior to the start of the tournament, all judges should have the opportunity to declare themselves ineligible to hear specific debate teams due to conflict of interest.

F. The practice of allowing debate teams to prevent a specific judge from hearing a particular team should be permitted only when:

1. All teams are given an equal chance to declare judge strikes prior to the start of the tournament.

2. All teams are granted the same number of strikes.

3. Once a judge is struck, s/he should not be assigned to judge those teams who struck him/her at any time during the tournament.

4. Any procedures for removing strikes should be stated openly to all competitors.

Section 3: Guidelines for tournament invitations which promote fair competition should include:

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A. Specification of the level of competition expected (i.e., "Open," "Novice," "Lincoln-Douglas," etc.).

B. Clear definitions of all divisions of competition.

C. Explanation of the basis of advancing competitors to the elimination rounds and for determining awards:

1. For advancing teams to elimination rounds it is assumed the win-loss record is the first criterion. Beyond win-loss criterion, tournaments should specify the order of subordinate criteria (i.e., team points, adjusted team points, opposition record, etc.).

2. For determining speaker awards, invitations should specify the criteria for determining awards (i.e., speaker points, adjusted speaker points, ranks, etc.).

D. Explanation of the basis for assigning sweepstakes points if awarded.

E. Statement of time limits for all events including preparation time (if used).

F. Explanation of judge assignment procedures used (i.e., "random," "mutually preferred," etc.). Invitations should indicate whether a judge preference/strike system will be used.

G. Announcement of tab room staff and personnel if not from the host school. Invitations should note if a computer package is used to administer tournament.

H. Explanation of the nature of the anticipated judging pool (i.e., "attorneys," "lay persons," etc.).

I. Indication of whether results are to be kept secret.

J. Indication of whether the host school is eligible to receive awards or participate in elimination rounds.

Section 4: Guidelines for general tournament administration practices include:

A. Tournament directors should ensure that results and ballots are made available to all contestants as soon as possible at the end of the competition.

B. Tournaments should not be designed to operate at a personal profit to any individual.

C. Tournaments should run smoothly and efficiently with schedules realistically allowing:

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1. Time for judges to complete their ballots;
2. Meal breaks at appropriate hours;
3. Power-matching (it is recommended that, whenever possible, power-matching occur at the end of the day or during meal breaks.); and
4. Beginning and ending times which allow competitors and judges to rest.

## **XVII. EVIDENCE POLICY**

A. The following applies to CEDA's National Tournament only. Tournament directors are encouraged to adopt these guidelines and procedures, with the exception of D.4, at CEDA-sanctioned tournaments.

B. Competitors shall be prohibited from using fabricated or distorted evidence.

1. "Evidence" is defined as material which is represented as published fact or opinion testimony and offered in support of a debater's claim.

2. "Fabricated" evidence refers to the citing of a fact or opinion that is either from a source that is found to be non-existent or not contained in the original source of the material in question.

3. "Distorted" evidence refers to the misrepresentation of the actual or implied content of factual or opinion evidence. Misrepresentations may include, but are not limited to, the following:

a. Quoting out of context: selecting text from an article in such a way that the claim made with the selected text is clearly inconsistent with the author's position as that position is manifest in the article, book, or other source from which the quotation is drawn, when that material is taken as a whole.

b. Internally omitting words from a quotation or adding words to a quotation in such a way that the meaning evident in the resulting modified quotation deviates substantially in quality, quantity, probability or degree of force from the author's position as manifest in the quotation in question prior to modification.

c. Internally omitting words from a quotation or adding words to a quotation without indicating, either on the written form of the quotation or orally when the quotation is delivered to an opponent or judge, that such a deletion or addition has been.

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4. Fabricated and distorted evidence are so defined without reference to whether or not the debater using it was the person responsible for originally misrepresenting it.

C. Competitors shall allow their judges and opponents to examine the evidence on request, and provide on request sufficient documentation on the source of the evidence which would allow another person to locate the quotation in its original form.

D. Adjudication Procedures for by-law XVII:

1. In all cases, challenges to evidence use should include the following considerations:

a. Challenges should be made only as a last resort after reasonable attempts to secure a mutually acceptable resolution through private discussion the evidence in question have failed.

b. Challenges should be supported by appropriate documentation (e.g., a copy of the original source).

c. Challenges should be resolved through a process that allows both the persons making the challenge as well as the persons whose evidence is challenged to provide reasonable explanations.

d. Challenges should not be made carelessly or on unsubstantial grounds. The penalty for a false and reckless accusation should be comparable in severity to the penalty for committing the alleged abuse.

2. When a challenge is made within the time limits of a given round, the challenge ought to be initiated by the opposing team and resolved by the judge(s). Given the nature of the accusation, it is advised that the round should focus solely on the challenge once that challenge has been made. The round need not be halted, however, as both sides should be allowed to provide full explanations. It is advised that if the challenge is found to be true, the judge should award the offending team a loss and zero speaker points, and if the challenge is found to be false or unsubstantiated, the judge should award the accusing team a loss and zero speaker points.

3. When a challenge is made during the tournament but outside the time-constraints of a given debate round (e.g., if evidence misuse is discovered after a given round) then the following procedures will apply:

a. A substantiated complaint of evidence fabrication or distortion as defined above may be brought to the attention of the tournament director and the judge(s) of the round in question.

b. The tournament director will direct the judge(s) involved to determine whether the charges warrant consideration and, if so, to obtain input from the teams involved. If a judge



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is unavailable, the tournament director will appoint an agent to serve that judge's function.

c. Upon full review, the judge(s) may choose to reverse the points and decision of the previous round in question or to let the points and decision stand.

d. In so far as possible, the tournament will adjust future matches in order to accommodate reversed decisions but will not re-pair or repeat any rounds which have already begun.

4. When a challenge is made after the CEDA National Tournament, the following procedures apply:

a. Any person from a CEDA member school who is party to a round in question may initiate proceedings under this section for a violation of by-law XVII by sending a complaint in writing to the President of CEDA. Parties to a round in question will be taken to include the debaters and coaches involved, the judge(s), and audience members. The complaint must allege a fabrication or distortion of evidence as defined in section B above.

b. The person(s) making the complaint shall attach to the complaint all information leading to the filing of the complaint. This will include proof that the evidence was actually used in a given round as well as proof that the evidence was distorted or fabricated.

c. Upon receiving a substantiated complaint, the President shall notify in writing the Director of Forensics of the student(s) alleged to have violated by-law XVII. Any response from the parties to the President concerning the complaint must be in writing and sent by registered mail.

d. Upon receiving a substantiated complaint, the President should forward the complaint, together with any responses to members of CEDA's executive council. Members of the Executive Council with a potential conflict of interest should remove themselves from consideration of the issue. Conflict of interest includes, but is not limited to affectional or institutional affiliation with one or more of the parties involved in the dispute.

e. The Executive Council is empowered to determine if a violation of by-law XVII occurred, if that violation merits an institutional response, and if so what that response should be. Possible responses include, but are not limited to, reversing the recorded decision in past rounds, adjusting relevant CEDA points, passing a motion of censure and publishing it in CEDA's Newsletter, and notification of a school's Department Chair, Dean, and/or President.

f. After a two-week review period, the CEDA President shall poll the council members to determine if a majority decision can be rendered at that time or if a hearing is necessary. If a majority votes in favor of a hearing, the issue will be addressed at the next regular meeting of the council. The hearing will be conducted in the manner described in Bylaw VII.

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(1) The CEDA President will notify the parties involved by registered mail of the time and place of the hearing, of the violation(s) which shall be the subject of the hearing, of the names of witnesses who may possibly appear at the hearing and of the right of the complainant(s), Director of Forensics and/or student to be represented at the hearing by legal counsel.

(2) At the hearing, the CEDA President will read the complaint and summarize supporting materials; allow Executive Council members to call witnesses and receive documents into evidence; allow the complainant(s), the Director of Forensics and/or the student to cross-examine witnesses and examine documents; and keep a tape recording of the proceedings.

(3) At the conclusion of the hearing, the Executive Council will render a decision by majority vote. The Executive Secretary will notify all parties involved in writing of the decision and adjust CEDA points consistent with the decision.

## **XVIII. PUBLIC SPHERE DEBATE**

Preamble: The Cross Examination Debate Association is committed to making debate accessible to as many schools and students as possible. Recognizing the variety which exists among schools, debaters, program & director goals, and resources, as well as the need for an evidence based alternative, CEDA will promote the offering of Public Sphere Debate at CEDA tournaments. This article will set forth the aspiration of the Association for this type of debate in hopes that this statement will promote more intercollegiate debate and give guidance to those schools wishing to offer an alternative at their intercollegiate tournaments.

Section 1: Individual tournament directors may modify time limits, designate division(s) (e.g., open, junior, novice, etc.), and use one of the official CEDA topics for Public Sphere Debate.

Section 2: Individual tournament directors should use as many nontraditional judges as possible for Public Policy Debate.

Section 3: All rules and/or guidelines for Public Sphere Debate, including time limits, topic, divisions, matching procedures, judge assignment procedures, the nature of the judging pool, etc. should be made clear in the tournament invitation.

## **XIX. WAIVER**

A waiver process for the preceding bylaws may be initiated by any member and established by the Executive Council for extraordinary situations.

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