

Colleagues:

Attached you will find three proposals for revisions to the NPDA's governing documents. These revisions, requiring votes of the membership, involve changes to the Bylaws and the Constitution. Relevant changes to the National Championship Operating Procedures are included here to demonstrate how the changes in the Bylaws and Constitution would affect those documents. Additionally, the Executive Council is working on changes to the National Championship Tournament Operating Procedures and Rules of Debating and Judging for the 2008-2009 Season and the 2009 NPDA Championship Tournament that will be brought forward shortly.

As anyone who attended the 2008 NPDA Championships knows, it was a record year for appeals of rules and procedures. There was substantial confusion about procedures, in part, due to the complexity of the organization's current committees and processes. The Executive Council entered into a discussion on this topic with the goal of providing a clear and efficient process for handling appeals, while allowing the tournament to move forward (when possible) during the appeals process.

The proposed amendments we are placing before you were passed unanimously by the Executive Council in its summer meeting, June 28-29th, in Kirksville, Missouri. All members, including the National Student Representative, were in attendance. The Council proposes three changes:

- Amendments to Streamline and Clarify the Appeals Process
- Amendments to Update and Improve the Sexual Harassment Investigation and Appeals Process
- Amendments to Alter the Organization's Standing Committee Structure

These amendments are offered in three "bills" below, along with summaries and justifications for the legislation. They are offered for a mail ballot to ensure that the changes are in place in sufficient time for the 2009 Championship Tournament.

In keeping with NPDA's Constitution, a set procedure must be followed when requesting ratification of these proposals by a mail/Internet ballot.

- On July 4 (today) the proposals are released to the membership.
- A public comment period on the proposed legislation continues until August 18. Comments for or against the proposal should be forwarded to the Executive Secretary no later than August 18. Danny Cantrell can be reached at debaterdanny@yahoo.com, but we would encourage respondents to copy their comments to kminch@truman.edu as well.
- On August 19th, the aggregated comments on the proposal shall be sent to the membership along with instructions for completing and submitting a ballot on the proposals.*
- All ballots shall be due on September 2nd*

* Dates of the final ballot subject to change depending on the date of the release of comments but no earlier than 60 days after the initial presentation of the proposal. Ballots shall be due no later than 3 weeks from issue.

Members with questions about this proposal should feel free to contact me, or any member of the Executive Council, for clarification.

Sincerely,

Kevin M. Minch, NPDA President

Proposal #1: Streamlining the Appeals Process / Office of Ombudsperson

Summary: This proposal would (1) create the position of National Championship Tournament Ombudsperson, (2) clarify procedures for handling sexual harassment claims on appeal while the tournament is in progress, (3) streamline the process for appeals of rules and standards, and (4) place reasonable limits on the number of appeals.

Rationale: As last year's NPDA tournament demonstrated, the appeals process at Nationals can be cumbersome in its current form. The governing documents currently contain several contradictory directions regarding the process for appeal, thereby making it possible for appeals to drag on for an interminably long periods, hindering the conduct of the tournament while not enhancing due process. Additionally, the use of large committees to review appeals almost ensures conflicts of interest, where committee members' teams are active in the tournament. Moreover, because some members have roles in multiple committees, the current structure of appeals creates situations in which individuals are reviewing their own prior decisions in an appellate role.

Appeals should be focused on protecting due process and ensuring a fair outcome of decisions made by judges and the tournament director. The creation of an Ombudsperson is aimed at providing a procedural check against decisions made by the Tournament Director or a judge that are inconsistent with rules and procedures. The creation of the office would also free the Tournament Director to focus on issues of tournament management while the appeal process proceeds. The Ombudsperson's sole duty would be to address (or provide redress for) such matters. Only in the rarest of instances is it envisioned that an additional appeal, to the Executive Council, might be necessary.

Changes to the Constitution

Article V: Official Appointments

Section A: Appointment: The president shall appoint the following officers to serve as advisors to the Executive Council: The Webmaster, Editor of Parliamentary Debate, Parliamentarian, the Sexual Harassment Officer ~~and the~~ National Championship Tournament Director, **and the National Championship Tournament Ombudsperson**. These officers shall report as needed to the Executive Council and the body, and shall serve at the pleasure of the President.

Section B:

(Changes begin at Section 5)

5. The National Championship Tournament Director's Duties
 - a. To oversee all aspects of the National Championship Tournament.
 - b. To administer the National Championship Tournament according to the NPDA By-Laws and Tournament Operating Procedures.
 - c. To prepare with the assistance of the treasurer and site committee a budget for the next year's National Championship Tournament and submit it in a timely fashion for inclusion in the next fiscal year's budget.
 - d. To prepare and distribute the invitation to the National Championship Tournament as directed in the tournament operating procedures.
 - e. To make requests to the National Championship Tournament Committee ~~via the Rules and Standards Sub-Committee~~ **via the Rules and Standards Sub-Committee** for deviations from the printed rules for administering the championship tournament and affirming the decision as stated in A.1 of the Tournament Operating Procedures.
 - f. To chair the Tournament Administration Sub-Committee.

- g. To appoint tabulation and topic committee members not specified in the Constitution and By-Laws and provide said members with the material and information necessary to conduct the National Championship Tournament.
- h. ~~To consult with and seek guidance from the Rules and Standards Sub Committee regarding tournament rules as needed.~~
- i. ~~To consult with the Research and Assessment Sub Committee~~ to approve and authorize research activity, in consultation with the tournament host, at the National Championship Tournament.
- j. To certify the eligibility of all competitors.
- k. To identify novice competitors and track their performance at the tournament while protecting the confidentiality of competitor status throughout the tournament.
- l. To provide for judge training, to do judge assignment, to present judges with rules and to certify that they have read and agreed to the rules.
- m. To implement sanctions as determined by the NPDA President and SHO in verified cases of harassment.
- n. To implement remedies as determined by the National Championship Tournament Ombudsperson related to successful appeals of tournament rules enforcement.**
- o. To assess fees and fines.

(add subsection 6)

- 6. The National Championship Tournament Ombudsperson's duties:**
 - a. To receive appeals of decisions by the National Championship Tournament Director or judges.**
 - b. To investigate claims of the improper application of rules and/or procedures.**
 - c. To render a judgment on the proper application of rules and/or procedures.**
 - d. To prescribe a remedy when necessary and to report that remedy to the Tournament Director for implementation.**
 - e. To act as the substitute for the SHO in instances where the complaining party feels unable to work, or uncomfortable, with the appointed SHO, or in instances where the SHO has a conflict of interest.**

Changes to the National Championship Tournament Procedures

(included for informational purposes only...to be included to enable this legislation if it passes membership vote).

- I. Enforcement of Tournament Rules
 - 1. Enforcement of Section 4 of the NPDA Tournament Rules (section entitled "During the Debate") shall be the province of the judge (or in the case of multiple judge panels, of the Speaker of the House). In the case of a dispute regarding a judge's interpretation of the rules, enforcement of the rules, or adhering to the procedures of the tournament, one or both debate teams may appeal a judge's decision regarding sanctions to the ~~tournament director~~ **tournament ombudsperson** for a final decision. All judges adjudicating at the Championship Tournament shall affirm, that they have read, understand and agree to abide by the NPDA rules and guidelines for judging, including the Sexual Harassment and Discrimination Policy, prior to submitting their required judging philosophy.
 - 2. In addition to enforcing Section 4 of the NPDA Tournament Rules, the judge (or in the case of multiple judge panels, the Speaker of the House) shall be responsible for declaring a forfeiture to a team not showing for a debate. After the expiration of the allotted time between announcement of the topic and the beginning of the debate, a judge may give up to a maximum of five minutes grace before declaring the debate a forfeit.
 - 3. All appeals pertaining to tournament rules in a particular round must be made before the beginning of the subsequent round.**
 - 4. Enforcement of all other sections of the NPDA Tournament Rules shall be the providence of the Tournament Director in consultation with the **Championship Tournament Committee** ~~the Rules and Standards Committee.~~

Proposal #2: Updates to the Sexual Harassment Policy to Improve Appeal Process

Summary: These changes work in tandem with the new appeals process described in Proposal #1. The National Championship Tournament Ombudsperson is described as a possible substitute to hear and investigate harassment claims. A more detailed set of sanctions and remediation options are offered. The appeal process for sexual harassment claims is streamlined and clarified.

Rationale: While strong, the current sexual harassment policy required updates to address both the changing nature of claims (to include in-round behaviors and arguments deemed potentially harassing by some) and potential conflicts in the investigative process. These policy changes elaborate on the right to due process during the proceedings, and better describe how hearings related to complaints might proceed during the tournament. The policy also repositions the SHO in such a way as to strengthen her/his role as an investigator and advocate and more clearly define the role of the President in determining final sanctions. This, along with the removal of the Rules and Standards Committee from the appeals process, is designed to limit (as much as possible) conflicts of interest in the appeals process and repetition of adjudicators at different levels of the appeal process.

Changes to the Bylaws

VII.

(Changes pertain to section B)

B. Addressing and reporting harassment

1. The NPDA harassment policy shall apply to discrimination and harassment complaints that arise during the NPDA Championship Tournament or from actions taken by officials or employees of NPDA acting at any time in their official capacities.
2. Individuals who believe that they are being discriminated against or harassed and cannot or do not wish to resolve the matter informally should promptly report the complaint to the Sexual Harassment Officer (SHO), who shall be appointed annually by the President of the National Parliamentary Debate Association. The name and contact information for the SHO may be found, among other places, on the Association's web site.
3. If reporting the matter to the SHO would prove to be uncomfortable or if the individual is not satisfied with the SHO's handling of the complaint, the individual must promptly bring the matter to the attention of the ~~chair of the Rules and Standards Tournament Sub-Committee~~ **National Championship Tournament Ombudsperson.**
4. The SHO, or ~~Rules and Standards Tournament Sub-Committee~~ **the National Championship Tournament Ombudsperson (in instances where the party advancing the complaint is uncomfortable reporting to the SHO, or the SHO has a conflict of interest)** promptly investigates all allegations of discrimination and/or harassment in as confidential a manner as possible.
5. In consultation with the SHO, **or the National Championship Tournament Ombudsperson (if appropriate)**, the President shall determine what, if any, remedial action should be taken. Depending on the factual basis of the incident(s), possible sanctions may include, but not be limited to, any of the following: 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 **current or** future participation at the National Tournament (either competing or judging); removal of NPDA points; **reversal of specific round decisions**, or suspension of membership in NPDA.
6. **All sexual harassment claims will be afforded full due process. For instances of sexual harassment claims lodged against opposing teams, based on behaviors taking place in a particular round, reasonable attempts shall be made to preserve all possible remedies before the next debate round. However, the forward movement of**

the tournament schedule shall not necessarily be impeded based solely on a pending harassment complaint.

7. **Appeals of Presidential decisions regarding sexual harassment complaints are limited to questions of proper process. Such appeals shall be directed in writing to the full Executive Council. Such appeals are not automatic.**
8. Under no circumstances will an officer, agent, employee or member of the Association be allowed to threaten or retaliate against anyone who in good faith alleges unlawful harassment or discrimination or who participates in the investigation of such a complaint.

Proposal #3: Revised Committee Structure

Summary: This proposal seeks to eliminate long-inactive or redundant NPDA standing committees and to clarify, where necessary, the roles of existing committees with ambiguous or duplicative roles. Executive Council members serving on committees shall no longer have ex-officio status, but shall have voting privileges so as to encourage the completion of committee tasks. Other changes include: (1) expansion of the Nominating Committee's authority to recommend candidates for the positions of Webmaster and Journal Editor, (2) restructuring of Nominating Committee membership to make it more inclusive and functional, (3) eliminates the Publications Committee and invests its authority in other bodies, (4) restructures the sub-committees of the National Championship Tournament Committee, (5) merges the professional development and outreach committees.

Rationale: The NPDA's committee structure is seriously flawed. Not only are there several committees that rarely perform any work, but the incentive not to complete work is heightened by overlapping jurisdictions and myriad redundancies. This reform is aimed at streamlining the work of committees so they might perform more efficiently. These reforms also provide more direct oversight and involvement by members of the Executive Council to ensure timely completion of delegated projects. This is in no place more important than in changing the structure of those committees associated with the National Championship Tournament. The overlapping jurisdictions of committees and subcommittees in this area has added to the confusion surrounding appeals. The consolidation of the Professional Development and Outreach Committees is also aimed at empowering a process envisioned several years ago at the Prescott Convention, but not yet fully realized.

Changes to the Constitution

Empowerment: In addition to the changes in language described below, the passage of this legislation shall empower the Executive Council to remove references in governing documents to committees removed by this legislation and, if necessary, reassign duties as needed to keep the documents consistent.

Article VII:

Section A: Committee Appointment and Oversight

1. The NPDA President will issue calls for and appoint members to the standing committees and sub-committees as specified in the constitution unless otherwise indicated in the governance documents of the NPDA.
2. Members of the Executive Council as specified by their job descriptions or by request of the NPDA President will serve ~~ex-officio~~ and enable the actions of each standing committee and respective sub-committees.
3. Members of the Executive Council are responsible as ~~ex-officio~~ members of standing committees for soliciting proposals for presentation to the finance committee in a timely fashion, forwarding committee requests and reports to the Executive Council and notifying the president of vacancies on the committees.
4. Voting members of the Executive Council shall not hold membership in a standing committee except as otherwise noted in the constitution or by-laws. If an appointed member of a standing

committee is elected to the Executive Council, the member will vacate their appointment and the NPDA President will appoint a new member to complete their term on the committee.

5. In cases of non-action by a committee or for appeals of a committee decision, members may submit in writing to the Executive Council a request for review and/or full appeal of committee decisions. The Executive Council may act on the review/appeal or take the appeal to the full body of the organization as a regular item of business.

Section B: Finance Committee Membership:

1. The duties of the finance committee are
 - a. To assist the treasurer in preparing an annual budget
 - b. To provide fiscal oversight
 - c. To provide input for specific requests made throughout the academic year
 - d. To offer guidelines for creation, implementation and accountability of committee and operational budgets.
2. Finance Committee Membership:
 - a. The Treasurer shall be an ex-officio member of the Finance Committee.
 - b. Other members of the Finance Committee shall be appointed by the president for staggered three-year terms.

Section C. Nomination Committee

1. The duties of the Nomination Committee shall include:
 - a. To solicit from the membership, potential nominees for all soon to be vacated Association offices;
 - b. To present nominations for offices of the Association at the first Business Meeting of the academic year, at which time additional nominations for any office may be submitted by any member present at the meeting;
 - c. To perform other duties related to elections as may be assigned by the President.
 - d. To recommend to the President and the Executive Council, a person to be Editor of *Parliamentary Debate* for a three-year term**
 - e. To recommend to the President and the Executive Council, a person to be webmaster for a three-year term**
2. Nomination Committee Membership:
 - a. The Vice President shall chair the Nomination Committee.
 - b. In addition to any other members, the President shall appoint, ~~the three immediate past presidents of the Association shall serve on the Nomination Committee.~~
 - (1) At least two district faculty representatives, with districts being rotated.**
 - (2) One former president of the NPDA**
 - (3) One at-large member**
3. The Nomination Committee shall not nominate any of its members for any office.

Section D. Publications Committee

- ~~1. The duties of the Publications Committee shall include:~~
 - ~~a. To recommend to the President and the Executive Council, a person to be the Editor of *Parliamentary Debate* for a three-year renewable term;~~
 - ~~b. To recommend to the President and the Executive Council, a person to be the Webmaster for a three-year renewable term;~~

- ~~e. To establish publication standards for the NPDA journal and web publications.~~
 - ~~d. To perform other duties related to research and publications as may be assigned by the President.~~
 - ~~e. To recommend a replacement for the Journal Editor or the Webmaster should the Journal Editor or the Webmaster fail to or be unable to complete their duties. The replacement will fulfill the remainder of the term.~~
 - ~~f. To designate one member to serve on the Research and Assessment Subcommittee of the Championship Tournament Committee.~~
- ~~2. Publications Committee membership:~~
- ~~a. A chair shall be elected by the committee.~~
 - ~~b. Two at large members of the Publications Committee shall be appointed by the President.~~
 - ~~c. The Executive Secretary, Webmaster and Journal Editor shall serve as members of the Publications Committee.~~

~~Section F~~ **Section D.** Championship Tournament Committee

The Championship Tournament Committee shall annually oversee and administer the Championship Tournament. The committee consists of the Vice President of the NPDA, who shall chair the committee, the President of the NPDA, who shall serve as an ex-officio member of the committee, and the chairs of the Tournament Administration Subcommittee, ~~the Rules and Standards Subcommittee~~, the Host and Site Subcommittee, ~~and the Research and Assessment Subcommittee~~ **and the Topic Subcommittee.**

- 1. The duties of the Championship Tournament Committee shall include:
 - a. To meet ~~at least twice annually~~, prior to ~~the NCA Business Meeting~~ and before the Championship Tournament;
 - b. To report annually on the NPDA Championship Tournament to the NPDA including motions to alter policy and/or procedures;
 - c. To approve, by means of subcommittee, requests by the Tournament Director, to deviate from the printed rules for administering the Championship Tournament;
 - d. To approve and select the site for future hosts of the Championship Tournament;
 - e. To oversee the ~~following four subcommittees of tournament management~~: **the host and site subcommittee, the topic subcommittee, and the tournament administration subcommittee**
 - f. **To conduct the necessary preparation, data entry, data tabulation and results for the Championship Tournament;**
 - g. **To procure necessary supplies, produce the tournament invitation, train staff, hire and train judges (as necessary), and arrange special accommodation (as necessary);**
 - h. **To enter data, confirm entries and the gathering of additional necessary data, compile and distributing judging philosophies, administer entry limitations (as appropriate), and to coordinate with the Host and Treasurer to ensure all additional tournament details (such as meals);**
 - i. **To oversee and manage the judging pool (including, but not limited to, qualification and selection of guest judges, production and administration of strike/preference sheets, and number of judges per round), compile and determine tournament sweepstakes, oversee the production and selection of topics, oversee entry and administration of tournament procedures;**
 - j. **To publish all tournament results. This includes the results of all preliminary round debates, a rank order listing of all teams participating in the National Tournament, a listing of speakers in order, top novice teams at the tournament, the top novice speakers at the tournament, elimination round results of the tournament and a rank order listing of tournament and season long sweepstakes results.**
 - k. **To encourage the development of research activity;**

- 1) **To receive and evaluate requests to conduct research at the National Tournament;**
 - 2) **To work with the Tournament Host (or designee) to ensure that research proposals are consistent with standards established by the host school's human subjects committee;**
 - 3) **To approve (with consultation of the Tournament Director) and authorize research activity at the Championship Tournament.**
 - 4) **To approve (with consultation of the Tournament Director) and authorize research activity at the Championship Tournament.**
 - 5) **To oversee the assessment of the National Parliamentary Debate Association and the Championship Tournament;**
 - (a) **To appoint an individual(s) to construct and administer an assessment survey for both the National Parliamentary Debate Association and the National Tournament;**
 - (b) **The results of the assessment would be published annually in the NPDA Journal**
- I. To collect and deliver final round judge decisions and ballots to the Journal Editor.**
2. Tournament Administration Subcommittee Membership:
 - a. The Tournament Director, who shall be appointed by the President of the NPDA, shall serve as chair of the Tournament Administration Subcommittee.
 - b. Two teams for tabulation, as appointed by the Tournament Director.
 - c. The current Championship Tournament Host and the next year's Tournament Host (as an ex-officio member of the committee).
 - d. Additional staff, as needed, appointed by the Tournament Director. These staff may perform duties including, but not limited to ballot checking and preparation of packets.
 3. ~~Rules and Standards Subcommittee~~
 - a. ~~Duties~~
 - 1) ~~This committee will be charged to review, interpret and enforce the rules of the National Tournament.~~
 - 2) ~~To advise in the application of governing documents to day-to-day practices of the organization.~~
 - 3) ~~To serve as an avenue of appeal as stated elsewhere in the governing documents of the organization.~~
 - 4) ~~To review and comment on the impact of legislative proposals on existing governance documents and procedures.~~
 - 5) ~~To review discrimination and sexual harassment complaints that arise during the Championship Tournament or from actions taken by official or employees of NPDA in their official capacities.~~
 - b. ~~Membership of this committee shall include the Parliamentarian, Sexual Harassment Officer, Executive Secretary, and three members to be appointed by the President. The treasurer will serve as an ex-officio member of this committee. The parliamentarian will serve as chair.~~
 3. Host and Site Development Subcommittee
 - a. The duties of the Host and Site Development Subcommittee shall include:
 - 1) To identify, standardize, and administer application process for site bids;
 - 2) To inform member schools of hosting opportunities;
 - 3) To encourage bid applications from schools and seek out ways to make hosting more feasible;

- 4) To receive and research site bids applications; select sites to be visited by members of the site committee;
 - 5) To recommend Championship Tournament sites to the Championship Tournament Committee;
 - 6) To develop the site to meet the needs for the Association and the Championship Tournament in conjunction with the Championship Tournament Committee;
 - 7) To recommend to the Championship Tournament Committee the days of the Championship Tournament;
 - 8) To locate a vendor and purchase trophies for the Championship Tournament;
- b. Membership of the Host and Site Development subcommittee shall include:
- 1) The Treasurer of the NPDA
 - 2) Two previous Championship Tournament hosts, appointed by the Vice-President
 - 3) Four other members, appointed by the Vice-President, who should represent geographical diversity whenever possible.
 - 4) The Vice President shall serve as an ex-officio member of this committee.
4. Topic Selection Subcommittee
- a. The duties of the Topic Selection Subcommittee shall include:
- 1) To solicit proposed topics from the district representatives;
 - 2) To develop and publish guidelines used in selecting topics
 - a) As overarching goals, topics should guarantee fair ground, be representative of topics (both in subject and composition) employed across the country during the year and preserve an even mixture of “loose” and “hard” linked topics
 - b) The subject matter of resolutions should be of a philosophical, international, domestic, or controversial nature.
 - c) Resolution wording should allow for diversity and innovation.
 - d) The resolutions should be ordered for balance (i.e., policy round follows policy round, metaphor follows metaphor).
 - 3) To forego coaching their team during the tournament regarding case areas and arguments during the NPDA Championship Tournament;
 - 4) To maintain confidentiality.
- b. Topic Selection Committee Membership: In addition to others the Tournament Director may appoint, the NPDA President and the NPDA Vice President shall serve on the Topic Selection Committee. The Vice-President shall chair the committee.

~~6. Research and Assessment Subcommittee~~

- ~~a. The duties of the Research and Assessment Subcommittee shall include:~~
- ~~1) To oversee the collection of data at the Championship Tournament including:~~
 - ~~a) To encourage the development of research activity;~~
 - ~~b) To receive and evaluate requests to conduct research at the National Tournament;~~
 - ~~c) To work with the Tournament Host (or designee) to ensure that research proposals are consistent with standards established by the host school's human subjects committee;~~
 - ~~d) To approve (with consultation of the Tournament Director) and authorize research activity at the Championship Tournament.~~

- ~~b. To oversee the assessment of the National Parliamentary Debate Association and the Championship Tournament;~~
 - 1) To appoint an individual(s) to construct and administer an assessment survey for both the National Parliamentary Debate Association and the National Tournament;
 - 2) The results of the assessment would be published annually in the *NPDA Journal*
 - 3) ~~To collect and deliver final round judge decisions and ballots to the Journal Editor.~~
- ~~e. The membership of the Research and Assessment Committee shall include:~~
 - 1) ~~The Committee shall be comprised of the Tournament Host (or designee), a member of the Professional Development Committee and a member of the Publications Committee. The Executive Secretary shall serve as an ex officio member of the committee.~~
 - 2) ~~The Committee will elect a chair.~~

Section E. Professional Development **and Outreach** Committee.

- 1. Duties
 - a. The promotion of quality forensics pedagogy among NPDA members by developing initiatives to advance scholarly growth and teaching effectiveness.
 - b. To mentor new and returning coaches.
 - c. To aid in developing materials to assist in the tenure and promotion of forensics professionals.
 - d. To promote and endorse ethical conduct among members of the debate community.
 - e. To facilitate education about the organization's sexual harassment policies and procedures.
 - f. To designate one member to serve on the Research and Assessment Subcommittee of the Championship Tournament Committee.
 - g. To promote and coordinate outreach on behalf of the NPDA and its member organization.**
 - h. The committee will accept, review, approve and propose budgets to the finance committee for outreach projects.**
 - i. The committee will offer to the membership published procedures and guidelines for appropriate projects and funding prior to or at the business meeting of the National Championship Tournament each year.**
- 2. Membership

Membership shall consist of the Executive Secretary and **five members** appointed by the President. The committee shall appoint a chair.

Delete Section G, Outreach Committee.