



BY-LAWS & CONSTITUTION

(revised 11/26/23)

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IMPORTANT NOTE: This document is currently undergoing revisions and is subject to change. Any additional changes to the document for the upcoming season will be listed below. The By-Laws and Constitution section of the previous handbook will exist as a separate document moving forward, and will be made available after the Fall Meeting in November.

Revisions List

- *11/7/2021: Changes to policies from 2021 Spring Membership Meeting updated*
 - *11/1/2022: Changes to policies from 2022 Spring Membership Meeting updated*
 - *11/26/2023: Changes to policies from 2023 General Membership Meeting updated*
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PREAMBLE

We, the members of the Carolina Winter Ensemble Association, do hereby declare that the following constitution represents our love and dedication to the activities known as winter color guard, winter percussion, and winds. The concepts within our constitution are necessary to achieve our goal, which is to present the most creative, educational, and entertaining art form possible.

CONSTITUTION

I. Name

Our organization will henceforth be known as the Carolina Winter Ensemble Association (commonly referred to as "CWEA").

II. Our Mission

The mission of the Carolina Winter Ensemble Association is to create a positive and rewarding performance experience for our youth and to develop a nurturing environment that will enhance the skills of the performers and instructors at all levels.

III. Aims and Goals

Our aims and goals are to utilize our collective influence to improve the ethical standards and level of the winter program, so that it will be of maximum benefit for youth to continue to be worthy of the general public. This will be accomplished by the following:

- A. Presenting a unified approach, as necessary to insure continued improvement of the rules under which we operate and compete.
- B. Working closely with those who judge our performances, to encourage continued improvement on the general level of education competencies of the judges, so that we can obtain consistent evaluation of our programs based on the rules.
- C. Working in tandem with contest sponsors and the membership of the CWEA to insure that the organization receives enough revenue to remain solvent and obtain facilities and conditions that meet the ensembles needs, and are commensurate with sponsor's ability to provide them.
- D. Striving to improve the quality of our performances, so that the paying public will increase its support of our programs.
- E. Conducting a Circuit contest. (Hereby called the Carolina Winter Championships)

IV. Membership Eligibility

- A. Membership in this organization is available to: Winter Color Guard Units, Marching Percussion Ensembles, Concert Percussion Ensembles and Indoor Winds Ensembles.
- B. Membership commences upon the payment of dues and/or satisfaction of all previous financial obligations to this organization. Before membership is complete, the applicants must also be in

compliance with Winter Guard International rules and regulations. Membership will cease at the initial membership meeting for the next subsequent season.

- C. The Board of Directors for this organization reserves the right to refuse and/or disqualify any person and/or organization from current or future membership whose conduct is inconsistent with the goals or philosophies of the Carolina Winter Ensemble Association. These can include any new rules added by our organization.

V. Financial Guidelines

- A. The fiscal year shall begin on June 1 and end on May 31.
- B. The Board of Directors, or its appointee(s) will prepare an annual budget. The budget will be reviewed, approved, and/or modified by the Board of Directors. The budget will be presented to the membership during the Fall Membership Meeting.
- C. Each member will pay a share of the organization's cost as prescribed in the By-Laws.
- D. The CWEA Treasurer will sign and approve all payments issued on behalf of the circuit. A list of payments will be presented to the Board of Directors monthly as part of the month-end financial reports.
- E. All Board Members will receive monthly financial reports and bank statements.
- F. Any surplus funds as of the annual Membership Meeting shall be appropriated as directed by the Executive Board of Directors.

BY-LAWS

VI. Governing Body

Executive Board of Directors

- A. The administration of this organization shall be fully vested in the President, who shall have a cabinet of officers. This governing body shall be known as the “Executive Board of Directors.” This board will be nominated and elected by the representation of the general membership. Certain positions on the Board of Directors will be appointed positions by the Board rather than elected positions by the general membership based on the duties and requirements of the position.
- B. The Executive Board of Directors shall consist of the following positions:
 - a. President
 - b. Vice President
 - c. Director of Events (appointed by the Board of Directors)
 - d. Secretaries
 - i. Secretary (Administrative)
 - ii. Secretary (Public Relations)
 - e. Treasurer
 - f. At-Large Representatives (Two)
 - g. Advisory Council Chairs (Two) – Non-Voting Seats
- C. No unit may have two voting board members on the Executive Board of Directors at the same time.
- D. Executive Board Members are expected to assist in managing and staffing Circuit sponsored events such as clinics, premiere events, and Circuit Championships.
- E. Members of the Executive Board of Directors are required to submit to a background check.
- F. The Board of Directors may appoint ex officio members to the Board based on the candidate’s professional qualifications and stature within the organization. Ex officio members of the Board of Directors shall serve as non-voting advisors to the board and general membership. Ex officio members may be appointed and/or unseated by a two-thirds vote of seated Board Members.

Advisory Council

- G. The Advisory Council will consist of two separate bodies – one representing the Color Guard division and the other representing the Percussion & Winds divisions. Each body will be composed of two representatives from each classification within their respective divisions.
- H. Representatives will be elected online via CompetitionSuite and will be by secret ballot. Each classification will elect two representatives. Class Champions from the prior season are automatically

nominated for their seats unless they choose to take their name out of consideration. In the event of a tie for second place, runoff voting will decide the second representative.

- I. Representatives for one class may not be from the same group.
- J. One person may not represent multiple classes on the Advisory Council.
- K. Color Guard only – No group may have more than one representative sitting on the Color Guard Advisory Council.
- L. Upon election at the Spring Meeting, each Advisory Council will meet briefly to appoint a chair. The Chair of each Advisory Council is entitled to non-voting membership to the CWEA Executive Board. Incumbent members of the Executive Board may not chair an Advisory Council.
- M. Should the Winds activity grow sufficiently within CWEA to necessitate a separate Advisory Council, this entity and its corresponding Chair may be created by vote of the Executive Board at any time.
- N. Advisory Council members may be called up to serve on at least one organization committee.
- O. Advisory Council members must be present at the Annual Board Retreat meeting held in July to maintain their position on the Advisory Council. Members of the Advisory Council may be excused from this requirement only in extraordinary circumstances, such as a medical emergency or death of an immediate family member, with approval from the President.

Terms

Members of the Executive Board of Directors shall each serve a two-year term. The terms of all directors shall be staggered so that the terms of half of the directors shall begin at the annual Spring Membership Meeting in even numbered years and the other half shall begin in odd number years. After their term expires, they have the option to be re-elected and continue to serve on the Board of Directors.

The following positions will be elected in even-numbered years:

- A. President
- B. Secretary (Administrative)
- C. Director of Events (appointed by Executive Board of Directors)
- D. At-Large Representative

The following positions will be elected in odd-numbered years:

- A. Vice President
- B. Treasurer
- C. Co-Secretary (Public Relations)
- D. At-Large Representative

Vacancies

A vacancy in any elected Director position because of death, resignation, removal, disqualification, or otherwise shall require the Executive Board of Directors to appoint an interim member to the vacated office so that the office vacated can continue to function. The interim member shall serve only until the next meeting of the general membership where an election to fill the office can be held.

Removal and Disqualification

At the discretion of the President, an Executive Board Member or Advisory Council Member may be suspended for any grievous act that he/she determines detrimental to the organization until such time that a meeting of the Executive Board of Directors can take place to review the situation.

At the meeting of the Executive Board of Directors, the suspended Director will be given an opportunity to voice their position and challenge their suspension.

Once the suspended Director has made their case, and any other Directors have provided input into the situation, there will be a vote to determine whether or not to remove the suspended Director from office permanently, or to reinstate the director without prejudice. The vote will be decided by a simple majority of the Executive Board of Directors.

By two-thirds vote, the Executive Board of Directors may suspend the President with cause before the expiration of his or her term. All voting members of the Board of Directors are required to vote yea or nay and there are to be no abstentions. This action will trigger a vote of the full membership within 30 days, during which the Board of Directors will prepare a statement and evidence supporting the decision. The President may submit a rebuttal through the same channel. A majority vote of the membership may then vacate the office of the President. Should a President be removed, the Vice-President will assume the responsibilities of the President until the next semi-annual membership meeting.

Code of Conduct for Directors

The Board of Directors expects of itself and its members ethical and business-like conduct consistent with involvement in a youth-based, education non-profit organization. This commitment includes use of appropriate decorum in group and individual behavior when acting as Board members or when perceived to be representing the organization and participating in its activities.

Directors must represent, with loyalty, the interests of CWEA while participating in meetings and in their decision-making within the organization. This accountability supersedes any conflicting loyalty such as that to individual units.

Members of the Board of Directors must avoid any conflict of interest with respect to their fiduciary responsibility. There must be no conduct of private business or personal services between any Director and CWEA except as procedurally controlled to assure openness, competitive opportunity and equal access to information.

Elections

Elections to the Executive Board of Directors will be held at the annual Spring Membership Meeting held in May. The elections may only be held on an alternate date following a majority vote of the Executive Board of Directors. Voting for Executive Board Members will be by secret ballot only. If a candidate for a Director position is running un-opposed, the candidate will automatically be appointed to that position.

Nominations for Director positions must be submitted at least 15 days before the Annual Spring Membership Meeting takes place in order for consideration to be given. Nominations for Director positions will not be accepted past 5:00 PM on the day of the deadline.

Responsibilities of the Board of Directors

Responsibilities of the Board of Directors include, but are not limited to:

- A. Approval of annual budget
- B. Review financial statements
- C. Overall management and strategic direction
- D. Review by-laws and organizational structure
- E. Review proposals presented to the Board of Directors for change or adoption
- F. Review project proposals
- G. Effective management of all CWEA events
- H. Any other matters brought before the Board of Directors

The Directors will assume duties as follows:

A. Board President

- a. CEO of CWEA and leader of the Board of Directors
- b. Responsible for all facets of the organization
- c. Elected to the Executive Board by the general membership
- d. This is a voting position on the CWEA Board of Directors

B. Vice President

- a. COO of CWEA
- b. Chairman of the CWEA Scholarship Committee
- c. Responsible for assuming the role of President in the absence of the Board President
- d. Reports directly to the President
- e. Elected to the Executive Board by the general membership
- f. This is a voting position on the CWEA Board of Directors

C. Director of Events

- a. Works with Judge Coordinator(s) to schedule and organize judges for CWEA events
- b. Works with the Secretaries to ensure information is dispersed in a timely manner
- c. Serves as the point of contact for all event related issues
- d. Responsible for the management of circuit events to include the scheduling of personnel
- e. Responsible for appointing a Site Manager to all contests
- f. Ensures all WGI and CWEA rules and regulations are applied fairly and justly at all events
- g. Transport and keeps accurate inventory of all circuit promotional items
- h. Reports directly to the President
- i. Appointed to the Executive Board by a majority vote of the Directors
- j. This is a voting position on the CWEA Board of Directors

D. Co-Secretaries

- a. Together as one position, the Co-Secretaries operate as the CIO of CWEA
- b. Report directly to the President
- c. *Secretary (Administrative)*
 - i. Keeps a roster of all of the current membership including their name, addresses, and telephone numbers
 - ii. Responsible for all official correspondence

- iii. Shall keep the minutes of the meetings and act as custodian for all official records and correspondence
- iv. Assumes all Administrative duties as assigned by the President
- v. Elected to the Executive Board by the General Membership
- vi. This is a voting position on the CWEA Board of Directors
- d. *Secretary (Public Relations)*
 - i. Shall be responsible for the advertising and marketing of the circuit
 - ii. Will manage and provide frequent content for the CWEA Facebook, Website, Instagram, & Twitter account.
 - iii. Responsible for directing and coordinating the CWEA Social Media Team
 - iv. Responsible for maintaining and monitoring all online forums or groups related to CWEA
 - v. Assumes all Public Relations duties as assigned by the President
 - vi. Elected to the Executive Board by the general membership
 - vii. This is a voting position on the CWEA Board of Directors

E. Treasurer

- a. CFO of CWEA
- b. In charge of and accountable for all of the circuit's funds
- c. Responsible for maintaining accurate records of all financial transactions of CWEA
- d. Responsible for all deposits and disbursements of funds as directed by the Executive Board of Directors
- e. Will submit a written financial report at all meetings
- f. Works with the Circuit President and Director of Events to produce the annual budget
- g. Assumes all duties of Treasurer as assigned by the President
- h. Reports directly to the President
- i. Elected to the Executive Board by the general membership
- j. This is a voting position on the CWEA Board of Directors

F. At-Large Representatives (2)

- a. Two prominent representatives that will work for the good of the whole of CWEA
- b. Consults with CWEA Board on matters of importance in regard to membership and policy
- c. Responsible for the growth of the organization through recruitment of new members
- d. Performs all duties as assigned by the President
- e. Elected to the Executive Board by the general membership
- f. These are voting positions on the CWEA Board of Directors

VII. Meetings

The circuit will have the following mandatory meetings:

- A. Fall Membership Meeting – to be held in November
 - a. Dissemination of information related to the upcoming season
 - b. Round two of the performance order draw is performed
 - c. General discussion on policy changes
- B. Spring Membership Meeting – shall be held within two weeks after the completion of WGI Advisory Board Meetings
 - a. Proposals for amendments to the by-laws and policy will be reviewed and voted on by the membership to pass to the Board of Directors.
 - b. The Executive Board of Directors present their annual reports
 - c. Elections for the Executive Board of Directors
 - d. Advisory Council members are announced for the subsequent year

Additional meetings will take place as deemed necessary by the Executive Board of Directors or voting majority of the general membership.

The Board of Directors will meet one or more hours prior to all general membership meetings. Additional meetings of the Board of Directors will be held as needed at the discretion of the President.

VIII. Committees

The organization will have the following standing committees:

- A. **Education Committee** – Members of the Education Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by a member of the Board of Directors and include at least two additional “at-large” members selected from the Advisory Council or General Membership. The Education Committee will be tasked with organizing CWEA Training Day and any other educational clinics or workshops for students and instructors within the circuit. The committee membership should represent all three divisions.
- B. **Finance Committee** - Members of the Finance Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by the Treasurer and shall include the President and at least one additional “at-large” member selected from the Advisory Council or General Membership. The Finance Committee will be chaired by the Treasurer and shall establish and maintain the financial policies of the corporation as established in these bylaws and adopted by resolution of the Board of Directors.
- C. **Championships Committee** - Members of the Championships Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by the Championships Coordinator and shall include the Director of Events and at least one additional “at-large” member selected from the Advisory Council or General Membership. The Championships

Committee shall be tasked with evaluating and reviewing matters as they relate to the Circuit Championships event. The committee shall make recommendations for improvements and changes in event policies to the Board of Directors as needed.

- D. **Awards Committee** - Members of the Awards Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by a member of the Board of Directors and shall include at least one additional member from the Board of Directors. Additional “at large” members shall be selected from the Advisory Council or General Membership. The Committee shall be responsible for reviewing and making recommendations to the Board of Directors as it relates to all awards issued by the organization. The committee shall oversee the successful implementation of special awards programs presented by CWEA, such as the Scholarship Program, Hall of Fame and Sport of the Arts awards.
- E. **Classifications Committee** - Members of the Classifications Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by a member of the Board of Directors and shall also include the Color Guard Judge Coordinator, Percussion Judge Coordinator, Winds Judge Coordinator (if separate) and at least two additional “at large” members selected from the current roster of judges, Advisory Council or General Membership. The Classification’s Committee shall be tasked with the evaluation of the organization’s policies and procedures as it relates to promotions and reclassifications. The committee shall make recommendations as necessary on improvements to these policies and procedures. The committee shall be responsible for reviewing and evaluating units who either exceed or do not meet the requirements for their specific classifications and shall make recommendations to the Board of Directors on promotions/reclassifications throughout the competitive season.
- F. **Ethics Committee:** Members of the Ethics Committee will be appointed by the President and affirmed by the Board of Directors. This committee shall be chaired by the President and shall also include the Vice President, Chair of the Color Guard Advisory Council and Chair of the Percussion/Winds Advisory Council. Additional at large representatives shall be selected at the discretion of the President. The Committee shall be responsible for reviewing and recommending action to the Board of Directors on ethical complaints, policy violations, code of conduct violations and other related matters. The Committee shall be responsible for reviewing existing policies governing conduct and other related matters and recommending action to the Board of Directors.

Additional “ad hoc” committees may be established as needed at the discretion of the President.

IX. Voting Procedures

- A. All decisions by the Executive Board of Directors will be made by a majority vote of the Executive Board of Directors present at the time of the vote. No absentee ballots or proxies will be accepted. All decisions shall be made by public vote.
- B. All decisions by the general membership will be made by majority vote of those members in attendance at the time of the vote. No absentee ballots or proxies will be accepted. All decisions shall be made by public vote, with the exception of elections.

- C. Each eligible unit will be allowed one voting delegate per unit whose name shall be registered via the circuit website through the registration process and paid with CWEA. All designated voting delegates will sign in with the Secretary (Administration) prior to the beginning of each meeting.
- D. All voting for the election of Directors will be by secret ballot.
- E. Board members do not have a vote in general meetings, unless they are a designated delegate for a member unit.
- F. Under no circumstances shall any person cast more than one vote in any given poll, nor shall they be permitted to represent more than one unit in any poll.
- G. In order for a person to serve as a voting delegate for a group, that person must be listed on the Group's profile as of March 15 of the current year. Persons who are not listed on the group's profile will not be permitted to serve as a voting delegate at the Spring Membership Meeting. This requirement may be waived in the event of extraordinary circumstances, such as the complete dissolution and replacement of an entire staff, with approval of the Board of Directors.

X. Group Contests

- A. CWEA will schedule and host circuit contests throughout the season (January – April). The number of contests will depend on availability of facilities as well as the current annual budget.
- B. CWEA events will be governed using the WGI evaluation system and rules, CWEA Operating Procedures (as determined by the CWEA Board of Directors), and approved judges.
- C. Contest rules will be made available to all competing ensembles.

XI. Other Contests

- 2.1 The Executive Board of Directors shall select location(s) and date(s).
- 3.1 This show is open to any member unit that satisfies all membership requirements as set by CWEA Policy.
- 4.1 Non-Members of the circuit are not eligible to attend CWEA Circuit Championships.
- 5.1 CWEA may host other competitive events throughout the year based on budgeted funds. Format, rules, and operating policies at these events are at the determination of the Director of Events and Board of Directors

XII. Amendments

- A. As part of the proceedings for the annual meeting, amendments to the CWEA Constitution & By-Laws will be voted on by the general membership.

- B. All proposed amendment changes must be presented to the Secretary at least two weeks prior to the annual meeting. These proposals will be distributed to the general membership one week prior to being voted on at the Annual Meeting.
- C. Any member unit or Board Member may present a proposal to the CWEA Secretary.
- D. The Constitution and By-Laws may be amended by a two-thirds majority vote of the total membership in attendance at the time of the vote.
- E. Proposals on CWEA policies and other matters which are not part of the CWEA Constitution and By-Laws will be voted on by the general membership to determine whether or not to pass on to the Executive Board for consideration.
- F. The Executive Board of Directors shall set policy.
- G. All membership meetings will be governed using Robert's Rules of Order.

POLICIES AND PROCEDURES

Instructor Code of Ethics

The CWEA Board of Directors feels that it is important to enforce the Instructor's Code of Ethics. If judges and staff are expected to adhere to a professional code of conduct, then it is appropriate that this standard is exacted from the instructional community as well.

If undue and unfair pressure is applied to judges and/or CWEA staff through inappropriate behavior, then this places the competitive experience at risk. Examples include, but are not limited to directors and/or instructors shouting at judges or CWEA staff whether in public or critique, inappropriate conduct of any instructor while accompanying the guard onto the contest floor, or inordinate and unauthorized telephones calls or other communication with judges or the Chief Judge. There is also a growing concern about disruptive behavior in the warm-up area, and rude behavior from the performers and/or staff of one group towards another. Behavior of this type is intolerable and will result in the loss of the privilege that has been violated. For example, directors and/or instructors could lose all critique privileges with judges, they could be barred from the contest floor or venue, or lose the right to use the warm-up venue. Addressing this important issue must be a priority for all competing ensembles and members of our organization.

In instances of poor conduct, it may be necessary to take administrative action based on the severity of the infraction. In all cases, the Executive Board of Directors will be the authority on issues of misconduct or inappropriate behavior. Instructors in violation or breaching contest etiquette may be subject to warnings, single-show suspensions, permanent suspensions, or loss of privileges at the discretion of the Executive Board of Directors.

For issues at events that disrupt the educational environment of the event, the Site Manager in consultation with the Circuit President and/or the Director of Events will be responsible for taking action to preserve the positive educational environment for all participants. In escalated situations that may require more action, the Executive Board of Directors and/or the event Site Manager will be responsible for taking appropriate action as deemed necessary up to removal from the venue.

Judge's Code of Ethics

A CWEA judge must disclose to the Judge Coordinator(s) and the Director of Events any affiliation with any performing ensemble (color guard or percussion) based on the following definitions:

PRIMARY AFFILIATION: Designer, instructor, manager, or administrator of the competing ensemble. Individuals may not judge for CWEA if they are performing in any ensemble. A judge with a primary affiliation may not adjudicate the class where his/her affiliation exists, unless approved by the President, Director of Events, and Judge Coordinator(s).

SECONDARY AFFILIATION: Any judge who receives compensation from the school, and/or sponsoring

organization and any related organization that sponsors or supports the competing ensemble (i.e. an individual who teaches in the school or who might teach or provide other services for the sponsoring organization) as well as any judge, who through family, spouse or significant other who has a primary affiliation as described above.

These affiliations will be reviewed on a case-by-case basis. A judge with a secondary affiliation may judge in his/her affiliated class as long as the ensemble he/she is affiliated with is not performing at that contest. There may be rare exceptions to this rule as determined by the Circuit President, Director of Events, and Judge Coordinator(s).

CONSULTATIONS: A current CWEA Judge is not permitted to give any consultation to any ensemble actively competing in CWEA at an event that he/she may adjudicate.

CONDUCT: No judge may display interest or preference toward any competing ensemble he/she may judge. Wearing an ensemble's insignia is forbidden. Judges are encouraged to give input regarding the ethical standards of the judging community. This should be handled through the Chief Judge.

SOCIAL MEDIA GUIDELINES FOR INSTRUCTORS AND JUDGES

Social media platforms including Facebook, Twitter, discussion forums, blogs, wikis, virtual worlds or any other form of user-generated media, are powerful informational engines for our activity. CWEA recognizes the value of these tools in building buzz and excitement for our activity and everyone is encouraged to share their enthusiasm with friends, family and the general public. Adherence to these guidelines assists us in maintaining the integrity of the adjudication and administrative services CWEA provides to competing ensembles.

Guidelines for using personal social media:

- All parties should be aware of your association with CWEA in online social media streams. Use common sense, professional judgment and caution.
- No communication is allowed privately or publicly on any social media streams with any director, instructor, judge or performer about any competitive aspect of any performing ensemble. This type of communication is strictly prohibited by the rules without the express written permission of the Chief Judge, Director of Events or Circuit President.
- CWEA staff and judges should never comment on any individual group's anticipated or actual performance or anything of a competitive nature, however positive. Such postings create openings for questions from anyone reading the post. What seems an innocent comment can be easily misconstrued.
- CWEA staff and judges should change personal settings on Facebook to allow review and approval of any post visible to the public. Use caution on "liking" any post regarding any individual group or CWEA.
- CWEA staff and judges are prohibited from promoting any participating group with which they are affiliated so not to present the appearance of intended influence.
- CWEA staff and judges should refrain from posting any pictures or comments that imply favoritism towards any one group or instructor.
- CWEA staff and judges should use caution in posting or "tagging" photos or videos of any ensemble on your personal social media streams.

It is important to remember that anything posted on the internet is permanent. Although it can be "taken down", it may well exist somewhere for years to come and often reach large numbers of people quickly. If misinterpreted or open to misinterpretation, such postings can do incalculable damage to the reputation of individuals, organizations and CWEA.

CWEA will use these guidelines to determine whether an employee or contractor has been appropriate in their public online behavior with respect to their CWEA-related responsibilities. Those employees and contractors associated with CWEA must represent appropriate conduct for a competitive, scholastic-based activity. Violation of these guidelines can lead to disciplinary action including suspension and/or termination