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# Bylaws



## Western United States Pipe Band Association

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[www.wuspba.org](http://www.wuspba.org)

Last Amended November 14, 2009  
Effective immediately

## **ARTICLE I – NAME**

1. **The name** of this organization is the Western United States Pipe Band Association, hereafter referred to as WUSPBA or the Association.

## **ARTICLE II – OBJECTIVES**

1. **The objectives** of the WUSPBA, a non-profit corporation shall be:
  - 1.1. **To promote and encourage education** in the culture and advancement of piping, drumming, drum majoring, and pipe band music in the United States;
  - 1.2. **To create and maintain a bond of fellowship** with all pipers, drummers, and drum majors
  - 1.3. **To devise and operate a proper system** of piping, drumming, drum major, and pipe band contest rules.

## **ARTICLE III – MEMBERSHIP & REGISTRATION**

1. **Membership** in the Association is open to all pipe bands and individuals who subscribe to the objectives cited in Article II.
2. **Classes of Membership:**
  - 2.1. **Band Memberships** are in one of four categories:
    - 2.1.1 **Active Bands:**
      - (a) Active bands are those competing in Grades I, II, III, IV or V and located within the Western United States.
      - (b) Annual fees of \$300 will be for a calendar year and will be due no later than January 15 of each year.
      - (c) Annual fees received after that time will be \$400.
      - (d) Active bands must have paid their annual fees to participate in any Association activities.
    - 2.1.2 **Juvenile Bands:**
      - (a) Juvenile bands are those in which all competing members except one player are 18 years of age or younger.
      - (b) Annual fees of \$50 will be for a calendar year and will be due no later than January 15 of each year.
      - (c) Annual fees received after that time will be \$75.
      - (d) Juvenile bands must have paid their annual fees to participate in any Association activities.
      - (e) Juvenile bands will be assigned to Grade I, II, III, IV or V for purposes of participating in non Juvenile events.
    - 2.1.3 **Associate Bands:**
      - (a) Associate bands are those located in the Western United States that do not plan to compete during a certain year.
      - (b) Annual fees of \$40 will be for a calendar year and will be due no later than January 15 of each year.
      - (c) Annual fees received after that time will be \$60.
      - (d) Associate bands must have paid their annual dues to participate in any Association activities.
    - 2.1.4 **Outside Bands:**
      - (a) Outside bands are those located outside the Western United States.
      - (b) They may participate in the activities of the Association without membership fee if they subscribe fully to the bylaws and rules of the Association.

- (c) Outside bands may join WUSPBA as Associate bands upon payment of appropriate Associate band fees, which will entitle them to receive WUSPBA literature and workshop materials.

**2.2 Individual Members** are in one of four categories:

**2.2.1 Band Members:**

- (a) Band members are members of active, juvenile, or associate bands that belong to the Association, and who are not solo members.
- (b) Band members are non-voting members of the Association unless acting as an authorized representative of an active or juvenile band at an annual or special meeting.
- (c) Band members are not required to pay an annual fee to belong to the Association.

**2.2.2 Solo Competitors:**

- (a) Solo competitors are pipers, drummers, or drum majors regardless of geographical location who become eligible to compete in WUSPBA sanctioned solo events upon payment of annual fees of \$25 payable no later than January 15 of each year.
- (b) Late fees: Annual fees received after that time will be \$35.
- (c) Eligibility: Solo competitors must hold a current solo membership in the Association, or with another piping and drumming association with which the Executive Committee has established a formal relationship, to be eligible to compete in a WUSPBA sanctioned solo event other than Grade V.
- (d) All solo competitors from other associations must agree to abide by the WUSPBA Bylaws and Contest Rules.
- (e) Additional members of a single family, all living at the same address, may become solo members upon payment of annual fees of \$10.
- (f) Lack of contests: If during the course of a contest season there are less than three (3) events offered in a given grade within the entire association, registered competitors in that grade may apply in writing for a 100% rebate of their registration fee excluding late fees at the conclusion of the contest season.

**2.2.3 Adjudicator Members:**

- (a) Adjudicators are pipers, drummers, or drum majors residing within the Western United States who become eligible to judge WUSPBA events upon approval by the Music Board and payment of either solo fees or annual fees of \$20, payable by January 15 of each year.

**2.2.4 Associate:**

- (a) Individual members who are supporters of the objectives of the Association who are not competitors in solo events
- (b) Associate members may also be members of a band.
- (c) Annual fees will be \$15.

**2.2.5 Contest Organizers:**

- (a) Contest Organizer members are representatives of contests that have been sanctioned by WUSPBA in the preceding year.
- (b) Each WUSPBA sanctioned contest is allowed one Contest Organizer member.
- (d) Contest Organizer members are not required to pay an annual fee to belong to WUSPBA.

**2.2.6 Life Membership**

- (a) Life Member is anyone who has been granted a life membership certificate by the Executive Committee. Life Members are automatically considered members of the Association and pay no dues. Life Members are not required to pay an annual fee to belong to WUSPBA.
- (b) Life Members have all the rights of Solo Members.

**3. Privileges of membership:**

**3.1 Publications.** All solo members and individual members, plus the representative designated by each active, juvenile, and associate band, will receive the publications of the Association. All members of the Association shall be permitted to participate in the educational offerings of the Association.

**3.2 Voting privileges.** Voting privileges are limited to solo members, the officially designated representative of active and juvenile bands, adjudicator members, Contest Organizer members, members of the Executive Committee, and members of the Music Board under the following conditions:

**3.2.1 Each Active and Juvenile band** shall designate a representative who will have full voting privileges on all Association business.

**3.2.2 Solo members** shall have full voting privileges on all Association business excluding band contest fees or band contest rules.

**3.2.3 Adjudicator members** shall have full voting privileges on all Association business.

**3.2.4 Contest Organizer members** shall have full voting privileges on all Association business.

**3.2.5 Executive Committee and Music Board members** shall have full voting privileges on all Association business.

**3.2.6 Voting will be weighted** by counting the vote of each band representative seven times and counting the vote of each solo member, adjudicator member and Contest Organizer members one time. Executive Committee and Music Board member votes shall count one time, regardless of status as a solo member, and in addition to any votes as a band representative.

**3.3 Additional privileges.**

**3.3.1 Adjudicator members** shall be eligible to adjudicate contests within the Western United States Pipe Band Association jurisdiction as designated by the Music Board approval.

**4. Fiscal Liability.** Members of WUSPBA shall not be individually responsible for the financial obligations of the Association.

**Article IV – OFFICERS**

**1. Officers' Titles:**

**1.1 The officers of the Association** will be a President, a Vice President, an Executive Secretary, a Sanctioning Secretary, a Band Registrar, a Solo Registrar, and a Treasurer.

**1.2 Past President:** The Executive Committee shall have the power to invest the Past President with a badge of office.

**1.3 Prescribed Duties:** These officers will perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Association.

**2. Election of Officers:**

**2.1 Balloting:** Officers will be elected by secret ballot at the annual general meeting.

**2.2 Eligibility:** Members of active, juvenile or associate bands and individual members in good standing are eligible to serve as Association officers.

**2.3 Terms:** Officers will serve staggered two-year terms and their term of office will begin at the close of the annual meeting at which they are elected or appointed.

**2.4 Nominations:** Any WUSPBA member may submit nominations for officers to the Executive Secretary.

**2.5 Publication of Nominees:** The names of members who have been nominated and who have agreed to be candidates will be printed in the FALL issue of the WUSPBA newsletter, if

nominations were received by publication date. Additionally, nominations will be posted to the association website if received at least 40 days in advance of the AGM.

**2.6 Additional Nominations** will also be accepted from the floor at the time of elections at the annual meeting.

**3. President Duties:**

**3.1 Meetings:** The President shall preside at all meetings.

**3.2 Business of the Association:** The President shall be responsible for the overall business of the Association, including coordinating the work of the Executive Committee.

**3.3 Coordination with Contest Organizers:** The President shall be responsible for overseeing coordination with the Organizers of pipe band and solo competitions.

**4. Vice President Duties:**

**4.1 Deputize for the President:** The Vice President shall deputize for the President

**4.2 Preparations for AGM:** The Vice President shall be responsible for overseeing all planning and preparations for the Annual General Meeting.

**5. Executive Secretary Duties:**

**5.1 Corporate Seal and Papers:** The Executive Secretary shall have custody of the corporate seal and of such books and papers as the Executive Committee may direct.

**5.2 Correspondence:** The Executive Secretary shall be responsible for all correspondence of the association.

**5.3 Notification for meetings:** The Executive Secretary shall notify the members, in advance, of all meetings of the general membership.

**5.4 Minutes:** The Executive Secretary shall keep the minutes of the proceedings of the Executive Committee and the minutes of all members' meetings in books provided for such purposes.

**5.5 Annual report:** The Executive Secretary shall prepare and submit to the Executive Committee an annual report to be distributed at the Annual General Meeting.

**5.6 Other duties:** The Executive Secretary shall perform such other duties as from time to time may be assigned to him/her by the President of the Association.

**6. Sanctioning Secretary Duties:**

**6.1 Sanctioning Request Forms:**

**6.1.1** Receive completed Sanctioning Request Forms from games organizers.

**6.1.2** Update Sanctioning Request Forms as necessary.

**6.2 Competition Events:** Ensure that tracked events offered at games are those listed in WUSPBA Bylaws and Contest Rules.

**6.3 Adjudicators:** Confirm that adjudicators are approved by their home association for the events they are assigned to judge.

**6.4 Sanctioning:** Upon proper completion of Sanctioning Request Forms by games organizers, and upon approval of events and judges, label the contest as sanctioned by WUSPBA and inform games organizers, Band and Solo Registrars, and Webmaster.

**6.5 WUSPBA Representative:** Confirm that there will be a WUSPBA Representative at each contest.

**6.6 Other duties:** The Sanctioning Secretary shall also perform such other duties as from time to time may be assigned to him/her by the President of the Association.

**7. Band Registrar Duties:**

**7.1 Membership roster:** The Band Registrar shall maintain a complete and accurate list of all band members of the Association.

**7.2 Register members:** The Band Registrar shall register all new Band members.

**7.3 Band competition results:** The Band Registrar shall maintain a grading chart that shall show the results of each band's performance in each grade of contest for purposes of band grading recommendations.

- 7.4 Champion of Champions:** The Band Registrar shall tabulate and verify contest results for Champion of Champions points for Bands.
- 7.5 Other duties incident to the office:** The Band Registrar shall in general, perform all other duties incident to the office of Band Registrar, subject to the control of the Executive Committee.
- 7.6 Other duties:** The Band Registrar shall perform such other duties as from time to time may be assigned to him/her by the President of the Association.
- 8. Solo Registrar Duties:**
- 8.1 Membership Roster:** The Solo Registrar shall maintain a complete and accurate list of all members of the association including soloists, judges, associates, officers, and games organizers.
- 8.2 Register Members:** The Solo Registrar shall register all new members; including soloists, judges, associate bands, and games organizers.
- 8.3 Solo Competition Results:** The Solo Registrar shall compile and maintain records of competition results among soloists.
- 8.4 Champion of Champions:** The Solo Registrar shall tabulate and verify contest results for Champion of Champion points for soloists.
- 8.5 Other duties incident to the office:** The Solo Registrar shall in general perform all other duties incident to the office of Solo Registrar, subject to the control of the Executive Committee.
- 8.6 Other Duties:** The Solo Registrar shall perform such other duties as from time to time may be assigned to him/her by the President of the Association.
- 9. Treasurer Duties:**
- 9.1 Accounts and books:** The Treasurer shall keep correct accounts and books showing the financial affairs of the Association.
- 9.2 Liquidation of debts:** The Treasurer shall liquidate all debts after approval by the Executive Committee.
- 9.3 Executive Committee Treasurer's Report:** The Treasurer shall report on the financial position of the Association at each meeting of the Executive Committee
- 9.4 AGM Treasurer's Report:** The Treasurer shall prepare a financial statement through December 31 of each year for the approval of the Executive Committee and presentation at the Annual General Meeting, after which he or she shall submit the books, accounts and bank books to the appointed Audit committee upon demand for review.
- 9.5 Banking:** The Treasurer shall deposit the funds of the Association in the appointed bank in the name of "The Western United States Pipe Band Association."
- 9.6 Audit:** The Treasurer shall present a financial statement to the membership at each Annual General Meeting documenting the fiscal status of the Association as of December 31 of the previous year.
- 9.7 Legal filing:** The Treasurer shall be responsible for filing all necessary statements and forms to meet the requirements of federal, state and local laws.

## **ARTICLE V – GENERAL MEMBERSHIP MEETINGS**

- 1. Annual Meeting:**
- 1.1 Time:** The annual meeting of the Association shall be held during the last three months of the calendar year.
- 1.2 Determined by:** The time and location shall be determined by the Executive Committee within three months of the previous annual meeting.
- 1.3 Notification:** The time and location shall be posted on the Association's web page as soon as possible and shall be published in the next issue of the Association's newsletter.
- 2. Special Meetings:**

- 2.1 **Executive Committee:** Special meetings may be called by majority vote of the Executive Committee.
  - 2.2 **Written petition:** Special meetings may be called by a written petition that is signed by the representatives from two-thirds or more of the active and juvenile bands.
  - 2.3 **Agenda:** The written petition must contain the agenda for the special meeting.
  - 2.4 **Notification:** Written notice of a special meeting must be sent to the membership postmarked no later than thirty days before the meeting.
- 3. Parliamentary Authority:**
- 3.1 The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Association in all cases in which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Association may adopt.
  - 3.2 In the event of conflict with Branch bylaws or absence of a Branch bylaw, to resolve a specific Branch parliamentary issue, WUSPBA bylaws will take precedence.
- 4. Quorum:** Representatives from one-third or more of the active and juvenile bands in good standing will constitute a quorum at any annual or special meeting.

#### **ARTICLE VI - EXECUTIVE COMMITTEE**

1. **Membership:** The Executive Committee shall consist of the President, Vice President, Executive Secretary, Registrar, Treasurer, and the Presidents of the Branches of the Association.
2. **Quorum:** A majority of the Executive Committee will constitute a quorum for any Executive Committee meeting.
3. **Powers:** The Executive Committee shall have full power to conduct the business of the Association between meetings and to interpret these bylaws, subject only to actions taken at annual or special meetings.
  - 3.1 **Enforcement:** The Executive Committee shall have the power to enforce the Bylaws and contest rules of the Association. In all matters of interpretation of these Bylaws and contest rules, the decision of the Executive Committee shall be binding on both band and individual member.
  - 3.4 **Suspension from membership:** The Executive Committee shall have the power to suspend from membership, for such time as the Executive Committee determines, any band or solo member judged to be guilty of violations of the bylaws or contest rules of the Association.
  - 3.5 **Life Membership:**
    - 3.5.1 **Meritorious service:** The Executive Committee shall have the power to grant a Life Membership Certificate to anyone who, in their opinion, has given meritorious, special, or outstanding service to the Association.
    - 3.5.2 **Past president:** If the Executive Committee grants the Past President with a badge of office, it shall carry with it Life Membership in the Association.
4. **Responsibilities** of the Executive Committee include:
  - 4.1 **General supervision** of the affairs of the Association between meetings.
  - 4.2 **Fixing the time and location of meetings.**
  - 4.3 **Making recommendations** at the annual or special meetings.
  - 4.4 **Budget:**
    - 4.4.1 **Prior to the Annual General Meeting,** the Executive Committee shall establish a budget for the Association.
    - 4.4.2 **Educational Fund:** Included in this budget shall be a special fund that will be set aside for educational purposes. In establishing the amount of this fund, the Executive

Committee shall consider reserves, projected revenues, anticipated expenditures and recommendations from the Finance Committee.

**4.5 Performing other duties** as specified in these bylaws or by the vote of the membership at an annual or general meeting.

**4.6 Conflict with actions taken by the Association:** The Executive Committee shall be subject to the orders of the Association and none of its actions shall conflict with actions taken by the Association.

**5. Unexpired terms:** The Executive Committee shall appoint qualified members to fill the unexpired terms of members of the Executive Committee who cannot continue due to resignation or inability to perform the duties of the office.

**6. Approval of contests:**

**6.1 Submissions by Contest Organizer:** The Contest Organizer proposing to sponsor a full pipe band, mini-band, or solo piping, drumming, or drum major competition within the geographical area of the Association must submit the following:

**6.1.1 Local rules** to the Executive Committee for approval before issuing them to the bands and solo competitors.

**6.1.2 Contest times** to the Executive Committee (Contest events shall be held within plus or minus fifteen minutes of the times submitted).

**6.1.3 Names of the judges** engaged from the approved Panel of Judges to the Executive Committee at least four weeks before the date of the contest.

**6.1.4 Outside Judges:** Competition Organizers wishing to use judges from outside the area of the association must submit names of those judges for approval by the Executive Committee at least six weeks in advance of the contest.

**6.2 Band Contests under WUSPBA Rules:** Any contest located within the Western United States involving pipers and drummers playing in concert and being judged as a unit, except street parades, shall be considered a band contest, and shall be held under the rules of the Association.

**6.3 Assisting Outside the Rules:** Any band, or registered member of a band, or solo competitor taking part or assisting in any manner whatever in a contest as described in Article VI Section 6.2 outside the rules of the Association shall be guilty of an infringement and shall be liable for such penalties as the Executive Committee may decide.

**7. Permits:**

**Issued by:** Permits to hold solo only contests are available upon application to the WUSPBA for a flat fee of \$100 payable to the WUSPBA. Permits to hold pipe band contests are available upon application to the WUSPBA.

**7.1 Cost of the permits** are as follows:

One to 5 bands competing	\$125 per day
Six to 10 bands competing	\$150 per day
Eleven to 15 bands competing	\$175 per day
Sixteen or more bands competing	\$225 per day

**7.2 Issue requirements:** A permit will be issued only after the Executive Committee has approved the local contest rules and judging panel.

**7.3 Member Bands:** Permits will be issued to member bands or branches without fee under the following conditions:

**7.3.1 Financial underwriting:** A member band or branch shall be considered an organizer of a competition (and therefore exempt from the permit fee) only if they are providing the majority of the financial underwriting for the competition in question.

**7.3.2 Prior consent of the Executive Committee must be obtained.**

**7.3.3 All other conditions** of Article VI Paragraph 5.1 (Submissions by Contest Organizer:) are met.

8. **Operating expense liability:** The operating expenses of the officers, the Music Board members and members specifically requested by the Executive Committee to perform official acts on behalf of the Association, shall be borne by the Association.
9. **Parliamentary Authority:** The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern the committee in all cases in which they are applicable and in which they are not inconsistent with these Bylaws and/or any special rules of order the Executive Committee may adopt.

## **ARTICLE VII - BRANCHES**

1. **WUSPBA Branches:**
  - 1.1 **The branches** of WUSPBA will be the Northern California branch, the Southern California branch, the Intermountain branch and the Great Basin branch.
  - 1.2 **Participation** in branch activities will be limited to pipe bands and solo members in good standing that resides in the appropriate geographical area for the branch.
2. **New Branches:** Additional branches of WUSPBA may be established upon approval by a majority of the Executive Committee.
3. **Branch Organization:**
  - 3.1 **Freedom to organize:** Branches will be free to organize in any manner that is not in conflict with the objectives of WUSPBA or these bylaws.
  - 3.2 **Approval:** Rules governing the actions of each branch will be forwarded for approval to the Executive Committee.
4. **Bylaws Authority:**
  - 4.1 **Compliance:** Each branch shall undertake to comply with the Bylaws and rules of WUSPBA.
  - 4.2 **The Bylaws and rules of WUSPBA shall govern** all matters not referred to in branch rules.
  - 4.3 **Branches may not act in lieu of the Executive Committee.**
5. **Branch President:**
  - 5.1 **Term:** Branch Presidents shall be elected for one- or two-year terms.
  - 5.2 **Branch Presidents are ex-officio members of the Executive Committee** of the Association.
  - 5.3 **The branch may defray their expenses** for participation at meetings and at the annual General Meeting.
6. **Governing Rules:** The following rules governing branches must be followed:
  - 6.1 **Band Membership:** No band can be admitted into membership of a branch unless such a band is in good standing as a member of the Association.
  - 6.2 **Annual General Meeting:** The annual General Meeting of each branch must be held not later than five weeks before the date of the annual General Meeting of the Association.
  - 6.3 **Minutes:** Minutes of all branch meetings and copies of all branch correspondence must be forwarded to the Executive Secretary of the Association.
  - 6.4 **Dual Officer positions:** Officers of the branches shall not be barred from eligibility to hold Association office.
  - 6.5 **Branch Financial Support:**
    - 6.5.1 **Remission of Funds from Association:** The Treasurer of the Association shall remit to the Treasurer of each branch annually the sum of \$10 for each band that has paid its membership fee.
    - 6.5.2 **Education Fund:** Branches in good standing shall be entitled to apply for support from the educational fund to sponsor educational workshops for band and solo members.
  - 6.6 **Branch Dues:**

**6.6.1 Branches may impose a yearly assessment** to support branch projects and expenses upon a vote of a majority of their own member bands.

**6.6.2 Independent fund raising events** are permissible and donations for specific purposes may be accepted.

**6.7 Disputes:** In the event of a dispute between any band or members thereof and the branch, the aggrieved party shall have the right of appeal to the Executive Committee, whose decision shall be binding on all parties.

**6.8 Contest Permits:**

**6.8.1 Powers:** Branches shall not have the power to grant Contest permits, but a branch or any of its member bands may promote contests.

**6.8.2 Conditions:** Any branch or band becoming the organizer of a pipe band contest must comply with all conditions related in Article VI Section 6 (Approval of contests) and Section 7 (Permits).

**ARTICLE VIII – COMMITTEES**

- 1. Subcommittees:** The Executive Committee shall appoint subcommittees as needed to perform the assigned duties of the Executive Committee.
- 2. Confirmation:** All decisions reached by committees must be referred to the Executive Committee for confirmation
- 3. Further Action:** Any committee decisions not confirmed by the Executive Committee shall be returned to the appropriate committee for further consideration.

**ARTICLE IX – MUSIC BOARD**

- 1. Appointment:** A Music Board of no fewer than five (5) members shall be appointed.
- 2. Chairman:** The Executive Committee will appoint a Chairman for the Music Board annually within one month of the adjournment of the annual meeting.
- 3. Board Members:** The Chairman will appoint additional members of the Music Board subject to Executive Committee Approval.
- 4. Duties:** The duties of the Music Board will include:
  - 4.1 Serve as the musical and technical advisors** to the Association.
  - 4.2 Grading:** Recommend to the Executive Committee the appropriate grade for all bands and solo performers.
  - 4.3 Judges:** Recommend to the Executive Committee a panel of approved band and solo event judges.
  - 4.4 Perform other duties** as requested by the Executive Committee.
- 5. Parliamentary Authority:** The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall govern this committee in all cases in which they are applicable and in which they are not inconsistent with these Bylaws and/or any special rules of order the Music Board may adopt.

**ARTICLE X – FINANCE COMMITTEE**

- 1. Appointment:**
  - 1.1 Appointment Deadline:** A Finance Committee of three members will be appointed annually within one month of the adjournment of the annual meeting.

- 1.2 **Committee Membership** will consist of the Treasurer plus two other WUSPBA members recommended by the Treasurer and approved by the Executive Committee.
- 1.3 **Quorum:** Two members of the committee will constitute a quorum.
2. **Budget:**
  - 2.1 **The Finance Committee will recommend a budget** to the Executive Committee at least one month prior to the annual meeting.
  - 2.2 **Goals:** They shall study whether the goals of the Association can be met given anticipated expenses and income and shall make recommendations to the Executive Committee regarding budget reductions or increases.
3. **Advisory Capacity:** The Finance Committee shall serve as an advisory body to the Executive Committee, recommending accountancy systems, investments and other matters as requested by the Executive Committee.
4. **Meetings:** The Finance Committee shall meet as required or as convened by the Chairman, but in any event at least once prior to the annual General Meeting.
5. **Fiduciary Responsibility:** The Finance Committee shall:
  - 5.1 **Establish the accountancy system** of the Association.
  - 5.2 **Regulate the cash on hand** to be held by the Treasurer at any time.
  - 5.3 **Signing authority:** Ensure that no withdrawals are made except on the signed authority of the Treasurer or President of the Association.

#### **ARTICLE XI – AUDIT COMMITTEE**

1. **Annual General Meeting:** The Executive Committee shall appoint a committee of the membership to conduct a review of financial statements and financial affairs of the Association in advance of the annual general meeting and to report the results of that review to the Association at its annual general meeting
2. **Other times as needed:** The Executive Committee shall appoint a committee of the membership to conduct a review of financial statements and financial affairs of the Association at such other times as might be deemed necessary.
3. **Barred participation:** No member of the Finance Committee may participate in the Audit.

#### **ARTICLE XII – PUBLICATION COMMITTEE**

1. **Composition:** A Publications Committee of three members including the Executive Secretary, the Editor of the WUSPBA newsletter and one other WUSPBA member appointed by the Executive Committee will be appointed annually.
2. **Responsibilities:** The Publications committee will be responsible for production of the newsletter and other publications of the Association and for the sale of advertising space in the various publications.

#### **ARTICLE XIII – JUDGES**

1. **The Association shall maintain a Panel of Judges** from which all judges for contests shall be drawn.
  - 1.1 **Additions to the Panel** can be made upon a two-thirds recommendation of the Music Board.
  - 1.2 **Extraordinary circumstances:** The Executive Committee can be responsive to extraordinary circumstances, such as the unforeseen availability of a recognized authority from outside the area.

**2. Preference:**

- 2.1 The adjudicators for sanctioned competitions shall be drawn from:
- (a) The Approved Adjudicators List of the Association; and/or
  - (b) The Approved Adjudicators List of piping/pipe band associations officially recognized by and affiliated with the Association.
- 2.2 Adjudicators shall adjudicate only grades of bands, piping light music and piobaireachd, and drumming for which they have been qualified by their home association.
- 2.3 Games proposing to use an adjudicator who is from a jurisdiction without an adjudicator approval process for the discipline(s) he/she may be retained to adjudicate and who is not on an Approved Adjudicators List identified in clause 3.1 shall obtain timely approval/disapproval by the Association prior to engagement.

**ARTICLE XIV – GRADING**

1. **Policy:** It shall be the policy of the Association to upgrade all bands to the highest possible level.
2. **Grades:** The Executive Committee shall, on the recommendation of the Music Board, grade all bands into one of the following grades: Grade I, Grade II, Grade III, or Grade IV.
- 2.1 Use of grading chart:** The Executive Committee shall have the power to consider the Band Registrar's grading chart (Article IV Section 7) when annual regrading occurs.
- 2.2 Regrading during contest season:** The Executive Committee shall be empowered to regrade any band at any time during the contest season if such a course of action should be deemed necessary.
3. **New bands:** All new bands applying for membership shall be referred to the Music Board who shall recommend the grading to the Executive Committee.
- 3.1 Readmission:** When a band applies for readmission to the Association it shall be placed in its former grade.
- 3.2 Appeal:** If on readmission a band should appeal, then it shall be referred to the Music Board for a recommendation about the appropriate grade.
4. **Outside bands:**
- 4.1 Grading prior to contest:** Regardless of grade, any band from outside the Association area entered at a given contest will be graded by at least three members of the Music Board prior to the contest to arrive at an appropriate Association grading of the band.
- 4.2 Alternate grading committee:** In the event that three Music Board members are not available, the pipe majors and drum sergeants of the competing Grade I, Grade II and Grade III bands who are present shall constitute an ad hoc committee, in addition to the Music Board member present, for purposes of grading the band.
5. **Conflict of interest:** No member of the Executive Committee or Music Board may vote concerning deliberations regarding a band of which he or she is a member.

**ARTICLE XV – PROTESTS**

1. **Infringement with protest:** In the event of a protest being lodged by one band against another for infringement of the rules at any contest and the Association representatives are unable to render a decision, the Executive Committee shall make a full inquiry into the grounds of the protest and upon being satisfied that an infringement has taken place, may suspend the decision of the judges and award the prize or prizes to the band or bands next in order of merit.
2. **Infringement without protest:** The Executive Committee shall also have the power to act without a protest being lodged if it considers that an infringement has occurred.

**ARTICLE XVI – DISPUTE RESOLUTION**

1. **Conflict of interest:** No member of the Executive Committee or Music Board may participate in the deliberations regarding a dispute involving a band of which he or she is a member other than to present information related to the dispute.
2. **Request for reconsideration:** Any band or individual member aggrieved by a decision of the Executive Committee may request reconsideration.
  - 2.1 **Made in writing:** Such request must be made in writing and must include a statement from the band or individual member setting forth with specificity, all facts or reasons why such decision is claimed to be incorrect and the name, current address, and telephone number of any witness who might provide evidence or information in support of the request for reconsideration.
  - 2.2 **Request period:** Such request must be post-marked for mailing or hand delivered to the Executive Secretary of WUSPBA within 30 days of the aggrieved party having received notice of such decision by the Executive Committee.
  - 2.3 **Extension:** The Executive Committee may extend this 30 day period upon a showing by the aggrieved party that despite due diligence, the aggrieved party was unaware of such action within the timeframes established in this section.
  - 2.4 **Executive Committee notification by Executive Secretary:** Upon receipt of the written objection, the Executive Secretary of WUSPBA shall, within 14 days, provide copies of such written objection to all members of the Executive Committee and Advisory Committee.
3. **Music Board informal resolution:** In addition, if the band or individual member continues to be aggrieved following receipt of written notification by the Executive Committee of its follow-up ruling, the aggrieved party may request that the matter be submitted to the Music Board for informal resolution.
  - 3.1 **Request period:** Such request must be made in writing and post-marked for mailing or hand delivered to the Executive Secretary of WUSPBA within 30 days of the aggrieved party having received written notice of such decision from the Executive Committee.
  - 3.2 **Committee notification by Executive Secretary:** Upon receipt of written request by the aggrieved band or individual member, the Executive Secretary of WUSPBA shall, within 14 days, provide copies of such request to all members of the Executive Committee and Music Board.
  - 3.3 **Contacting aggrieved party:** Upon receipt of the written request for implementation of the informal resolution process, the Chairperson of the Music Board, or such member of the Music Board as he or she shall appoint, will personally contact the aggrieved party to attempt to gather information from which the Music Board may informally resolve the objection.
  - 3.4 **Music Board approval:** Any informal resolution of the objection must be presented to the Music Board for approval by simple majority of a quorum of the Music Board. Approval of the resolution by a quorum of the Music Board shall become final and binding on both WUSPBA and the aggrieved party.
  - 3.5 **Time limit:** In the event an informal resolution of the objection has not been made within 60 days of the objection having been filed, the person contacting the aggrieved party shall notify all members of the Executive Committee and the Music Board that an informal resolution has not been obtained.
  - 3.6 **Extension:** Upon agreement of the person contacting the aggrieved party and the aggrieved party, this time may be extended and such extension shall be confirmed in writing to the Executive Secretary of WUSPBA.
4. **Binding Arbitration:** Any dispute resulting from any decision of the Executive Committee which can not be resolved with a request for reconsideration or informal resolution by the Music Board shall be resolved by binding arbitration pursuant to the Rules of the American Arbitration Association.

- 4.1 Jurisdiction of law:** In the event such dispute involves questions of law, such questions of law, including interpretation of these bylaws and contest rules, shall be determined pursuant to the laws of the State of Nevada. Any arbitration under these rules shall occur in Reno, Washoe County, Nevada.
- 4.2 Commencement of proceedings:** Arbitration proceedings shall be commenced upon written demand for arbitration from any member band through its authorized representative or from any individual member, currently in good standing with the Association, to the Executive Secretary of the Association, who shall immediately notify the Executive Committee and the American Arbitration Association.
- 4.3 Statute of limitations:** Any dispute shall be considered waived if a request for arbitration is not made within one (1) calendar year of the aggrieved party's notification of the Executive Committee decision which is the subject of the dispute.
- 5. Arbitration rules:** Notwithstanding any rule of the American Arbitration Association, to the contrary:
- 5.1 Conclusion time:** Unless otherwise agreed in writing between the requesting party or legal representative and the Association, such arbitration shall be concluded within 120 days of the request.
- 5.2 Legal discovery procedures:** Unless otherwise agreed to in writing between the requesting party or legal representative and the Association, legal discovery procedures, including but not limited to interrogatories, requests to produce, requests to admit and depositions, shall not be conducted in these arbitration proceedings.
- 5.3 Evidence:** All parties to such arbitration shall simultaneously disclose in writing to all other parties, 30 days prior to any arbitration hearing under this rule, or as agreed upon by all such parties in writing, the names, current addresses and telephone numbers of all witnesses, and the content of evidence to be offered, thereby.
- 5.4 Written statements:** Any party may substitute a sworn, written statement to the Arbitrator for consideration, in lieu of appearance and live testimony of any witness, where such statement has been disclosed and provided to all other parties, 45 days prior to any arbitration hearing under this rule.
- 6. Award of reasonable attorney's fees:** In any dispute resulting in a request for arbitration, the prevailing party shall be entitled to an award of reasonable attorneys fees from the Arbitrator, upon request and verification by sworn statement from counsel and supported by bills and a copy of the applicable fee agreement. Any party requesting such attorney's fees shall be considered to have waived any privilege attached to bills and fee agreements necessary to determine the reasonableness of such fees.
- 7. Personal liability:** Notwithstanding any provision of law or these bylaws to the contrary, in consideration of being granted membership in the Association, all member bands and individual members agree that no member of the Association's Adjudication Panel, Music Board or Executive Committee, or any band or individual member of the Association, shall be personally liable for any compensatory, punitive or other monetary damages arising as a result of any decision, act, omission or other conduct by such person(s) which is based on a good faith intent to act within the scope of these bylaws or contest rules.
- 8. Monetary compensation limit:** Notwithstanding any provision of law or these bylaws to the contrary, in consideration of being granted membership in the Association, all member bands and individual members agree that all compensatory, punitive or other monetary damages, excluding an award of reasonable attorneys fees as described in Article XVI Section 6, suffered by any band or individual, arising as a result of any decision, act, omission or other conduct of the Association which is based on a good faith intent to act within the scope of these bylaws or contest rules, shall not exceed the amount of that band or individual member's registration fee for the year in which the dispute arose.

- 9. Sole method of resolution:** Notwithstanding any provision of law or these bylaws to the contrary, in consideration for being granted membership in the Association, all member bands and individual members agree that the dispute resolution established in this section shall constitute the sole method for resolving objections or disputes to actions of WUSPBA, or its Executive Committee, Music Board or contest committee, or any individual member thereof.

#### **ARTICLE XVII – AMENDMENTS**

- 1. These Bylaws** may be amended at the annual general meeting by a two-thirds vote, provided that the proposed amendment has been submitted in writing to the membership at least thirty days prior to the meeting, or posted on the associations' website at least 30 days prior to the Annual Meeting.
- 2. Contest rules** may be modified by a simple majority vote at the annual general meeting or at a special meeting, provided that the proposed modification has been submitted in writing to the membership at least thirty days prior to the meeting, or posted on the associations' website at least 30 days prior to the Annual Meeting.

#### **ARTICLE XVIII - STATEMENT OF NON-DISCRIMINATION**

- 1. Application of the provisions:** There shall be no discrimination in the application of the provisions of the WUSPBA Bylaws or contest rules with regard to race, color, religion, national origin, ancestry, sex, sexual orientation, or status as a veteran.
- 2. The provisions** of the WUSPBA Bylaws and contest rules shall be applied equally to all members without regard to marital status, handicap, and status as a disabled veteran, age, or citizenship.