



## **The Society of The 3<sup>rd</sup> Infantry Division Scholarship Foundation, Inc. Constitution and By-Laws**

### **Article 1. Name**

The entity hereby enabled shall be known as the Society of The 3<sup>rd</sup> Infantry Division Scholarship Foundation, Inc., hereafter referred to as the Scholarship Foundation, Inc.

### **Article 2. Purpose**

- A. The purpose of the Scholarship Foundation, Inc. is to provide university, college, and vocational scholarship grants to children, grandchildren, and great grandchildren (including those by adoption) of Society of The 3<sup>rd</sup> Infantry Division members, and to any child, grandchild, or un-remarried spouse of a 3<sup>rd</sup> Infantry Division soldier who was Killed In Action or Died of Wounds sustained, while on active duty with the Division, and to all 3<sup>rd</sup> Infantry Division soldiers, past and present. The individual seeking scholarship funds must fall within one of these limited groups. All applicants, except active duty soldiers currently serving or who have served with the Division, must have a sponsor. Said soldiers may sponsor an offspring or themselves by including a letter stating their period of service with the Division and the unit in which they served.
- B. A sponsor, for purposes of the Scholarship Foundation, Inc. application, shall be defined as follows: All Life and Regular Annual Members of the Society of The 3<sup>rd</sup> Infantry Division as well as all direct-descendent Associate Members. Direct-descendent Associate Members include the wife or husband, son or daughter, grandson or granddaughter, or great grandchild of a member of The Society of The 3<sup>rd</sup> Infantry Division. Any individuals, as described in part A, above, are eligible to apply for scholarship/student aid funds. Any individual sponsoring a scholarship entry must meet one of the qualifications stated here or must be serving with the 3<sup>rd</sup> Infantry Division currently.

### **Article 3. Status**

- A. This Scholarship Foundation, Inc. shall be a Non-Profit Organization, a Corporation organized as a separate entity existing under IRS 501 C3 and operated exclusively for the purpose specified in Article 2.
- B. Trustees/officers shall receive no stated compensation for their services.

- C. Nothing herein shall constitute members of the trustees/officers as partners for any purpose. No trustee/officer shall be liable for the acts or failure to act on the part of any other trustee/officer. Nor shall any trustee/officer be liable for his act or failure to act under this Constitution and By-Laws, excepting only acts or omission arising from willful misfeasance.
- D. Nothing herein shall constitute any liability for acts or omissions committed by anyone associated with the Scholarship Foundation, Inc.
- E. The Scholarship Foundation, Inc. shall use its funds to accomplish the purpose specified in Article 2. No part of such funds shall inure or be distributed to a trustee/officer.
- F. All funds, except those budgetary funds set aside to meet operational expenses, shall be used to fund scholarships or invested to ensure the Foundation's perpetuity.

#### **Article 4. Trustees/Officers**

1. There shall be five (5) voting trustees/officers comprising the Scholarship Foundation, Inc. Board of Directors. The five (5) voting officers/trustees shall be the Chairperson and Fund Treasurer of the Scholarship Foundation, who shall be appointed and approved by a majority of the existing Board of Directors to serve an unlimited term unless replaced by his/her request or by the vote of a majority of the trustees/officers; four (4) trustees/officers shall be appointed by the Foundation Chairperson with the endorsement of a majority of the Board of Directors to serve with the annual approval of a majority of the Board of Directors. A non-voting Chief Financial Officer shall be appointed by the Chairperson with the approval of a majority of the Board of Directors. In the event of a tie vote related to scholarship grant application entries, the Chairperson of the Scholarship Foundation shall cast the tie-breaking vote.
2. The Chairperson of the Scholarship Foundation, Inc. shall be listed in the "Committees" section on page 2 of *The Watch on The Rhine*, and all members of the Board of Directors shall be listed on the Foundation's website at <http://3idscholarshipfoundation.org>.

#### **Article 5. Governance**

The trustees/officers shall direct and control the business management and affairs of the Scholarship Foundation, Inc. They shall have the authority to approve or deny any requests for scholarship/student aid funds and to determine the amount of any financial assistance awarded.

#### **Article 6. Scholarship Funds**

The funds of the Scholarship Foundation, Inc. shall be obtained primarily from donations and grants, gifts, devises, or bequests. All funds received must be unconditional.

## **Article 7. Meetings**

1. Meetings of the trustees/officers to determine scholarship recipients shall be conducted via non-direct methods of communication such as electronic meetings and e-mail, U.S.P.S., and telephone conferencing. Meeting actions will be captured when each trustee/officers' signed ballot is submitted to the Chairperson. These ballots must be retained for a period of three years.
  - A. The Chairperson is responsible for notifying scholarship winners in advance of the national reunion.
  - B. The Chairperson is responsible for ensuring that the Fund Treasurer is provided with all necessary information needed to issue scholarship/student aid funds to the recipient's account at the accredited school of his/her choice.
  - C. The Fund Treasurer is responsible for disbursing scholarship funds to the scholarship recipient's account at the accredited school of his/her choice and for notifying the Chairperson of all disbursement activities.
2. The trustees/officers shall meet in executive session on the first day of the Annual Society Reunion, or on a date designated by the Chairperson, to discuss issues of importance and to review publication information on selected grant recipients. Meeting agenda items must be supplied to the Chairperson at least ten days prior to the meeting so that publication of the agenda can take place prior to the meeting of the trustees/officers. Minutes of the trustees/officers' meetings must be captured by the Chairperson and retained for a period of three years.

## **Article 8. Duties of Trustees/Officers**

- A. **Conflict of Interest:** In the event that a candidate applying for a scholarship has a personal relationship **of any type** (relative, friend, personal or business associate) with any member of the scholarship selection committee, that selection committee member must (1) submit, in writing, notification of the relationship to all members of the selection committee, (2) must recuse himself/herself from all discussion related to candidate and his/her application for a scholarship, as appropriate, and (3) must refrain from voting associated with said candidate.
- B. The Chairperson shall preside over all meetings of the trustees/officers and

1. Be responsible for retaining all conflict of interest statements for a period of three (3) years.
  2. Be responsible for sending official recognition of each donation to the donor for tax purposes.
  3. Be responsible for publication (in the designated fall and spring issues of *The Watch on The Rhine*) of announcements of the Scholarship Foundation, Inc. program and information on how to apply for scholarships/student aid.
  4. Be responsible for publication of all newsworthy information pertaining to the Scholarship Foundation, Inc. and actions on its behalf.
  5. Be responsible for receiving completed applications and forwarding copies of the applications to the other trustees/officers for study prior to the scheduled meeting (type of meeting to be determined by the Chairperson).
  6. Be responsible for presiding over selection committee meetings. (As a final check, at beginning of each official selection committee meeting, poll members to ensure no conflicts of interest exist.)
  7. Be responsible for notifying those receiving scholarships/student aid of their selection.
  8. Be responsible for capturing minutes of all official meetings and publish applicable minutes in *The Watch on The Rhine*.
  9. Be responsible for announcing, at the Annual Society Reunion, the successful applicant's names, scholarship values, and the accredited university, college, or institution each will attend.
  10. Be responsible for publishing details of scholarship/student aid awards in *The Watch on The Rhine*.
- C. The Treasurer:
1. Shall be bonded.
  2. Shall be responsible for keeping the Chairperson informed, in a timely manner, of each donation so that the Chairperson may send official recognition of the donation to the donor for tax purposes.
  3. Shall be responsible for the care, safekeeping, and accounting of all funds and property of the Scholarship Foundation, Inc., which come into his/her possession.
  4. Shall draw checks in the approved amount(s) and forward such checks to the appropriate office of the accredited university, college, or institution concerned.
- D. The appointed trustees/officers shall review each application and prepare recommendations prior to the meeting scheduled for the purpose of determining recipients.

## **Article 9. Financial**

- A. All funds received shall be placed promptly into federally insured account(s) paying the highest available interest or in any triple-A, tax-free bond fund or mutual fund deemed appropriate by the trustees/officers.
- B. Any real property received not necessary for the operation of the Scholarship Foundation, Inc. shall be converted into cash and handled in the same manner as in A, above.
- C. Scholarship Foundation, Inc. funds shall be reviewed or audited and reported annually in conjunction with the audit and reporting of the Foundation's financial funds (year-end closing is June 30). This review or audit may be conducted in compliance with the audit of the Foundation's financial accounts or it may be conducted by an independent CPA with the report or attestation letter of the CPA published with the financial report of Scholarship Foundation Inc.'s funds.

## **Article 10. Awards**

- A. The trustees/officers shall determine the number, type, and amount of each scholarship/student aid and shall identify the recipient(s). Basic considerations shall include potential and demonstrated desire to complete a university/college education or a vocational/technical course consistent with personal goals, school involvement, and community activities. (Detailed requirements are spelled out in Section 11 C.)
- B. Scholarship awards shall be limited to up to one-half of the combined donations and income on the trust corpus or \$750.00 until the corpus reaches \$300,000. Once the corpus reaches the lower limit, awards can be made from a minimum of \$750 to a maximum of the net income of the corporation. Any income not awarded to scholarship recipients shall be retained in the corporation.
- C. Checks for each scholarship grant awarded shall be forwarded to the financial aid office at the appropriate university, college, or institution for credit to the account of the recipient. The Scholarship Foundation, Inc. amount may be paid in increments based on an agreement reached with individual institutions.

## **Article 11. Applications**

### **Section 1.**

- A. Completed application forms, together with all required enclosures, must reach the Chairperson at the address he/she designates (published in *The Watch on the Rhine*) no later than May 1<sup>st</sup> of each year.
- B. All applications received after the deadline will be returned.
- C. The application for scholarship must be completed in its entirety and shall include all required enclosures. The following must be included.

1. A statement from the Sponsor attesting to the applicant's eligibility in accordance with The Society of the 3<sup>rd</sup> Infantry Division Scholarship Foundation Inc.'s Purpose and By-Laws. (Purpose: stated below; By-Laws available upon request.) Please submit sponsor's letter on plain white paper, not on business or government letterhead stationary.
2. A Letter of Admission or evidence of continuing enrollment from the applicant's university, college, or vocational school of choice.
3. A letter from the applicant's high school principal attesting to the applicant's character if applicant is attending or has recently graduated from high school. (If applicant is currently attending college, please disregard this requirement.)
4. Letters of recommendation from two teachers concerning the applicant's progress in current or most recent classes or subjects.
5. The applicant's official high school or college transcript.
6. A detailed statement of the applicant's goals after graduation, academic accomplishments, financial need, extracurricular activities (both in-school and out-of-school), community service involvement, and other activities that demonstrate personal character qualities as well as potential to succeed.
  - a. All pages must include a two-line identification block in the upper left-hand corner, which contains your name and the title of the document (example: "Goals").
  - b. All pages must be numbered: numbers can be placed in the lower right hand corner or included in the upper left-hand corner, as the third line of the identification block (example: page 1 of 3).
7. The applicant's two- to four-page personal essay (double-spaced) on a subject pertaining to 3<sup>rd</sup> Infantry Division history, or to national pride, or to loyalty to the nation, or to patriotism, or on another subject of applicable importance.
  - a. Include identification block in upper left-hand corner as described in 6a, above.
  - b. Include page numbers as described in 6b, above.
  - c. Provide a title on your essay.
  - d. Indicate the subject of your essay in the introductory paragraph.
  - e. Ensure that your essay is fully developed with a beginning, middle, and end.
  - f. Provide careful proofreading to ensure accuracy of grammar, spelling, and punctuation.
  - g. Ensure that your essay complies with the two-page, double-spaced, mandatory minimum.

8. The applicant's reproducible photograph, attached to the application. (In the event that the applicant receives a scholarship/student aid grant, this photograph will be published, with recognition of the applicant, in *The Watch on The Rhine*.) Photographs that have been reproduced using a photocopier such as Xerox will not be accepted.

Note 1: Appearing above the signature line on the candidate's application is the following statement which describes recourse should the terms of the award be violated: **By my signature, I certify that all information and documents included in my application for scholarship/student aid are true and correct to the best of my knowledge. Further, my signature certifies I understand that if the terms of the grant are violated, the grant will be withdrawn.**

Note 2: Failure to follow all instructions as stated above could result in the application not being considered by the Foundation judges.

Completed application forms together with all required enclosures (described above) must reach the Scholarship Foundation, Inc. Chairperson at the following address no later than May 1<sup>st</sup> of each year. Applications received after that date will be returned to the applicants.

Scholarship Foundation  
2010 Worcester Lane, Garland, TX 75040

## Section 2

- A. Scholarships are awarded annually. The amount of each scholarship is announced prior to accepting submissions from applicants.
- B. Applicants must file a new application each successive year.
- C. Scholarships are not available for graduate studies.
- D. The Foundation trustees/officers shall determine the method and schedule for evaluating and processing applications.
- E. All applications shall be acknowledged.
- F. Successful applications shall be announced during the Annual Society Reunion as well as in the *Watch on The Rhine*.
- G. Unsuccessful applications will be stored for a period of three years and then destroyed or returned to the applicant upon request.

## Article 12. Successor Corporation or Dissolution

Should this Scholarship Foundation, Inc. surrender its Charter, by a majority vote of the Scholarship Foundation, Inc. Officers and Trustees, all assets of the Scholarship Foundation, Inc. shall be turned over and delivered to the Successor Corporation, if a successor corporation has been duly formed. If no successor corporation has been

formed, the foundation assets shall be dispersed to one or more Not-For-Profit Organizations per majority agreement of the Scholarship Foundation Officers and Trustees.

### **Article 13. Amendment**

The Constitution and By-Laws of the Scholarship Foundation, Inc. may be amended, or a new Constitution may be adopted, by a majority vote of the Scholarship Foundation, Inc. Trustees/Officers present and voting at any meeting called for that purpose. Changes proposed must be provided in writing to the Chairperson at least one (1) month in advance of the meeting. The Chairperson of the Scholarship Foundation, Inc. shall be listed in the "Committees" section on page 2 of *The Watch on The Rhine*, and all members of the Board of Directors shall be listed on the Foundation's website at <http://3idscholarshipfoundation.org>, the Foundation's Publication of Record.

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