

CONSTITUTION AND BY-LAWS

NATIONAL FOURTH INFANTRY (IVY) DIVISION ASSOCIATION

AMENDED AUGUST 18, 2017

CONSTITUTION

ARTICLE I: NAME

SECTION 1. The name of this association shall be “The National Fourth Infantry (Ivy) Division Association.”

ARTICLE II: MISSION

SECTION I. The mission of this association is to organize the veterans of the Fourth Infantry Division of the United States Army in order to honor and perpetuate the memories of the officers, men and women who distinguished themselves by their services and sacrifices while serving in the Fourth Infantry Division, to unite and promote fellowship among their descendants, to perpetuate the memories of the achievements of the Fourth Infantry Division and its members, to assist in the relief and education of their children to the betterment of American patriotism and American citizenship, to promote the national defense, to encourage historical research of wars, to acquire and preserve the records of the services of the members, as well as documents and relics, of the Fourth Infantry Division, to mark the scenes of the activities of the Fourth Infantry Division with appropriate memorials and/or monuments, to celebrate the anniversaries of prominent events of our country’s wars and conflicts, to foster true patriotism, to maintain and extend the institutions of American freedom and at all times to uphold, protect and defend the Constitution of the United States of America.

ARTICLE III: MEMBERSHIP

SECTION I. (Regular)

All persons who, at any time, honorably served in, or who are now serving in, the Fourth Infantry Division or who honorably served in, or who are now serving in units assigned or attached to the Fourth Infantry Division are eligible for regular membership.

SECTION II. (Paid for Life)

Any person who qualifies for regular membership pursuant to ARTICLE III, SECTION I and who pays the required fee as set forth in the By-Laws of this Association shall be eligible for Paid for Life membership.

SECTION III. (Life)

a) All veterans having served with the Fourth Infantry Division at any time prior to and including 1956, all Fourth Infantry Division Medal of Honor recipients, all past national presidents of this Association and all past and present honorary presidents of this Association are entitled to, and shall be granted, life membership in this Association.

b) All former Fourth Infantry Division Prisoners of War who qualify for membership in accordance with Article III Membership, Section I, are entitled to, and shall be granted, life membership in this Association. To qualify for a life membership each members name must be listed in an official Department of Defense directory of Prisoners of War or verified through the Prisoners of War network or other means. It is the responsibility of each member to provide adequate documentation to the Executive Director. The final decision to grant the life membership shall be made by the Executive Board based on the recommendation of the Executive Director.

SECTION IV. (Associate)

Any person interested in perpetuating the proud history of the Fourth Infantry Division and not otherwise eligible for regular, paid for life or life membership in this Association, may become an associate member of this Association upon payment of the same annual fees as are paid by regular members.

SECTION V. (Memorial)

Surviving spouses, parents, children and siblings of persons who served in the Fourth Infantry Division Association or in units assigned or attached to the Fourth Infantry Division, who would, by virtue of such service, have been eligible for regular membership in this Association if living, shall be eligible for memorial membership in this Association upon payment of the same annual fees as are paid by regular members.

SECTION VI. (Honorary Life Membership)

After written recommendation of a member and upon a two-thirds favorable vote of the membership of this Association at a regular annual meeting, this Association may bestow Honorary Life Membership upon any person who has rendered notable service to this Association and who is not otherwise eligible for regular, life, associate or memorial membership. Such Honorary Life Membership may be withdrawn for cause upon a two-thirds vote of the membership of this Association at a regular annual meeting. Honorary Life Members shall not be assessed dues. They shall be entitled to all privileges of membership except for

making motions at Association meetings, voting and/or holding office.

SECTION VII. (Members AT LARGE)

Regular members of this Association who live in sections of the country not encompassed by any Chapter of this Association or who do not desire to affiliate with any Chapter shall be Members *AT LARGE* and shall pay their dues directly to the Executive Director of this Association.

SECTION VIII. (Multiple Chapter Membership)

Any member of this Association in good standing may belong to two or more chapters by paying full dues to each chapter to which he or she desires to belong. Such membership shall be known and designated as “Multiple Chapter Membership.” Involuntary loss of membership in any chapter of this Association shall result in loss of membership in any other chapter of this Association to which a person holding Multiple Chapter Membership belongs. The rules pertaining to Multiple Chapter Membership are as follows:

1. Such member shall have full membership in two (2) or more chapters of this Association.
2. Such member shall pay dues to each chapter to which he or she belongs.
3. Such member shall be issued a membership card for each chapter to which he or she belongs.
4. Paid for Life membership pertains to only one chapter of this Association. Full annual dues or additional Paid for Life fees must be paid for additional memberships.
5. In accordance with Article V of the By-Laws of this Association, only one issue of the *Ivy Leaves* magazine will be sent to Multiple Chapter Members.
6. In accordance with Article VII of the Constitution of this Association, *infra*, Multiple Chapter Members shall have one (1) vote in National Association elections and upon motions made at annual meetings of this Association.

SECTION IX. (Secondary Chapter Membership)

Any member in good standing of one particular chapter of this Association may obtain secondary membership in any other chapter by paying only that chapter’s portion of the annual dues. Such membership shall be designated as “Secondary Chapter Membership.” Involuntary loss of membership in the secondary chapter member’s primary chapter shall result in loss of secondary chapter membership as well. The rules pertaining Secondary Chapter Membership are as follows:

1. The secondary member must have full membership in, and be a member in good standing of, any primary chapter of this Association to which he or she pays full dues.
2. Secondary chapter dues shall equal the secondary chapter’s portion of annual Association dues for each individual member of each chapter of this Association,

as established from time to time.

3. The Secondary Chapter shall bill its secondary chapter members for the dues owed by its secondary chapter members in that the National Association will not bill secondary chapter members for, or otherwise keep track of, those dues. Secondary chapters shall retain all dues payments from secondary chapter members.
4. Life and/or Paid for Life members who elect to belong to a secondary chapter shall pay the annual fee for such secondary chapter membership in that Life and/or Paid for Life status pertains only to primary chapter membership and status.
5. Secondary chapters have the discretion either to allow, or to preclude, their secondary chapter members to vote or to hold office within such secondary chapters.
6. Secondary chapter members shall receive only one *Ivy Leaves* magazine per issue.

SECTION X. (Rights & Privileges)

Neither this Association nor any of its chapters shall deny any person, otherwise qualified, membership on the basis of race, color, creed, sex, religious or political beliefs (except the violent overthrow of the Government of the United States or the refusal to support and adhere to the Mission of this Association as set forth in ARTICLE II, SECTION I of the Constitution of this Association, *supra*) or national origin. The classes of membership set forth in SECTIONS I, II and III of this ARTICLE III of the Constitution of this Association have equal rights and privileges except as otherwise specified herein in the form of restrictions. The rights to hold National elected office make motions or vote on National business shall not be extended to Associate or Memorial members. Further, the President's position of chapters of this association may not be held by Associate or Memorial members. Except for such specified restrictions, Each chapter of this Association has the sole discretion to determine what privileges, rights and amenities shall or may be extended to Associate, Memorial, Honorary and Secondary chapter members as set forth and defined at ARTICLE III, SECTION IX , *supra*, of the Constitution of this Association, provided that such chapter's discretion is specifically curtailed by and subject to any and all by-laws and/or rules and regulations as may be enacted and promulgated by this Association from time to time.

SECTION XI. (Good Standing)

All members of this Association shall be considered in good standing unless (a) such member is delinquent in payment of dues owing to the Association (in which case that member's good standing status may be revived by paying the dues owing), (b) engages in any act(s) that discredits, or is (are) prejudicial to the best interest of, this Association or (c) belongs to, or

sympathizes with, any organization advocating the overthrow of the government of the United States. Members to whom items (b) and/or (c), *supra*, apply are subject to expulsion from this Association pursuant to the procedures set forth at ARTICLE X of the By-Laws of this Association.

SECTION XII. (Transfers)

Any member in good standing may transfer from one chapter of this Association to another, from membership at large to a specific chapter or from a specific chapter to membership at large upon written application to the Executive Director of this Association who shall not unreasonably withhold permission for any such transfer.

SECTION XIII. (Resignation)

Any member may resign from this Association by notifying the Executive Director in writing. Such notification severs that member's relationship with this Association and any and all of its chapters.

SECTION XIV. (Expulsion & Suspension)

The National Board of Directors (E-Board) and all chapters of this Association may expel or temporarily suspend any member for cause, consistent with ARTICLE X of the By-Laws of this Association, with due regard for such member's rights.

SECTION XV. (Reinstatement)

Any former member of this Association who resigned while in good standing or who lost membership because of non-payment of dues may rejoin, or be reinstated into this Association upon written re-application to the Executive Director. Members expelled pursuant to ARTICLE X of the By-Laws of this Association may apply in writing to the Board of Directors of this Association (E- Board) for new membership after one year and may be reinstated by a two-thirds vote of the board. All chapters of this Association shall follow the foregoing procedure.

ARTICLE IV: NATIONAL OFFICERS

SECTION I. (Designation and Nomenclature)

The officers of this Association shall be:

- A. **Honorary:** One or more Honorary Presidents.
- B. **Elected:** The following officers shall be elected and installed at the National Meeting:

National President
National Senior Vice President
Vice President–Planning
Vice President–Communications
Vice President–Finance
Vice President–World War II & Cold War
Vice President–Vietnam
Vice President–Iraq/Afghanistan

- C. **Appointed:** The following officers shall be appointed by the newly elected President:

Executive Director
National Treasurer
National Secretary
Assistant Executive Director
Assistant Treasurer
Parliamentarian/Judge Advocate
Ivy Leaves Editor
Assistant *Ivy Leaves* Editor
Chaplain
Chief Archivist/Historian
Advertising/Publicity Chairperson
National Service Officer
Sergeant at Arms
Web Master
Liaison to Active Duty Fourth Infantry Division
Other Appointed Positions as Deemed Necessary and/or Appropriate by the National President.

SECTION II. (Terms of Office)

- (A) The National President shall serve a term of two (2) years.
- (B) All other elected and appointed officers shall serve a term of one (1) year.

SECTION III. (National Elected Officers' Duties & Responsibilities)

NATIONAL PRESIDENT: The National President is the Chief Executive Officer of this Association. He or she is responsible for all activities through the Association's elected and appointed officers and committees. He or she is further responsible for the implementation of the Mission of this Association as set forth at Article II of the Constitution of this Association,

supra.

NATIONAL SENIOR VICE PRESIDENT: The National Senior Vice President is responsible for membership, which entails increasing and retaining membership. The National Senior Vice President shall chair the membership committee of this Association. He or she shall also serve as the interim National president in the event the National President is unable to complete his or her term, as set forth in Article VI, Section II of this Constitution, or is temporarily incapacitated. He or she shall also fulfill such other duties, functions and responsibilities as assigned to him or her by the National President.

VICE PRESIDENT–PLANNING: The Vice President–Planning is responsible for strategic planning. The positions primary duties include, but are not limited to, the establishment of a long-range plan which coordinates the activities of all National Officers and Committees in order to create and engender a coherent and forward-looking direction for this Association pursuant to the direction of the National President. He or she shall fulfill such other duties as are assigned to him or her by the National President.

VICE PRESIDENT–COMMUNICATIONS: The Vice President–Communications is responsible for directing all activities pertaining to communications and media. He or she shall chair the Media Advisory Committee and shall oversee this Association’s web page and the *Ivy Leaves*. He or she shall fulfill such other duties as are assigned to him or her by the National President.

VICE PRESIDENT–FINANCE: The Vice President–Finance shall direct, pursuant to the approval of the National President, all financial activities of this Association, including budget forecasts, and shall serve as chair of the Finance Committee. He or she shall also develop, subject to the approval of the National President, and implement ways and means of improving the finances of this Association, including investment strategies, budget, fund raising and fiscal oversight. He or she shall fulfill such other duties as are assigned to him or her by the National President.

VICE PRESIDENT–WWII & COLD WAR: The Vice President–WWII & Cold War shall promote and advance the interests of those members of this Association who served during WWII and the Cold War. He or she shall fulfill such other duties as are assigned to him or her by the National President.

VICE PRESIDENT–VIETNAM: The Vice President–Vietnam shall promote and advance the interests of those members of this Association who served during the Vietnam War. He or she shall fulfill such other duties as are assigned to him or her by the National President.

VICE PRESIDENT–IRAQ/AFGHANISTAN: The Vice President–Iraq/Afghanistan shall promote and advance the interests of those members of this Association who served, and are serving in Iraq/Afghanistan and in the War on Terror. He or she shall fulfill such other duties as are assigned to him or her by the National President.

SECTION IV. (National Appointed Officers' Duties and Responsibilities)

EXECUTIVE DIRECTOR: The Executive Director shall perform this Association's day-to-day administrative tasks. He or she shall fulfill such other duties as are assigned to him or her by the National President.

NATIONAL TREASURER: The National Treasurer shall oversee the deposit of dues, donations and other income into the association's bank accounts. The National Treasurer and/or Assistant treasurer shall disburse all funds, including rebates to Chapters and payment of all substantiated expenses. No checks shall be issued without a receipt or a signed statement explaining the date, amount and purpose of the expenditure. Such expenses shall be checked and approved by two (2) of the five (5) persons authorized to sign checks. Such authorized signatures consist of the National President, Vice President-Finance, National Treasurer, Assistant Treasurer and Executive Director. The National Treasurer shall invest Association funds as directed in writing by the Finance Committee, and the sale or redemption of such investments shall require two (2) of the five (5) signatures of those persons authorized to sign disbursement checks as set forth *supra*.

The National Treasurer shall prepare quarterly reports for publication in the *Ivy Leaves*. He or she shall prepare an annual report to be submitted to the membership at that year's annual meeting. Such annual report shall become part of the minutes of that annual meeting and shall be kept available for, and, to the extent necessary and/or appropriate, utilized to prepare any Federal and/or State tax or information returns.

The National Treasurer's books and records shall be reviewed and examined, on an annual basis and as closely as possible to the annual meeting of this Association, by at least two (2) members of the Finance Committee. The said Finance Committee may request a more thoroughgoing and formal examination of such books and records, including, but not limited to an actual audit, with such examination to be conducted by those persons appointed by the Committee.

The National Treasurer shall be the treasurer of all committees handling funds and monies of this Association, with the exception of the Memorial and Scholarship Committees. He or she shall sit on those Committees as a member *ex officio*.

The National Treasurer shall furnish surety bonds for himself or herself, the National President, the Vice President-Finance, the Assistant Treasurer and the Executive Director in the amount of at least two thousand dollars (\$2,000.00) or such higher amount as is set by this Association at its annual meeting. This Association shall pay the premiums for such surety bonds.

The National Treasurer shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

NATIONAL SECRETARY: The National Secretary shall record and distribute minutes of all Association meetings, to include the E-Board, National Business Meetings, mid-year E-Board Meetings, e-mail correspondence and electronic votes taken by the E-Board on the Association's web site. The National Secretary shall further record and make appropriate changes to and distribute copies of the Constitution of this Association and its By-Laws as required. He or she shall handle and respond to requests for information from National Association officers and committees and local Association chapters. He or she shall also transmit copies of all National Association correspondence to the Chief Archivist/Historian and shall fulfill such other duties as are assigned to him or her by the National President.

ASSISTANT EXECUTIVE DIRECTOR: The Assistant Executive Director shall maintain a back-up copy of the membership records of this Association. He or she shall also acquire a thoroughgoing knowledge of the functions, duties and responsibilities of the Executive Director and shall complete such special assignments as will assist the Executive Director. The Assistant Executive Director shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

ASSISTANT TREASURER: The Assistant Treasurer shall acquire a thoroughgoing knowledge of the functions, duties and responsibilities of the National Treasurer. He or she shall also have custody of and maintain authorized signature cards, countersign National Association checks as required and complete special assignments to assist the National Treasurer or the Vice President-Finance. The Assistant Treasurer shall fulfill such other duties and responsibilities as are assigned him or her by the National President.

PARLIAMENTARIAN/JUDGE ADVOCATE: The Parliamentarian/Judge Advocate shall be the legal advisor to this Association as to all issues affecting the Association and its membership. He or she shall provide direction on the procedures for audits, integrity of elections, amendments, changes to amendments and tax matters. He or she shall also consult and advise the officers and committees of this Association on parliamentary procedures in accordance with Robert's Rules of Order (Newly Revised). The Parliamentarian/Judge Advocate shall be appointed as a voting member of the National Executive Board by the National President and shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

IVY LEAVES EDITOR: The *Ivy Leaves* editor shall collect and edit Chapter reports, solicit news and special interest articles and timely submit information designated for publication to the magazine's printer on schedule. He or she shall further maintain the *Ivy Leaves*' standards and shall work in conjunction with the Media Advisory Committee of this Association to coordinate media-related issues. The *Ivy Leaves* Editor shall fulfill such other duties and

responsibilities as are assigned to him or her by the National President.

ASSISTANT IVY LEAVES EDITOR: The Assistant *Ivy Leaves* Editor shall be totally familiar with the duties and responsibilities of the *Ivy Leaves* Editor and shall assist him or her in fulfilling those duties and responsibilities. He or she shall complete such special assignments as are necessary or required by the needs of this Association. The Assistant *Ivy Leaves* Editor shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

CHAPLAIN: The Chaplain shall provide spiritual leadership and guidance to the members of this Association. He or she shall lead the members of this Association in prayer at the openings and closings of Association meetings and gatherings and shall assure that members of all faiths are welcome. He or she shall officiate at memorial services during this Association's National Reunion to honor fallen comrades. The Chaplain shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

CHIEF ARCHIVIST/HISTORIAN: The Chief Archivist/Historian shall maintain all permanent record files, fill requests for record copies as necessary, maintain contact with the Fourth Infantry Division Museum wherever located, serve as a resource for information about the participation of the Fourth Infantry Division in all events throughout its history, acquire an extensive knowledge of the history of the Fourth Infantry Division, and research and answer queries about that history and about the Fourth Infantry Division. The Chief Archivist/Historian shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

ADVERTISING/PUBLICITY CHAIRPERSON: The Advertising/Publicity Chairperson shall utilize his or her best efforts to obtain and use paid and uncompensated advertisements and news releases to raise awareness of this Association so as to foster growth of its membership. He or she shall work in conjunction with the Vice President-Communications to establish and implement an advertising plan of action. The Advertising/Publicity Chairperson shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

NATIONAL SERVICE OFFICER: The National Service Officer shall provide information and assistance to the membership concerning procedures to file Veterans' Administration claims, maintain a list of Veterans' Administration contact numbers, provide timely updates to the membership on benefits and other veterans' issues through the *Ivy Leaves* and Association web site and submit an annual report to the membership at the National reunion. The National Service Officer shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

SERGEANT AT ARMS: The Sergeant at Arms shall insure that any meeting or gathering room is properly set for the intended purpose, that flags and banners are properly displayed. He or she shall give notice of the starting times of all meetings and shall welcome

attendees. He or she shall secure the meeting room at the start of each meeting, coordinate the Honor Guard for the POW/MIA flag ceremony, take the headcount at each meeting, ensure that all members present at each such meeting are in good standing, collect and count votes, maintain order and, at the conclusion of each such meeting, secure all Association property and ensure it is properly claimed. The Sergeant at Arms shall also fulfill such other duties and responsibilities as are assigned to him or her by the National President.

WEB MASTER: The Web Master shall maintain the Association's web site, currently at www.4thinfantry.org, under guidelines established by the Vice President–Communications and the Media Advisory Committee. The Web Master shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

LIAISON TO ACTIVE DUTY FOURTH INFANTRY DIVISION: The Liaison to the Active Duty Fourth Infantry Division shall maintain frequent contact with the active duty 4th Infantry Division, keep the Division updated on the activities of this Association, assist the National Senior Vice President in recruiting active duty personnel to this Association and coordinate areas of joint interest with the 4th Infantry Division and the Division's Family Readiness Groups such as ceremonies, reunions, and family assistance. The Liaison shall fulfill such other duties and responsibilities as are assigned to him or her by the National President.

ARTICLE V: BOARD OF DIRECTORS

SECTION I.

The Board of Directors, also known as the E-board or Executive Board, shall have thirteen (13) members comprised of the Association's eight (8) elected officers as set forth in ARTICLE IV, SECTION I, the immediate past National President, and four (4) appointed officers; the Executive Director, National Treasurer, National Secretary, and the Parliamentarian/Judge Advocate shall be appointed by the National President, with the approval of the elected officers to serve on the E-Board. Each member shall have one vote on business of the Board. Between regular and special meetings, the business of this Association shall be transacted by the Board at the discretion of the National President or of a majority of the Board. Such meetings may be conducted either in person, by conference call, electronic mail or other correspondence as deemed appropriate by the National President and the Board. Business conducted by electronic mail or conference call shall be confirmed in writing by the National Secretary and added to the most recent Board meeting minutes to be read at the immediately following National Reunion Board meeting. Costs for in-person Board meetings, not to exceed one (1) such meeting per year shall be limited to three hundred dollars (\$300.00) paid to each member in attendance or the actual cost to each such member, whichever is less. If a Board meeting is held by conference call, this Association shall pay the expense of the conference call, and that expense shall be documented in the annual fiscal report. In that the Board is elected by the membership, it shall have the authority to make decisions in the interest of the Association and its membership so long as a quorum of at least two-thirds (2/3) of the

Board is in attendance to vote. The National President and the National Secretary have the responsibility and the duty to assure that accurate and detailed minutes of Board meetings are kept. Such minutes shall be read at the National Reunion meeting immediately following the Board meeting to which the said minutes pertain. A copy of the said minutes shall be sent to each chapter president and to the Association's Chief Archivist/Historian no later than thirty (30) days after the Board meeting to which the said minutes pertain. Subject to the duties and limitations set forth hereinabove, the Board has the authority to determine those issues and items upon which it shall act outside the National Reunion business meeting.

ARTICLE VI: ASSOCIATION MANAGEMENT

SECTION I.

The elected and appointed officers of this Association shall serve a term of offices as set forth in ARTICLE IV, SECTION II, or until duly relieved.

SECTION II.

In the event of the death or resignation of the National President, he or she shall be succeeded by the National Senior Vice President until elections can be held at the immediately following National Reunion. In the event that the National Senior Vice President is unable to complete such term, the Board of Directors shall appoint one of its members to act as National President until the immediately following National Reunion.

SECTION III.

In the event of the death or resignation of a national elected officer, the National President, in consultation with the Board of Directors, shall appoint one or more of the Association's members to fill the position until the immediately following National Reunion.

SECTION IV.

1) To be qualified to hold national office, a member of this Association must have served with or have been attached to the Fourth Infantry Division and have been authorized to have worn the Fourth Infantry Division shoulder patch. To be qualified to hold the office of National President or National Senior Vice-President, a member of this Association must have been a member thereof for at least three (3) years and have successfully served in a national elected or appointed position or have served as an elected officer of a chapter of this Association.

2) The qualifications to hold the office of National Senior Vice-President outlined in Article VI: Association Management, Section IV, Paragraph 1, shall be waived for Iraq/Afghanistan veterans (Active Duty Service since 9-11-2001) who have thoroughly demonstrated their leadership skills through recent service to the Fourth Infantry Division.

Candidates who potentially meet such requirements shall be nominated, or may apply, for those positions in sufficient time for the Nominating Committee to confirm that the nominee or applicant has a sufficient and satisfactory qualifying record of service with the Fourth Infantry Division.

SECTION V.

Elected and appointed officers of this Association comprise the Association's management team. Each, therefore, has the duty to develop a plan to accomplish, and to provide oversight of, his or her assigned duties and functions. Each shall give updates to the National President and Board in timely fashion, provide reports, upon request, at Board meetings and provide summary reports at Association business meetings.

SECTION VI.

The Association has the power and authority to, in the future, create a paid position of Managing Director to out-source certain full-time management duties should circumstances so warrant as determined by a preliminary thorough review by both the Board and chapter presidents prior to any vote or recommendation.

ARTICLE VII: ELECTIONS

SECTION I.

Election of officers of this Association shall take place at the annual meeting. Each member in good standing of this Association who is in attendance at such meeting shall be entitled to one (1) vote.

ARTICLE VIII: DUES

SECTION I.

The annual dues of this Association shall be fixed at the annual business meeting.

SECTION II.

- 1) Dues shall be twenty dollars (\$20.00) annually effective January 1, 2007.
- 2) Such dues may be reduced for members currently on active duty or members who purchase multiple year memberships, Electronic 'E-Life' memberships offered on the Associations website, and for members who select 'E-Ivy' electronic delivery of the 'Ivy Leaves' magazine, at the discretion of the National President upon consultation with the Board.

SECTION III.

Member dues payments and donations shall be mailed to the Executive Director or paid online at the Association’s website.

SECTION IV.

The National Treasurer shall remit the chapter’s rebate portion (\$5 five dollars) of annual dues on a regular basis, as well as any chapter donations received by National. Chapters shall assist the Executive Director collect slow or delinquent members dues.

SECTION V.

All dues received by the Executive Director directly from an applicant for membership in this Association who lives in an area where there is an active chapter shall be retained by the National Association, but all monies in excess of the national portion thereof shall be forwarded to the chapter of this Association nearest to the applicant, and he or she will be enrolled in that chapter unless the applicant has indicated that he or she wishes to be a member *AT LARGE* or a member of another specified chapter. In those cases, the monies in excess of the national portion shall be sent to the specified chapter or retained in the National Association general fund.

SECTION VI.

All fees received by the Executive Director designated as “paid for life” payments shall be deposited in an escrow account created for that purpose and shall be governed by the “paid for life” membership guidelines.

SECTION VII. (Guidelines for Paid for Life Membership)

- i. All persons who served with the Fourth Infantry Division may apply for “paid for life” membership, regardless of age or dates of service and regardless of whether the applicant is a current member or applying for new or reinstated membership.
- ii. The “paid for life” fee schedule by age as of Jan. 1, 2007 is as follows:

00-39	\$512.00
40-44	\$477.00
45-49	\$445.00
50-54	\$415.00
55-59	\$378.00
60-64	\$338.00
65-69	\$295.00
70 +	\$267.00

3. Paid for life member fees shall be invested upon the mutual recommendation of the Board and Finance Committee.
4. Interest earned shall be kept in the aforesaid escrow account.
5. All paid for life member fees may be paid to the Association in as many as four (4) installments.
6. In the event of installment payment, one-fourth (1/4) of the total payment is to be paid immediately, with an additional one-fourth (1/4) to be paid in each of the ensuing three (3) months.
7. If a member who has already paid the Association's annual dues for a particular year decides during that year to become a "paid for life" member, he or she shall pay the full "paid for life" fee designated in the foregoing fee schedule without any allowance or discount for the dues paid for that year. That member's "paid for life" status begins when the "paid for life" fee is fully paid.
8. If a member, including new members and those applying for reinstatement, of this Association elects "paid for life" status prior to paying dues for the year in which he or she elects that status, he or she shall pay the "paid for life" member fee set forth at item 2 *supra*, and his or her "paid for life" status shall become effective upon payment of that fee. If the "paid for life" member fee is paid in full before July 31st of a given year, the National Treasurer shall immediately forward the monies pertaining to that member in the fashion set forth at item 9 *infra*. If the "paid for life" member fee is paid in full after July 31st of a given year, the National Treasurer shall disperse the monies pertaining to that member in the fashion set forth at item 9 *infra* in January of the following year.
9. As to each "paid for life" member, in January of each year, the National Treasurer shall withdraw an amount equal to the established annual membership dues and distribute that amount in accordance with item 11 *infra*. Such distribution applies only to fees paying "paid for life" members and not to those members who achieved "paid for life" status without paying any fee.
10. Annual membership dues are set forth in ARTICLE VIII, SECTIONS II & III of this Constitution.
11. Distribution of the annual withdrawal, effective in 2008, from the "paid for life" fund, to be known as the "annual rebate," shall be five dollars (\$5.00) for the Chapter rebate portion, to be paid to the chapter treasurer

for each “paid for life” member, and fifteen dollars (\$15.00) for the National Association rebate portion, to be retained by the National Treasurer and transferred to the general account of this Association. In the event that the dues for this Association change at a later date, such fees and rebates shall be adjusted in accordance with those changes. If the fund balance so warrants or requires, at the discretion of the Finance Committee and the Board the national rebate portion may be adjusted below fifteen dollars (\$15.00). The Electronic ‘E-Life’ memberships offered on the Associations website are ‘*AT LARGE*’ Life memberships; therefore no annual chapter rebates are issued.

12. In the event that a “paid for life” member transfers from one chapter to another, all future rebates pertaining to that member shall be sent to the chapter to which the member transfers as of January 15th of the year of such transfer. The chapter to which the member transfers shall notify the National Treasurer of the member’s transfer as a condition precedent to receiving the rebate pertaining to that member.
13. The annual rebate to a chapter shall cease if the address of record of a “paid for life” member is no longer valid. The individual chapters shall keep the Executive Director advised of any address changes.
14. In the event that a “paid for life” member dies, all escrow account monies pertaining to that member remaining in the escrow account shall be retained in the “paid for life” account., and no further fees pertaining to that member shall be forwarded to that deceased member’s chapter.
15. Excess funds accumulated in the escrow account because of increased investment returns, premature deaths, donations or other sources of income may be transferred to the general account at the mutual direction of the Board and Finance Committee.
16. When a member of this Association achieves “paid for life” status as set forth at items 7 and 8 of these regulations, he or she shall receive a special “life membership” card.

ARTICLE IX: CHAPTER CHARTERS

SECTION I.

a) The National Association or Board of this Association, shall, at its option, grant charters to state, geographic sections or unit chapters which agree to operate under the provisions of the constitution and by-laws of this Association, and shall be empowered to suspend or revoke the charter of any chapter not operating in accordance with the constitution and by-laws.

b) In the event of a suspension or revocation of a chapter charter, or the dissolution of a chapter, the Executive Director shall promptly notify the membership of the chapter and reassign the members to another chapter, or At Large status, based on the wishes of the members. All assets, money and property of the chapter shall be transferred to the National Organization.

c) In the event that chapters of this Association desire to merge their membership into one new or existing chapter and after having a confirming vote by the membership of each chapter, they must submit a request to the Executive Board through the Executive Director confirming their desire to merge. Upon approval by the Executive Board, the membership will be reassigned into the new or existing chapter. All assets, money and property of the merging chapters shall be combined and transferred to the continuing chapter.

SECTION II.

To apply for a chapter charter, a proposed chapter must complete and submit a chapter charter request form supplied by the Executive Director and have a membership of a minimum of ten (10) Association members in good standing. A roster of such members shall be submitted to the Board through the Executive Director and shall include a list of proposed chapter officers to include a minimum of a chapter president, vice president, and treasurer. The chapter shall maintain its minimum membership and officers at all times.

ARTICLE X: ANNUAL MEETING

SECTION I.

There shall be a meeting each year at which the officers of the National Association shall be elected and other business pertinent to the welfare of the National Association shall be transacted.

SECTION II.

Those members in good standing at the annual meeting shall constitute a quorum.

ARTICLE XI: AMENDMENTS

SECTION I.

This constitution may be amended by a two-thirds (2/3) vote of all active members present and voting at any regular or special meeting of the National Association called by the National President and/or the Board.

SECTION II.

All amendments to this constitution shall emanate from an active chapter of this Association which shall have been approved by majority vote at a regular business meeting of such chapter, or from the Resolutions Committee.

SECTION III.

All amendments and/or resolutions emanating from an active chapter must be sent in writing to the National Resolutions Committee Chairperson and to all chapters at least sixty (60) days prior to being voted on at a regular or special meeting as described at SECTION I of this article.

ARTICLE XII: INDEMNIFICATION

SECTION I.

This Association shall indemnify all its officers, past and present, and all employees, agents, servants or other persons, who, at its request, have performed or are performing, duties at the national level and are subject to personal liability from any and all actions, causes of action, suits and claims of any kind or nature whomsoever or whatsoever, whether actual, prospective or inchoate, incurred, or alleged to have been incurred as a result of such duties, provided that such indemnity does not extend to breaches of duty, disloyalty, acts or omissions in bad faith, intentional misconduct, knowing violation of the law and transactions from which such person derives an improper and unwarranted personal benefit. Such indemnity shall extend to all Association chapters and subsidiary organizations.

BY-LAWS

ARTICLE I: COMMITTEES

SECTION I.

All committees shall have at least five (5) members. All voting members in good standing are eligible to serve on a committee.

SECTION II.

The following standing committees shall be maintained:

1. **MEMBERSHIP COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing and shall recommend and implement methods to increase and maintain membership. The National Senior Vice President shall serve as chair of the Membership Committee.
2. **HEALTH & WELLNESS COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing and shall encourage and assist local chapters in developing and operating local chapter health & wellness committees charged with visiting wounded, ill and hospitalized comrades, with providing for their comfort and with providing assistance to their families. Standing members of this committee shall be the National Chaplain and the National Service Officer.
3. **FINANCE COMMITTEE:** This committee shall meet in conjunction with the Board. In addition to the members of the Board, the committee shall include two (2) past National Presidents. The Vice President–Finance shall serve as chair of this committee.
4. **NOMINATING COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing and shall also consist of past National Presidents and one representative in good standing from each chapter. This committee shall nominate the Association officers for the ensuing year and shall report those nominations at the first annual business meeting. No current elected officers shall serve on this committee.
5. **RESOLUTIONS COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing. It shall submit to the National Association such resolutions as may be fully presented to it by active chapters and shall originate such other resolutions as it deems necessary and appropriate.
6. **MEMORIAL COMMITTEE:** This committee shall consist of (5) members appointed annually by the President. The National Treasurer is a standing committee member *ex-officio*; the committee shall represent the Association in all matters pertaining to the care and maintenance of the Association’s monuments in France and Vietnam, coordinating its activities with the American Battle Monuments Commission and the PNC Advisors; in discharging its responsibilities the committee shall be guided by the “Agreement for Maintenance of War Monuments” also known as the “National 4th Infantry (Ivy) Division Monument Fund”. The committee is authorized to maintain its own cash and/or investments and raise funds; the Chairman shall present a report outlining committee activities and

finances for the year just passed at the Association's annual business session; statements of income received from the trustee will be provided to the National Treasurer for his/her use when preparing the annual tax return; examination of the committee's financial records shall be coordinated with the Association's Audit Committee during the annual reunion; maintain a positive connection with the citizens and leaders of Ste. Marie-du-Mont who continue to support our activities.

7. **REUNION ADVISORY COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing with prior reunion experience. It shall review all chapter bids to host future national reunions, ensuring that adequate facilities and planning have been considered. It shall maintain contact with the host chapter reunion planning committee to provide any needed guidance and assistance. Chapter bids to host a national reunion shall be submitted to this committee at least two (2) years in advance of the reunion to which the bid pertains. If a chapter bid has not been received in any year, it shall solicit chapter bids or select a site and plan a reunion.
8. **MEDIA ADVISORY COMMITTEE:** At the direction of the National President, this committee shall consist of at least five (5) members in good standing and shall be responsible for establishing guidelines and recommending policy decisions concerning this Association's electronic and printed media, to include the web site at www.4thinfantry.org, the *Ivy Leaves* magazine, national stationary letterhead, membership application flyers and bumper stickers. The Vice President-Communications shall serve as the chair of this committee. Standing members shall include the web master, the *Ivy Leaves* editor and the Advertising/Publicity chairperson. The committee chair may call meetings, preferably by e-mail, whenever it is deemed necessary for the operation of the web site or the *Ivy Leaves*.
9. **AUDITING COMMITTEE:** At the direction of the National President this Committee shall consist of at least five (5) members in good standing. It shall examine the National Treasurer's books and records and certify the reports to be true and accurate.
10. **SCHOLARSHIP COMMITTEE:** At the direction of the National President this Committee shall consist of at least five (5) members in good standing and is charged with the administration of the National 4th (Ivy) Division Scholarship Trust dated August 29, 1969 and shall comply with the provisions established therein. In addition, the Scholarship Committee shall be governed by the guidelines for Educational Scholarship in ARTICLE VII, Section 3 of the Association Bylaws.

ARTICLE II: FISCAL YEAR

SECTION I.

The fiscal year of the National Association and of the local chapters shall begin on July 1st of each year. Officers shall be elected as near to this date as possible. Dues for the new year shall be payable by December 31st of each year but will cover membership and the *Ivy Leaves* subscription for the full ensuing year beginning on January 1st, and the membership records shall so state.

ARTICLE III: EXPENDITURES

SECTION I.

The elected and appointed national officers shall be reimbursed for expenses incurred for approved Association business when they submit properly signed vouchers to the National Treasurer. The Board must authorize expenditures on behalf of the Association beforehand. The National President may spend up to five hundred dollars (\$500.00) on behalf of the Association without Board approval.

ARTICLE IV: ELECTRONIC COMMUNICATIONS

SECTION I. GUIDELINES AND PROCEDURES FOR ELECTRONIC COMMUNICATIONS

- A. With the advent of the Internet, the best interest of this Association mandates that it use electronic communication, whenever possible, to assist in recruiting new members, in keeping current membership informed and in serving as an information clearing house for new and prospective members, as well as the general public. The Vice President–Communications shall insure that the Association web site is maintained pursuant to the guidelines established and promulgated by the Media Advisory Committee and made accessible through www.4thinfantry.org.
- B. The cost of maintaining and/or improving the web site shall be paid from the general fund.
- C. (1) Each National Officer shall maintain an e-mail address for communications among this Association’s leadership so as to enable timely handling of Association business.

(2) Each chapter shall appoint a contact person to receive e-mail communications to that chapter. The contact person’s e-mail address shall continuously be maintained with the Vice President–Communications and the Executive Director.

ARTICLE V: *THE IVY LEAVES*

SECTION I.

The National Association shall publish the *Ivy Leaves*, the official publication of this Association, in accordance with guidelines established by the Media Advisory Committee, and as funds may permit, shall mail a copy to each member in good standing. An electronic version of the *Ivy Leaves* shall appear on the Association web site continuously.

ARTICLE VI: COMMEMORATIVE DATES

SECTION I.

Local chapters shall make every reasonable effort appropriately to commemorate as many dates of historical importance to the Fourth Infantry Division as possible.

ARTICLE VII: MEMORIAL CEREMONY, AWARDS AND SCHOLARSHIPS

SECTION I. MEMORIAL CEREMONY

A Memorial Ceremony, including the *Flames of Remembrance*, to honor the dead of the Fourth Infantry Division shall take place at the annual meeting of this Association. Each chapter meeting shall also include the same Memorial Ceremony as occurs at the annual meeting of the Association.

SECTION II. RALPH E. LINGERT SERVICE AWARD

Established in 1977, the Ralph E. Lingert Service Award is named in honor of past National President and Financial Secretary Ralph E. Lingert. It is an “Ivyman of the Year” award presented to that Association member demonstrating the devotion to duty and *steadfast and loyal* dedication to this Association embodied and exemplified by Ralph E. Lingert. The recipient shall be announced, and the award presented, at the National Reunion banquet each year. The Board shall make the final decision as to the recipient. After that decision, all other nominations shall be voided so that nominations will not carry over from year to year. Discretionary changes of an emergency nature may be made to these guidelines with the approval of a majority of the Board.

Qualifications:

1. The candidate must have been a member in good standing for at least the three years immediately preceding his or her nomination.

2. Past recipients may be nominated.

Nominations:

1. Any member of this Association may nominate a candidate.
2. Any chapter, with the concurrence of the chapter president, may nominate a candidate.
3. Nominations must be in writing and must outline the candidate's outstanding accomplishments with respect to the perpetuation of the principles and ideals of this Association and with respect to service to the candidate's chapter and/or to this Association.
4. Each member and/or chapter may make only one (1) nomination per year.
5. Nominations must be mailed or e-mailed to the Executive Director, for review and selection by the Board, by April 15th of each year.

Selection:

1. The Executive Director will submit all valid nominations to the Board. The Board shall select the recipient therefrom. Any Board member nominated shall recuse himself or herself from the entire selection process. The Board shall select the recipient by June 1st of each year or a minimum of thirty (30) days prior to the National Reunion, whichever is sooner.

Award:

1. At the National Reunion banquet, the recipient shall be announced and presented with a plaque bearing his or her name and appropriate wording.
2. If the recipient is not in attendance at the banquet, the announcement shall be made and the plaque delivered, in the most expeditious and appropriate fashion possible, to the recipient.
3. In coordination with the Fourth Infantry Division, this Association shall make all reasonable efforts to maintain a perpetual plaque at Division Headquarters or at the Division Museum bearing the names of all recipients of the award.

SECTION III: SCHOLARSHIPS

IN GENERAL: There are two categories of scholarships available from the Scholarship Trust: the E.R. Smith Memorial Scholarship and the Annual Educational Scholarships.

The E.R. Smith Memorial Scholarship is named in honor of Platoon Sergeant Elmenlindo R. Smith, posthumously awarded the Medal of Honor for action in Vietnam, 16 February 1967.

The Annual Educational Scholarships are awarded each year through a drawing held during the annual National Reunion's Memorial Banquet or at a time and place designated by the scholarship committee.

ANNUAL EDUCATIONAL SCHOLARSHIPS:

1. a) A regular member of this Association in good standing may personally apply for, or may submit an application for, a scholarship for his or her child, children or step-children, legally adopted child or children and/or grandchild, grandchildren or step-grandchildren.

b.) A regular member of this Association in good standing, while a Soldier on active duty, may submit an application for his or her spouse.

2. Scholarships will be granted for full time educational programs offered by an accredited college, university or vocational/ technical schools but not for correspondence or Internet courses.

3. The Scholarship Committee shall determine both the value and number of scholarships awarded each year.

4. The prospective recipient must be currently enrolled in or have been accepted by an accredited college, university or vocational/technical school.

5. Scholarship applicants must complete the official application form available in the Ivy Leaves. If needed, additional applications may be locally produced.

6. No one shall be considered unless his or her name is submitted on an official application form.

7. Without exception, as a condition precedent to consideration, the secretary of the Scholarship Committee must receive an application no later than June 15th of the year immediately prior to the year to which the application pertains.

8. Only one application may be submitted per person. A person whose name is submitted more than once in a given year shall not be considered at all that year.

9. After the drawing, the Scholarship Committee secretary shall retain the winning applications and destroy all others. Regular members submitting winning applications must provide written proof, from the applicable institution, of the student's acceptance or current enrollment to the Scholarship Committee secretary by December 15th of the year the scholarship was awarded.

Failure to submit such written proof in timely fashion shall result in withdrawal of the scholarship.

10. Annual Educational Scholarship monies shall be paid directly to the college, university or vocational/technical school the recipient is attending or will attend, to be credited to the recipient's account, and not to the recipient.

E.R. SMITH MEMORIAL SCHOLARSHIPS:

1. E.R. Smith Memorial Scholarships shall be awarded to the child, children, step-child, step-children or legally adopted child or children of those soldiers of the Fourth Infantry Division who died while serving with the Fourth Infantry Division in Iraq, Afghanistan and/or the War against Terror.

2. All eligible requests for E.R. Smith Memorial Scholarships will be honored. The Scholarship Committee shall determine the value of E.R. Smith Memorial scholarships awarded yearly.

3. Membership in this Association is not a condition precedent for application for a Memorial Scholarship.

4. Requests for E.R. Smith Memorial Scholarships may be submitted annually at any time to the Secretary of the Scholarship Committee. Eligibility to receive a Memorial Scholarship ends at age twenty-five (25).

5. E.R. Smith Memorial Scholarship monies shall be paid directly to the college, university or vocational/technical school the recipient is attending or will attend, to be credited to the recipient's account, and not to the recipient.

ARTICLE VIII: AMENDMENTS

SECTION I.

These by-laws may be amended by a two-thirds (2/3) vote of all active members in good standing present and voting at any regular or special meeting of this Association called by the National President or Board.

SECTION II.

All amendments to these by-laws shall, to be valid, be proposed by the Resolutions Committee or by an active chapter of this Association pursuant to a favorable majority vote at a regular business meeting of that chapter.

SECTION III.

All amendments and/or resolutions proposed by an active chapter must be sent, in writing, to the National Resolutions Committee chairperson and to all chapters at least sixty (60) days prior to being voted upon at any regular or special meeting as set forth at SECTION I of this article.

ARTICLE IX: PARLIAMENTARY AUTHORITY

SECTION I.

Roberts Rules of Order (Newly Revised) shall govern all situations not specifically addressed in this Association's Constitution and/or By-laws.

ARTICLE X: EXPULSION AND REMOVAL FROM OFFICE

SECTION I. EXPULSION

Any officer or member of this Association shall, upon three-fourths (3/4) vote of the Board, be suspended from membership for misconduct or dishonesty involving this Association. That officer or member may be expelled from this Association by a two-thirds (2/3) vote of the general membership present at a regular meeting.

SECTION II. REMOVAL FROM OFFICE

An elected officer may be removed from office upon a three-fourths (3/4) vote of the Board for failure to perform the duties prescribed for the office, conduct unbecoming an officer, conviction of a felony, dishonorable separation from active military service, dishonesty or conduct prejudicial to this Association.

SECTION III. HEARINGS & APPEALS

In all cases implicating or involving suspension, expulsion or removal from office, the accused shall have the right to be heard in his or her own defense, to contest the charges and/or penalty, by means of his or her own testimony, and/or that of others, before the Board.

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