

BY-LAWS
for
RESEARCH ASSOCIATES
of the
INTERNATIONAL INSTITUTE
for
SURFACE TRANSPORTATION POLICY STUDIES
(created by Congress in 1991)
at
SAN JOSE STATE UNIVERSITY
of the
CALIFORNIA STATE UNIVERSITY SYSTEM

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TABLE OF CONTENTS

ARTICLE 1:	BACKGROUND	1
Section 1:	Statutory Basis	1
Section 2:	IISTPS By-laws and Organization	1
Section 3:	Research Associates Policy Oversight Committee (RAPOC)	3
Section 4:	Decision Process for Selecting Research Projects	3
Section 5:	Role of the Research Associates	4
ARTICLE 2:	APPOINTMENT AND RE -APPOINTMENT OF RESEARCH ASSOCIATES	5
Section 1:	Benefits of Appointment as an IISTPS Research Associate	5
Section 2:	Application Process	5
Section 3:	Review of Application	6
Section 4:	Term of Appointment/Re -Appointment	7
Section 5:	Deferral or Denial of Application	7
Section 6:	Termination of Certification/ Appointment	7
Section 7:	Appeal	8
Section 8:	Confidentiality	8
ARTICLE 3:	MEETINGS, RULES, LIABILITIES, AND RECORDS	8
Section 1:	Meetings and Voting	8
Section 2:	Rules of Order	9
Section 3:	Liability	9
Section 4:	Financial Records	9
Section 5:	Ownership of Policy Research Materials and Reports	9
ARTICLE 4:	AMENDMENTS	10

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ARTICLE 1: BACKGROUND

Section 1: Statutory Basis

The INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES (IISTPS, or the Institute) was established by Congress in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). IISTPS' duties, as specified by Congress, USDOT, and the Board of Trustees, are:

- A. **Surface Transportation Management Education:** "Include both male and female students of diverse socioeconomic and ethnic backgrounds who are seeking careers in the development and operation of surface transportation programs; and"
- B. **Surface Transportation Policy Research:** "Conduct research and development activities to analyze ways of improving aspects of the development and operation of the Nation's surface transportation programs."
- C. **Surface Transportation Information Transfer:** "Make surface transportation policy research results available to potential users in a form that can be directly implemented, utilized or otherwise applied."

Section 2: IISTPS By-laws and Organization

IISTPS has been established within the College of Business at San Jose State University (SJSU). IISTPS' focus of research includes all modes of surface transportation including pedestrian, transit, freight rail, trucking, automobiles, intermodal and others.

IISTPS shall evaluate, understand, and make policy recommendations pertaining to private surface transportation organizations as well as local public works and transit agencies, regional metropolitan planning organizations, state transportation functions, national transportation policies, and international transportation trends and policy that

might affect the United States. Periodically, the information obtained through IISTPS' efforts shall be published and made available to the U.S. transportation community. The research aim of IISTPS is to serve as a major resource for transportation policy research that fosters the creation and advancement of optimum transportation systems at all levels of government. Partnership with the private sector shall also be fostered.

The policy research function of IISTPS is administered by, and is the responsibility of, the Executive Director, under the policy oversight of the IISTPS Board of Trustees. In addition, the education product and education policy control of IISTPS are the responsibility of the Dean of the College of Business, with consultation from the Deans Council and the Board of Trustees.

The Executive Director shall prepare an annual policy research scope of work and shall integrate the annual academic budget approved by the Dean with the policy research budget for presentation and approval by the Trustees. The contracting procedures, policies, and by-laws approved by the SJSU Foundation shall prevail.

Individual research assignments and the selection of projects shall occur with the approval of the Executive Director, and the results shall be released to the public only after an appropriate peer review by the Research Committee of the Trustees and approval by the Dean of the College of Business, Executive Director and the Chair of the Board of Trustees.

The research objectives of IISTPS include, but are not limited to:

- Develop international, national, statewide, regional, and local agendas for surface transportation research by drawing upon the wisdom, concerns and research of scholars, practitioners, advocates, and legislators who have experience in surface transportation economics, issues, policies, and programs under the guidance and advice of the Trustees;
- Support qualified faculty and student research efforts related to transportation needs, systems, construction, financing, marketing, maintenance, and operation;
- Conduct contract and grant-funded transportation research for specific government agencies, foundations, and private clients;
- Become a national depository and dissemination center for surface transportation policy information;
- Conduct conferences and seminars that bring together people with diverse backgrounds in surface transportation, for the purpose of clarifying issues and alternatives, stimulating improvement in programs and practices, and disseminating information toward the aim of reducing costs and increasing benefits, and

- Engage in other activities that promote the active transfer of applied scholarly research to individuals and organizations concerned with surface transportation policy.

Section 3: Research Associates Policy Oversight Committee

The Research Associates Policy Oversight Committee (RAPOC) serves as an advisory body to the Executive Director of IISTPS on matters relating to surface transportation policy research. The Committee shall be composed of one representative designated, with the consent of the respective Dean, by the Chair of each of the Departments and CSU campuses affiliated with the Institute and up to one-third (1/3) additional members selected from non-CSU constituencies related to surface transportation. A quorum for RAPOC meetings shall consist of a majority of the appointed representatives.

As of May 1, 1994, the following disciplines at SJSU were represented on RAPOC:

College of Business:

Department of Marketing and Quantitative Studies

Department of Organization and Management

College of Engineering

College of Social Sciences:

Department of Political Science

College of Social Work:

Department of Urban and Regional Planning

School of Library and Information Science.

Additional CSU members may be appointed by notice to the Executive Director from the respective Chair and Dean. Non-CSU members of RAPOC may be appointed at the discretion of the Executive Director. The IISTPS Research Director, Education Director and representatives of the Institute's primary funding sources may serve as ex-officio, non-voting members of the Committee, and shall not be counted for purposes of a quorum.

Section 4: Decision Process for Selecting Research Projects

Research proposals will be screened by the Executive Director for appropriateness to the mission of the Institute. The Executive Director will request RAPOC to review and recommend research projects to be pursued. Final decisions on which research projects to pursue and which Research Associates are to be assigned to the projects will be made by the Executive Director.

Generally, there will be two avenues to selecting potential research projects for IISTPS to pursue. In the first case, RAPOC may choose to respond to a formal Request for Proposals (RFP) or similar solicitation. In such case, RAPOC will advise the Executive Director regarding the appropriate team or panel of Research Associates to prepare the proposal and to staff the proposed project. IISTPS may provide a small amount of funding to assist in the preparation of the proposal if the budget allows such expenditures.

In the second instance, one or more Research Associate(s) may submit an unsolicited concept proposal to the Institute for a research project. In such case, upon approval of the project concept, RAPOC may further recommend that IISTPS award a small grant to support the development of the project or proposal. The Executive Director shall exercise final approval of the development grant and project or proposal.

Section 5: Role of the Research Associates

Research Associates shall be appointed by the Executive Director in accordance with the procedures in Article 2. Whenever possible, SJSU students and faculty shall be retained to conduct the policy research projects.

Research Associates shall exercise the highest standards of scientific and investigative integrity in their research efforts for IISTPS. Caution shall be exercised to insure that the research effort is productive and is a credit to Congress, the U.S. and State Departments of Transportation, the California State University system, and IISTPS. Only individuals certified as Research Associates may, upon approval by the Executive Director, contribute to the IISTPS Annual Report, to other publications or presentations, in the preparation of grant proposals and in the conduct of research projects for IISTPS.

As appropriate to their individual status, Research Associates are expected to become members of IISTPS or of its Student Chapter, as described in the IISTPS Policies and By-laws.

The Executive Director may establish a classification system for Research Associates personnel, including but not limited to: Research Associate, Senior Research Associate, Research Fellow and Honorary Research Fellow. However, as used in these By-laws, the term "Research Associate" refers generically and collectively to all individuals who have been certified in any of these classifications by IISTPS. In addition, Student Research Assistants may be designated, as appropriate, usually on a project-specific basis, by a Research Associate Project Director, with the approval of the Executive Director of IISTPS.

If a classification system for Research Associate personnel is established, the following criteria and relationships shall apply:

- a) **Research Associate** shall be the designation awarded upon certification by the Executive Director of IISTPS. All Research Associates are recognized for their academic and research qualifications and for their demonstrated interest in the field of surface transportation policy;
- b) **Senior Research Associate** shall be a designation which may be awarded to experienced Research Associates who have demonstrated leadership qualities and research initiative on behalf of IISTPS;
- c) **Research Fellow** shall be a designation awarded by the IISTPS Board of

Trustees only in exceptional circumstances, for especially meritorious or noteworthy research or academic achievement, or on a temporary basis to visiting colleagues from other research agencies, and

- d) **Honorary Research Fellow** shall be a designation awarded infrequently by the IISTPS Board of Trustees to honor an individual who has contributed in an extraordinary manner to the national transportation community and to IISTPS.

ARTICLE 2: APPOINTMENT AND RE-APPOINTMENT OF RESEARCH ASSOCIATES

Section 1: Benefits of Appointment as an IISTPS Research Associate

Appointment or certification as a Research Associate of IISTPS is recognition of an individual's performance and contribution to the field of surface transportation policy studies. Only certified Research Associates and their designated Student Research Assistants are permitted to participate as individuals in IISTPS policy research work.

The benefits available to IISTPS Research Associates include, but are not limited to, the following:

- Availability of grant funding to individuals and/or teams for projects and, on a case-by-case discretionary basis, the funding for preparation of project proposals;
- Collaboration and involvement with other Research Associates engaged in surface transportation policy research projects;
- Direct access to surface transportation policy data bases (through the International Transportation Information System (ITIS) maintained by IISTPS), research study reports, and expertise;
- Access to, interface with, and support by, IISTPS' internationally-renowned Board of Trustees, and
- Assistance in the preparation and preliminary review of research proposals prior to submission to external agencies.

IISTPS strongly supports and encourages the publication and dissemination of research performed under IISTPS' auspices. Only approved Research Associates may publish or make presentations in the name of IISTPS. As appropriate, IISTPS may make available funding for such publication or for participation by Research Associates in conferences, seminars, and other professional gatherings.

Section 2: Application Process

An individual who desires to be considered for appointment as a Research Associate of IISTPS shall submit an application to the Executive Director. Such application shall include, but not be limited to:

- a) a resume or curriculum vitae;
- b) the names, addresses, and telephone numbers of at least three persons who have directly observed the applicant's professional performance over a reasonable period of time and who can and will provide reliable information regarding the applicant's current professional competence, research integrity, experience related to or useful in the study of surface transportation policy, experience in maintaining a project's schedule, budget and quality and ability to work with others;
- c) at least one personal writing sample of relevant research;
- d) a listing or summary description of the applicant's particular areas of research specialty or interest, and in particular, their experience related to or useful in the study of surface transportation policy, and
- e) such application forms or other materials as the Executive Director shall provide or request.

The application shall include a statement by the applicant that they have received and read a copy of these By-laws, and that the applicant agrees to be bound by the terms of these By-laws and by the Policies and By-laws of IISTPS if accepted as a Research Associate.

By applying for appointment as an IISTPS Research Associate, each applicant:

- a) Signifies their willingness to appear for interviews regarding their application;
- b) Authorizes the Executive Director or his/her designee(s) to consult with others regarding the applicant's qualifications. For applicants who are on the faculty of SJSU, such consultation shall include their Department head. All consultations shall be conducted in a manner which protects the individual's right to confidentiality;
- c) Consents to IISTPS' inspection and evaluation of records and documents that may be material to an evaluation of the applicant's qualifications;
- d) Releases from liability to the fullest extent permitted by law all individuals and organizations who provide, receive, or evaluate such information in good faith and without malice, including privileged or confidential information, and
- e) Agrees that, to the best of their knowledge, participation in a proposal or project with IISTPS will be non-competitive with any other institution

or firm.

Section 3: Review of Application

The Executive Director shall review each application for appointment as a Research Associate in a timely manner, and shall notify the applicant, in writing, of such results within sixty (60) days of receipt of a completed application and supporting documents.

Research Associate applications will be screened by the Executive Director or designee for completeness and the basic qualifications of the applicant. The Executive Director will request RAPOC to review and recommend Research Associate applicants for appointment. Except as noted otherwise in the By-laws (e.g. Section 7 below), final decisions on approval of appointment will be made by the Executive Director.

The Executive Director has the sole discretion to determine whether, or with whom, to consult in the review of an application for appointment as a Research Associate of IISTPS. The applicant will receive prior notice of the name(s) of any such person(s), and of documents and records reviewed. The Executive Director may, in the course of considering an application, meet with the applicant to discuss or solicit further information regarding their qualifications.

At least once each calendar year, the Executive Director shall publish to the Board of Trustees a roster of certified Research Associates, and of pending applications under review.

Section 4: Term of Appointment/Re-Appointment

The term of appointment as a Research Associate of IISTPS shall be five years from the effective date of certification. If the Research Associate or Student Research Assistant terminates or otherwise materially changes their relationship with their organization, they shall notify the Executive Director within 10 working days of such action.

An individual who has been certified as a Research Associate and who has been acceptably engaged in research work for IISTPS may apply for re-appointment, in such manner and with such substantiating documentation as the Executive Director shall require.

Section 5: Deferral or Denial of Application

If the decision of the Executive Director is to defer or deny appointment as a Research Associate, the Executive Director shall afford the opportunity for an explanatory meeting with the applicant. The Executive Director may designate another individual to represent IISTPS in such meeting.

Section 6: Termination of Certification/Appointment

Prior to any decision to terminate a Research Associate's appointment, the individual will be given a reasonable opportunity to remedy the circumstances that would lead to termination.

Upon a decision by the Executive Director to terminate appointment as a Research Associate, the Executive Director shall notify the individual in writing, including the reason(s) therefor, and shall afford the opportunity for an explanatory meeting with the applicant. The notice shall be effective upon the date of the receipt of said notification.

A Research Associate may voluntarily relinquish the position of Research Associate by written notice to the Executive Director. Such resignation shall be effective upon receipt by IISTPS or upon such date as otherwise stated in the notice. The Executive Director shall promptly acknowledge the resignation and shall notify RAPOC, the Board of Trustees and/or other parties as appropriate.

Section 7: Appeal

An individual whose application is deferred, denied or terminated from appointment as a Research Associate may petition the Board of Trustees for reconsideration of their application or status. Such appeal is not automatically granted, and will be considered only upon a request to the Executive Director by RAPOC.

If permission to appeal is endorsed by RAPOC, such appeal will be considered at the next meeting of the Administration Committee of the Board of Trustees, and the agenda shall include notice of the appeal. The rules and procedures for hearing an appeal shall be determined by the Board, but at a minimum shall afford the appellant the opportunity to be heard and present testimony on their own behalf. In the event that an individual files such an appeal, they are deemed to have waived their right to confidentiality with respect to any information or material that is related to the appeal insofar as that material is provided to RAPOC and the Board of Trustees.

Section 8: Confidentiality

Except as otherwise provided in these By-laws, all communications pertaining to deferrals, denials and/or termination's shall be provided confidentially to the applicant and maintained in a confidential manner.

ARTICLE 3: MEETINGS, RULES, LIABILITIES, AND RECORDS

Section 1: Meetings and Voting

The Research Associates shall hold at least one meeting per year. Additional meetings may be called at other times by the Executive Director, by RAPOC or by a written request of a majority of the Research Associates.

All meetings of the Research Associates shall be noticed in writing, including a proposed agenda, at least 10 working days in advance. Opportunity shall be provided, at the discretion of RAPOC, for written ballot, for any item on the agenda requiring a vote, so long as the ballot duly signed by the absentee Research Associate, is received by the Executive Director prior to the time noticed for the beginning of the meeting. In such case, receipt by facsimile transmission shall be allowed. Only certified Research Associates may vote, and each Research Associate shall be entitled to only one vote.

The Research Associates shall be chaired by the Chair of RAPOC who shall be elected by the members of RAPOC at the first Committee meeting of each academic year. A Vice-Chair shall also be elected who shall serve in the absence of the Chair. The RAPOC/Research Associates Chair or Vice-Chair shall serve for no more than two consecutive terms of one year each.

Section 2: Rules of Order

Meetings of the Research Associates shall be conducted in accordance with the latest edition of Robert's Rules of Order except insofar as such rules are inconsistent with the Policies and By-laws of IISTPS, with these By-laws, with the policies of SJSU and the San Jose State Foundation, or with applicable laws and regulations.

Section 3: Liability

Research Associates shall not be personally liable for the debts, liabilities, or other obligations of IISTPS, unless otherwise specified in their research agreement.

Each Research Associate shall indemnify, defend, and hold harmless IISTPS, its officers, employees, and agents, from any and all claims, damages, or liabilities solely caused by any negligent act or omission of the Research Associate occurring in the performance of their research work for IISTPS.

Section 4: Financial Records

A complete record of all financial transactions shall be maintained and provided through IISTPS to the SJSU Foundation for each policy research project. These records shall include, but not be limited to: grant receipts, donations, in-kind contributions, time expended and billed for the project and all expenses by category. All financial records shall be maintained for at least three years after the conclusion of the research project.

Section 5: Ownership of Policy Research Materials and Reports

All original documents, surveys, interview results, charts, graphs, maps, drawings and designs, calculations, promotional material, working papers and reports generated, methodological explanations and other records, notes, and work products for policy research projects conducted under IISTPS auspices shall be the property of IISTPS as "work for hire", unless otherwise specified by the research sponsor. The Research

Associate may retain copies of such work product for their own use. Any work performed under IISTPS' auspices may only be submitted for publication or presentation, or otherwise disseminated, with prior approval by the Executive Director, after consultation with RAPOC, regarding the quality of methodology used. Such approval shall be made in writing, or if denied, shall include an explanation of the reason(s) therefor.

At the same time, the Research Associates and IISTPS shall comply with all policies of San Jose State University with respect to the ownership of literary and scientific property, including copyrights and patents. A Research Associate and IISTPS may, by written agreement, designate the ownership of such literary and scientific rights, and of the documents, records, and other materials that result from a study sponsored by IISTPS.

Wide dissemination of knowledge is a goal that IISTPS, SJSU, and the Research Associates share. Accordingly, IISTPS encourages the publication of results from any sponsored study once peer review and approvals have occurred. In the event that IISTPS should anticipate or desire any restrictions on a Research Associate's ability to publish such results, IISTPS shall use its best efforts to identify such restrictions, or prospective restrictions, in an agreement to be entered into by the Research Associate before commencing the study. IISTPS shall inform the Research Associate of any such restrictions that may come to its attention from funding sources or other parties.

ARTICLE 4: AMENDMENTS

These By-laws may be amended or appealed after a majority vote of those Research Associates voting (including valid absentee ballots, if any) at a meeting duly noticed for that purpose, and any changes shall become effective upon approval by the Board of Trustees.