

BOARD OF REGENTS

PROCEDURAL

GUIDE

**Prepared by the Board Office
State Board of Regents
Grimes State Office Building
Des Moines, Iowa 50319**

P R O C E D U R A L G U I D E

IOWA STATE BOARD OF REGENTS

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I. OFFICERS AND COMMITTEES

1.01 Appointment of Board Members

- A. The State Board of Regents shall govern the following institutions:
1. The State University of Iowa
 2. The Iowa State University of Science and Technology, including the Agricultural Experiment Station
 3. The University of Northern Iowa
 4. The Iowa Braille and Sight-Saving School
 5. The State School for the Deaf
 6. Oakdale Campus
 7. The State Hospital-School (Code 262.7).
- B. The State Board of Regents shall consist of nine members, who shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of the office. Not more than five members shall be of the same political party (Code 262.1).
- C. The term of each member of said board shall be for six years. The terms of three members of the board shall expire on the first day of July of each off-numbered year (Code 262.2).
- D. During each regular session of the legislature, the Governor shall appoint, with the approval of two-thirds of the members of the Senate, three members of said board to succeed those whose terms expire on the first day of July next thereafter (Code 262.3).
- E. The Governor, with the approval of a majority of the Senate during a session of the General Assembly, may remove any member of the board for malfeasance in office, or for any cause which would render the member ineligible for appointment or incapable or unfit to discharge the duties of the office, and the removal, when so made, shall be final (Code 262.4).
- F. When the General Assembly is not in session, the Governor may suspend any member so disqualified and shall appoint another to fill the vacancy thus created, subject to the approval of the Senate when next in session (Code 262.5).
- G. All vacancies on said board which may occur when the General Assembly is not in session shall be filled by appointment by the Governor, which appointment shall expire at the end of thirty days after the General Assembly next convenes. Vacancies occurring during a session of the General Assembly shall be filled before the end of said session in the same manner in which regular appointments are required to be made (Code 262.6).

1.02 Board Officers

- A. The officers of the State Board of Regents shall consist of the president and the executive secretary (Code 262.9 (1)).
- B. The board shall, each even-numbered year, elect from its members a president of the board. The president shall serve for two years and until a successor is elected and qualified (Code 262.9 (1)).
- C. The president of the board shall preside at all meetings of the board; shall appoint members of all special committees; shall, with the executive secretary of the board, execute such instruments and contracts as may be ordered by the board; shall perform such duties as usually pertain to this office and such other duties as may be assigned by the board; and shall be governed in his or her action by the usual parliamentary procedure.
- D. In the event of a vacancy in the office of president, the board shall elect a new president to fill the unexpired term.
- E. In the absence of the president, the president pro tem of the board shall be determined by a vote of the board members present (April 13-14, 1967, p. 479).
- F. (For Executive Secretary, See Section III. Board Office)

1.03 Interinstitutional Committees

- A. The interinstitutional committees of the board shall consist of the: Committee on Educational Coordination, Registrars' Committee on Coordination, Subcommittee on Library Coordination, Regents Information Committee, Regent Committee on Educational Relations, State Extension and Continuing Education Council, Committee on Nonacademic Personnel, Committee on Equal Employment Opportunity, Subcommittee on Environmental Programs, Classification Review Committee, Regents Case Review Committee, Coordinating Council for Foreign Studies, Interinstitutional Classification and Compensation Advisory Committee (January 11, 1951, p. 152; February 7-9, 1951, p. 186; December 10-11, 1953, p. 238; November 14-15, 1968, pp. 147-149; June 16-17, 1966, pp. 548-550; October 4-6, 1962, pp. 180-181; October 14-15, 1965, p. 107-108; November 8-10, 1967, p. 187; May 10-11, 1973; April 12-14, 1972, p. 607; January 13-14, 1972, p. 387; October 13-15, 1971, p. 180; December 13-15, 1972, p. 350; October 17-18, 1974, pp. 337-339; April 10-11, 1975, pp. 618-622).

1.04 Committee on Educational Coordination

- A. The Committee on Educational Coordination shall consist of one representative from the staff of each of the three institutions of higher education, appointed by the board upon nomination of their respective presidents. The term of office of the members of the committee shall be three years, but a member may be reappointed at the expiration of a term upon nomination of the president of his or her institution. A vacancy caused by death, resignation, or incapacity shall be filled for the remainder of the unexpired term by board appointment upon nomination of the appropriate president.
- B. The function of the committee shall be to study such aspects of the relationships of the teaching, research, and service programs of the institutions as may be referred to it by the board or that may come to its attention from other sources from time to time.
- C. The committee shall report directly to the board at each regular meeting, and its report shall, in each case in which the board action is considered desirable, embody its recommendation in a form appropriate for such action, or be only factual if so directed by the board. In case of disagreement among the members of the committee, majority and minority reports and recommendations may be submitted to the board.
- D. In order that the presidents of the three institutions of higher education may be fully informed and may register agreement or disagreement with the terms of any report of the committee at the board meeting at which the report is to be presented, the committee shall, not less than ten days before submission of a report to the board, furnish a copy of the report to the presidents of the three institutions. When majority and minority reports are submitted to the board, each president shall be furnished with a copy of both (January 11, 1951, pp. 152-154).

1.05 Registrars' Committee on Coordination

- A. The membership of the Registrars' Committee on Coordination shall consist of the registrars of the three state institutions of higher education.
- B. The powers and duties of the committee shall be as follows:
 - 1. To organize and name its chairperson.
 - 2. To meet from time to time to consider the possibility of coordinating student records in respects other than the enumerating of the number of students
 - 3. To submit reports and recommendations to the presidents of the institutions for such criticisms and recommendations as they may wish to make, and, after considering such amendments as the presidents may propose, to present the reports to the State Board of Regents for action
 - 4. To review appeals on residency classifications for admission and fee purposes on referral from the State Board of Regents and to make recommendations to said board on appeals so reviewed (February 7-9, 1951, p. 188).

1.06 Subcommittee on Library Coordination

- A. The membership of the subcommittee shall consist of the librarians of the State University of Iowa, the Iowa State University, and the University of Northern Iowa.
- B. The powers and duties of the Subcommittee on Library Coordination shall be as follows:
 - 1. To organize and name its chairperson
 - 2. To meet from time to time to consider matters in connection with the coordination of library resources
 - 3. To consider such other related matters as might be referred to it by the Committee on Educational Coordination
 - 4. To submit reports and recommendations to the committee on Educational Coordination to be handled in the same manner as reports and recommendations of that committee are handled (December 10-11, 1953, p. 238).

1.07 Regent Information Committee

- A. The committee shall consist of the principal information officer of each Regent university and a representative of the Board Office to be designated by the executive secretary. The committee will name, from its membership, its own chairperson who will serve from July 1 of the year in which appointed. The committee will meet at the call of its chairperson.
- B. The functions and responsibilities of the committee are as follows:
 - 1. In general, to act as the professional information resource of the board by combining the talents and resources of individual members and the organizations they represent into a unified and coherent information effort on behalf of the board and its institutions.
 - 2. To develop and implement such information projects as may be assigned to it by the board and provide such information and assistance as may be requested by the executive secretary.
 - 3. To develop and maintain for the board at its Board Office an information system consisting of statistical and other vital information regarding all major aspects of institutional operations. The system should be designed to permit quick and accurate retrieval of information required by the board, the Board Office, the institutions, the committee, and other agencies of state government, or the public.
 - 4. To assist in the development for board consideration of policy positions on matters having public relations implications by examining and making recommendations on the public relations aspects thereof.

5. To advise and make recommendations to the Board Office regarding any major policy matter which has or may have public relations implications.
 6. To assist in the preparation of reports, brochures, pamphlets, and other factual or promotional material as required in support of legislation programs, public information efforts, or professional publications requirements of the board.
- C. The following relationships should obtain among committee members and between the committee and other elements of the Regent organization.
1. Individually, each committee member acts for his or her own organization; collectively, they act for the board and its institutions. In either case, they should be guided by the best interests of the entire Regent operation.
 2. To function effectively, the committee must have a clear and continuing understanding of the programs, policies, and problems of both the board and its institutions. There must, therefore, be a free exchange among committee members of documents, correspondence, background information, and oral briefings related to both institutional and board matters which are, or may become, of public interest.
 3. Under Section 3.03D of this guide, the executive secretary is charged with the responsibility for working with this committee "to provide information for the legislature and the public in regard to the board askings and other legislation in which the board has an interest." Both the executive secretary and the committee should, therefore, insure that the legislative liaison personnel of the institutions (who handle the day-to-day contacts with legislators during General Assembly sessions) are in possession of all necessary facts on a continuing basis (May 22-23, 1952, p. 334; September 7-9, 1966, p. 125; November 14-15, 1968, pp. 147-149).

1.08 Regent Committee on Educational Relations

A. Committee Functions

1. To establish closer relationships and cooperation with post-high school institutions in the state
2. To facilitate articulation between and among secondary schools and colleges in the state
3. To participate in the establishment of approval standards and the review of such standards in area community colleges which are college oriented and also in non-transfer, technical programs that offer technical (associate) degrees
4. To determine that standards relating to college-level transfer programs of Iowa area community colleges are both adequate and workable and to recommend to the board approval or disapproval of institutions based upon adherence to these standards

5. To report annually and make recommendations through the Committee on Educational Coordination to the Board of Regents concerning the approval status of the area community colleges
6. To prepare for board approval a list of public community colleges recommended for receipt of state aid
7. To determine the acceptability of credit from non-public Iowa colleges not fully accredited by the regional accreditation association
8. To develop procedures for the validation or acceptance of credit in instances other than those delineated herein
9. To recommend for consideration by the Regents possible modifications in the general policy concerning admission of undergraduate students
10. To coordinate and make recommendations on other matters concerning relations with secondary schools and with other segments of post-secondary education as assigned by the Committee on Educational Coordination.

B. Organizational Structure

1. This committee reports directly to the Committee on Educational Coordination.
2. Specific assigned committee responsibilities are received from the chairperson, Committee on Educational Coordination, and reports are submitted to the same committee.
3. Joint committee meetings with the Committee on Educational Coordination are called by the chairperson, Committee on Educational Coordination.
4. Ad hoc committees shall be set up as needed to undertake specific problems. Membership on these committees may be drawn from outside the Regent Committee on Educational Relations membership. The ad hoc committee shall report to the Regent committee acting as a whole.

C. Committee Membership

1. The committee shall be comprised of three representatives appointed by the State Board of Regents from each of the institutions, including a representative from Admissions and Records, representative from professional education, and a representative from another academic area.
2. The term of service is three years.
3. Officers of the committee shall consist of a chairperson, a vice chairperson, and a secretary. The officers are to be elected in the fall of each year. There shall not be more than one officer from each school (June 16-17, 1966, pp. 548-550; March 14-15, 1968, pp. 330-335; November 7-9, 1973, pp. 231-232).

1.09 State Extension and Continuing Education Council

- A. The State Extension and Continuing Education Council makes its reports and recommendations through the Committee on Educational Coordination.
- B. The council is composed of two members from each of the three institutions. Members are nominated by the presidents and appointed by the board for three-year terms. Members are eligible for reappointment. At least one council member from each institution will, at the time of appointment, have administrative responsibility for the conduct of extension/continuing education work. The chair of the council rotates among the three institutions on an annual basis.
- C. The duties of the council are as follows:
 - 1. To review the extension/continuing education resources and existing programs at the institutions and make recommendations for needed improvements
 - 2. To review the continuing and emerging problems of the people of Iowa with which extension/continuing education services should be concerned
 - 3. To make recommendations concerning expanded cooperative efforts and coordination to meet the problems studied
 - 4. To make recommendations concerning the establishment and operation of new programs or the discontinuance of a program
 - 5. To carry out the purposes of Title I of the Higher Education Act of 1965 and such other administration by the board. Fiscal and administrative responsibilities relating to Title I of the Higher Education Act of 1965 are hereby assigned to the University of Iowa
 - a. To develop state plans which will allocate responsibilities among the three state institutions, other institutions of higher education, and appropriate state agencies in ways which will make fullest possible use of all competencies existing within the state
 - b. To organize state advisory committees to participate in the drafting of state plans in order that all institutions, state agencies, or other qualified organizations may participate to the fullest extent possible
 - 6. To prepare an annual report for presentation to the board at a stated time which will include a review of extension/continuing education accomplishments through the efforts of the individual extension/continuing education services and through cooperative endeavors (October 4-6, 1962, pp. 180-181; October 14-15, 1965, pp. 107-108; November 11-12, 1965, pp. 160-161; March 10-11, 1966, p. 362; April 10-11, 1975, p. 262).

1.10 Committee on Nonacademic Personnel

- A. The Committee on Nonacademic Personnel shall consist of two representatives from each institution under the Board of Regents selected by the chief executive officer of each institution and a representative of the staff of the Board Office.
- B. The powers and duties of the committee shall be as follows:
 - 1. To organize and name its chairperson
 - 2. To make studies and recommendations concerning nonacademic policies and procedures as regards personnel of the institutions and Board Office under the board
 - 3. To present, through the chief executive officers of each institution and subject to such amendments as they may propose, reports to the board (November 8-10, 1967, p. 187).

1.11 Committee on Equal Employment Opportunity

- A. The Committee on Equal Employment Opportunity shall consist of two representatives from each of the institutions and the Board Office. The members shall be appointed by the board upon nomination of their respective institutional heads and the Board Office. The term of office shall be two years.
- B. The responsibilities of the committee shall be as follows:
 - 1. To organize and name its chairperson. The term of chairperson shall be one year and the office shall rotate among the institutions.
 - 2. To meet periodically to develop common guidelines and general procedures for administration of Regent policies on equal employment opportunities and to exchange pertinent information
 - 3. To cooperate to minimize duplicative reporting as required by the Regents Code of Fair Practices
- C. The committee shall seek the advice and assistance of the following:
 - 1. Specialized personnel from each higher education institution who will act as consultants as needed
 - 2. The Iowa Civil Rights Commission
 - 3. Affected and interested employees, associations, groups, and organizations, such as human relations groups; labor organizations; and associations of manufacturers, contractors, and retailers, as may be appropriate and necessary in development and implementation of guidelines, procedures, and policies
- D. All minutes of the committee shall be sent to all board members and institutional heads and the minutes shall be prepared in detail sufficient to reflect all ideas, statements, and proposed actions, presented at committee meetings.

- E. Recommendations of the committee shall be transmitted to the Board of Regents through the heads of the institutions and the executive secretary with such comments and recommendations as they may wish to make (February 13-14, 1969, p. 290; May 10-11, 1973, pp. 769-770).

1.12 Subcommittee on Environmental Programs

- A. The membership of the subcommittee shall consist of one representative from each Regent university.
- B. The subcommittee is directed to prepare guidelines for coordination of education, research and service activities at the three state universities in the area of environment.
 - 1. Guidelines shall be submitted to the board for approval.
 - 2. After the guidelines are approved by the board, the subcommittee is commissioned by the board to oversee coordination of environmental activities at the Regent universities.
- C. The subcommittee shall submit its reports and recommendations to the board through the Committee on Educational Coordination (April 12-14, 1972, p. 607).

1.13 Classification Review Committee

- A. The committee shall review appeals of employee classifications referred by a resident director of the Regents' Merit System.
- B. The committee will conduct such investigation as it deems necessary to determine the proper allocation of the position and will notify the involved parties of its decision within 45 days after receipt of the appeal. The decision of the committee will stand until significant changes in the duties and responsibilities of the position can be shown.
- C. The committee shall consist of one resident director from an institution other than the one at which the appeal has arisen or a member of the staff of the resident director who is experienced in the operation of the Merit System Classification Plan; one employee covered under the Regents' Merit System, to be selected from lists of such employees prepared by the institutions' respective employee councils or committees; and one member (to serve as chairperson) who has knowledge and experience in the field of job classification and who is neither covered under the Merit System nor otherwise involved in its administration.
- D. The Merit System Director will be responsible for the scheduling of final classification appeal hearings and for the selection of committee members in accordance with the above specifications (Rule 3.127, Iowa Departmental Rules 1973, pp. 875-876; January 13-14, 1972, p. 387; July 26-27, 1973, pp. 23-24).

1.14 Regents' Case Review Committee

- A. The membership of the Case Review Committee shall consist of one representative each from the Iowa School for the Deaf, the Iowa Braille and Sight Saving School, the University of Iowa Hospital School, the Child Development Clinic and the Psychiatric Hospital.
- B. The powers and duties of the Regents' Case Review Committee shall be:
 - 1. To organize and name its chairperson
 - 2. To review and make recommendations on all cases of children who have applied to and been denied admission to one of the participating Regent institutions
 - 3. To refer to the Interagency Case Review Committee those cases in which the recommendation is that the child be accepted by an institution under the Department of Social Services or the Department of Public Instruction
 - 4. To consider such related matters as may be referred to it by committee members, Regent institutions, or the board (October 13-15, 1971, p. 180).

1.15 Coordinating Council for Foreign Studies

- A. The council shall consist of one member from each Regent university.
- B. The principal function will be to advise and assist the Committee on Educational Coordination in evaluating and reviewing foreign study programs. In performance of this function, the council will have the following duties:
 - 1. To provide for the collection and dissemination of information about foreign study programs in Regents' institutions
 - 2. To serve as an advisory group regarding developments at individual institutions
 - 3. To explore ways and means of developing foreign study programs with emphases in areas other than the language; i.e., art, drama, geography, history, social sciences, etc.
 - 4. To coordinate the planning and scheduling of foreign study programs so that qualified students at Regents' institutions and other Iowa colleges and universities may participate
 - 5. To seek ways in which minimum proficiency in oriental and exotic languages may be provided without unnecessary duplications of faculty and learning resources
 - 6. To encourage the development of general courses on non-western civilizations. Such courses should be culturally broad-based in content and intended to produce awareness of factors which account for distinctive cultural patterns.

- C. In all matters the council will be advisory to the board and to the individual institutions (December 13-15, 1972, p. 350; September 18-19, 1975, p. 59).

1.16 Interinstitutional Merit System Classification and Compensation Advisory Committee

- A. The basic function and responsibility of the Merit System Classification and Compensation Committee is to provide for employee and administration consultation with the merit system director on subjects related to the administration of the merit system as follows:
1. Proposed changes in the merit system rules related to classification and compensation
 2. Proposed changes in class descriptions
 3. Appeals of assignment of classes to pay grades
 4. The annual review of the pay plan and methods for conducting the related salary survey
 5. Appointments at starting salaries above the minimum of a range when such appointments make it necessary to adjust salaries of other employees.
- B. The committee shall be composed of representatives from each institution. The resident directors shall serve as permanent members; an administrator from each institution appointed by the head of that institution shall serve for at least a two-year period; and a merit system employee from each institution appointed by the staff council of that institution shall serve for at least a two-year period (October 17-18, 1974, pp. 337-339).

1.17 Special Committees

- A. Special committees shall be designated as occasion demands. They shall serve only during the period required for the performance of the several duties assigned and shall be discharged when their respective reports are accepted by the board (November 13-15, 1958, p. 138).

1.18 Membership on other Boards, Commissions, Councils and Committees

- A. A member or members of the Board of Regents will also serve or appoint those who serve on the following boards, commissions, councils and committees:

College Aid Commission
State Educational Radio and Television Facilities Board
State Communications Advisory Council
Iowa Coordinating Council for Post-High School Education
Committee on Mental Hygiene
Iowa Centennial Memorial Foundation
Iowa State University Memorial Union Board of Directors
Iowa State University Alumni Achievement Fund Board of Trustees
Iowa State University Research Foundation Board of Directors
Iowa State University Foundation Board of Directors
University of Northern Iowa Foundation Board of Directors
Law Enforcement Academy Council
University of Iowa Research Foundation

1.19 College Aid Commission

A. The Higher Education Facilities Commission of the State of Iowa shall now be known as the College Aid Commission (June 20, 1978). Membership of the commission shall be as follows:

1. A member of the State Board of Regents to be named by the board, or the secretary thereof if so appointed by the board, who shall serve for a four-year term or until the expiration of his or her term of office.
2. The Superintendent of Public Instruction.
3. A member of the State Advisory Committee for Vocational Education to be named by the said committee who shall serve for a four-year term or until the expiration of his or her term of office.
4. A member of the Senate to be appointed by the President of the Senate for a term of four years beginning on July 1 of the year of appointment.
5. A member of the House of Representatives to be appointed by the Speaker of the House for a term of four years beginning on July 1 of the year of appointment.
6. Four additional members to be appointed by the Governor. One of such members shall be selected to represent private colleges, private universities and private junior colleges located in the State of Iowa. When appointing such one member, the Governor shall give careful consideration to any person or persons nominated or recommended by any organization or association of some or all private colleges, private universities and private junior colleges located in the State of Iowa. The other three such members, none of whom shall be official board members or trustees of an institution of higher learning or of an association of such institutions, shall be selected to represent the general public.

The membership of the commission shall be increased by two members, both of whom shall be appointed by the Governor, and one of these shall be enrolled as a student at an institution within the state (June 20, 1978).

The members of the commission appointed by the Governor shall serve for a term of four years.

B. The commission shall:

1. Prepare and administer a state plan for higher education facilities which shall be the state plan submitted to the Commissioner of Education, federal Department of Health, Education and Welfare, or any agency successor thereto, in connection with the participation of this state in programs authorized by the federal "Higher Education Facilities Act of 1963" together with any amendments thereto.

2. Provide for administrative hearings to every applicant for funds authorized under the "Higher Education Facilities Act of 1963" together with any amendments thereto, in regard to the priority assigned to such application for funds by said commission or to any other determination of the state commission adversely affecting the applicant.
3. Apply for, receive, administer, expend, and account for such federal moneys necessary for its own administrative expenses as authorized by the federal "Higher Education Facilities Act of 1963" together with any amendments thereto.
4. Prepare and administer a state plan for a state supported and administered scholarship program. Said state plan shall provide for scholarships based on ability to deserving students of Iowa, matriculating in Iowa universities, colleges, area vocational schools, area community colleges, or schools of professional nursing.
5. Receive, administer, and allot a tuition loan fund for the benefit of Iowa resident students enrolled in Iowa studying to be physicians or osteopathic physicians and surgeons and who agree to become general practitioners (family doctors) and practice in Iowa.
6. Administer the tuition grant program under this chapter (Code 261; June 28-30, 1967, p. 572; June 24-25, 1971, p. 623; July 13-14, 1972, p. 6).
7. There is established a subvention program for resident students who are enrolled in the College of Osteopathic Medicine and Surgery of Des Moines, Iowa.
8. The College Aid Commission shall contract with the proper officials of states which have accredited schools and colleges of optometry for the admission and education of qualified applicants who are domiciliaries of Iowa and who have demonstrated interest, aptitude, and readiness for study in the field of optometry.
9. Administer a state guaranteed student loan program as provided by S.F. 2228 (June 20, 1978).
10. Prepare a state plan, complete with fiscal implications, for a state program to match federal funds paid under the GI Improvement Act of 1977 to a veteran who is an Iowa resident for the purpose of repaying any school loan received by such veteran from the U.S. Veterans Administration (S.F. 2228, June 20, 1978).

1.20 State Educational Radio and Television Facility Board

- A. There is hereby created a State Educational Radio and Television Facility Board for the purpose of planning, establishing, and operating an educational radio and television facility and such other communications services as may prove necessary in aid of the accomplishment of the educational objectives of the state.

- B. The board shall be composed of nine members who shall be selected in the following manner:
 1. Three members shall be appointed by the State Board of Public Instruction from its own membership or from the personnel of the State Department of Public Instruction.
 2. Three members shall be appointed by the State Board of Regents from its own membership or from among its employees or employees of institutions under the jurisdiction of the board.
 3. Three members shall be appointed by the Governor, at least one of whom shall be from a regionally accredited private four-year college or university.
- C. Terms of office for members of the board shall be for three years. Terms shall commence on July 1 of the year of the appointment (Code 8A; August 10-11, 1967, p. 4; May 9-10, 1968, p. 461; June 26-27, 1969, p. 516; June 24-25, 1971, p. 623; July 13-14, 1962, p. 6).

1.21 State Communications Advisory Council

- A. The State Communications Advisory Council shall provide guidance to the director [Department of General Services] in the development, administration, unification, and standardization of communication services to meet normal and emergency requirements of all state departments. The council shall consist of the following persons or their designated representatives:
 1. The Superintendent of Public Instruction
 2. The Commissioner of Public Safety
 3. The Adjutant General
 4. The Chairperson of the Iowa Highway Commission
 5. The President of the State Board of Regents
 6. The Chairperson of the Council on Social Services
 7. The Chairperson of the State Educational Radio and Television Facility Board (Code 8A).

1.22 Iowa Coordinating Council for Post-High School Education

- A. Purpose of the Council. The main function of the Council is to provide an effective means of voluntary cooperation and coordination among the various boards which are ultimately responsible for post-high school education in Iowa. This function is to be accomplished by:
 1. Providing a means for the systematic gathering of data and to make such data available in usable form to the colleges, their boards, and all other agencies in need of such information.
 2. Making studies of problems, policies, curriculum, finance, facilities, and other factors which are pertinent to planning and development of post-high school education in Iowa.

3. Receiving information from boards and institutions concerning their problems, plans, and legislative requests.
 4. Making recommendation to governing boards and institutions and to the public which will aid in the development of statewide coordination.
- B. Membership. There shall be 21 voting members distributed as follows:
1. Appointed by the State Board of Regents:
 - a. Three members of the State Board of Regents; and
 - b. One representative from each of the three state institutions for higher learning under the Regents.
 2. Appointed by the State Board of Public Instruction:
 - a. Three board members -- two from the Board of Public Instruction and one from a Merged Area Board; and
 - b. Two representatives from the State Department of Public Instruction and one from an Area Community College or Area Vocational School.
 3. Appointed by the Iowa Association of Private Colleges and Universities:
 - a. Three members of boards of trustees of member institutions, and
 - b. Three representatives from private colleges.
 4. Appointed by Iowa College Aid Commission:

One member of the commission.
 5. Appointed by the Iowa Public Broadcasting Network Board:

One member of the board.
 6. Appointed by the Iowa Private Specialized School Association:

One member of the association.

There shall also be seven consultants as follows:

- a. Executive Secretary of the State Board of Regents.
- b. State Superintendent of Public Instruction. (If the State Superintendent is named a member of the council, then the Superintendent may designate an assistant to serve in this capacity of consultant.)
- c. President of the Iowa Association of Private Colleges and Universities.
- d. Executive Director of the Iowa Higher Education Facilities Commission.
- e. Director of the Governor's Office of Planning and Programming.
- f. Executive Director of the Iowa Council of Area School Boards.
- g. Executive Director of the Iowa Public Broadcasting Network.

Each member shall name an alternate to serve in the member's absence, and this alternate shall be kept fully informed of all work of the council.

The council shall follow Roberts Rules of Order. A quorum shall be eleven members which must include at least one member from three of the six segments of the council.

- C. Terms of Council Members. All terms shall be for three years and a member may be reappointed.
- D. Advisory Committees. The council may establish such Advisory Committees as it deems desirable.
- E. Officers. The council shall elect a chairperson and vice-chairperson and such other officers and for such terms as it may determine. There shall be a minutes secretary, a treasurer, and a correspondence secretary who may be a council member or may be a staff member.

The council shall select such staff as the council may determine to be necessary and to provide compensation for each.

- F. Meetings. Meetings shall be held at least four times each year at time and place determined by the council.
- G. Policies and Procedures. The council shall develop a manual of policies and procedures to assist the council and its members achieve the purposes of the council.
- H. Reports. The council shall make an annual report containing a summary of the work of the council, its accomplishments, its problems, its recommendations, and such factual data as seems appropriate. This report shall be available to the public.

The council shall generate such studies, reports, and recommendations as deemed necessary to assist post-high school educational institutions in better serving the needs of Iowans.

- I. Finance. The council, as a voluntary association of all facets of post-high school education in Iowa, shall be financed by an assessment of its own members. Each assessment of members shall be shared on a per vote proportionate basis.

The council shall be authorized to accept contributions, gifts, and grants from other sources when available unless such involve commitments which are inconsistent with the purpose of the council.

The council shall pay expenses of its members and staff as authorized by the council.

1.23 Committee on Mental Hygiene

- A. Committee on Mental Hygiene is hereby created to consist of the Director of the State Psychiatric Hospital at Iowa City, the Commissioner of the State Department of Health, the Dean of the College of Medicine at the University of Iowa, a member of the State Board of Regents appointed by the board, the Commissioner of the State Department of Social Services, the Director of Mental Health of the State Department of Social Services, a member of the State Board of Public Instruction appointed by the board, and eight members to be appointed by the Governor. The appointive members by the Governor shall be one from the membership of the Subcommittee on Nervous and Mental Disease of the Iowa Medical Society, one from the membership of the Iowa Psychiatric Society, two from the membership of the Boards of Directors of the Iowa Community Mental Health Centers, one from the membership of the Iowa Association for Mental Health, one from the membership of the Iowa Psychological Association, one from the membership of the Iowa Society of Osteopathic Physicians and Surgeons, and one from the membership of the Iowa Association for

Retarded Children. The appointive members by the Governor and the various boards shall serve for terms of three years beginning July 4 of the year of appointment. Vacancies shall be filled for the unexpired term in the same manner as original appointments (Code 225B.2; August 12-13, 1965, p. 21; June 26-27, 1969, p. 516; June 24-25, 1971, p. 624).

- B. When specifically requested to do so by persons legally responsible, the Mental Hygiene Committee shall review policies and programs relating to mental health of the requesting governmental agency and shall suggest ways of coordinating the programs with those of the mental health authority relating to research, training, and the demonstration of new techniques.
- C. The "Iowa Mental Health Authority" for the purposes of directing the benefits of Public Law 487, 79th Congress of the United States and amendments thereto, shall be named by the State Board of Regents with the advice of the Dean of the College of Medicine of the University of Iowa and the Committee on Mental Hygiene (Code 225B; August 12-13, 1965, p. 215; June 26-27, 1969, p. 516; June 24-25, 1971, p. 624).
- D. The "Iowa Mental Health Authority," with approval of the Committee on Mental Hygiene and subject to the provisions of Chapter 17A of the Code, shall formulate and adopt and may from time to time revise standards for community mental health centers and comprehensive community mental health programs, with the overall objective of ensuring that each center and each affiliate providing services under contract with a center furnishes high quality mental health services within a framework of accountability to the community it serves. The standards shall be in substantial conformity with those of the Psychiatric Committee of the Joint Committee on Accreditation of Hospitals and other recognized national standards for evaluation of psychiatric facilities unless, in the judgment of the Iowa Mental Health Authority with approval of the Committee on Mental Hygiene, there are sound reasons for departing from such standards. When formulating or revising standards under this section, the Iowa Mental Health Authority shall designate an advisory committee representing boards of directors and professional staff of community mental health centers to assist in the formulation or revision of standards.
- E. The Committee on Mental Hygiene may review and evaluate any community mental health center upon its own motion or upon the recommendation of the Iowa Mental Health Authority, and the committee shall do so upon the written request of the center's board of directors, its chief medical or administrative officer, or the board of supervisors of any county from which the center receives public funds. The cost of the review shall be paid by the Iowa Mental Health Authority (Laws of the 1974 Session, pp. 499-500).

1.24 Iowa Centennial Memorial Foundation

The Iowa Centennial Memorial Foundation established on the fifth day of January, 1949, shall have perpetual existence, and the certificate of incorporation heretofore issued to the Iowa Centennial Memorial Foundation by the Secretary of State shall be deemed a valid certificate of perpetual existence, and no corporation fees shall hereafter be required to renew or continue its existence.

It shall be the duty of the Governor to serve as President of the Iowa Centennial Memorial Foundation; it shall be the duty of the Treasurer to serve as Treasurer of the Iowa Centennial Memorial Foundation; it shall be the duty of the Attorney General to serve as legal counsel for the Iowa

Centennial Memorial Foundation; and it shall be the duty of the President of the State Board of Regents to serve as Secretary of the Iowa Centennial Memorial Foundation.

The duties of the state officials hereinbefore provided with respect to the Iowa Centennial Memorial Foundation shall be a part of their official duties pertaining to their respective offices (Code 504.32).

1.25 Iowa State University Memorial Union Board of Directors

- A. The purposes of this corporation shall be exclusively for religious, charitable, scientific, literary, and educational purposes, and no member thereof shall receive any pecuniary profit therefrom. Such purposes shall be accomplished through the erection, furnishing, maintaining, and operating of a memorial building on the campus and grounds of Iowa State University of Science and Technology in honor of the memory and services of Iowa State University of Science and Technology men and women who have given or may give life or service for our country in its armed forces, and to be devoted exclusively to the social, moral, religious, literary, scientific, and educational development and welfare of the students, faculty, alumni, friends, and guests of Iowa State University of Science and Technology; and upon the completion of said building and the full payment of the obligations created in the erection thereof, or sooner if the Board of Regents of the State of Iowa shall so request, the said building and equipment therein shall be conveyed by this corporation to the State of Iowa to be perpetually used, operated, and maintained by the State of Iowa for the purposes aforesaid. The aforesaid purposes shall be accomplished in such appropriate manner as the board of directors of the corporation may determine; but in the main, said building and equipment therein shall be used as a center for the meeting of students, faculty, alumni, friends, and guests of Iowa State University of Science and Technology for social, religious, literary, scientific, and educational purposes, and for the meetings of student, faculty, alumni, and other organizations devoted to such purposes or one or more of them, and in the furnishing of comforts and conveniences to such students, faculty, alumni, friends, and guests of such character as may be calculated to promote and carry out the purposes aforesaid.
- B. The affairs, funds, property, and business of this corporation shall be controlled and managed by a board of thirty-one (31) directors, of whom six (6) shall be members of the staff at Iowa State University of Science and Technology, and known as faculty directors; twelve (12) shall be alumni of said university, in no way connected with the management or operation thereof, and known as alumni directors; twelve (12) shall be students of said university, and known as student directors; one (1) shall be a member of the State Board of Regents.

The directors, with the exception of the member of the State Board of Regents, shall be elected by the members by majority vote, in annual meetings, but vacancies occurring during interim between annual meetings may be filled, until the next annual meeting, by the Board of Directors. The State Board of Regents shall designate the member thereof to serve as a director. The term of such director shall be three years, and in case of resignation or vacating office as a member of the State Board of Regents, the said board shall designate such director's successor.

At each annual meeting, one-third of the faculty directors and alumni directors shall be elected to serve for a term of three (3) years, and

all of the student directors shall be elected to serve for a term of one (1) year (Articles of Incorporation, May 29, 1959; April 11-12, 1957, p. 357; June 22-23, 1961, p. 554; June 28-30, 1967, p. 569; July 11-12, 1968, p. 613).

1.26 Iowa State University Alumni Achievement Fund Board of Trustees

- A. This corporation [Alumni Association] is organized for benevolent, charitable, scientific, and educational purposes, and to that end its purposes and objects are to promote the social, moral, and material welfare of Iowa State University of Science and Technology (hereinafter referred to as Iowa State University) and of its faculty, graduates, students, and former students, and to promote and encourage social intercourse and friendly relations therewith and among the members of this corporation, and to preserve the memories and friendships of college life; to establish, maintain, manage, and administer a trust fund to be known as "The Alumni Achievement Fund" and to receive gifts, donations, devises, and bequests of money and real and personal property to become a part thereof, and to invest, care for, manage and control all moneys and properties so received, and to disburse and dispense the same, and the income therefrom, as the donors may direct, or in case specific directions are not given then to such uses as the trustees of the "Alumni Achievement Fund" may determine in aid of any of the activities, institutions, interest, purposes and objects of Iowa State University, and to aid any student to continue his education therein, or any department thereof, or for the carrying on in said institution of any line of research work or investigation in sociology, the sciences, arts and industries embraced in the purposes and objects of said institution.
- B. The Alumni Achievement Fund shall be and constitute a trust fund and shall be managed, controlled, and administered by a board of thirteen trustees of which the President of Iowa State University, the Vice-President for Information and Development, the Vice-President for Business and Finance, and a member of the State Board of Regents who is an alumnus of said university, shall by virtue of occupying such positions and during said occupancy, be ex-officio members with voting powers. In the event no alumnus of said university is a member of the State Board of Regents, the said Board of Regents may designate one of its members as a member of the Board of Trustees of the Alumni Achievement Fund, or in the event more than one alumnus is on the Board of Regents, the Board of Regents will designate the one person to serve on the Board of Trustees of the Alumni Achievement Fund. The nine remaining voting members of said Board of Trustees shall be known as appointive trustees, shall be members of this corporation, and at least one of them shall be a faculty member of Iowa State University. The President of Iowa State University Alumni Association, or his/her delegated representative, and the national campaign chairman, if such be named by the said Board of Trustees, shall serve as ex-officio trustees without voting powers (Articles of Incorporation of Alumni Association including amendments approved since original filing in June, 1932; April 11-12, 1957, p. 358; June 22-23, 1961, p. 554; June 28-30, 1967, p. 569).

1.27 Iowa State University Research Foundation Board of Directors

- A. The foundation is an independent, not for profit, corporation, which will process and handle all patent matters and licensing agreements for Iowa State University and pay to the inventor 15% of all net income

derived from an invention. All remaining net income is dedicated to the support and expansion of research and education activities of the university.

- B. The foundation purpose is twofold:
 - 1. To meet the educational goals of the University through broader dissemination of new and useful technology through the patent route
 - 2. To aid and encourage high quality research at the university.
- C. The members of this corporation shall be limited to eleven, of whom one shall be the president of the university while occupying such office, one shall be a member of the Board of Regents, six shall be members of the faculty or staff on active duty at the university, and the remaining members shall be alumni of the university not connected with the faculty or governing body thereof.
 - 1. In the event of the termination of membership of any member, a successor shall be elected by the remaining members, each person so elected to become a member only upon the approval of the Board of Regents. (This language only applies to faculty and alumni members.)
 - 2. The Board of Regents member of the Board of Directors shall be appointed by the Board of Regents from its membership and shall hold office until a replacement is appointed or until the Regents member is no longer a member of the Board of Regents. (By-laws of Research Foundation; ISU Office Procedure Guide, p. 3-15; June 14-15, 1956, p. 503; August 9, 1962, p. 110; October 14-15, 1965, p. 154; January 13-14, 1966, p. 305).

1.28 Iowa State University Foundation Board of Directors

- A. The corporation is organized and operated exclusively for educational and scientific purposes all for the public welfare and is authorized to accept, hold, administer, invest, and dispense for educational and scientific purposes such funds as may from time to time be given to it by any person, firm, or corporation, to receive gifts and make financial and other types of contributions and assistance to educational and scientific institutions, incorporated or nonincorporated, which are exempt from federal income tax.
- B. Membership of this corporation shall not be less than five, all members being also known as governors. Any person may be elected to membership in this corporation by a majority of the members present at any annual or special meeting thereof.
- C. Affairs and business of this corporation shall be conducted by a board of directors of not less than eleven (11) or more than twenty-five (25) members. Two members shall be perpetual members, these being the President of Iowa State University and the President of the Board of Regents. All other members shall be elected by members of the corporation to a three-year term. All members are voting members (Articles of Incorporation and By-Laws, The Iowa State University Foundation, June 6, 1968 edition).

1.29 University of Northern Iowa Foundation Board of Directors

- A. The corporation is organized and operated exclusively for educational and scientific purposes all for the public welfare and is authorized to accept, hold, administer, invest, and dispense for educational and scientific purposes such funds as may from time to time be given to it by any person, firm, or corporation, to receive gifts and make financial and other types of contributions and assistance to educational and scientific institutions, incorporated or nonincorporated, which are exempt from federal income tax.
- B. The Board of Governors elects the members of the Board of Directors who shall serve three-year terms except for the following designated positions:

President of University
Director of Alumni Affairs
Director of Alumni Association
President of Alumni Association
President of Student Association
Secretary of Foundation
Member of Board of Regents

1. Total number of the board shall not exceed fifteen persons.
 2. All members of the board are voting members (By-Laws of Foundation).
- C. A member of the Board of Regents designated by the president of the Board of Regents shall serve on this board.
1. Term of office shall be until a replacement is designated by the president.
 2. The representative shall be a full voting member of the Board of Directors (By-Laws of Foundation).

1.30 Law Enforcement Academy Council

- A. There is hereby created the Iowa Law Enforcement Academy Council which shall consist of the following members:
1. The Attorney General, or his designated representative.
 2. Two members of the Senate, not more than one of whom will be from the same political party, appointed by the Lieutenant Governor for a term of four years commencing on August 15, 1974.
 3. Two members of the House of Representatives, not more than one of whom will be from the same political party, appointed by the Speaker of the House for a term of two years commencing on August 15, 1974.
 4. Two members appointed by the Governor with the consent of the Senate. One member shall be appointed by the Governor for a term of four years commencing on August 15, 1974. One member shall be appointed by the Governor for a term of two years commencing on August 15, 1974. All succeeding appointments by the Governor shall be for a term of four years.

5. One member, knowledgeable in law enforcement, appointed by the Superintendent of Public Instruction from an area school for a term of two years commencing on August 15, 1974. All succeeding appointments by the Superintendent of Public Instruction shall be for a term of four years.
 6. One member from the College Aid Commission for a term of four years commencing on August 15, 1974. This member shall be the commissioner who represents the private colleges.
 7. One member appointed by the Commissioner of Social Services from the Division of Adult Corrections for a term of two years commencing on August 15, 1974. All succeeding appointments by the Commissioner of Social Services shall be for a term of four years.
 8. One member appointed by the Commissioner of Public Safety from the Department of Public Safety for a term of four years commencing on August 15, 1974.
 9. One member elected by the State Board of Regents for a term of four years commencing August 15, 1974.
- B. In the event a member appointed pursuant to this section is unable to complete his term, the vacancy shall be filled for the unexpired term in the same manner as the original appointment.
- C. The members of the council who are not employees of the state or a political subdivision shall be paid a \$40 per diem. All members of the council shall be reimbursed for necessary and actual expenses incurred in attending meetings and in the performance of their duties. All per diem and expense moneys paid to members shall be paid from funds appropriated to the Iowa Law Enforcement Academy (S.F. 1341 Amendments to Code of Iowa, 1973, Sec. 80B.6, July 23-24, 1974, pp. 62-63).

1.31 University of Iowa Research Foundation

- A. This corporation is organized and shall be operated exclusively for the attainment of charitable, scientific, and educational purposes through benefiting and carrying out the purposes of the State University of Iowa and for the realization and attainment thereof shall seek:
1. To advance, develop, increase, and extend the progress of science and useful arts through encouraging and assisting investigation, research, and education at the State University of Iowa by furnishing the means, methods, and agencies by which ideas, creations, discoveries, inventions, and processes may be protected and the uses thereof determined and safeguarded for the public, and to manage, license and dispose of proprietary rights in ideas, creations, discoveries, inventions, and processes of any nature;
 2. To receive by gift, grant, devise, or bequest, and to acquire by purchase, lease, exchange or otherwise, property, both real and personal, including but not limited to, proprietary rights in copyrights, applications for patents, patents, licenses, and other rights and interests therein, either as absolute owner or as trustee thereof, and to manage and administer the same;

3. To make contributions, grants, gifts, and transfers of property, both real and personal, either outright or in trust, to or for the benefit of the State University of Iowa.
- B. The affairs of this corporation shall be managed by a Board of Directors consisting of not less than 5 nor more than 25 directors, with the exact number thereof to be determined and elected by the Board of Directors of the State University of Iowa Foundation from among nominees named by the President of the State University of Iowa. The board shall include not less than one person from each of the following groups: (1) the officers (including the Executive Director) and Directors of the State University of Iowa Foundation; (2) the State Board of Regents of the State of Iowa or a designee thereof; (3) the faculty and administrative staff of the State University of Iowa; and (4) the public, including alumni of the State University of Iowa. The initial Board of Directors, at its organizational meeting, shall divide the directors into three classes in respect to term of office, each class to contain as near as may be one-third of the total number of directors. The directors of one class shall serve until the annual meeting of the Board of Directors of the State University of Iowa Foundation held in the calendar year following; the members of the second class shall serve until the annual meeting of the Board of Directors of the State University of Iowa Foundation held in the second calendar year following; and the members of the third class shall serve until the annual meeting of the Board of Directors of the State University of Iowa Foundation held in the third calendar year following; provided, however, that in each case directors shall continue to serve until their successors shall be elected. At each annual meeting of the Board of Directors of the State University of Iowa Foundation one class of directors shall be elected to serve until the annual meeting of the Board of Directors to be held in the third calendar year next following and until their successors shall be elected. Any director may be elected to succeed himself or herself in that office for a subsequent term or terms. Unless otherwise elected as a director, the President of the University of Iowa shall be a member of the Board of Directors (January 16-17, 1975, p. 482).

1.32 Affiliated Organizations

All affiliated organizations of the institutions under the Board of Regents are required to submit reports of their activities at least annually to the board based on a systematic schedule developed by the Board Office (January 16-17, 1975, p. 482).

1.33 Regents' Advisory Committees on Iowa School for the Deaf and Iowa Braille and Sight Saving School

- A. Two committees shall be formed to advise the board regarding the Iowa School for the Deaf and the Iowa Braille and Sight Saving School. Each advisory committee shall consist of: (1) an administrator from each Regent university; (2) another member of each Regent university, probably a subject expert in an area of concern to the two special schools; (3) a Board Office representative; and (4) the respective superintendent; (5) subject area consultants, 1 for each school.

The university representatives shall be nominated by the chief executive officer subject to approval by the board. The Board Office representative shall be designated by the executive secretary. The Board Office representative shall serve ex officio, nonvoting; the two superintendents shall be ex officio nonvoting members. The Board Office shall also serve as secretariat. The chair of the committee shall rotate among the three universities on an annual basis. Members of the committee shall serve a period of one year beginning September 1 and are eligible for reappointment.

B. The duties of the committee shall be as follows:

1. To facilitate cooperative agreements among the universities and the two specialized schools in the areas of services to students, training, research, and other related areas
2. To advise the board regarding the two specialized schools in the areas of services to students, training, research, and other related areas
3. To assist the two specialized schools in governance by the development of such items as annual reports, long-range plans, program review structures (interim procedure, joint review, and final review by the board), development of mission statements, and the development of procedures for these efforts. Initially, a major task of the committee will be to help develop specifics of the plan for governance of the two specialized schools, such as detailed educational programming and policies, research and resource needs, and relationships with other agencies.

C. The committee shall meet as often as necessary to effectively carry out its duties but not less than twice a year.





II. MEETINGS

2.01 Regular Meetings

- A. The board shall meet four times a year (Code 262.8).
- B. Meetings shall be held on the second Thursday and Friday of each month unless otherwise designated by the board.
- C. Meetings shall be held at either a member institution or the Board Office, the place to be agreed upon at least one month in advance (September 13-14, 1951, p. 11).

2.02 Special Meetings

- A. Special meetings may be called by the board, by the president of the board, or by the executive secretary of the board upon written request of any five members of the board (Code 262.8).

2.03 Subject of Meetings

- A. At all meetings it shall be valid to act on any subject within the powers of the board, except that whenever anything is proposed which is in the nature of an innovation, either in course of study or in the general policy of an institution, the matter may be referred for further study and reported back to the board for action at a subsequent meeting (March 13, 1912, p. 286).

2.04 Dockets

- A. Dockets containing all matters to be brought before the board together with all supporting material will be assembled by the executive secretary. Such dockets will be indexed and included in a binder for easy reference.
 - 1. Each institution will prepare its own portion of the docket and forward same, with all supporting material, to the executive secretary at least ten days prior to the date a board meeting is scheduled.
 - 2. Information regarding the size, composition and format of docket material will be forwarded to the institutions by the executive secretary.
- B. Assembled dockets will be mailed to members of the board by the executive secretary at least six days prior to any scheduled meeting.
- C. No matter which is not included in the docket will be brought before the board, unless such matter is of an urgent and compelling nature. Institutions may, however, keep board members informed on recent developments affecting docket items.
- C. Nothing in these instructions will be construed as preventing direct communication by the presidents with the board.

- E. The agenda of board meetings will be made available to students, faculty, staff, and the general public through the Board Office and the public information offices at each institution prior to the board meeting at which the agenda is to be considered (April 12-13, 1951, p. 234; September 13-14, 1951, p. 11; September 12-13, 1968, p. 7; October 7-9, 1970, p. 123).

2.05 Conduct of Meetings

- A. The business of the institutions shall be presented by the institutional executives to the board (January 12-13, 1967, p. 317).
- B. Six members of the board shall constitute a quorum. The number of votes required to constitute a majority for a given purpose shall be a majority of those present, assuming a quorum. Except where otherwise required by statute, the board shall conduct its meetings according to Robert's Rules of Order.
- C. Open Meetings

The following language excerpts and paraphrases key provisions applying to the board as found in Chapter 28A of the Code of Iowa, as amended by House File 2074, passed in the 1978 Legislative Session and effective as of January 1, 1979.

- 1. All actions and discussion at meetings of the Board of Regents, committees formally and directly created by the Board of Regents, and those multi-membered bodies to which the board or a president of a university has delegated the responsibility for the management and control of intercollegiate athletic programs, whether formal or informal, shall be conducted and executed in open session, except for the reasons specifically provided in the act for holding a closed session.
- 2. Meetings of such bodies, as mentioned above, shall be preceded by a public notice of the time, date, and place of each meeting and a tentative agenda in a manner reasonably calculated to apprise the public of that information. Such notice includes advising news media who have filed a request for notice with the board or committee and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

Such notice shall be given at least 24 hours prior to the commencement of any meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. When it is necessary to hold a meeting on less than 24 hours notice, the nature of the good cause justifying departure from the normal requirements shall be stated in the minutes.

Any formally constituted subunit of the board may conduct a meeting without notice, as required in the law, during a lawful meeting of the Board of Regents, a recess in that meeting, or immediately following the meeting, if the meeting of the subunit or committee is publicly

announced at the board meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the board.

3. The board and every committee affected by the act shall keep minutes of each of its meetings showing the date, time and place, members present, and the action taken at each meeting. The minutes shall show the results of each vote taken, and the vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

D. Closed Sessions

1. The board and subunits covered under the act may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. The board or subunit may hold a closed session only to the extent a closed session is necessary for any of the following reasons:
 - a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.
 - b. To discuss application for letters patent.
 - c. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent and disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
 - d. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings, if the governmental body is a licensing or examining board.
 - e. To discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student, unless an open session is requested by the student or a parent or guardian of the student, if the student is a minor.
 - f. To discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A of the Code of Iowa.
 - g. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which, if disclosed, would enable law violators to avoid detection.
 - h. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which, if disclosed, would facilitate disregard of requirements imposed by law.
 - i. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered

when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

- j. To discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.
2. In addition to the above reasons for holding a closed session, negotiating sessions, strategy meetings of public employers or employee organizations, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of Chapter 28A. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of the open meetings law. Hearings conducted by arbitrators shall be open to the public.
3. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under the law shall be announced publicly at the open session and entered into the minutes. The governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.
4. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code of Iowa expressly permits such actions to be taken in closed session.
5. The board and subunits shall keep detailed minutes of all discussions, persons present, and action occurring in a closed session and shall also tape record all of the closed session. The detailed minutes and tape recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this law, the detailed minutes and tape recordings shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking review of those minutes. In determining whether any portion of the minutes or recordings shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of this disclosure of any portion of the minutes or recording in question against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and tape recording by the parties seeking enforcement of the law. The governmental body shall keep the detailed minutes and tape recording of any closed session for a period of at least one year from the date of the meeting. A special provision exists, however, for the minutes and tape recording of a session closed to discuss the purchase of real estate; these recordings and minutes shall be available for public examination when the transaction discussed is completed.

E. Board Procedures for Holding a Closed Meeting

The procedure for calling an executive session will begin with the president of the board determining whether a suggested topic is a proper one for an executive session in accordance with the reasons given for holding such a session, as detailed above. The president will notify the board in public session that such a request has been made and will identify by letter or topic the specific exemption for holding a closed session and then request a roll call vote which, in accordance with the law, will require an affirmative vote of two-thirds of the board or all of the members present before the executive session can be approved.

At the beginning of the executive session, the president will inform the board more specifically of the topic of the session. The topic will not be considered in executive session if one-third of the board members present object. The minutes of the regular board meeting will reflect the roll call vote for the executive session and the time at which the executive session began and ended. If the same topic is continued at another executive session during the same regular monthly board meeting, or prior to the next meeting of the Board of Regents, the president may announce it as a continuation and not require another roll call vote.

F. Electronic Meetings

1. The board or affected subunits may conduct a meeting by electronic means only in circumstances where a meeting in person is impossible or impractical and only if the board or its committees complies with all of the following:
 - a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.
 - b. The governmental body complies with the other requirements on public notice, as stated above.
 - c. Minutes are kept of the meeting.
 - d. In the minutes, there shall be a statement explaining why a meeting in person was impossible or impractical.
2. A meeting by electronic means may be conducted without complying with public access requirements, if it complies with all requirements for a closed session, as stated earlier.

2.06 Attendance at Meetings

- A. The executives of all the institutions shall be present at board meetings unless specifically excused by the president of the board. The executive secretary is authorized to excuse the executives of the Iowa School for the Deaf and the Iowa Braille and Sight Saving School.

- B. Resource persons, when requested by an institution to attend a board meeting, are to receive their established rate of compensation and a travel allowance. Persons not requested by an institution to attend as resource persons are neither eligible for travel allowances nor for compensation, except as compensation for a day's vacation at the discretion of the institution (September 8-9, 1960, p. 583; April 12-13, 1973, p. 702).

2.07 Hearings Before Board

- A. Any person may petition for a written or oral hearing before the board. All requests for hearings must be in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary if one is requested.
 - 1. Students, faculty, and other employees of institutions under the control of the board must route their petitions through the chief executive officer of the institution concerned. The chief executive officer will forward the petition, with comments, to the executive secretary of the board. The executive secretary of the board will docket the item for consideration by the board.
 - 2. All other persons may request hearings by written petition directly to the executive secretary of the board. The executive secretary shall cause the subject matter of the petition to be investigated and make a written report to the board. The executive secretary of the board will docket the item for consideration by the board.
- B. If the board grants a hearing, it shall be conducted in the manner prescribed by the board (November 13-15, 1955, p. 143; November 8-10, 1967, p. 174; August 14-15, 1969, p. 2).

2.08 Per Diem and Expenses of Board Members

- A. All claims for the actual necessary expenses of the board and of its committees... shall be filed with and allowed by the State Comptroller in the same manner as may now or hereafter be required in the case of claims for similar expenses by state officers (Code 262.29).
- B. The following rules have been established either by the board or by the State Comptroller, the Executive Council of Iowa and the General Assembly.
 - 1. All board members are entitled to per diem of \$40.00 plus expenses for each day of attendance during board meetings.
 - 2. If because of distance from home to meeting a board member is in transit during the day prior to or subsequent to a board meeting, the board member is entitled to one half per diem of \$20.00 plus expenses for each of those days.
 - 3. If a board member lives near enough to the place of meeting to reach his destination on the same day of the meeting but chooses to leave home during the day prior to the meeting or return on the day after the meeting, the board member is entitled to expenses but no per diem for each of those days.

4. In the case of special occasions at the institutions which involve board members, board members may charge per diem for serving as a speaker if representing the board and also are entitled to expenses for such an appearance.
5. In the case of board members attending meetings at the institutions or state agency meetings as the result of their appointment by the board or other state authority, the board member may charge expenses on the same basis as their own board meetings. Per diem may also be charged with payments to be made either from the funds of the state agency involved, if that agency has funds appropriated for per diem payments, or from board appropriations.
6. In the case of board members attending meetings at the institutions or state agency meetings as the result of their appointment by the board or other state authority, they may charge per diem plus expenses on the same basis as their own board meetings.
7. When attending out-of-state conferences, such as the Association of Governing Boards, a board member may charge expenses only but no per diem.
8. In special circumstances not covered by the previously stated conditions permitting payment of expenses and per diem, the board as a whole may vote to pay expenses or per diem, or both as warranted by unusual but necessary board obligations, e.g., study group, visiting with other institutions, or projects relative to housing, board organization, etc.
9. The deadline for submitting out-of-state travel requests to the Executive Council shall be at least two council meetings prior to the convention or meeting, except where same is called on short notice, in which case the circumstances should be stated in the request.
10. All travel by air shall be made at tourist or coach class when available, rather than first class, and those traveling by car shall be limited to the equivalent of tourist class fare or 15 cents per mile, whichever is lower.
11. The statutory allowance of 15 cents per mile for use of private automobiles shall include all expenses of the automobile such as tolls, parking, etc., other than as stated below.
12. Parking will be allowed for state and private cars at an airport during the employee's flight.
13. Expenses for lodging and meals while traveling out of state will be limited to those incurred during the meeting and one day prior to or one day after the meeting.
14. Receipts must be provided when claiming reimbursement for airline, hotel, special conveyances, parking, and registration fees.
15. Noon lunches are eligible for reimbursement.

16. Effective January 1, 1975, all meal reimbursements paid to an employee while not in a travel status (no overnight lodging involved anytime in the travel) constitutes taxable income.
17. Claims for both per diem and expenses should be submitted at the end of each month on separate forms provided by the Board Office.
18. No claim shall be allowed by the State Comptroller's office when such claim is presented after the lapse of three months from its accrual (Code 8.13; Executive Council Policy, March 6, 1969; Departmental Rules, 1973, pp. 209-210; September 9-10, 1965, p. 78; S.F. 1139 approved 1974; Departmental Rules, December 4, 1974).

III. BOARD OFFICE

3.01 Governance

- A. The board of regents shall also have and exercise in addition to its other powers and duties as set forth in Chapter 262/ all the powers necessary and convenient for the effective administration of its office and of the institutions under its control, and to this end may create such committees, offices, and agencies from its own members or others, and employ persons to staff the same, fix their compensation and tenure and delegate thereto, or to the administrative officers and faculty of the institutions under its control, such part of the authority and duties vested by statute in the board, and shall formulate and establish such rules and regulations, outline such policies and prescribe such procedures therefor, all as may be desired or determined by the board as recorded in their minutes. Employees of the board hereunder shall not come under the division of personnel provided for in Code 8.5 (Code 262.12)

3.02 Executive Secretary

- A. The Executive Secretary of the State Board of Regents is responsible for the administration of the Board Office.
- B. There is hereby delegated to the Executive Secretary of this board and he is hereby vested with all the duties, powers, and authorities previously delegated to, prescribed for, and exercised by the Finance Committee. (April 13-15, 1966, p. 438; June 16-17, 1966, pp. 558-561)

3.03 Office Responsibilities

- A. The Board Office shall provide the general staff work necessary to assist the board in arriving at sound decisions on policies, procedures and future plans. This includes preparation of written material in advance of board meetings, the compiling, editing and preparing of surveys, reports and other necessary research.
- B. The Executive Secretary shall participate in the combined institutional biennial budget preparation primarily for (1) the purpose of coordinating such preparation as to format and basic assumptions, and (2) in order that he may be able to interpret the final budget to other state agencies and the legislature.
- C. The Executive Secretary shall review the preliminary annual budget summaries for each institution prior to their submission to the board in order to advise the board as to their acceptability.
- D. The Executive Secretary shall be the daily contact, when necessary, between the board and other state agencies. He shall work in cooperation with the Public Information Committee of the institutions to provide information for the legislature and the public in regard to the board askings and other legislation in which the board has an interest.

- E. The Executive Secretary shall visit the institutions as often as he deems it necessary to conduct the business of the Board Office.
- F. The Executive Secretary, in cooperation with the institutional treasurers, shall have the responsibility for the investment of funds belonging to the institutions.
- G. The Executive Secretary shall work with the board's financial consultant in the preparation and completion of all matters relating to the financing of capital improvements.
- H. The Executive Secretary shall keep and carefully preserve complete files of documents and records of the proceedings of the board. (November 13-15, 1958, p. 137; June 16-17, 1966, pp. 558-559; January 12-13, 1967, p. 318)



IV. PERSONNEL

4.01 Authority of Board

- A. The board shall elect a president of each of said institutions of higher learning; a superintendent of each of said other institutions; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. (Code 262.9(2))

4.02 State Merit System of Personnel Administration

- A. The general purpose of this chapter is to establish for the state of Iowa a system of personnel administration based on the merit principles and scientific methods governing the appointment, promotion, welfare, transfer, layoff, removal and discipline of its civil employees, and other incidents of state employment. All appointments and promotions to positions in the state service shall be made solely on the basis of merit and fitness, to be ascertained by competitive examinations, except as hereinafter specified. (Code 19A.1)
- B. The merit system shall apply to all employees of the state and to all positions in the state government now existing or hereinafter established except the following: . . .

All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the state board of regents.

The state board of regents . . . shall adopt rules and regulations for their employees, which rules and regulations shall not be inconsistent with the objectives of this chapter, and which shall be subject to approval of the Iowa Merit Employment Commission. If at any time the director determines that the Board of Regents Merit System . . . does not comply with the intent of this chapter, he, subject to the approval of the commission, shall have authority to direct correction thereof and the rules and regulations of the board shall not be in compliance until the corrections are made. (Code 19A.3)

4.03 Appointment of Presidents and Superintendents

- A. The presidents of the institutions of higher education and the superintendents of the other institutions shall be elected by the State board of regents. (Code 262.9 (2))
- B. In the election of a president for any institution, no choice will be recorded without the consent of at least six members of the board. (April 1, 1910, p. 57)

4.04 Other Board Appointments

- A. Secretaries and treasurers of the institutions shall be nominated by the executive heads of the institutions.
- B. Names of secretaries and treasurers shall be submitted annually to the board for appointment.
- C. Vice presidents, deans, directors (academic and administrative), and department heads (academic and administrative) shall be nominated by the executive heads of the institutions.
- D. Names of candidates nominated for these positions shall be submitted to the board for appointment. (December 12-13, 1957, p. 151)

4.05 Register of Personnel Changes

- A. Once each month each institution shall forward to the Executive Secretary of the board a list of all personnel changes made in the preceding month by the institution executives. This list of personnel changes shall be known as the "Register of Personnel Changes". Each institution executive shall certify on the register that the personnel changes are in accordance with state law and board regulations.
- B. The Executive Secretary of the board shall file the registers of personnel changes from each institution. The regular board docket for each institution will carry one item labeled "Request for approval of Register of Personnel Changes". Approval of the registers shall constitute confirmation of the personnel changes contained therein.
- C. The Executive Secretary shall docket for board approval as part of the general docket an item labeled "Board Office Register of Personnel Changes". (December 12-13, 1957, p. 153; November 11-12, 1971, p. 234)

4.06 Appointment to Positions with Tenure and Other Personnel

- A. Appointments or promotions to positions of tenure and those not covered in 4.04 shall be made by the institution executives.
- B. All personnel appointments and promotions made under the authority of this section shall be reported to the board in the monthly Register of Personnel Changes. (July 14-15, 1966, p. 18)

4.07 Resignations

- A. Resignations of personnel covered by section 4.04 shall be submitted to the board by the institution executives for acceptance.
- B. Resignations of personnel covered by section 4.06 may be accepted by the institution executives and reported in the Register of Personnel Changes.

- C. Each institutional executive will make a summary report to the board of resignations for personnel covered under 4.04 and 4.06 annually at the beginning of each academic year. Such report shall include, when available, the position the employee is taking and where the employee is going. (July 14-15, 1966, pp. 18-19; January 11-12, 1973, p. 459)

4.08 Leaves of Absence

- A. The board shall grant leaves of absence with full or partial compensation to staff members to undertake approved programs of study, research, or other professional activity which in the judgment of the board will contribute to the improvement of the institutions. Any staff member granted such leave shall agree either to return to the institution granting such leave for a period of not less than two years or to repay to the state of Iowa such compensation as he shall have received during such leave. (Code 262.9 (12))
- B. Requests for leaves of absence for personnel covered by section 4.04 shall be submitted to the board by the institution executives for approval.
- C. Requests for leaves of absence for personnel covered by section 4.06, including retired and emeritus faculty and staff, may be granted by the institution executives and reported in the Register of Personnel Changes, except that professional development leaves shall be submitted to the board by the institution executives for approval.
- D. Each request for a professional development leave shall contain information as to length of service of the individual and estimate of budgetary support necessary to finance each leave.
- E. Each institution shall submit a yearly evaluation and report or discussion and costs regarding research assignments and professional development leaves. (July 14-15, 1966, p. 19; February 9-10, 1967, p. 372; March 14-15, 1968, p. 352)

4.09 Nepotism

- A. It is unlawful for any person elected or appointed to any public office or position under the laws of the state to appoint as deputy, clerk, or helper in said office or position to be paid from the public funds any person related by consanguinity or affinity, within the third degree, to the person elected, appointed, or making said appointment, unless such appointment shall first be approved by the officer, board, council, or commission whose duty it is to approve the bond of the principal; provided this provision shall not apply in cases where such person appointed receives compensation at the rate of six hundred dollars per year or less, nor shall it apply to persons teaching in public schools. No person so unlawfully appointed or employed shall be paid or receive any compensation from the public money and such appointment shall be null and void and any person or persons so paying the same or any part thereof, together with his bondsmen, shall be liable for any and all moneys so paid. (Code Chapter 71)

- B. No person responsible for recommending the employment of staff members shall employ in any position in his department any person related to himself as follows:

By blood: Parent, child, brother, sister, first cousin, uncle, aunt, nephew, niece.

By marriage: Husband (wife), brother (sister)-in-law, father (mother)-in-law, son (daughter)-in-law, step-parent, step-child.

The provisions in Paragraph B shall apply to persons whose marital status changes during employment. In such cases, one of the persons affected must give up his position not later than one year after the marital status has changed, but he may be re-employed elsewhere in the institution subject to the provisions of Paragraph B.

The provisions in Paragraph B shall apply to both full-time and part-time employees (including students) except those who are on a part-time retirement basis, but the chief executive officer of each institution or his designated representative may make exception to the foregoing regulations in cases where such person appointed receives compensation at the rate of six hundred dollars (\$600) per year or less. (November 14-15, 1968, p. 163)

4.10 Faculty Commitment to Presidents

The selection and retention of university presidents does not differ significantly from the selection and retention of other administrators who are members of the faculty. Where the presidents are individuals drawn from a faculty they desire to retain their academic associations. As in the case of other administrators who are faculty members, personal and institutional considerations may arise which might make it appropriate for presidents to return to full-time faculty responsibilities. The opportunity to do this should exist within the university itself. The Board of Regents regards this as a personnel matter common to administrators who hold faculty rank and wishes to treat the university presidents in the same way as it does other university administrators who have faculty rank. To this end the board acknowledges its faculty commitment to the president and will provide for the return to the faculty of a president. In doing so the Board will consider the president's standing in regard to peers in the discipline and the need for reorientation to the discipline. (May 10-11, 1973)

4.11 Salaries

- A. Changes in salaries of line budget employees:

- (1) Proposed changes in salaries of personnel covered by section 4.04 shall be transmitted by the institution executives to the board.
- (2) Changes in salaries of line budget personnel covered by section 4.06 may be made by the institution executives subject to the following restrictions:
 - (a) Personnel appointed to line budget positions at the same or less salary than provided in the printed budget shall be reported in the Register of Personnel Changes.

(b) Changes of salaries in line budget positions involving salaries larger than those provided in the printed budget may be made by the institution executives if such increases will not increase the overall budget of the department, college, or other unit involved. Personnel involved in such changes may be placed on the payroll by the institution executives pending approval of the Register of Personnel Changes.

B. Compensation for correspondence and extension class work:

1. Changes in rates of pay for teaching correspondence and extension classes may be made by the institution executives. Changes shall be reported in the monthly Register of Personnel Changes.

C. Salaries of part-time and student employees:

1. The institution executives are authorized to approve part-time and student employees within the limits of departmental budgets. The names and hourly wage rates of these employees shall be reported in the Register of Personnel Changes. (December 12-13, 1957, p. 152)

D. Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in any such Act, and all salaries shall be paid in equal monthly, semimonthly or biweekly installments and shall be in full compensation of all services, except as otherwise expressly provided. (Code 79.1)

4.12 Sick Leave

A. Commencing July 1, 1977, permanent full-time employees of state departments, boards, agencies, and commissions shall accrue sick leave at the rate of one and one-half days for each full month of employment. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically-related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease:

1. Which require the employee's confinement,
2. Which render the employee unable to perform assigned duties, or
3. When performance of assigned duties would jeopardize the employee's health or recovery.

Separation from state employment shall cancel all unused accrued sick leave. However, if an employee is laid off and the employee is reemployed by any state department, board, agency, or commission within one year of the date of the layoff, accrued sick leave of the employee shall be restored. (H.F. 634 - 67 G.A. - 1st Session - effective 7/1/77)

- B. Each permanent employee is entitled to a leave of absence at his normal rate of pay because of sickness or injury to the extent that he has sick time to his credit at the beginning of the leave of absence. The amount of sick leave time which he may have to his credit is the net running balance of sick leave credits accumulated, less sick leave credits used.
- C. Sick leave credits accumulate at the rate of one and one-half working days per month of service. Persons holding an academic year appointment are considered to be employed for nine months; those holding a summer session appointment only are considered to be employed for two months; those employed during a full academic year and a subsequent summer session are considered to have been employed for a full 12 months.
- D. Sick leave credits are used at the rate of one day of sick leave credit for each working day the employee is absent.
- E. Sick leave may be granted only on evidence of sickness or injury satisfactory to the chief administrative officer of the institution.
- F. Payment for sick leave absence is made on regular payroll days except as indicated in paragraph A.
- G. Employees who resign during a sick leave are allowed pay for sick leave to the effective date of resignation, or to the end of the sick leave entitlement, whichever occurs first.

(B through G - February 13-14, 1958, pp. 224-226; August 12-13, 1971, pp. 9-12)

- H. Employees covered under a collective bargaining agreement shall be granted sick leave in accordance with that agreement. (H.F. 634 - 67 G.A.- 1st Session, effective 7/1/77 to 6/30/79)
- I. Commencing July 1, 1977 when an employee who is not covered under the provisions of a collective bargaining agreement negotiated under the provisions of chapter twenty (20) of the Code retires under the provisions of a retirement system in the state maintained in whole or in part by public contributions or payments, the number of accrued days of active and banked sick leave of the employee shall be credited to the employee. Until the general assembly provides a program of credit for accrued sick leave, the number of accrued days credited to an employee upon retirement shall be the same as at the time of the employee's retirement (SF 2247 - 67 G.A.).
- J. Governor Robert Ray established the following sick leave program effective July 1, 1978:
 - 1. All eligible state employees who do not use sick leave for a full calendar month may elect to have one-half day (4 hours) added to their accrued vacation account in lieu of adding one and one-half days (12 hours) to their accrued sick leave account.

2. Eligible employees are those permanent, full-time state employees
 - a. who have accumulated a minimum of thirty days (240 hours) in their sick leave account; and
 - b. who are not covered by a collective bargaining agreement negotiated under Chapter 20 of the Code of Iowa; and
 - c. who are not employees holding faculty rank within the institutions governed by the Board of Regents and not otherwise eligible for accrued vacation.
3. Employees who have made an election pursuant to this Executive Order will be allowed to accumulate up to an additional 12 days (96 hours) beyond twice their annual vacation and unscheduled holiday entitlement.
4. The State Comptroller is directed to promulgate all necessary procedures for the implementation of this sick leave program.

This Executive Order shall remain in effect until such time as legislation providing credit for the compensation of employees who have accrued sick leave is enacted.

4.13 Vacations

- A. All employees of the state shall earn two weeks vacation per year during the first year of employment and through the fourth year of employment, and three weeks vacation per year during the fifth through the eleventh year of employment, and four weeks vacation per year during the twelfth year and all subsequent years of employment, with pay. One week vacation shall be equal to the number of hours in the employee's normal work week. Vacation allowances shall be accrued according to the provisions of Chapter 91A as provided by the rules of the Iowa Merit Employment Department. Said vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that in no case may an employee be granted vacation in excess of the amount earned by the employee. In the event that the employment is terminated, the provisions of Chapter 91A relating to such termination shall apply.

If said termination of employment shall be by reason of death of the employee, such vacation allowance shall be paid to the estate of the deceased employee if such estate shall be opened for probate. If no estate be opened, the allowance shall be paid to the surviving spouse, if any, or to legal heirs if no spouse survives. (Code 79.1 H.F. 351 - 66 G.A.)

- B. All professional and scientific employees of SUI, ISU, UNI, ISD, IBSSS and the board office who are employed full-time shall accrue vacation at the rate of one month of 22 working days per year. (June 9-10, 1976, p. 626)
- C. Employees covered under a collective bargaining agreement shall be granted vacation in accordance with that agreement. (H.F. 634 - 67 G. A. - 1st Session - effective 7/1/77 to 6/30/79)

4.14 Holidays

- A. The following seven (7) holidays are granted annually to employees
 - 1. New Year's Day
 - 2. Memorial Day
 - 3. Independence Day
 - 4. Labor Day
 - 5. Thanksgiving Day
 - 6. Friday after Thanksgiving
 - 7. Christmas Day, and
- B. Two days to be designated by the head of each institution and
- C. Two days to be accrued as vacation. (H.F. 634 - 67 G A. - 1st Session; July 28, 1977, p. 69)
- D. Employees covered under a collective bargaining agreement shall be granted holidays in accordance with that agreement. (H.F. 634 - 67 G.A. - 1st Session - effective 7-1-77 to 6-30-79)

4.15 TIAA-CREF Retirement Program Eligibility

- A. All permanent employees of ISU, SUI, and UNI who have a budgeted annual salary of \$7,800 or more will be eligible to participate in the TIAA-CREF retirement program or in a plan substituted therefor in accordance with existing board policy. Contributions will continue at the present rate. There will be no waiting period.
- B. All employees of record on June 30, 1971, who were eligible for coverage under the old rules continue to be so covered subsequent to that date if their employment is continuous. (June 24-25, 1971, p. 606; August 12-13, 1971, p. 8)

4.16 Deferred Compensation and Tax Sheltered Annuities Program

- A. At the request of an employee through contractual agreement the board may arrange for the purchase of group or individual annuity contracts for any of its respective employees from any company the employee may choose that is authorized to do business in this state, for retirement or other purposes, and may make payroll deductions in accordance with such arrangements for the purpose of paying the entire premium due and to become due under such contract. The deductions shall be made in the manner which will qualify the annuity premiums for the benefits afforded under section 403b of the Internal Revenue Code of 1954 and amendments thereto. The employee's rights under such annuity contract shall be non-forfeitable except for the failure to pay premiums.

and all subsequent years of employment, with pay. One week vacation shall be equal to the number of hours in the employee's normal work-week. Vacation allowances shall be accrued on a pay period, monthly, or quarterly basis as provided by the rules of the Iowa merit employment department. Said vacations shall be granted at the discretion and convenience of the head of the department, agency or commission, except that in no case may an employee be granted vacation in excess of the amount earned by him. In the event that the employment of an employee of the state shall be terminated for any reason other than a discharge for good cause, he shall be paid a vacation allowance for any vacation which he may have earned prior to such termination, and which he has not yet taken. For the purposes of this section, death of an employee shall be considered a termination of employment which shall require payment of such vacation allowances as might be payable for any other termination. If said termination of employment shall be by reason of the death of the employee, such vacation allowance shall be paid to the estate of the deceased employee if such estate shall be opened for probate. If no estate be opened, the allowance shall be paid to the surviving spouse, if any, or to the legal heirs if no spouse survives. (Code 79.1; Section providing two weeks vacation after one year of employment becomes effective July 1, 1973, per 1973 General Assembly House File 503)

B. Interpretation:

All employees of the state are granted two weeks vacation after one year employment and through the fifth year of employment, three weeks after the fifth and through the twelfth year of employment, four weeks vacation after the twelfth year and all subsequent years of employment. (Agreed to June 22, 1970; modified to include interpretation of H.F. 503, 1973 Session)

4.14 Holidays

A. Ten holidays are granted annually to employees. These days are:

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
One day during Christmas week
Two days to be specified annually as holidays by the head of each institution.
(December 9-10, 1954, p. 190; February 9-10, 1973, p. 525)

4.15 TIAA-CREF Retirement Program Eligibility

- A. All permanent employees of ISU, SUI, and UNI who have a budgeted annual salary of \$7,800 or more will be eligible to participate in the TIAA-CREF retirement program or in a plan substituted therefor in accordance with existing board policy. Contributions will continue at the present rate. There will be no waiting period.
- B. All employees of record on June 30, 1971, who were eligible for coverage under the old rules continue to be so covered subsequent to that date

if their employment is continuous. (June 24-25, 1971, p. 606; August 12-13, 1971, p. 8)

4.16 Deferred Annuities

At the request of an employee the governing body shall by contractual agreement acquire an individual or group life insurance contract, annuity contract, security or any other deferred payment contract for the purpose of funding a deferred compensation program for an employee, from any company the employee may choose that is authorized to do business in this state and from any life underwriter duly licensed by this state or from any securities dealer or salesman registered in this state to contract business in this state. The deferred compensation program shall be administered so that the state comptroller or his designees may remit one sum for the entire program according to a single billing.

The provisions of this section shall be in addition to any benefit program provided by law for any employees of the state or any of its political subdivisions. (Code 509A.12)

4.17 Employee Awards

- A. The executive council, upon recommendation by an employing department, may authorize payment of a cash incentive award to any employee, who develops a practical plan for efficiency, economy, or cost reduction for his department or for the operations of the state government. An incentive award under this section shall not exceed one thousand dollars.

Wherever used in this section, "department" includes any department, agency, board, bureau, or commission of this state.

- B. Any department may adopt a cost reduction plan which shall provide for a reduction in the number of employees or operating costs of the department below the number or amount which would otherwise be authorized. The executive council, upon recommendation by the department, may authorize payment of a cash incentive award to each employee in the department who will be required to perform additional duties or contribute additional effort as a result of the cost reduction plan. The executive council shall authorize such awards only if it determines that the cost reduction plan is in the best interests of the state, and only if the estimated net savings due to the cost reduction plan less the amount of the cash incentive award revert to the fund from which originally appropriated. The total amount of all awards under this section with respect to any cost reduction plan shall not exceed one-fourth of the estimated savings due to the cost reduction plan. The amount of the award to each employee shall be approved by the executive council.
- C. Awards made pursuant to this section shall be paid out of the appropriated funds of the department employing the persons receiving the awards.
- D. Before authorizing an award under this section, the executive council shall submit the departmental recommendation to the comptroller and to the legislative fiscal director, each of whom shall submit his independent evaluation within fifteen days. (Code 19.33)

4.18 Maternity Leave

The time during which an employee is unable to work because of a disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom will be treated as sick leave. If an employee's accumulated sick leave is insufficient to cover the period of disability, she will at her request be granted a leave of absence without pay for the duration of that period. Any request for absence which is beyond the period of disability will be considered as a leave of absence without pay or as vacation. (June 14-16, 1972, pp. 889-890)

4.19 Candidates for Political Office

A. The board has no definite policy for employees who are candidates for political office. The institutional executives are to submit recommendations regarding individual employees as such situations develop. (June 26-28, 1963, p, 524)

4.20 Special Security Officers

A. The board may authorize any institution under its control to commission one or more of its employees as special security officers. Special security officers shall have the powers, privileges, and immunities of regular peace officers when acting in the interests of the institution by which they are employed. The board shall provide as rapidly as practicable for the adequate training of such special security officers at the Iowa Law Enforcement Academy or in an equivalent training program, unless they have already received such training. (Code 262.13)

B. To effect the above action, the following obtains:

- (1) Each institution under the Board of Regents shall recommend to the board the name of each security officer to be commissioned as a special security officer. The institutions shall include detailed information concerning the law enforcement training of each officer so recommended.
- (2) Any campus security personnel designated as special security officers shall have received basic recruit training at the Iowa Law Enforcement Academy or have the equivalent of such training.
- (3) Designated special security officers shall be permitted to carry firearms only upon express authority of the President or his delegated authority in assignments of extreme danger.
- (4) Each institution shall take appropriate measures to insure that its security personnel receive adequate law enforcement training commensurate with their assignment as rapidly as practicable.

Except for compelling reasons, security personnel shall not be eligible for basic recruit training at the Iowa Law Enforcement Academy until employed for six months as a security officer at a Regent institution.

- (5) Institutions under the Board of Regents may recommend to the board names of employees to be designated as temporary special security

officers. All such designations shall extend no longer than one year after such designation by the board or, if earlier, upon the successful completion of a course of training at the Academy or an equivalent training course approved by the Board. No employee shall be eligible for renewal of a temporary designation.

- (6) All requests for special security officer status must be brought to the board for appointments, whether such requests be for regular, temporary or a change from temporary to regular status. (March 13-14, 1969, p. 337; December 9-10, 1971, pp. 323 and 357)

4.21 Teacher Contracts (Special Schools)

- A. Contracts with teachers must be in writing and state the length of time school is to be taught and the compensation to be paid. The contract would state the number of working days covered by the contract.
- B. Contracts shall remain in force and effect for the period stated in the contract. Following a period of two consecutive years, the contract shall be automatically in force and effect for annual periods except as modified or terminated by mutual agreement of the superintendent and the teacher or by dismissal as stated in item D.
- C. Changes in compensation for teachers under continuing contract shall be made through modification of contract forms prepared either after appropriations are known or budgets have been approved by the Board of Regents.
- D. Resignations are to be submitted to the superintendent no later than April 15 of the year in which the resignation is effective. Teachers whose contracts are to be terminated are to be informed by the superintendent by April 10 of the year in which the termination is effective. The notice of termination will inform the teacher of the right to a private meeting with the superintendent. Current grievance and appeal procedures in effect at the institutions will obtain in such cases.
- E. The superintendents are to use their discretion in the hiring and retention of non-certified teachers. In addition, non-certified teachers employed continuously for two years shall not be subject to the certification requirements in the standard contract. (September 14-15, 1972, p. 136-137; January 11-12, 1973, p. 447)

4.22 Hearings on University Contracts

- A. The board approves the principle of on-campus hearings on such matters as the establishment of fair internal procedures for determining the effectiveness of university employment contracts. (November 11-12, 1971, p. 279)

4.23 Appeals by Employees to Board

- A. Any employee, including but not limited to a faculty member or other teacher, of an institution under the jurisdiction of the state board of regents who feels aggrieved by any final adjudicatory order or rule-making decision made by the institution regarding his employment may, after exhausting all his remedies within the institution, request the board to review such final order or decision in accordance

with the procedures hereinafter provided. "Adjudicatory order" means all or any part of a final institutional disposition, whether affirmative, negative or declaratory in form, of any matter of particular applicability to the individual employee regarding his employment. "Rule-making decision" means all or any part of an institutional statement of general applicability and future effect designed to implement, interpret or prescribe institutional rules, regulations or policy regarding employees or conditions of employment.

- B. Requests for review shall be in writing and shall state the specific reasons therefor. Requests shall be submitted to the chief executive officer of the institution concerned who will forward the request, with his comments, to the Executive Secretary of the board. Requests for review of a final adjudicatory order must be submitted to the chief executive officer of the institution within seven (7) days after the employee receives notice of the order. Requests for review of a rule-making decision may be submitted at any time after all institutional remedies have been exhausted. Supporting documents may be submitted with the request. The Executive Secretary shall docket the request for consideration by the board as soon as practicable.
- C. The board may, in its discretion, grant or deny the request for review: provided, however, that on appeal from an order dismissing a faculty member with tenure or terminating during its term the appointment of a faculty member without tenure, the board shall grant the request for review. If the board grants the request to review the order or decision on the merits, it will then determine whether or not to hold a hearing, as hereinafter provided, and otherwise specify the procedure to be followed. If the board denies the request, its decision is final. (The employee may thereafter seek judicial review as permitted by law.)
- D. The Executive Secretary shall promptly notify the employee and the chief executive officer of the institution by letter of the board's decision and of the time and place of any subsequent hearing, if any.
- E. On appeal from an adjudicatory order the board may, in its discretion, (a) review the order on the basis of the record of the proceedings before the final appeal body of the institution, (b) remand all or any part of the order to the final appeal body of the institution for further proceedings as directed by the board; or (c) hold an evidentiary hearing of its own on all or any part of the order. The employee may, for good cause, request the board to hold an evidentiary hearing. The employee may request either an open or closed hearing, but the board shall, in its discretion and as provided by law in Section 28A (Code) determine whether the hearing shall be open or closed. Technical rules of evidence shall not apply at any hearing, and the board shall, in its discretion, determine the relevancy and admissibility of all evidence. If the board decides to review the order on the basis of the record of the proceedings before the final appeal body of the institution, the institution shall within seven (7) days of the board's decision provide the employee with a written copy of the record of such proceedings (which may be either a verbatim transcript or a narrative summary). The employee may dispute the accuracy of all or any part of the record and, if the matter cannot be resolved to the mutual satisfaction of the employee and the institution, the board shall determine the procedure for settling the record.

- F. On appeal from a rule-making decision the board may, in its discretion, review the decision on the basis of documents and other evidence submitted by the institution and the employee, or other interested parties, or it may hold a hearing of its own, which hearing shall be open. The board shall, in its discretion, determine (a) the scope of inquiry at such hearing, (b) who may testify or present other evidence, and (c) otherwise determine its procedure.
- G. On appeal from either an adjudicatory order or rule-making decision, any interested party may submit a written brief, and the board may request either the employee or the institution concerned or both to submit written briefs. The board may, in its discretion, decide the appeal on the basis of such written briefs or it may request the parties to present oral argument. Either party may request the opportunity to present oral argument but, except as hereinafter provided, shall not have a right to be heard orally. The employee may be represented at any hearing or argument by legal counsel or other advisor. On appeal from an order dismissing a faculty member with tenure or terminating during its term the appointment of a faculty member without tenure, the faculty member shall, on request, have a right to be heard orally.
- H. Upon review on the merits, the board may affirm, modify, remand, or reverse all or any part of the order or decision of the institution and may, based upon either the record or an evidentiary hearing, make independent findings of fact and conclusions on appeal from an adjudicatory order. The board may, in its discretion, accompany its decision with a written opinion. The decision of the board on the merits is final. (The employee may thereafter seek judicial review as permitted by law.) (March 11-13, 1970, pp. 354-55)

4.24 Meet and Confer Policy

- A. The Board of Regents recognizes that all of its employees have the right to organize and join labor unions. The board further recognizes that each of its employees has the freedom to decide whether or not he or she should join a union. An employee's job does not depend upon whether or not that employee belongs to a union and terms and conditions of employment apply uniformly to all employees whether union or non-union.
- B. The board deems it to be in the best interests of the institutions under its control that each institution be permitted to meet and confer with individual employees and representatives of employee groups, including union representatives, on matters of mutual interest in order that each institution may obtain information and employee opinion as to wages, hours of work, grievance procedures and other conditions of employment.
- C. Because of the uncertainty of the current legal situation regarding collective bargaining by public employees, and pending clarifying legislation in this area, Regent institutions will not enter into written contracts or understandings with employee or union groups regarding wages, hours, benefits, grievances or other matters involving general or specific conditions of employment. (October 7-9, 1970, p. 116)

executive secretary, a merit system director will be appointed who will be responsible for the development, operation and evaluation of the system in compliance with the objectives and intent of the state merit employment act and regents merit rules. At each Board of Regents institution, the head thereof will designate an administrator to serve as resident director of the system. The resident director will be responsible through the chief executive at the institution for conducting a program of personnel administration in accordance with these rules. The merit system director shall review the operation of the merit system at each of the institutions and will be responsible for the direction of the merit system and have authority to insure the uniform administration of the merit system under provision of these rules.

(1) Records and reports.

The resident directors will maintain an individual file on each employee that will include a record of all personnel transactions affecting that individual. The resident directors will also maintain records on operations conducted under these rules and will periodically as requested, and at least annually, report a summary of such operations to the merit system director and in addition will prepare other reports as may be required by the merit system director to indicate compliance with applicable Regents and state requirements and federal standards. The resident director will establish, in cooperation with employing departments, a program that will provide for the regular evaluation, at least annually, of the qualifications and performance of all employees.

(2) Nondiscrimination.

All programs and transactions administered under these rules will be conducted on the basis of merit and fitness without discrimination or favor because of political or religious opinions or affiliations or national origin, race, sex, disability or age except as prescribed or permitted under state and federal law.

(3) Political activity.

No employee covered under this system will engage in any partisan political activity that is prohibited by law; every employee will have the right to freely express his or her views as a citizen and to cast his/her vote; coercion of employees for potential purposes will be prohibited.

Those employees who are by law subject to the provisions of the federal Hatch Act will be informed of such provisions by the resident director at their institution and will be required to adhere thereto.

(4) Revisions and additions.

In accordance with the provisions of chapter 19A, these rules may be revised at any time. In addition, supplementary rules subject to chapter 17A of the Code, not inconsistent with these rules may be made applicable to any department, program or service, whenever such additional merit system provisions are required as a condition of eligibility for federal funds. (3.1 to 3.3 Filed July 12, 1971; amended July 17, 1972)

3.4 to 3.13 Reserved for future use.

DEFINITIONS

3.14(19A) Definitions.

- (1) "Certification" is the determination, in accordance with the rules, by the resident director of the people from which an employing department may select to fill a vacancy.
- (2) "Class" or "class of position" means one or more positions, which are sufficiently similar in duties and responsibilities, that each position in the group can be given the same job title, require the same minimum qualifications as to education and experience, can be filled by substantially the same test of ability or fitness, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.
- (3) "Demotion" means a change of a classified employee from a position in a given classification to a position in a classification having a lower pay grade. Demotion may be voluntary, involuntary, or result from a reclassification of a position.
- (4) "Eligibility lists" are lists of the names of qualified applicants who have passed the examination prescribed for a particular class of position.
- (5) "Eligibility register" consists of the names of the highest ten percent of available candidates on the appropriate eligibility list, or the highest five if there are less than fifty available candidates on the eligibility list. (Filing date August 15, 1974)
- (6) "Examination" is a test of fitness that is applied to determine the eligibility of an applicant for a class.
- (7) "Grievance" is a dispute or complaint concerning the interpretation or application of merit system or institutional rules governing terms of employment and working conditions.
- (8) "Permanent employee" is an employee who has completed the probationary period and thereby acquired permanent status in accordance with the rules of the system.
- (9) "Position" means a group of specific duties, tasks and responsibilities assigned to be performed by one employee. A position may be full-time or part-time, temporary or permanent, occupied or vacant.
- (10) "Probationary period" is a work test period that is a part of the examination process following an original or promotional appointment during which an employee is required to demonstrate his or her fitness for the position to which appointed.
- (11) "Promotion" means a change in status of a permanent classified employee from a position in a classification to another position in a classification having a higher pay grade.
- (12) "Reduction in force" is a layoff resulting from a shortage of funds or work, a material change in duties or organization or abolishment of one or more positions.

- (13) "Re-employment" is the reappointment of an employee from a re-employment list. An employee may be placed on a re-employment list as a result of (a) layoff or voluntary demotion in lieu of layoff, or (b) medically-related disability leave and exhaustion of vacation and medically-related disability leave credits.
- (14) "Reinstatement" is the reappointment of a permanent employee who has resigned in good standing.
- (15) "Resident director" is the person appointed by the head of each regents institution to administer the merit system rules at that institution.
- (16) "Suspension" is a leave of absence without pay enforced as a disciplinary measure.
- (17) "Classify" or "allocate" means to make the original assignment of a position to an appropriate class on the basis of the duties and responsibilities assigned and to be performed.
- (18) "Reclassify" or "reallocate" means to make a reassignment or change in the position by raising it to a higher, reducing it to a lower, or moving it to another class of the same level on the basis of significant changes in the kind or difficulty of the tasks, duties, and responsibilities in such position, or because of an amendment to the classification plan, and officially assigning to that position the class title for such appropriate class of position.
- (19) "Classification appeal" is the act of contesting the classification or reclassification of a position.
- (20) "Minimum rate" is Step 1 of the pay grade to which a classification is assigned. It is less than an "Advanced starting rate."
- (21) "Advanced starting rate" is a rate or step of the pay grade which is greater than the minimum rate (Step 1) of the pay grade for a specific class as provided for in the approved pay plan.
- (22) "Maximum rate" is the final step of the pay grade to which a classification is assigned. A "red-circled" rate is above the maximum.
- (23) "Transfer" means a change from a position in one class to a different position in the same class in another department or institution, or to a position in a different class having the same pay grade.
- (24) "Pay grade" or "grade" means the numerical designation of a pay schedule having a minimum and maximum with intermediate steps establishing rates of pay. The last two digits of a pay grade shall govern the level of a grade and determine whether a class is lower, higher, or the same as another class to determine a demotion, promotion or transfer.
- (25) "Rate of pay" or "rate" means the dollar amount of salary or wage prescribed at each step of each pay grade in the approved pay plans (matrices).
- (26) "Base pay" means the employee's rate of pay exclusive of extra pay such as leadworker pay, pay for shift differential, pay for special assignment, on-call pay, call back pay, or any other incentive premium pay.

3.15 to 3.24 Reserved for future use.

CLASSIFICATION

3.25(19A) Preparation and maintenance of the classification plan.

The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, shall develop and maintain a classification plan so that all positions that are substantially similar and comparable in regard to the kind and difficulty of work and the level or responsibility are included in the same class, so that the same minimum qualifications are required for all positions in the same class (except as provided in 3.69(2), so that the same examination may be used in filling all positions in a class, and so that the same pay schedule may be equitably applied (except for geographical differences) to all positions in the class. For each class of position the plan will include a class title, a definition of the job, examples of the kind of work performed, the minimum qualifications for the class including special requirements when applicable.

3.26(19A) Administration of the classification plan.

The merit system director will direct the uniform administration of the classification plan. Resident directors may recommend classifications and reclassifications. Employing departments and employees may appeal classification and reclassification in accordance with 3.127(19A) of these rules.

The merit system director, in consultation with the resident directors and subject to the approval of the board of regents, may establish new classes and change or abolish existing classes to meet the needs of the institutions and to properly reflect changes in work and the organization thereof. When the classification of a position is changed, the incumbent will be entitled to continue service in the position provided he or she meets the minimum qualifications or provided the duties have not changed appreciably. If the incumbent is not eligible to continue, he or she may be transferred, promoted, demoted or laid off in accordance with the rules. Changes in classification will not be used to avoid other provisions of these rules relating to layoffs, promotions, demotions and dismissal.
(Filed April 4, 1977)

3.27 to 3.36 Reserved for future use.

COMPENSATION PLAN

3.37(19A) Preparation, content and adoption of the pay plan.

The board of regents will adopt a pay plan for all the classes established in the classification plan. The pay plan will consist of a schedule or schedules of numbered grades with minimum, maximum and intermediate steps for each grade. Each class will be assigned to a pay grade. The plan will be developed to reflect the relative difficulty and responsibility of the work involved in the various classes, what is paid for

similar work by other employers in the pertinent labor market, and the availability of funds with due regard to the results of a collective bargaining agreement negotiated under the provisions of Chapter 20 of the Code. The plan will be uniformly applicable to all regents institutions except for variances approved on the basis of geographical differences. Prior to final approval by the board of regents, the plan will be the subject of a public hearing conducted after reasonable and adequate notice at each Board of Regents institution. After approval by the Board of Regents the plan will be submitted for approval to such other authority as required by law.

3.38(19A) Review and revision of the pay plan.

At least once each year the complete pay plan will be reviewed for revision by the board of regents in the same manner and following the same procedure stated in 3.37(19A). At any time new classes may be established and other revisions may be made in the plan to reflect proper relationships and to facilitate recruitment and retention. Such changes will be effective after approval by the board of regents and other authority as required by law.

3.39(19A) Administration of the pay plan.

Within the provisions of these rules, the pay plan will be uniformly administered by the resident directors under the direction of the merit system director for all classes in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid at one of the steps of the pay grade to which the employee's class is assigned and such pay will constitute the total cash remuneration the employee receives for his/her work in that position. Perquisites such as subsistence and maintenance allowances will be considered a part of pay and the value of such will be deducted from an employee's rate of pay.

(1) Entrance salaries.

The entrance salary for an employee in any position under this system will be the minimum salary of the pay grade to which that class of position is assigned or in accordance with the approved pay plan, except as provided for the following:

- a. Appointment based on a scarcity of qualified applicants. At the request of an institution and on the basis of economic or employment conditions which make it difficult or impossible to recruit at the minimum rate of the pay grade to which a class of position is assigned, a resident director, subject to approval by the merit system director, may authorize for a designated period of time recruitment for that class at a rate higher than the minimum. Where such a higher entrance rate is authorized all employees in the same class and in the same geographical area, who are earning less than the higher entrance rate, will be increased to that higher rate.
- b. Appointment based on exceptional qualifications. Employees whose qualifications substantially exceed the minimum required for the class, or who possess outstanding experience relative to the demands of the position, may at the request of an employing department, be appointed at a rate higher than the minimum, provided that the pay of all other employees with similar qualifications working under the same conditions at the same institution are raised to that higher rate. Such appointments must be approved by the resident director and reported to the merit

system director. Such appointments which necessitate the adjustment of the salaries of the employees other than the appointee will, in addition, require prior approval of the merit system director.

- c. Appointments based on prior service at the institution. Employees who were employed by an appointing institution in a nonmerit system position and who performed duties of the same character and responsibility as the merit class to which they are being appointed may be paid at a rate higher than the minimum reflecting prior service in a comparable position. Such appointments must be approved by the resident director and reported to the merit system director.

(2) Merit increases.

Permanent and probationary employees on Step 1 or Step 2 in a pay grade will be eligible for a two-step merit increase upon completion of six months of satisfactory performance in their assigned classification at the same step. Permanent and probationary employees on Step 3 or above in a pay grade will be eligible for a two-step merit increase upon completion of one year of satisfactory performance in their assigned classification at the same step except that no merit increase will be granted above the last step in the pay grade. The period of satisfactory performance will be measured from the last merit review date if such a date has been established. Merit increases in pay will not be made retroactively, but may be denied or deferred by the employing department on the basis of work performance. An employee whose merit increase is denied or deferred will, prior to the scheduled effective date of increase, be informed of such action by a written statement from his or her employing department which specifies the reason for the denial or deferral. Denials or deferrals of a merit increase for six months or less for reason of unsatisfactory work performance will not result in the establishment of a revised merit review date. Deferrals resulting from leaves of absence without pay, layoff, or medically-related disability leave exceeding thirty calendar days will cause a change of the merit review date equal to the time away from work. An extra meritorious increase of two steps in the pay range may be approved by the resident director for exceptional service, on written request from a department head and with the approval of the chief executive of the institution. No employee will be given more than one such increase in any twelve-month period, nor will an employee who has served in his or her position less than three months receive an extra meritorious increase. Extra meritorious increases will be reported to the merit system director who will periodically submit a report thereon for review by the board of regents.

(3) Pay on promotion.

An employee who is promoted will be moved to the minimum rate of the new grade, or to the next higher rate on the new grade which provides an adjustment that is the salary equivalent of not less than two steps higher than the employee's present base pay. In no event will the adjustment result in pay above the maximum of the new grade.

If the promotion involves movement to a new grade that is three or more grades higher than the employee's present grade, the resident director may approve, on written request from the employing department, an increase that is no greater than four steps higher than the employee's present base pay.

For the purpose of calculating the promotional increase, any extra pay such as shift differential pay, pay for special assignment, on-call pay, pay for overtime or pay for call back shall be excluded as part of the employee's present base pay. The merit review date will be computed from the effective date of promotion and in accordance with 3.39(2).

(4) Pay on demotion.

Upon recommendation by the department head, and with the prior approval of the resident director, the pay of an employee who is demoted will be set at any step within the new pay grade that does not exceed the rate at which the employee was paid in the position from which the employee was demoted. Merit review date will not change.

(5) Pay on reinstatement, re-employment or return from leave.

An employee who is reinstated to the previously occupied class will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. An employee who is reinstated to a lower class will be paid in accordance with rule 3.39(4) pay on demotion. The date of reinstatement will be the merit review date.

An employee who is re-employed to the previously occupied class, will be paid at a rate no less than what the employee was last paid and no higher than that provided at the step of the pay grade at which the employee was last paid with the prior approval of the resident director. When a merit increase has been granted to an employee in a position taken through voluntary demotion in lieu of layoff and the merit increase results in a higher rate of pay than last paid to the employee prior to the voluntary demotion in lieu of layoff, the employee may be re-employed to the previously occupied class with the higher rate of pay. Re-employment to the previously occupied position or class of position from a position taken as a voluntary demotion in lieu of layoff will not be considered a promotion. The merit review date will not change as a result of the voluntary demotion in lieu of layoff, nor as a result of re-employment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.

An employee who is reappointed to the previously occupied position or position in the same class on conclusion of a leave without pay will be paid in accordance with the provisions concerning pay on re-employment as provided above.

(6) Pay for special assignment.

Provided an employee is granted special assignment in accordance with 3.102(2) of these rules the employee will be paid for the duration of such assignment consistent with:

- a. 3.39(3) Pay on promotion if assigned to a class having a higher pay grade;
- b. 3.39(7) Pay on transfer if assigned to a class having the same pay grade;
- c. The present base pay if assigned to a class having a lower pay grade.

(7) Pay on transfer.

Employees who are transferred from:

- a. One position to another position in the same class shall receive no adjustment in base pay;
- b. One class to another class in the same pay plan (matrix) shall receive no adjustment in base pay except as set forth in (d) and (e) below;
- c. One class to another class not in the same pay plan (matrix) shall receive an adjustment to the closest rate that provides no reduction in base pay except as set forth in (d) and (f) below;
- d. One class with a lower or no advanced starting rate to a class with a higher advanced starting rate shall receive:
 - 1) An adjustment to the higher advanced starting rate if the base pay prior to transfer is less than the higher advanced starting rate, and if the minimum qualifications are met for the class. When the base pay adjustment is the salary equivalent of two steps or greater an adjustment in merit review date will result, and be computed from the effective date of transfer and in accordance with 3.39(2); or
 - 2) No adjustment in base pay if the employee's base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are in the same pay plan (matrix); or
 - 3) An adjustment to the closest rate that provides no reduction in base pay if the employee's base pay prior to transfer is not less than the higher advanced starting rate, and if the minimum qualifications are met for the class and the classes are not in the same pay plan (matrix).
- e. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate in the same pay plan (matrix) shall receive, with prior approval of the resident director:
 - 1) No adjustment in base pay; or
 - 2) An adjustment to any rate that is below the base pay prior to transfer.
- f. One class with a higher advanced starting rate to a class with a lower or no advanced starting rate not in the same pay plan (matrix) shall receive, with prior approval of the resident director:
 - 1) An adjustment to the closest rate that provides no reduction in base pay; or
 - 2) An adjustment to any rate that is below the base pay prior to transfer.

The above provisions notwithstanding, no employee will receive base pay above the maximum step of the class following transfer. The base pay of an employee whose transfer involves a change in pay grade shall be determined in accordance with the provisions of these rules regarding promotion and demotion. If the base pay is adjusted to a rate below step 3 of the new class, the merit review date shall be changed in accordance with 3.39(2) if scheduled more than six months from the effective date of transfer; otherwise it shall remain unchanged.

(8) Pay on reassignment of a revised class of position to a different pay grade. If the class of position is revised and reassigned to a higher pay grade, 3.39(3) Pay on promotion will apply.

If the class of position is revised and reassigned to a lower pay grade, 3.39(4) Pay on demotion will apply.

(9) Pay for part-time employment.

Pay for part-time employment will be proportionately equivalent to the rate for full-time employment.

(10) Reserved for future use.

(11) Pay for call back.

Employees who are called back to work after completing their regular work schedule will be paid for a minimum period of three hours, regardless of the time worked. Employees who are called back and work in excess of three hours will be paid the actual time worked. (Filed Emergency, and published 8/10/77, effective 7/16/77)

(12) Lead worker status.

On request of an employing department and with approval of the resident director, an employee who is assigned and performs limited supervisory duties (such as distributing work assignments, maintaining a balanced workload within a group, and keeping attendance and work records) in addition to the duties performed by other employees in the same class, may be designated as lead worker in the classification assigned, and paid during the period of such designation a salary equivalent to a two-step increase.

(13) Pay for trainees and apprentices.

The schedule of wages for trainees and apprentices will consist of two steps in the pay matrix for every year of training required. Each employee whose performance is satisfactory as determined by the employment department will progress one step at a time in six-month intervals from the first step of the schedule to the entrance rate established for the journeyman class in the length of time established for training or apprenticeship.

(14) Reserved for future use.

(15) Reserved.

(16) Payment of a shift differential.

All employees will be paid a shift differential of \$0.15 per hour for any shift of which four or more hours occur between 6:00 p.m. and midnight and a shift differential of \$0.20 per hour for any shift of which four or more hours occur between midnight and 6:00 a.m. (Filed Emergency - Published 8/10/77 - effective 7/16/77 - Notice filed, to be published 10/5/77)

(17) Pay for time on-call.

At the request of an institution, the board of regents may authorize the compensation of employees for time spent on-call. At the request of the employer, an employee who is off duty and free to engage in his or her own pursuits shall be considered on call, provided, (a) that he or she leave word with the employer where to be reached if needed, and (b) that he or she is able to report ready for work within a specified time after being contacted by the employer.
(April 8-9, 1976)

(18) Pay on reclassification of position.

If a position is reclassified, the incumbent's pay will be fixed in accordance with the rules governing pay on demotion, transfer, or promotion, whichever is applicable. A promotional pay increase will not be granted to an employee whose position is reclassified to the class of position previously held by the employee where the position being reclassified was accepted as a voluntary demotion in lieu of layoff, and will be considered reemployment provided the reclassification occurs within the reemployment period established for the employee.

3.40 to 3.49 Reserved for future use.

APPLICATION AND EXAMINATION

3.50(19A) Applications.

Applications for admission to examination for employment will contain no question so formed as to elicit any information concerning national origin, race, sex, or political or religious affiliation, and the truth of statements made on the application will be certified by the signature of the applicant.

3.51(19A) Examinations.

Entrance to the service will be conducted on an open competitive basis. Examinations must be approved by the merit system director. Examinations may, at the designation of the resident director, be conducted on a continuous basis, or they may be offered periodically as need or anticipated need for employees arises. Examinations will be practical in nature, constructed to reveal the capacity to successfully perform the job for which the applicant is competing, and will be rated objectively. They will be structured for necessary minimum levels of competence.

3.52(19A) Character of examinations.

Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or other qualifications or attributes which enter into the determination of the relative fitness of applicants.

(1) Assembled examinations.

Assembled examinations will be conducted for those classes for which written tests are practical. Such examinations may include one or more of the following in addition to the written tests: Skill demonstration tests, physical tests, oral interviews and evaluations of training and experience.

(2) Unassembled examinations.

For those classes of a craft nature or where peculiar and exceptional qualifications are required and competition through an assembled examination is impractical, an unassembled examination may be held. Such examinations will consist of an evaluation of a statement of training and experience and such other materials as the applicants may be required to submit as evidence of fitness for a position, and may include oral interviews for evaluation of personal and technical qualifications and evaluations of other factors which enter into the determination of the relative fitness of applicants.

(3) Simplified examination procedure.

For positions involving unskilled work, where the character or conditions of employment make it impractical to supply the needs of the institution through procedures prescribed above, the merit system director may authorize the use of such other procedures as he or she determines to be appropriate which will assure the selection of such employees on the basis of merit and fitness. Examinations so given will conform with and utilize such methods, forms and techniques as the director may require.

(4) Special examination procedure for handicapped applicants.

When the merit system director determines that an examination procedure has the effect of screening out an otherwise qualified handicapped person on the basis of his or her handicap, the merit system director may authorize the use of a modified procedure which will appropriately measure the applicant's ability to perform the job.

3.53(19A) Announcement of examinations.

Announcement of examinations will be made publicly and will include the title, the current salary range and the minimum qualifications for the class; the date, time and place where the examination will be offered; and the manner in which applications for examination can be made. Announcements of examinations will, in addition to other publication or distribution prescribed by the resident director, be displayed in the institution's employment office and distributed to all the state employment offices of the Iowa employment security commission.

(1) Continuous examinations.

Announcement of examinations that are conducted on a continuous basis will be made at least once every six months, and will include a statement to the effect that applications will be accepted until further notice.

(2) Noncontinuous examinations.

Announcements of examinations not conducted on a continuous basis will include a statement indicating the latest date for filing application, and will be made public at least 15 days before the closing date for accepting applications. If,

at the closing date, the resident director determines that the number of qualified applicants is insufficient to warrant offering the examination, he or she may extend that date and reschedule the examination, providing that persons who have applied to take the examination are notified.

3.54(19A) Eligibility to compete in examinations.

Anyone who applies for employment in a specific class at a regents institution and who meets the minimum qualifications prescribed for that class, and who is not rejected or disqualified under 3.55(19A), will have the right to take an examination when offered for that class.

3.55(19A) Rejection or disqualification of applicants.

The resident director may reject any applicant or, after examination, may refuse to certify any candidate if it is found that the person:

1. Does not meet the minimum required qualifications for the class;
2. Is so disabled that he or she cannot perform the duties of the job;
3. Habitually uses narcotics or uses intoxicating beverages to excess;
4. Has made a false statement of material fact in his or her application;
5. Has information concerning the examination to which he or she is not entitled;
6. Has reached normal retirement age of the institution;
7. Has been convicted of a felony or indictable misdemeanor which makes him or her unsuitable for employment in a particular class or position;
8. Has been dismissed from private or public service for a cause that would be detrimental to his or her employment with the regents.

A disqualified applicant or eligible will promptly be notified in writing of such action at his or her last known address. A disqualified applicant or eligible may request review of the reason for his or her disqualification. Such request will be in writing and upon the receipt the resident director will give full consideration to the request, and notify the applicant of his or her decision in writing.

3.56(19A) Administering the examination program.

(1) Security.

Necessary security precautions and procedures will be exercised by the resident director to maintain the highest integrity in the examination program.

(2) Notification of results.

Applicants will be notified in writing of the results of their test(s) as soon as possible, and test scores will be made available only to the applicant, the resident director and his or her staff, prospective employing departments, and the merit system director.

(3) Review of ratings.

Any applicant may request a review of his or her test ratings, provided such a request is made within fifteen working days after notification of examination results. Such reviews will be made available only to the applicant and prospective employment departments.

(4) Retaking examinations.

Applicants may apply to retake examinations, but may not take the same form of a written examination more than once in any three-month period. Performance examinations, such as typing and shorthand tests, may at the discretion of the resident director, be retaken after one week but may not thereafter be repeated more than once a month.

(5) Transfer of examination results.

At the request of an applicant whose name is on the eligibility list for a class at any regents institution, the results of the examination(s) the applicant has taken for that class will be forwarded to any other regents institution, and the name of that applicant will be placed on the eligibility list for that class at that institution in accordance with these rules. Such a request will be made by the applicant in writing to the resident director at the institution where the examination was taken, will specify the other regents institutions at which the applicant wishes to be considered for employment, and will contain a statement from the applicant indicating that he or she will be reasonably available for interviews should his or her name be certified for appointment. The examination results will be forwarded by the resident director at the examining institution to the resident director at the institution(s) specified by the applicant and the resident director who receives the examination results will notify the applicant of said receipt.

A resident director may refuse to accept the addition of five points to the test scores given for promotional purposes at another regents institution.

(6) Applicant's address.

It will, at all times, be the responsibility of the applicant to see that his or her address on file with the resident director is current and correct. Failure to do so may result in the removal of the applicant's name from an eligibility list as set forth in 3.67(1)"f". (4/21/77)

(7) Disposition of examinations.

After an examination is completed and scored, the completed examination will be kept on file at the institution by the resident director for a period of time to be designated by the merit system director.

(8) Veterans preference.

Veterans preference shall be given by the addition of extra points to examination scores as provided by law. (19A.9(21)).

3.57 to 3.66 Reserved for future use.

CERTIFICATION AND SELECTION

3.67(19A) Eligibility lists.

Insofar as possible, eligibility lists will be established and maintained by the resident director to fill the employment needs of the institution. Provision is hereby made for two kinds of eligibility lists: Reemployment and employment, each of which will be maintained by class of position.

Reemployment lists will consist of the names of permanent employees who have been laid off or demoted in lieu of layoff or who are able and qualified to return to work following a medically-related disability leave, in accordance with 3.104(4)j. and 3.143(19A). These lists will be maintained in order by retention points calculated in accordance with the approved formula for reduction in force, beginning with the person with the highest number of points. Reemployment rights apply only to classes for which the employee is eligible in accordance with these rules.

Employment lists will be established as the result of competitive examinations and will consist of the names of all applicants who have qualified by passing examinations and who have not been disqualified in accordance with these rules. Permanent employees who apply for promotion shall have five (5) points added to their test scores. Employment lists will be maintained in order of test score achievement (including the five points noted above) beginning with the highest.

(1) Removal of names from eligibility lists.

In addition to the causes for rejection or disqualification set forth under 3.55(19A), the resident director may permanently or temporarily remove names from eligibility lists for the following reasons:

- a. On receipt of a written statement from the eligibles that he or she no longer desires consideration for a position in the class.
- b. Appointment through certification from such eligibility list to fill a permanent position.
- c. Failure to respond within five working days to the written inquiry of the resident director relative to availability for appointment.
- d. Declination of appointment without good cause or under conditions which the eligible previously indicated he or she would accept.
- e. Failure to appear for a scheduled employment interview or to report for duty within a reasonable time specified by the employing department.
- f. Failure to maintain a record of his or her current address with the resident director as evidenced by the return of a properly addressed unclaimed letter or other evidence.
- g. Willful violation of any of the provisions of these rules.

(2) Duration of eligibility lists.

Eligibility lists will exist for a period of time no less than one year and no more than three years as designated by the resident director. Names may be added to or deleted from eligibility lists in accordance with these rules. The names of applicants who have not been appointed or otherwise removed from lists will be removed at the termination of the designated period of time.

(3) Notification of removal from eligibility lists.

Applicants whose names are removed from eligibility lists for any reason other than 3.67(1)"a" or 3.67(1)"b", will be immediately notified of such removal in writing by the resident director.

(4) Precedence of eligibility lists.

For appointment to permanent positions, eligibility lists will be used as follows:
Reemployment lists will supersede employment lists.
In the absence of reemployment lists, vacancies will be filled from employment lists in accordance with these rules.

3.68(19A) Personnel requisitions.

Requests to fill vacancies in permanent positions will be initiated in writing by the requesting department and forwarded to the resident director. The request will include the class of the position to be filled, the number of vacancies and the date of need.

3.69(19A) Certification from eligibility lists.

The resident director will certify the names of eligible candidates in the following manner:

From a reemployment list the resident director will certify for appointment in the following order:

- a) If the vacancy occurs in a college or operating division in which employees on the reemployment list for that class were last employed, the resident director will certify the one employee highest on the list who was laid off, demoted or took a medically-related disability leave from that college or division; or
- b) If the vacancy occurs in a college or operating division other than the one in which any employee on the reemployment list for that class was last employed, the resident director will certify the names of the first ten percent of those on the list or the first five if there are less than fifty names on the list.

When the reemployment list for a class has been exhausted the resident director will certify the names of the highest ten percent of available candidates on the appropriate employment list, or the highest five if there are less than fifty available candidates on the list, at the time the vacancy is declared.

(1) Eligibility registers.

An eligibility register will consist of the names of the highest ten percent of those available on an eligibility list or the highest five if there are less than fifty available candidates on the eligibility list.

In the interest of speed and efficiency in the selection process, candidates may be certified and referred to more than one vacancy at the same time. However, with reasonable regard for candidates standing highest on eligibility lists, a resident director will not be required to make simultaneous certification of the same name on different certifications made concurrently for the same class of position. If more than one vacancy in the same class exists at the same time in one department, the resident director may certify and refer to that department two additional names for each vacancy in excess of one.

(2) Special qualifications.

An employing department may request in writing that the resident director certify for appointment candidates who have special qualifications in addition

to the minimum qualifications prescribed in the class specifications. If, in the judgment of the resident director, such a request is validly related to job performance, he or she may certify, in the order of their standing on the eligibility list, only the names of the eligibles who have such special qualifications. (Filing date August 15, 1974)

3.70(19A) Selection of employees.

Employing departments will notify the resident director of all vacancies in permanent positions as far in advance of the date of need as possible. The resident director will certify as approved for appointment names of candidates in accordance with these rules, and will refer the certified candidates to be interviewed by the department in which the vacancy exists. Final selection will be made by the employing department. Nothing in these rules will require the hiring of any candidate, and nothing will preclude the filling of vacancies in accordance with other provisions in these rules, such as those concerning transfers, promotions, demotions and reinstatements. When a properly certified candidate is selected by a department, the department will so notify the resident director.

3.71 to 3.80 Reserved for future use.

APPOINTMENTS AND PROBATION

3.81(19A) Appointments.

All appointments under this system will be made in accordance with all the provisions of these rules including those concerning certification and selection unless otherwise specified, and no appointment shall be made without the prior approval of the resident director.

3.82(19A) Temporary appointments.

Temporary appointments may be made and approved by the resident director to provide for services needed on a periodic basis. Employees appointed on this basis will not work more than 120 days or 960 hours in any twelve-month period, but may, at the request of an employing department, be returned to duty in successive years.

3.83(19A) Emergency appointments.

Appointments may be made without reference to the provisions of these rules regarding minimum qualifications, certification and selection, to provide for services needed in cases of emergency. Such appointments will be made only for the duration of the emergency and in no case will exceed sixty calendar days in any twelve-month period at any or all employing departments of Board of Regents institutions.

3.84(19A) Trainee, apprentice, or career development appointment.

When a position within a class cannot be filled because of the lack of qualified eligibles, or applicants meeting the minimum qualifications for the class, or the institution specifically designates a position for trainee, apprentice, or career development purposes, the institution may appoint a person who meets the minimum qualifications established in programs approved by the merit system director for this type of appointment.

3.85(19A) Project appointment.

When it is known in connection with a particular job, project, grant or contract that the services of an employee will be needed only for a limited duration, a project appointment may be made. Such an appointment will not be made for more than six months; however, with the approval of the resident director it may be extended for one additional six-month period. Any extension beyond one year must be approved by the merit system director on the basis of a limited need that could not otherwise be efficiently and effectively filled. Successive project appointments will not be allowed.

3.86(19A) Provisional appointments.

In the absence of an eligibility list the resident director may approve a provisional appointment for a person who meets the minimum qualifications of the class in which the vacancy exists but who has not passed the examination for that class. A provisional appointee must immediately apply for examination and be examined as soon as practical. After certification from an appropriate register and successful completion of six months of active service in the class in accordance with 3.90(2) of these rules, a provisional appointee will have completed his/her probationary period and will have permanent status.

A provisional appointment will not exceed six months and successive provisional appointments will not be allowed.

3.87(19A) Permanent appointments.

A candidate who is certified from an eligibility register and appointed with the approval of the resident director to a permanent position, and who successfully completes a probationary period in accordance with these rules, will have permanent status.

3.88(19A) Work test appointments.

Work test appointments may be made and approved by the resident director to those positions for which a simplified examination procedure (3.52(3)) has been approved. At the successful completion of six months of service in a class to which a person received a work test appointment, he or she will have permanent status in that class.

3.89(19A) Reinstatement.

A permanent employee who has resigned in good standing may be reappointed without certification from an eligibility list, to a position in the same class from which he or she resigned or a lower class, provided that such reappointment is made within a period of time no greater than the period of his or her previous employment and in no case more than two years after the date of his or her resignation and provided there is no reemployment list for that class.

3.90(19A) Probationary period.

(1) Purpose.

The probationary period will be an important part of the examination and selection process, and will be used by the employing department to closely observe and evaluate the employee's work, to train and aid the employee in adjustment to his or her position, and to reject and dismiss any employee whose performance fails to meet standards.

(2) Duration of probation.

A candidate who is certified from an employment list and appointed to a permanent position will be on probation until he or she completes six months of active service in the class to which appointed. If a probationary employee is not dismissed during this time, he or she will, at the conclusion of the probationary period, have permanent status in that class. A period of temporary employment immediately preceding a permanent appointment to the same class may, at the request of the employing department, be counted as probationary service. Employees who are promoted from one class to another, or who transfer out of class, will serve a period of probation for three months during which time they will retain all of their rights under the merit system except that of permanency in the new class.

(3) Layoffs during probation.

A certified employee who is laid off without prejudice during his/her probationary period will, upon written request to the resident director, be returned to the eligibility list from which he/she was certified.

(4) Dismissal during probation.

A certified employee who is rejected and dismissed during his/her probationary period, may be returned to the eligibility list from which he/she was appointed if, in the judgment of the resident director, he/she may be able to perform satisfactorily in another position.

3.91 to 3.100 Reserved for future use.

PROMOTIONS, DEMOTIONS, TRANSFERS AND TERMINATIONS

3.101(19A) Promotions.

(1) Selection.

Vacancies will be filled by promotion of qualified permanent employees in accordance with these rules, whenever practicable and feasible, based on individual performance and examination results with due consideration for length of service and capacity for the new position.

(2) Qualifications.

A candidate for promotion must be certified by the resident director as possessing the qualifications required in the job specification for the

class to which the candidate wishes to be promoted, and must qualify for the new position by competitive or noncompetitive examination.

(3) Reserved for future use.

(4) Promotion by competitive examination.

Examinations will be announced in accordance with 3.53 (19A) and examination will be open to qualified persons in accordance with 3.54(19A). Qualified permanent employees who apply for promotion shall have five points added to their test scores. Certification and selection will be made in accordance with 3.67(19A) to 3.70(19A).

(5) Promotion by noncompetitive examination.

Upon written request from an employing department indicating the reasons therefor, a resident director may approve a noncompetitive promotion within a department and certify for such a promotion a permanent employee who has passed the appropriate examination and otherwise meets the qualifications for the class. Such a request will be approved by the resident director only if the reasons specified are in the interests of efficiency and effectiveness in the operation of the department.

3.102(19A) Transfers.

(1) Reassignments.

An employee may be reassigned at any time from one position to another in the same class within a department, except that a probationary employee who was certified to fill his or her position on the basis of special qualifications as provided in 3.69(2) will not be reassigned unless the new position requires the same special qualifications which justified the original certification.

(2) Special assignment.

When the services of an employee are temporarily needed in a position in the same or a different class within the institution other than the position to which the employee is assigned, he or she may be given special assignment, with the prior approval of the resident director and involved departments, to perform the duties of such position for a period not to exceed three months without change in title or status. In unusual circumstances, an extension of a special assignment for no more than one additional three-month period may be approved by the merit system director on written request from the resident director. Employees will be paid for special assignment in accordance with 3.39(6). (Notice 2/23/77 - Filed 4/4/77, published 4/20/77, effective 5/25/77)

(3) Intra- and inter-institutional transfers.

With his or her approval a permanent employee may be transferred from one position to another in the same class or to a position in another class in the same pay grade, from one department to another department in the same or different institution under this system, provided both departments involved approve the transfer, and the resident director certifies that the

employee meets the minimum qualifications for the class and has passed an appropriate examination.

Transfers to higher or lower classes will be governed by the provisions of these rules concerning promotion or demotion, respectively.

3.103(19A) Demotion (voluntary).

If, for any reason, an employee wishes to be demoted to a position in a lower class, the resident director may, upon written request from the employee and with the approval of involved departments, effect such a demotion provided the employee is certified by the resident director as meeting the qualifications required for the lower class. Voluntary demotion will not be subject to appeal.

3.104(19A) Terminations.

(1) Resignations.

To resign in good standing an employee must notify the employing department of his or her intention to resign in writing at least ten days prior to the effective date of resignation, except in cases where the employing department agrees to a shorter period of notice. An employee who fails to give proper notice may, at the request of the employing department, be barred from future certification to that department or from reinstatement as provided for in these rules. Employees who resign will have no rights of appeal under these rules.

(2) Termination on expiration of appointment.

On expiration of an appointment of limited duration the employing department will report such action in writing to the resident director.

(3) Retirement.

Employees who are terminated at the normal retirement age prescribed by their institution or who retire voluntarily in accordance with 3.104(1) will be considered to have terminated in good standing and without prejudice and will have no rights of appeal under these rules.

(4) Reduction in force.

An institution may lay off an employee when it deems necessary because of shortage of funds or work, a material change in duties or organization or abolishment of one or more positions. Reduction in force will be accomplished in a systematic manner and will be made in accordance with formula developed by the institution and reviewed and approved by the merit system director for its conformance to these rules:

- a. Reduction in force will be made by class of position.
- b. Reduction in force may be made by organizational unit within an institution or institution-wide, as designated by the institution, provided such designation is reported to the merit system director before the effective date of the reduction.

- c. The order of reduction in force will be by type of appointment as follows: Emergency, temporary, provisional, trainee, probationary, permanent.
- d. Each employee affected by a reduction in force will be notified in writing of the layoff and the reasons therefor at least ten days prior to the effective date of the layoff.
- e. There will be competition among all employees in the class of position or positions affected by the layoff based on a retention points system that will consist of points for length of service and performance evaluation of all employees in the class within the organizational unit or units affected. Retention points will be calculated as follows:
 - (1) Length of service credit will be allowed at the rate of one point for each month of service. For the purpose of computing length of service credits, the institution will include all continuous periods of employment between the date of the original appointment and the date of the layoff. Approved leaves of absence without pay, suspensions and layoffs for periods exceeding 15 consecutive days will not be counted; however, the periods of service immediately preceding and following such periods will be counted. An employee who is returned to duty following approved military service will have all such time counted as continuous service. When an employee is off the payroll of the institution for more than fifteen consecutive days for a reason other than an approved leave of absence, suspension, layoff or military service, the date that he or she returns to duty will be considered the date of original appointment for purposes of computing retention points.
 - (2) Performance evaluation credit will be allowed at the rate of one point for each month of service rated as satisfactory under a performance evaluation plan approved by the institutions and the merit system director. An additional point will be added for each month of service during which performance is rated one or more levels above satisfactory. No credit will be allowed for service rated less than satisfactory. No performance evaluations which are made less than three months prior to a reduction in force will be used in determining performance evaluation credits. In the absence of a performance evaluation review, service will be considered as satisfactory and one point will be given for each month thereof.
 - (3) Length of service and performance evaluation points for service less than full time will be prorated in accordance with the percent of fractional employment. Reduction in force retention points will be the total of length of service and performance evaluation points in accordance with the approved formula.
- f. Employees will be placed on the layoff list beginning with the employee with the greatest number of retention points at top. Layoffs will be made from the list in reverse order. Copies of the computation of retention points will be made available to affected employees. One copy will be retained by the resident



director and one copy will be forwarded to the merit system director at least ten days prior to the effective date of the layoff.

- g. When two or more employees have the same total of retention points, the order of termination will be determined by giving preference for retention to the employee who has the highest total earnings in the class of position affected by the layoff excluding pay for special assignment, overtime, call back, leadworker status, shift differential, and on-call.
- h. The reduction in force formula approved by the merit system director will be posted by the resident director so that all employees will have access to it.
- i. An affected employee may appeal a reduction in force by filing, within five days after notification as provided in paragraph "d" of this subrule, a written grievance with the resident director (at Step 3 of the grievance procedure provided in 3.129 (19A) or at a comparable step of a procedure approved under 3.129(1). If not satisfied with the decision rendered at that step, the employee may pursue his or her appeal in accordance with the grievance procedure.
- j. A permanent employee in a class of position in which layoffs are to be effected may, in lieu of layoff, elect voluntary demotion to a position in the next lower class of position in the same series, or, in the absence of a lower class in the same series, to a class of position which the employee has formerly occupied while in the continuous employment of the institution. Such demotion or the occupying of a formerly held position will not be permitted, however, if the result thereof would be to cause the layoff of a permanent employee with a greater combined total of retention points. To exercise the right of voluntary demotion or to occupy a formerly held position in lieu of layoff, the employee must notify the resident director in writing of such election not later than five days after receiving notice of layoff. Any permanent employee displaced under these provisions will have the right of election as provided herein.

An employee who is laid off or who accepts voluntary demotion in lieu of layoff will, at his or her request, have his or her name placed on the reemployment eligibility lists(s) for the class from which he or she was laid off, the lower class(es) in the same series and/or a class formerly occupied in accordance with 3.67(19A) to 3.70(19A).

(5) Abandonment of position.

Any employee who is absent from duty for three consecutive work days without proper notification and authorization thereof shall be deemed to have resigned his or her position.

3.105 to 3.114 Reserved for future use.

DISCIPLINARY ACTIONS

3.115(19A) Causes for disciplinary action.

All employees may be subject to disciplinary action for any of the reasons specified in section 19A.9(16).

3.116(19A) Disciplinary actions.

Disciplinary action will be reasonable, timely and related in severity to the seriousness of the offense; however, this will not preclude reasonable penalties of varying severity for an accumulation of offenses.

(1) Suspension.

A department head may, for cause in accordance with 3.115(19A), suspend any employee for such length of time as it considers appropriate but not to exceed ten days at any one time or 20 days in any 12-month period. The department head will inform the affected employee of the suspension and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the suspension will be sent by the department to the resident director and will be maintained in the employee's personal file. The employee may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or to a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employee may pursue his or her appeal in accordance with the grievance procedure.

(2) Reduction of pay within grade.

A department head may, for cause in accordance with 3.115(19A), reduce the pay of an employee to a lower step within the pay grade assigned to the class of position. The department head will notify the affected employee of the reduction, the reasons therefor and the duration thereof, in writing within 24 hours of the time the action is taken. A copy of the reduction notice will be sent by the department to the resident director and will be maintained in the employee's personal file. The employee may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employee may pursue his or her appeal in accordance with the grievance procedure.

(3) Demotion.

A department head may, for cause in accordance with 3.115(19A), demote an employee to a vacant position in a lower class provided the employee meets the qualifications for that lower class. The department head will notify the affected employee of the demotion and the reasons therefor in writing within 24 hours of the time the action is taken. A copy of the notice of demotion will be sent by the department to the resident director and will be maintained in the employee's personal file. The employee may appeal the action directly to Step 2 of the grievance procedure specified in 3.129(19A) or a comparable step in a grievance procedure approved in accordance with 3.129(1). If not satisfied with the decision rendered at that step, the employee may pursue the appeal in accordance with the grievance procedure. (Effective May 25, 1977)

(4) Discharge.

A department head may, for cause in accordance with 3.115(19A), discharge any employee. The department head will notify the affected employee of the discharge and the reasons therefor in writing within 24 hours of the time the

Step 3. If the employee is not satisfied with the decision of his department head, he may within five days after receiving that decision, appeal it to the dean of the college or the head of the major operating division in which he is employed. The dean or the division head and the resident director will jointly represent the institution at this step of the appeal procedure. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all the decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The dean of the college or head of the division and the resident director will investigate the grievance and will give the employee or a representative of his choosing the right to present his case orally. The institutional representatives may affirm, reverse or modify the decision of the department head, and will notify the employee of their decision in writing within ten days after receiving the appeal.

Step 4. If the employee is not satisfied with the decision rendered at Step 3 of the grievance procedure, he may within five days after receiving that decision appeal it to the chief administrator of the institution. The appeal will be in writing and will include all of the information included in the initial grievance and subsequent appeals, all decisions related thereto, and any other pertinent information the employee may wish to submit. The appeal will be signed and dated by the employee.

The chief administrator or his designee will investigate the grievance and will give the employee the right to present his case orally. The chief administrator may affirm, reverse or modify the decision rendered at Step 3 and will notify the employee of his decision in writing within ten days after receiving the appeal.

Step 5. If the employee is not satisfied with the decision rendered under Step 4, he may within five days after receiving that decision request a hearing before the appeals board. Such a request will be in writing, will include all of the information included in the initial grievance and subsequent appeals, all of the decisions related thereto, and any other pertinent information the employee may wish to submit.

The appeal will be signed and dated by the employee and will be directed to the merit system co-ordinator who will arrange for a hearing before the appeals board. The appeals board will inform both parties in writing of its decision within 45 days after the appeal is filed with the merit system co-ordinator.

A written grievance will contain a brief description of the complaint or dispute and the pertinent circumstances and dates of occurrence. It will specify the institutional or merit system rule which has allegedly been violated and will state the corrective action desired by the employee.

At each step of the grievance procedure, the employee may be represented by one or two persons of his choosing. The name of such representatives will be noted on the written grievance and on each subsequent appeal. Presentations, reviews, investigations and hearings held under this

procedure may be conducted during working hours, and employees who participate in such meetings will not suffer loss of pay as a result thereof.

If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by these rules, the decision will become final. If an institutional representative does not reply to an employee's grievance or appeal within the prescribed time, the employee may proceed to the next step. With the consent of both parties, any of the time limits prescribed in these rules may be extended.

(1) Institutional grievance procedure.

An institution may develop a grievance procedure for all or a segment of its employees that varies from the procedure prescribed in 3.129(19A), provided that such a procedure begins with discussion between an employee and his immediate supervisor and provides for a final hearing in accordance with Step 5 of the grievance procedure prescribed herein. Such an institutional procedure will incorporate all the rights provided employees in this chapter, will be made known to the employees to whom it applies, and must be approved by the merit system co-ordinator. In the absence of an approved institutional procedure, 3.129(19A) will apply.

(2) Appeals board.

The board of regents will appoint for three year terms (except for the initial appointments which may vary in duration) at least five persons who will be available to serve as members of an appeals board. Such persons will be knowledgeable in the field of employee relations or a related field and will have demonstrated their ability to make sound, impartial and objective judgments.

Appointments will be made on a nonpartisan basis, and the names of persons so appointed will make up a list from which three will be selected to hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts

While all members of the appeals board will function in an impartial manner, they will be selected one by each of the parties to the dispute; the two members so selected will, by mutual agreement or by alternately striking names from the list, select the third member.

The members of the appeals board will elect one of their number to serve as chairman. The chairman will establish procedures for the conduct of the hearing in a fair and informal manner that will afford each party reasonable and ample opportunity to present his case and to rebut the presentation of the other. The chairman will be responsible for presenting the decision of the appeals board to the involved parties and to the board of regents within the prescribed time. (3.127 to 3.129 Filed July 12, 1971)

3.130 to 3.139 Reserved for future use.

VACATIONS AND LEAVES OF ABSENCE

3.140 (19A) Attendance.

Employing departments will establish work schedules and other regulations regarding attendance that they deem necessary in accordance with these rules and the policy and rules of their institutions, and such schedules and rules will be made known to affected employees.

3.141(19A) Vacations.

Permanent and probationary employees will accrue and take vacations as provided by law. Employees will be intitled to take only that vacation time which they have accrued and while employee preferences will be given major consideration, employing departments will have final authority to schedule vacations.

Permanent part-time employees will accrue vacation in an amount equivalent to their fractional employment. An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated vacation time as a result thereof.

3.142(19A) Holidays.

Permanent and probationary employees will be granted holidays approved by the board of regents.

3.143(19A) Sick leave.

Permanent and probationary employees will accrue sick leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence of illness or injury. A permanent part-time employee will accrue sick leave in an amount equivalent to his fractional employment, and no employee will be granted sick leave in excess of his accumulation.

An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated sick leave as a result thereof.

A permanent employee who is still incapacitated after exhausting all accumulated sick leave and vacation time will, at his or her request, be placed on the re-employment lists for the class of position he or she previously occupied and on re-employment lists for lower level classes for which qualified, when the employee is able and qualified to return to work. Such an employee's acceptance of re-employment in a lower class will not affect his or (her) standing on the re-employment list for the class that the employee formerly occupied.

3.144(19A) Military leave.

Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in any 12-month period.

3.145(19A) Maternity leave.

The time during which an employee is unable to work because of a disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom will be treated as sick leave in accordance with 3.143(19A). If an employee's accumulated sick leave is insufficient to cover the period of disability, she will at her request be granted a leave of absence without pay for the duration of that period. Any request for absence which is beyond the period of disability will be considered as a leave of absence without pay in accordance with 3.149(19A) or as vacation in accordance with 3.141(19A).

3.146(19A) Court and jury service.

When, in obedience to the subpoena or direction by proper authority, an employee appears as a witness or serves as a member of a jury in any public or private litigation, he will be entitled to his regular compensation provided he surrenders to his employing institution any pay he receives, other than reimbursement for travel or personal expenses, for such service.

3.147(19A) Voting leave.

Any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed two hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a three-hour period outside of working hours during which the polls are open.

3.148(19A) Funeral leave.

In the event of death in the immediate family, an employee may be excused with pay for a period from the date of death to and including the date of the funeral not to exceed, except under special circumstances, three days. Immediate family is interpreted to include husband or wife, mother and father and mother-in-law and father-in-law, son and daughter and son-in-law and daughter-in-law, brother and sister and brother-in-law and sister-in-law. For other relatives, an employee may be excused with pay for a period not to exceed, except under special circumstances, one day.

3.149(19A) Leave of absence without pay.

In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's request for a leave of absence without pay for up to one year. With the same approval such a leave may be extended for no more

3.143(19A) Medically-related Disability Leave.

Permanent and probationary employees will accrue medically-related disability leave as provided by law and will be entitled to such leave on presentation of satisfactory evidence of medically-related disability. A permanent part-time employee will accrue medically-related disability leave in an amount equivalent to his or her fractional employment, and no employee will be granted medically-related disability leave in excess of his or her accumulation.

An employee who is transferred, promoted or demoted from one position to another position under this system will not lose any accumulated medically related disability leave as a result thereof.

A permanent employee who is still incapacitated after exhausting all accumulated medically-related disability leave and vacation time will, at his or her request, be placed on the reemployment lists for the class of position he or she previously occupied and on reemployment lists for lower level classes for which qualified, when the employee is able and qualified to return to work. Such an employee's acceptance of reemployment in a lower class will not affect his or her standing on the reemployment list for the class that the employee formerly occupied.

3.144(19A) Military leave

Permanent and probationary employees will be granted military leave as provided by law, with pay not to exceed 30 calendar days in any 12-month period.

3.145(19A) Maternity leave.

The time during which an employee is unable to work because of a disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom will be treated as medically-related disability leave in accordance with 3.143(19A). If an employee's accumulated medically-related disability leave is insufficient to cover the period of disability, she will at her request be granted a leave of absence without pay for the duration of that period. Any request for absence which is beyond the period of disability will be considered as a leave of absence without pay in accordance with 3.149 (19A) or as vacation in accordance with 3.141(19A).

3.146(19A) Court and jury service.

When, in obedience to the subpoena or direction by proper authority, an employee appears as a witness or serves as a member of a jury in any public or private litigation, the employee will be entitled to regular compensation provided he or she surrenders to his or her employing institution any pay he or she receives, other than reimbursement for travel or personal expenses, for such service.

3.147(19A) Voting leave.

Any person entitled to vote in a public election is entitled to time off from work with pay on any public election day for a period not to exceed two hours in length. Application for time off for voting should be made to the employee's supervisor prior to election day. The time to be taken off may be designated by the supervisor. Time off for voting may be granted only if the employee's working hours do not allow a three-hour period outside of working hours during which the polls are open.

3.148(19A) Emergency and Funeral Leave.

An employing department will, when satisfied by evidence presented, grant an employee time off with pay:

- (1) Not to exceed three days for each occurrence in the case of death in the employee's immediate family;
- (2) Not to exceed one day for each occurrence for service as pallbearer at the funeral of a person not a member of the employee's immediate family; and
- (3) Not to exceed five days a year for the temporary emergency care of ill or injured members of the employee's immediate family for the time necessary to permit the employee to make other arrangements.

All such time off will be charged to the employee's accrued medically-related disability leave and will not be granted in excess of the employee's accrued leave. For the purpose of this rule, immediate family is defined as and limited to wife, husband, children (and their spouses), parents, grandparents, grandchildren, foster children (and their spouses), brothers (and their spouses), sisters (and their spouses) of the employee or spouse; aunts and uncles of the employee; or other relatives residing in the employee's immediate household.

3.149(19A) Leave of absence without pay.

In the best interests of the institution and its employees and with approval of the resident director, a department head may grant an employee's request for a leave of absence without pay for up to one year. With the same approval such a leave may be extended for no more than one additional year.

On conclusion of a leave of absence without pay, an employee, if qualified, will be returned to the position from which he was granted leave or to another position in the same class. If such a position no longer exists, the layoff provisions of these rules will take effect.

3.150(19A) Election leave.

Employees who become candidates for public office will be granted election leaves as provided by law.

(3.140 to 3.150 Filed July 13, 1971; amended July 17, 1972, September 21, 1972; October 16, 1975, pp. 163-165; January 8, 1976, pp. 329-331)

4.28 Classification Review Committee

(See Section 1.15, this guide)

4.29 Equal Employment Opportunity and Merit System

(See Section 5.05, this guide)

4.30 Time Off for Grievance Investigation for Employee Representatives

The board interprets the Merit System rule 10.3 as not providing employee representatives with unlimited and unconditional released time to investigate



V. EQUAL EMPLOYMENT OPPORTUNITY

5.01 Code of Fair Practices

A. Preamble.

1. The Constitutions of the United States of America and of the State of Iowa call for political liberty and equality and afford the equal protection of the laws for all persons. Discriminatory practices based upon race, creed, color, religion, national origin, sex, age and physical and mental disability betray the vision of the founding fathers and threaten the orderly procedures of democratic government.
2. The Congress of the United States has enacted a Civil Rights Law and has passed resolutions condemning discriminatory practices. This law is known as Title VII of the 1964 Federal Civil Rights Act as amended by the Equal Employment Opportunity Act of 1972. The clear intent of this law and resolutions passed thereunder, is the assurance that the rights of the people to equal treatment shall not be abridged.
3. The General Assembly of the State of Iowa enacted the Iowa Civil Rights Act of 1965 as amended. The clear intent of this law and resolutions passed by the General Assembly of the State of Iowa is to assure that the rights of the people to equal treatment shall not be abridged.
4. In recognition of Iowa's declared public policy and the obligations for fair and equal treatment of all persons guaranteed by the United States Constitution, the Board of Regents declares the following to be its policy:

B. Statement of Policy. The Board of Regents has a special obligation to have its operations serve as a model for business, industry, labor, and education. Neither the Board of Regents nor any official who is responsible to the Board of Regents shall, therefore, in policy or in practice, discriminate on the basis of race, creed, color, religion, sex, national origin, age or physical or mental disability except where it relates to a bona fide occupational qualification.

C. Appointment, Assignment, Training, and Advancement of Executive Personnel. The Board of Regents and all officials who are responsible to the Board of Regents shall appoint, assign, and advance employees solely on the basis of merit and fitness. Each institution under the Board of Regents shall promulgate a clear and unambiguous written policy of nondiscrimination in employment and shall adopt an affirmative action program containing goals and time specifications in personnel administration. Each such institution shall regularly review its personnel practices and procedures with a view to correcting any such personnel practices and procedures which may contribute to discrimination in appointment, assignment or advancement. Each such institution shall conduct programs of job orientation

and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each such institution shall also bar from all employment application forms any inquiry as to race, creed, color, religion, sex, national origin, age or physical or mental disability, except for statistical purposes, unless it relates to a bona fide occupational qualification. The employment practices of the Board of Regents shall be in strict conformity to the provisions of the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 of 1965 as amended by Federal Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972 amending Title VII of the 1964 Federal Civil Rights Act, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions and shall assure equal protection of the laws as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

- D. State Employment Services. All officials responsible to the Board of Regents who provide placement or referral services for public or private employers shall refuse to fill any job order which violates the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 as amended by Federal Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions because it specifies race, creed, color, religion, sex, national origin, age or physical or mental disability as a condition of employment, assignment, or advancement except where it relates to a bona fide occupational qualification. They shall, moreover, refer such prohibited requests to the Board of Regents Equal Opportunity Compliance Office and/or to the Iowa Civil Rights Commission for investigation, conciliation and other appropriate action.
- E. State Educational, Counseling, and Training Programs. All educational and vocational guidance programs and their essential components, counseling and testing and all on-the-job training programs for the employees of any institution responsible to the Board of Regents shall be administered in accordance with the provisions of the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 of 1965 as amended by Federal Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions. Every official responsible for the implementation of such programs shall be charged with the duty of seeking to provide equal opportunity for all, regardless of race, creed, color, religion, sex, national origin, age or physical or mental disability except where it relates to a bona fide occupational qualification.
- F. State Services and Facilities. Pursuant to the provisions of the Fourteenth Amendment of the Constitution of the United States and the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 of 1965 as amended by Federal

Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions, equal treatment shall be guaranteed by all institutions of the Board of Regents in performing their services to the public, and equal treatment shall be guaranteed in the use of their facilities. Those in charge of the various institutions shall take especial care that no institutional facility is used in the furtherance of any discriminatory practices.

- G. State Contracts and Subcontracts. To insure compliance with the provisions of the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 of 1965 as amended by Federal Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions, every official responsible to the Board of Regents who is authorized to make contracts or subcontracts for public works or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices forbidden by the Iowa Civil Rights Act of 1965 as amended, Iowa Executive Order #15 of 1973, Federal Executive Order 11246 of 1965 as amended by Federal Executive Order 11375 of 1967, the Equal Employment Opportunity Act of 1972, and all provisions relevant to fair employment of the rules and regulations of the Board of Regents and of its institutions. Contractors, vendors and suppliers shall further be required to submit or have on file with the Board of Regents Equal Opportunity Compliance Office a copy of their affirmative action program containing goals and time specifications. These contractual provisions shall be fully monitored and enforced; any breach of them shall be regarded as a material breach of contract.
- H. Compliance and Reporting. The Board of Regents, with the assistance of the Regents institutions executive officers and such designees as the Board of Regents Compliance Officer and the Regents institutions' Equal Employment Opportunity and Affirmative Action Officers, shall monitor and take whatever action necessary to assure compliance with this Code of Fair Practices.
- I. Publication and Posting. Copies of this Code of Fair Practices shall be distributed to all officials who are responsible to the Board of Regents. The Code shall, further, be posted conspicuously in all Regents institutions. Each institution under the Board of Regents shall cooperate with the Iowa Civil Rights Commission and other state and federal agencies involved in the effectuation of nondiscriminatory regulations in posting, upon request, notices relating to the Iowa Civil Rights Act and other state and federal nondiscriminatory policies. (September 24-25, 1964, pp. 89-91; November 19-20, 1964, pp. 209-210; September 9-10, 1965, p. 73; March 14-15, 1968, pp. 337-339; November 8-10, 1972, pp. 289-292; May 10-11, 1973)

5.02 Equal Opportunity Policy

- A. Policy of Equal Employment Opportunity. All contractors, including suppliers, supplying goods or services to the institutions governed by the State Board of Regents, regardless of where located or the form of contractual relationship, are expected to comply with the spirit of equal employment opportunity, as well as with the letter of all applicable statutes and regulations. Compliance shall require contractors not to discriminate and, in addition, to take affirmative action to ensure that members of minority groups are effectively afforded equal employment opportunities.
- B. Administration.
1. In order to carry out the purposes of the policy, the Regents Equal Employment Opportunity Compliance Office has been established at the Grimes State Office Building, Des Moines, Iowa. The administration of the policy shall be the primary responsibility of the Regents Equal Employment Opportunity Compliance Officer (hereinafter called the Compliance Officer) under the general supervision of the Executive Secretary of the Board.
 2. Since the purpose of the policy is to open up opportunity for and eliminate discrimination against members of minority groups, the emphasis in the administration of the policy shall be to encourage improvement by contractors in their employment practices, while at the same time requiring compliance, so as to effectively provide equal opportunities in employment for all persons.
 3. An Interinstitutional Committee on Equal Opportunity (hereinafter called the Committee) has also been established for the purpose of advising and otherwise assisting the Compliance Officer in carrying out his responsibilities. The Committee is further charged with providing coordination between the Compliance Office and the institutions.
 4. Compliance shall be determined by a comprehensive review and evaluation of a contractor's employment policies and practices and shall depend on an analysis of all relevant factors, including the following:
 - (a) The contractor's publicly stated and posted policy regarding equal opportunity employment.
 - (b) The contractor's external dealings with unions, employment agencies, newspapers, and other sources of employees.
 - (c) The methods by which and places where the contractor seeks to recruit employees.
 - (d) The contractor's use of tests and qualifications for positions which are job related and not culturally biased.

- (e) Classification and compensation plans which apply equally to all employees.
 - (f) Training programs which provide minority group members with an equal opportunity to qualify for employment and advancement.
 - (g) The contractor's active support of local and national community action programs.
 - (h) The effectiveness of the contractor's affirmative action program as evidenced, in part, by the number or percentage of minority group employees employed at all levels, taking into account the geographical location of the contractor's work force.
5. The judgment regarding compliance shall be favorable if it is determined that the contractor is working affirmatively toward extending opportunities for minority group persons and is not discriminating against such persons. Contractors must be able to demonstrate to the satisfaction of the Compliance Officer that their affirmative action program is productive.

C. Procedures.

1. Contractors will be sent periodically an informative statement explaining the Regents' equal employment opportunity policy. In the case of construction contracts, the statement constitutes part of the general conditions and bid specifications and compliance therewith is a condition of doing business with Regents institutions. It is the intention of the Regents to be fair and to avoid harassment and unnecessary red tape, but to be clear and firm about policy and expectations.
2. Contractors are to submit periodic reports as requested by the Compliance Office on the basis of an impartial selection procedure, such as contracts over a fixed dollar amount, contractors with more than a fixed number of employees, contractors with employees present on the campus, random sampling, or a combination of such factors. The report forms shall be as brief as possible and designed to elicit relevant information about employment practices. The Compliance Office may request other relevant information from a contractor at any time.
3. The Compliance Office will solicit and compile additional information about present and prospective contractors from any reliable source, including the Regents institutions, the Iowa Civil Rights Commission, and other state and federal agencies.
4. The Compliance Office shall systematically review the reports and all other available information concerning the employment practices of present and prospective contractors. Whenever there is reasonable doubt, based on such reports and information, as to whether or not a contractor is discriminating or is failing to take affirmative action in compliance with the Regents policy, the Compliance Office shall undertake a compliance review of such

contractor. Every reasonable effort shall be made to secure compliance through conciliation and persuasion. The burden shall be on the contractor to demonstrate that he is in compliance and thus eligible to do business with the Regents.

5. The Compliance Office will receive written and signed complaints against a contractor from any person aggrieved by the contractor's alleged discrimination. The Compliance Office shall promptly notify the institution involved of a complaint. The burden shall be on the complainant to prove the truth of his allegations. Cognizance will also be taken of verbal complaints, newspaper reports, and any other legitimate source, and these will be followed up if investigation appears justified. Award of contracts will ordinarily be deferred while an investigation is pending, but executed contracts will not be suspended except in compelling situations.
6. If an investigation or compliance evaluation discloses that there is reasonable cause to believe a contractor has discriminated or has failed to take affirmative action, the Compliance Officer may declare the contractor nonresponsible, unless he can otherwise affirmatively determine that the contractor is able to comply. The Compliance Officer shall issue a written notice to the contractor declaring him to be nonresponsible, and giving him thirty days to show cause why enforcement proceedings should not be instituted. During the thirty-day show cause period, every effort shall be made to effect compliance through the processes of conciliation, mediation and persuasion.
7. If the contractor fails to show good cause for his failure to comply or fails to remedy that failure, with the advice and consent of the Committee and the Executive Secretary of the board, the Compliance Officer may issue a written notice of proposed cancellation or termination of the existing contract or subcontract and debarment from future contracts and subcontracts, giving the contractor ten days to request a hearing. If a request for hearing has not been received within ten days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default following the approval of the State Board of Regents.
8. Hearings shall be conducted by a hearing examiner appointed by the Executive Secretary of the Board from a panel of hearing examiners selected and approved by the Board. The hearing examiner shall submit his findings of fact and conclusions to the Compliance Officer and the Committee who shall make recommendations for final action to the Board of Regents.
9. The Compliance Officer shall promptly notify the Board of Regents when such action is pending regarding the suspension, cancellation, or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts.

10. An equal opportunity liaison officer shall be appointed by each institution to work cooperatively with the Compliance Officer and the Committee. (January 9-10, 1969, p. 254; May 8-9, 1969, pp. 437-439; April 8-9, 1971, pp. 442-445)

5.03 Committee on Equal Employment Opportunity

(See Section 1.14 of this Guide)

5.04 Bidding Requirement

- A. All construction specifications issued after May 15, 1973 shall include, in the "Instructions to Bidders", the following paragraph:

Each bidder shall file with his bid a completed Board of Regents Equal Employment Opportunity Data Reporting Form as included in the specifications or shall certify on the Certificate of Reporting, included herewith, that he has, since July 1, 1972, filed an Equal Opportunity Data Reporting Form with the Board of Regents Equal Opportunity Compliance Officer.



VI. ACADEMIC POLICIES AND PROCEDURES

6.01 Admission Rules Common to the Three State Universities

- A. The board shall make rules for admission to and for the government of the institutions under its control, not inconsistent with law. (Code 262.9.(3))
- B. Admission of Freshman Students, Undergraduate Students, and Application Deadlines.

1.1(262) Admission of freshman students. A student desiring admission must meet the requirements in this rule and also any special requirements for the curriculum, school or college of his choice.

He must submit a formal application for admission and must have the secondary school provide a certificate of high school credits, including a complete statement of the applicant's high school record, rank in class, scores on standardized tests and certification of high school graduation. The applicant must also submit any other evidence such as a certificate of health that may be required by the individual institution of higher learning.

1.1(1) A graduate of an approved Iowa high school who has the proper subject-matter background, who is in the upper one-half of his graduating class, and who meets specific curricular requirements will generally be admitted upon certification of graduation, if he applies for admission.

A candidate who is not in the upper one-half of his graduating class may be required to take special examinations and may after a review of his entire record and at the discretion of the admissions officers:
(a) Be admitted unconditionally, (b) be admitted on probation, (c) be required to enroll for a tryout period during a preceding summer session, or (d) be denied admission.

1.1(2) A graduate of an accredited high school in another state must meet at least the same standards as a graduate of an Iowa high school. The options for admission by probation or tryout enrollment may not be open to these students. Each college reserves the right to demand higher standards from graduates of out-of-state high schools.

1.1(3) A graduate of a nonapproved high school must submit all data as required above and in addition must take examinations which will demonstrate his general competence* to do successful college work.

1.1(4) An applicant who is not a high school graduate must submit all data required above insofar as it exists and must take examinations to demonstrate general competence* to do college work. Evidence of specific competence for admission to a given curriculum will also be required.

1.2(262) Admission of undergraduate students by transfer from other colleges.

1.2(1) Students from accredited colleges and universities. Transcripts of record are given full value if coming from colleges or universities accredited by the North Central Association of Colleges and Secondary Schools or similar regional associations. For schools not regionally accredited the recommendations contained in the current issue of the Report of Credit Given by Educational Institutions published by the American Association of Collegiate Registrars and Admissions Officers will be followed.

a. Each applicant shall submit an official transcript bearing the original seal and signature of the official in charge of records from each college or university which the student has attended previously. The student will also submit any other records or letters which the college may require to support his application for admission.

b. A transfer applicant shall be expected to have maintained a "C" average (2.00 based on an "A" grade being 4 points) for all college work previously attempted and not be under suspension from the last college attended. Students who are not residents of Iowa may be expected to have maintained a 2.25 grade index.

c. A student who is below the above standard may be permitted to take entrance examinations. If the applicant successfully completes the examinations he may be admitted on probation.

d. In general transfer applicants under academic suspension from the last college attended will not be considered for admission during the period of suspension or if for an indefinite period, until six months have passed since the last date of attendance. When eligible for consideration the applicant will be considered as in "c" above.

e. A transfer applicant under disciplinary suspension will not be considered for admission until a clearance and a statement of the reason for suspension is filed from the previous college. When it becomes proper to consider an application from a student under suspension, the college must take into account the fact of the previous suspension in consideration of the application. An applicant granted admission under these circumstances will always be on probation and his admission subject to cancellation.

f. Applicants for admission by transfer who do not meet the standards may be denied.

g. Transfer credit from a junior college will not be accepted if that credit is earned after the total number of hours of credit accumulated by this student at all institutions attended exceeds one-half of the number of hours needed for the earning of the baccalaureate degree.

1.2(2) Students from nonaccredited colleges. A college may refuse to recognize credit from a nonaccredited college or may admit the applicant on a provisional basis and provide a means for the validation of some or all of the credit. The validation period shall not be less than one semester and will ordinarily be a full academic year. The college will specify to the student the terms of the validation process at the time of provisional admission. Each student from a nonaccredited college will be considered on his merits and his admission or rejection is at the discretion of the admissions officer.

1.3(262) Application deadlines. Applicants for admission must submit the required applications for admission and the necessary official transcripts and other required documents to the admissions officer of the appropriate college at least ten days prior to the beginning of orientation for the session for which the student is applying. Applications for admission from students who are required to take entrance examinations will not be considered unless the examinations can be completed at least five days before the beginning of orientation. This rule may be waived by the admissions officer only for adequate reasons.

This rule does not apply to the colleges of medicine and dentistry at the university and the college of veterinary medicine at the Iowa State University. Rules applying to these are given in the following: 2.4(262), 2.8(262) and 2.25(3).

All new undergraduate students must complete the Iowa College Scholarship and Placement Tests or the equivalent as determined by the admissions officer before the beginning of orientation for the session in which the student first registers.

* Examinations for the determination of general competence to do college work are determined by the Iowa committee on secondary school and college relations and are comparable for all three state institutions. Competence established at one is acceptable at all three, but due to different specific curricular requirements, does not guarantee admission to either of the other two.

(Rules 1.1, 1.2 and 1.3 of Chapter I as relates to board of regents in Iowa Departmental Rules, 1973.)

6.02 Policy on Admission Procedures Relating to Unrest

- A. The board of regents hereby adopts the following admissions policies and procedures relating to campus unrest:
 1. Confidentiality of Records: Each regent institution shall continue to develop its own internal rules governing confidentiality of student records. When a student wishes to transfer from one of the universities governed by the board of regents to another regent institution and such student is currently

charged with a violation of the Regents' Rules of Personal Conduct, information concerning such charges shall be made available to the regent institution to which the student wishes to transfer.

2. Transfers to Regents Universities: Each transfer applicant from any institution of higher learning to a university governed by the board of regents shall be asked about his or her eligibility to return to the institution from which the applicant is transferring. If the applicant is not eligible to return, the following rules shall apply:
 - a. Transfers among Regent Institutions: Transcripts at all regent universities now include an appropriate notation if a student is ineligible for readmission or re-enrollment. Admission shall be denied if the applicant currently is under disciplinary suspension or has been dismissed from one of the other regent universities for violation of the Regents' Rules of Personal Conduct and is not eligible to re-enter. Further, if such transfer applicant is currently on probation for having violated the Regents' Rules of Personal Conduct at one university, the applicant, if admitted to another regents university, shall be admitted on probation.
 - b. Transfers from Non-Regent Institutions: If the application for admission or the transcript from another institution shows that the applicant is not eligible to re-enroll there, further inquiry will be made to determine the reason. Such inquiry may lead to admission, conditional admission, or denial of admission. Appeals from the decision will be referred to appropriate university channels.
3. Applications from "Visitors": Under the Regents' Rules of Personal Conduct, "visitors" to the campus who are believed to have violated the Rules and who later apply for admission may be denied admission because of their prior conduct, subject to a due process review if the denial is appealed by the applicant. An applicant who would be subject to such a denial and due process review at any university governed by the board of regents shall be subject to the same denial and review by the other two regents universities if application for admission is made to them. The three universities shall cooperate in making known the identity of such persons among all three institutions. (December 9-10, 1971, p. 312)

6.03 General Role and Scope of Regent Universities

- A. Universities under the control of the board of regents strive to offer diversified and high quality programs of undergraduate and post-graduate study at reasonable cost to a major segment of those seeking post-secondary education in this state. Educational programs are designed to allow the individual student a wide range of subject selection and the greatest freedom to fulfill potentialities in pursuit of knowledge and in preparation for a role in society.

These universities are the primary Iowa training ground for the professions including medical doctors, dentists, pharmacists, nurses, lawyers, veterinarians, educators, architects, agriculturalists, engineers and others who will achieve advanced degrees in various fields of the arts and sciences. The state universities are deeply committed to research which expands knowledge and benefits society. They will make educational programs and the results of research available through extension services and will offer services to the public appropriate to the role of each university.

Within this framework and the availability of funds, the University of Iowa, Iowa State University and the University of Northern Iowa will seek different areas of specialty and emphasis compatible with their disparate roles in the state system of higher education.

The board of regents is aware of the major role of the universities under its control in the framework of higher education in Iowa which includes private colleges and universities along with area schools. Continuing efforts are made to cooperate with these other elements of higher education to effect useful coordination, to avoid needless duplication and to foster good will. This effort is illustrated by the following list of questions to which the board requires satisfactory answers before proposed new or expanded programs are adopted.

- 1) At what institutions, public and private, is the program or a similar program offered at present?
- 2) What implications are there for potential duplication of the program in the regents' institutions or other institutions?
- 3) Is the proposed program compatible with the mission of the institution?
- 4) Is there a special need in the state of Iowa for this program? If so, please explain.
- 5) What is the assessment of the educational quality of the program at present?
- 6) What is the anticipated demand for the program from students now enrolled or who might be enrolled at this institution?
- 7) What expectations are there for professional employment for graduates in this field in the state, in the region, and in the nation for the future?
- 8) Are the estimated increased costs, as stated by the institution, realistic?
- 9) What will be the increased costs: Amount for faculty, current expenses, space, library, etc., first-time and annually after the program reaches full operation?

- 10) What were the comments of the Iowa Coordinating Council for Post High School Education when the proposal was presented to it?

The board does not expect significant increases in enrollment at universities under its control during the next decade. However, the board anticipates that state universities will continue to attract their historical share of those attending institutions of higher education in Iowa, a share which has amounted to about half of all students in colleges and universities in the state. (November 8-10, 1972, pp. 274-284)

6.04 Statement of University Missions

A. University of Iowa

The University of Iowa is committed to undergraduate, professional, graduate and continuing education. To discharge this commitment, as part of its established mission, the university engages in teaching, research, and appropriate extension, health and other public services. The university is recognized as having a broad mandate in order that it may continue to be a distinguished state university, offering pre-professional courses, the full panoply of undergraduate liberal arts and science courses, graduate and professional work in law, medicine, dentistry, pharmacy, nursing, engineering, and allied fields related to these professional disciplines, as well as social work, business administration, journalism, education (early childhood, elementary, secondary, and higher), library science, and all the liberal arts and sciences. It will offer no major programs in agriculture, architecture, forestry, industrial arts, veterinary medicine, agricultural, aeronautical or ceramic engineering. It will be characterized by a general orientation toward human growth, the health sciences, the humanities, the fine arts and the social sciences. It will continue to maintain strong programs in the physical and biological sciences and engineering.

The University of Iowa has sought to maintain a balanced enrollment. It has done so in recognition of the joint responsibility it has with the other regents' institutions, the private colleges, and the community colleges to provide a greater variety of educational opportunities to a larger and more diversified group of students. A much slower rate of enrollment growth in the 1970's is anticipated than occurred in the 1960's. The bulk of this growth will be in professionally oriented curricula of both the pre- and post-baccalaureate colleges of the university. Many of these programs will be health-oriented and therefore fall within the well-established traditional role of this university.

Future programs will be determined by the continuing study of existing programs and of developing needs. Programs will be curtailed or eliminated when the assessment of need and resources indicates that resources could better be devoted to other programs. The university approaches the addition of new programs with considerable caution. Generally, new programs are fashioned out of existing programs in response to

new programs are fashioned out of existing programs in response to developing needs. But if the university is to remain vital, it must consider at the appropriate time the development of some new programs that fall within its general mission and that meet the new needs of students and society.

C. University of Northern Iowa

The University of Northern Iowa at Cedar Falls is recognized as having a mandate of sufficient scope to enable it to become an outstanding arts and sciences university, strongly oriented toward teacher education. It will provide leadership in the development of programs for the pre-service and in-service preparation of teachers and other educational personnel for schools, colleges and universities. It will offer undergraduate and graduate programs and degrees in the liberal and practical arts and sciences, including selected areas of technology; offer pre-professional courses; and conduct research and extension programs to strengthen the educational, social, cultural and economic development of Iowa. Its continued evolution from state college to university will attain a broadening of its offerings, development of more specialized undergraduate and graduate courses, and considerably greater emphasis on research and public services than have characterized the institution in the past. At the same time, it is imperative that the quality of all its instruction be maintained and enhanced through increasingly strong emphasis on: 1) general or liberal education as the most essential ingredient for the undergraduate student, 2) faculty personnel policies which recognize the central importance of the teaching function, 3) enrichment of instruction through extensive clinical, laboratory and field experience and independent study, and 4) development of life of the university community itself as an effective educational force. It will offer no major programs in law, medicine, dentistry, pharmacy, hospital administration, architecture, forestry, engineering, agriculture, or veterinary medicine.

Given the declining demand for teachers for the immediate future and apparently for some considerable period, it behooves us to provide other kinds of opportunities for the young people of Iowa who want to attend the University of Northern Iowa. In order to serve these young people and to be responsive to their needs and preferences and to the needs of employers in the state, it is imperative that the university offer a variety of programs, including a standard assortment of liberal arts majors, preparation for careers in business, social work, and other such fields.

In the area of teacher preparation, it is crucial that the university remain at the forefront of developments in educational methods programs, and be prepared to offer instruction in new areas required by society's changing needs. UNI must be more than merely responsive to changing needs and interests of our students and society. One of the primary functions should be to form a leadership role in educational techniques and programs. Although UNI does not aspire at the present time to the development of any new or unusual educational programs, the university would like to think that it is not a prisoner of institutional tradition, that it is responsive to new ideas and suggestions from students and the public, that it encourages innovation and creative thinking with any institution, and that if we are asked to

provide some new program or service by our students, the state, business, industry, government, labor, and other such groups, as a public institution supported by state and federal taxes and tuition and grants and gifts, it is the university's duty to be receptive to outside proposals and requests for new educational services.

Future programs will be determined by the continuing study of existing programs and of developing needs. Programs will be curtailed or eliminated when the assessment of need and resources indicates that resources could better be devoted to other programs. The university approaches the addition of new programs with considerable caution. Generally, new programs are fashioned out of existing programs in response to developing needs. But if the university is to remain vital, it must consider at the appropriate time the development of some new programs that fall within its general mission and that meet the new needs of students and of society. (November 8-10, 1972, pp. 274-284)

6.05 Review Process for New or Expanded Academic Programs at Regent Universities

- A. (See Section 1.04 of this Guide for Committee on Educational Coordination.)
- B. All matters of major importance referred to the Committee on Educational Coordination by the board shall be referred automatically to the Iowa Coordinating Council for Post High School Education for review and recommendation.
- C. All new or expanded programs being submitted to the Board of Regents should include along with the original submission to the board a complete response to the following program review questions.
 - 1) Need
 - a) How will this proposed program further the educational and curriculum needs of the students in this discipline?
 - b) How does it further the educational and curriculum needs of other units in the college or university?
 - 2)
 - a) What programs in this field of study are available in other colleges and universities in Iowa?
 - b) With what representatives of these programs have you consulted in developing this proposal? Provide a summary of the reactions of each institution consulted.
 - c) In what ways is this proposed program similar to those mentioned in a)? In what ways is it different or does it have a different emphasis?
 - d) How does the proposed program supplement the current programs available?
 - e) Has the possibility of some kind of interinstitutional program or other cooperative effort been explored? What are the results of this study?

- 3) Please estimate the enrollment in this program, for the next five years as follows:
- a) Undergraduate
- | | | | | | |
|------------|-------|-------|-------|-------|-------|
| Majors | _____ | _____ | _____ | _____ | _____ |
| Non-majors | _____ | _____ | _____ | _____ | _____ |
- b) Graduate
- | | | | | | |
|------------|-------|-------|-------|-------|-------|
| Majors | _____ | _____ | _____ | _____ | _____ |
| Non-majors | _____ | _____ | _____ | _____ | _____ |
- c) On what basis were these estimates made?
- d) What are the anticipated sources of these students?
- 4) Please provide any available data or information on employment opportunities available to graduates of this program in Iowa and nationally.
- 5) Are there accreditation standards for this program?
- a) What is the accreditation organization?
- b) What accreditation timetable is anticipated?
- 6) Does the proposed program meet minimal national standards for the program, e.g., Council of Graduate Schools or other such bodies?
- 7) Please report any reactions of the Iowa Coordinating Council for Post-High School Education.

Additional Resource Needs

- 1) Please estimate the probable marginal increases in expenditures that may be necessary as a result of the adoption of this program for the next three years.

Estimated (incremental) costs

| | First Year | Second Year | Third Year |
|--|------------|-------------|------------|
| a) Faculty | | | |
| b) Graduate Assistants | | | |
| c) General Expense | | | |
| d) Equipment | | | |
| e) Library Resources | | | |
| f) New Space Needs (est. amt. & cost of new space and/or remodeled space) | | | |
| g) Computer Use | | | |
| h) Other Resources (please explain) | | | |
| TOTAL | | | |

- 2) Describe the nature and justification for the additional resource needs.
- 3) How is it anticipated that the additional resource needs will be provided? (For programs planning to use external grants, what would be the effect of the grant termination?)

Explanatory Guidelines

- 2) a) Identification of other programs available in this field at other institutions should be made within a broad definitional framework. For example, such identification should not be limited to programs bearing the same title, the same degree designation, having the same curriculum emphasis, or purporting to meet exactly the same needs as the proposed program.
 - c) In describing program similarities and differences, consider such factors as curriculum, prospective student groups to be served, and career or other types of goals to be emphasized.
 - d) In some instances, this question should go beyond how the program will supplement others within the state. If the justification for the program involves special regional or national needs, a description of existing programs within the region or the nation and the relation of the proposed program to these should be provided.
 - e) Consider not only the possibility of a formally established interinstitutional program, but also how special resources at other institutions might be used on a cooperative basis in implementing the proposed program solely at your institution.
- 3) d) What are the anticipated sources of these students?

For example, persons currently enrolled in other programs within the institution; persons currently attending other institutions, in-state or out-of-state; persons not currently enrolled in institutions of higher education.

6.05

D. All new or expanded programs will be subject to a post-audit after four years of existence. These post-audits will include, but are not limited to, responses to the following questions:

1. Is this program now available in other Regents universities or in other colleges and universities in Iowa?
2. List actual headcount enrollments and credit hours generated by majors and separately for all others in this program for the last two years and estimate these items for the next three years.

| <u>Last</u> <u>Year</u> | <u>Current</u> <u>Year</u> | <u>Next</u> <u>Year</u> | <u>Second</u> <u>Year</u> | <u>Third</u> <u>Year</u> |
|----------------------------|-------------------------------|----------------------------|------------------------------|-----------------------------|
|----------------------------|-------------------------------|----------------------------|------------------------------|-----------------------------|

a. Undergraduate
Majors
Non-majors

b. Graduate
Majors
Non-majors

How many dropouts of this program can be identified over the last two years? What reasons were given for leaving the program?

3. What have been the employment (placement) experiences of any graduates of this program?
 - a. How many students have graduated (completed) this program (by year)?
 - b. What has been the success rate for graduates with respect to certification and/or licensure, if applicable?
 - c. How many undergraduate completers of the program have been accepted into graduate study programs?
 - d. What has been the success rate for obtaining jobs for graduates of the program:
 - 1) In the field or related field
 - 2) In non-related fields
 - 3) Unemployed
 - e. What has been the success rate for obtaining the preferred first job in the field by graduates of the program?



action. The expression of political opinions and viewpoints will be those of individuals and not of institutions, since the official adoption of any political position, whether favored by majority or minority, tends to substitute one-sided commitment for the continuing search for truth. (January 15-16, 1970, pp. 265-266; July 9-10, 1970, p. 26)

6.08 Calendar Changes

- A. Major proposed changes of a university calendar and the consequences of such changes shall be brought with recommendations to the board for final decision. (July 9-10, 1970, p. 24)

6.09 Campus Speakers and Programs

- A. General. It is the policy of the board, expressed through the institutions of higher education under its control, to permit students and staff to hear diverse points of view from speakers and programs sponsored by recognized student, faculty, and employee organizations. This policy is entirely consistent with the aims of higher education. It is designed to emphasize that in a democratic society all citizens have not only the right but the obligation to inform themselves on issues of contemporary concern including politics, religion, ethics, and morals. Therefore, the regents approve the following procedure for effectuating this policy:

1. Administration. The president or a committee designated by him, or both, shall be responsible for the administration of this policy on a particular campus.
2. Restrictions. In sponsoring campus speakers and programs, recognized faculty, student, and employee organizations must comply with institutional rules on the reservation of rooms in advance, the posting of notices, and the payment of rental charges when applicable and such other rules as the institution prescribes for the use of its buildings to avoid any interference with the regular program of the institution.
3. Conduct of Meetings. Whenever considered appropriate in furtherance of educational objectives, the president or the campus committee may require that at any particular meeting:
 - a) Any speaker be subjected to questions from the audience.
 - b) The meeting be chaired by a tenured member of the faculty.
4. Sponsorship of Meeting. In order to encourage the presentation of diverse points of view on any issue, the president or the campus committee may at any particular meeting or from time to time sponsor, or encourage recognized campus

groups to sponsor, additional speakers or programs which will contribute to the full and frank discussion of such issue. (October 21-24, 1964, p. 158)

6.10 Credit by Examination

- A. The board shall be informed in the event any of the institutions contemplate any major expansion of the credit by examination program. (September 9-10, 1971, p. 109)

6.11 State Aid for State Area Community and Junior Colleges

- A. (See Section 1.10, this Guide, for Regent Committee on Educational Relations)
- B. The several merged areas operating area vocational schools or community colleges and the several school districts operating junior colleges or community colleges in the state of Iowa shall be entitled to receive financial aid from the state in the manner and amount as provided in this chapter. (Code 286A.1)
- C. Approval standards for public community and junior colleges shall be established and approved as prescribed in section 280A.33, with said standards to be issued and enforced by the state department of public instruction. Eligibility for receipt of state aid for public community and junior colleges shall be determined by the state board of public instruction and the state board of regents. No aid shall be paid to a public community or junior college unless such college meets approval standards. (Code 286A.3)
- D. Approval standards, except as hereinafter provided, for area and public community and junior colleges shall be initiated by the area schools branch of the department and submitted to the state board of public instruction and the state board of regents, through the state superintendent of public instruction, for joint consideration and adoption. No proposed approval standard shall be adopted by the boards until the standard has been submitted to the advisory committee created by this chapter and its recommendations thereon obtained.

Approval standards for area vocational schools and for vocational programs and courses offered by area community colleges shall be initiated by the area schools branch and submitted to the state board of public instruction through the state superintendent of public instruction, for consideration and adoption. No such proposed approval standard shall be adopted by the state board until the standard has been submitted to the advisory committee created by this chapter and to the advisory committee created by chapter 258 and their recommendations thereon obtained.

For purposes of this section, "approval standards" shall include

standards for administration, qualifications and assignment of personnel, curriculum, facilities and sites, requirements for awarding of diplomas and other evidence of educational achievement, guidance and counseling, instruction, instructional materials, maintenance, and library. (Code 280A.33)

- E. (See Section 1.27, this Guide, for State Advisory Committee on Area Schools.)
- F. No more than three evaluation team visits to area schools ordinarily will be scheduled in a given year. The determination of which year an institution will be visited will be made by drawing lots. (Board of Public Instruction action October 12, 1972; November 8-10, 1972, p. 289)

6.12 Extension and Off-Campus Services

- A. **Extension Services Defined.** Extension services are those activities by which the instruction, research, and service functions of an institution are shared with citizens of the state who are not enrolled as regular students. At present, these services include such things as off-campus courses and lectures, correspondence study, consultant services, surveys, conferences and non-credit workshops (both on and off-campus), radio, television, and publication to support and supplement the aforementioned activities.
- B. **Extension Courses.** Courses approved by the board for on-campus instruction may be offered as extension courses, if the institution desires to do so, without additional approval by the board. But no center for off-campus extension will be established and no more than five courses will be offered simultaneously in any one town, city, company or corporation, or "area community" except on prior notice to the Committee on Extension Service Cooperation and approval by the board of regents.
- C. **Committee on Extension Service Cooperation** (See Section 1.11)
- D. **Cooperation.** Existing cooperation among the three institutions in extension services will be broadened and made more continuous. The cooperative efforts and practices will be reviewed periodically and formally by the board to the end that maximum extension services will be rendered to the state and its citizens at comparable levels of cost to communities, organizations, industries, or individuals served. The extension services of the three institutions will be available statewide. The three extension services, through planned cooperative effort, will seek to give the people of Iowa the best possible service at the lowest cost.
- E. **New Services.** State or Federal enactments, as well as requests from other sources, which suggest opportunities for new extension services for which campus resources are not available will

be brought to the board for decision concerning 1) the creation of campus resources and 2) the campus or campuses on which the resources are to be established.

- F. General. Each of the three institutions of higher learning will have extension services whose activities will be reviewed periodically and formally by the board.

The extension services of each institution will be related to on-campus functions authorized by the board. Special competencies in extension services are to be encouraged at each institution.

The extension services of the three institutions of higher learning should be provided to the people of the state to the maximum extent consistent with the availability of resources at the three institutions and resident instruction and research commitments of each institution.

Except as herein provided extension services which have been authorized by the board are expected to adjust to changing times and conditions without continual referral to the board for approval. (October 4-6, 1962, pp. 179-181)

6.13 Patents and Copyrights

- A. The board shall, with consent of the inventor and in the discretion of the board, secure letters patent or copyright on inventions of students, instructors and officials, or take assignment of such letters patent or copyright and may make all necessary expenditures in regard thereto. The letters patent or copyright on inventions when so secured shall be the property of the state, and the royalties and earnings thereon shall be credited to the funds of the institution in which such patent or copyright originated. (Code 262.9(10))

The report will include only persons paid from instructional, research, or public service budgets who carry one of the following ranks:

- a. Professor
- b. Associate Professor
- c. Assistant Professor
- d. Instructor

Departmental executive officers will be included but collegiate, research institute, and university administrators will be excluded. Percentages will be weighted for faculty members on less than full-time appointment.

3. Sampling Procedure

The faculty will be sampled during 20 randomly selected full weeks during the academic year when classes are in session to obtain average hours worked per week by faculty members. The total number sampled shall not be less than 150 persons. This sample size should be sufficient to insure an error of less than ± 5 percent. Sampling procedures used by individual institutions will be compatible with each other.

- B. The complete faculty activity study for each university shall be forwarded to the Board Office for review.
- C. The Committee on Educational Coordination shall analyze the faculty activity studies and make recommendations to the board on possible improvements in such studies particularly as regards broadening the information available. (January 10-11, 1974, pp. 451-452; May 9-10, 1974, p. 813; January 16-17, 1975, pp. 466-470)
- D. That the board move toward synchronization of the cost study and faculty activity reports in the next biennial cycle. (January 10-11, 1974, pp. 451-452; May 9-10, 1974, p. 813; January 16-17, 1975, pp. 466-470)

6.15 Withholding Student Transcript (Code 720--1.5[262])

- A. A person may not be permitted to register for a course or courses at a state board of regents institution until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent has been paid. (November 14-15, 1974, pp. 406-407).
- B. A state board of regents institution may withhold official transcripts of the academic record of a person until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent has been paid.



VII. BUSINESS PROCEDURES

7.01 Authority

- A. A business office shall be maintained at each of the institutions of higher learning, with such organizations, powers and duties as the board may prescribe and delegate. (Code 262.20)

7.02 Expenditures

- A. The board shall direct the expenditure of all appropriations made to the institutions, and of any other moneys belonging thereto, but in no event shall the perpetual funds of the Iowa State University of Science and Technology, nor the permanent funds of the State University of Iowa derived under acts of congress, be diminished. (Code 262.9 (7))
- B. The treasurer of each of said institutions shall:
1. Receive all appropriations made by the general assembly for said institution, and all other funds from all other sources, belonging to said institution.
 2. Pay out said funds on order of the board of regents, or of such committee or official as it designates, on bills duly audited in accordance with the rules prescribed by said board.
 3. Retain all bills, so paid by him, with receipts for their payment as his vouchers.
 4. Keep an accurate account of all revenue and expenditures of said institution, so that the receipts and disbursements of each of its several departments shall be apparent at all times.
 5. Annually, and at such other times as the board may require, report to it said receipts and disbursements in detail. (Code 262.23)
- C. All appropriations made payable annually to each of the institutions under the control of the board of regents shall be paid in twelve equal monthly installments on the last day of each month on order of said board. (Code 262.28)
- D. The Treasurer of each institution is hereby authorized to pay out all funds belonging to the institution, but only on vouchers for purchases, salaries, wages, or other expenditures which have been approved by the head of the department charged with such expense and which voucher shall further show a certification by the business manager or his authorized agents that proper check of availability of funds, prices, and terms, extensions, totals, classifications, funds, and account numbers has been made. (November 10-12, 1966, p. 218)

E. Duly audited disbursement vouchers may be paid upon the signature of the following:

1. State University of Iowa: the Business Manager-Treasurer and any one of the following - Vice President for Business and Finance, or the Controller and University Secretary.
2. Iowa State University: the Treasurer and any one of the following - Controller-Secretary, or Chief Accountant.
3. University of Northern Iowa: the Treasurer and any one of the following - Business Manager, or Accountant.
4. Iowa School for the Deaf: both of the following - Superintendent and Business Manager.
5. Iowa Braille and Sight Saving School: both of the following - Superintendent and Business Manager.

(November 10-12, 1966, p. 218)

7.03 Budget Transfers

- A. The chief executive officer of each institution is authorized to approve budget transfers and allocations except those transfers which increase the current approved budget or the budget ceiling or those required by loan agreements and bond resolutions and RR&A allocations exceeding \$100,000. The exceptions shall be docketed by each institution for board action and such action shall be recorded in the board minutes.
- B. The chief executive officer of each institution is authorized to approve supplemental budgets which are supported by gifts, grants, and service contracts. (July 14-15, 1966, p. 16; August 11-12, 1966, p. 63; May 9-10, 1968, p. 459)

7.04 Audits

- A. The auditor of state shall annually, and oftener if deemed necessary, make a full settlement between the state and all state officers and departments and all persons receiving or expending state funds, and shall annually make a complete audit of the books and accounts of every department of the state.
- B. A preliminary audit of the educational institutions . . . shall be made periodically, at least quarterly, to check the monthly reports submitted to the comptroller's office as required by section 8.6, subsection 7 and that a final audit of such state agencies shall be made at the close of each fiscal year.
- C. The auditor of state shall make or cause to be made and filed and kept in his office written reports of all audits and examinations, which reports shall set out in detail the following:
 1. The actual condition of such department found to exist on every examination.

2. Whether, in his opinion,
 - a. All funds have been expended for the purpose for which appropriated.
 - b. The department so audited and examined is efficiently conducted, and if the maximum results for the money expended are obtained.
 - c. The work of the departments so audited or examined needlessly conflicts with or duplicates the work done by any other department.
3. All illegal or unbusinesslike practices.
4. Any recommendations for greater simplicity, accuracy, efficiency, or economy in the operation of the business of the several departments and institutions.
5. Comparisons of prices paid and terms obtained by the various departments for goods and services of like character and reasons for differences therein, if any.
6. Any other information which, in his judgment, may be of value to him.

All such reports shall be filed and kept in his office.

- D. Each department and institution of the state shall keep its records and accounts in such form and by such methods as to be able to exhibit in its reports the matters required by the auditor of state, unless otherwise specifically prescribed by law. Each department and institution of the state shall keep its records and accounts in a current condition. The failure of the head of any department of the state to comply with this provision shall be ground for his suspension from office. (Code 11)

7.05 Financial Reports

- A. The executive officer of each of said institutions shall, on or before the first day of August of each even-numbered year, make a report to the board, setting forth such observations and recommendations as in his judgment are for the benefit of the institution, and also his recommendations of a budget for the several colleges and departments of the institution, in detail, and estimates of the amount of funds required therefor for the ensuing biennium.
- B. The secretarial officer shall, for the institution of which he acts as secretary, on or before August 1 of each year, report to the board in such detail and form as it may prescribe:
 1. The funds available each fiscal year from all sources for the erection, equipment, improvement, and repair of buildings.

2. Interest on endowment and other funds, tuition, state appropriations, laboratory and janitor fees, donations, rents, and income from all sources affecting the annual income of the support funds of said institution.
3. How the funds so received were expended, giving under separate heads the cost of instruction, administration, maintenance and equipment of departments, and the general expense of the institution.
4. The number of professors, instructors, fellows, and tutors, and the number of students enrolled in each course during each year, stating separately the number of students attending short courses.
5. The amount of unexpended balances of departments remaining in the hands of the treasurer, and the amounts undrawn from the state treasury on June 30 of each year.

The report for the Iowa State University of science and technology shall also show the receipts of the experiment station from all sources for each fiscal year, and how the same were expended.

- C. The board shall, biennially, at the time provided by law, report to the governor and the legislature such facts, observations, and conclusions respecting each of such institutions as in the judgment of the board should be considered by the legislature. Such report shall contain an itemized account of the receipts and expenditures of the board, and also the reports made to the board by the executive officers of the several institutions or a summary thereof, and shall submit budgets for biennial appropriations deemed necessary and proper to be made for the support of the several institutions and for the extraordinary and special expenditures for buildings, betterments, and other improvements. (Code 262.24, 262.25, 262.26)

7.06 Investments

- A. The board shall collect the highest rate of interest, consistent with safety, obtainable on daily balances in the hands of the treasurer of each institution. (Code 262.9 (8))
- B. The state board of regents may invest funds belonging to the institutions under its jurisdiction, subject to the following regulations:
 1. Each loan shall be secured by a mortgage paramount to all other liens upon approved farm lands in this state, accompanied by abstract showing merchantable title in the borrower. The loan shall not exceed sixty-five percent of the cash value of the land, exclusive of buildings.
 2. Each such loan if for a sum more than one-fourth of the value of the farm shall be on the basis of stipulated annual principal reductions.

3. Any portion of said funds may be invested in bonds or other evidences of indebtedness issued, assumed or guaranteed by the United States of America or by any agency or instrumentality of the United States; also in bonds of this state, and of counties, cities and school districts in Iowa.
 4. Any gift accepted by the state board of regents for the use and benefit of any institution under its control may be invested in securities designated by the donor, but whenever such gifts are accepted and the money invested according to the request of the said donor, neither the state, the Iowa state board of regents, nor any member thereof, shall be liable therefor or on account thereof.
 5. A register containing a complete abstract of each loan and investment, and showing the actual condition, shall be kept by the board and be at all times open to inspection.
 6. All loans made under the provisions of this section shall have an interest rate of not less than three and one-half percent per annum. (Code 262.14)
- C. The Executive Secretary, in cooperation with the institutional treasurers, shall have the responsibility for investment of funds belonging to the institutions.
- D. Each institutional treasurer is to secure the approval of the Executive Secretary for the purchase, sale, and exchange of securities and to report such transactions and report the receipt of securities resulting from stock dividends, splits, and gifts. The report is to be made to the Board Office as the transaction occurs on a standard form designed for this purpose. Prior approval is not required for transactions involved in paragraph E below.
- E. Treasurers of the institutions may invest in government securities, maturing in one year or less.
- F. The Executive Secretary and the institutional treasurers are authorized to take such action on requests for proxies on securities under their custody as seems appropriate. In cases where there is a contest for control of the management of a corporation, or in other unusual circumstances, such requests shall be submitted to the State Board of Regents for decision. Proxies shall be signed by the Executive Secretary of the board or the institutional secretary or treasurer involved.
- G. The board has direct responsibility for administration of the John F. Murray Endowment Fund. The administrator of the fund for the board shall be the Vice President for Business and Finance, University of Iowa, who shall have authority to act on the recommendation of the Investment Counsel, Merchants National Bank, Cedar Rapids, in regard to the investment portfolio of the Murray Fund. The Vice President shall make a quarterly report of his actions to the board for full board ratification. Such reports shall, when applicable, include price paid and sale price per share.

- H. The board has direct responsibility for the administration of the Eudora F. McGregor Trust Fund. The administrator of the fund for the board shall be the treasurer of the University of Iowa, with full power to invest and reinvest the assets thereof in safe securities and, upon direction from the board, to make disbursements therefrom. (November 9-10, 1955, p. 141; August 11-12, 1966, p. 63; November 10-12, 1966, p. 217; June 28-30, 1967, p. 566; December 11-12, 1969, p. 201; April 8-9, 1971, p. 450; July 13-14, 1972, p. 71)

7.07 Annual Audit of Securities

- A. An annual audit of all securities owned as of June 30 shall be made by the institutional treasurer or his designated representative and officials from the Office of the Auditor of State. Securities in the custody of the board shall be audited by a representative of the board office and of the Auditor of State. A certified copy of the audit report shall be filed in the board office. (August 11-12, 1966, p. 63; November 8-10, 1967, p. 175)

7.08 Mortgages and Loans

- A. (See 7.06 B.1,2,5, and 6)
- B. When loans are paid, the board shall release mortgages securing the same as follows:
1. By a satisfaction piece signed and acknowledged by the treasurer of the institution to which the loan belongs, which shall be recorded in the office of the recorder of the county where said mortgage is of record; or
 2. By entering a satisfaction thereof on the margin of the record of said mortgage, dated, and signed by the treasurer of the institution to which the loan belongs. (Code 262.16)
- C. In case of a sale upon execution, the premises may be bid off in the name of the board of regents, for the benefit of the institution to which the loan belongs. (Code 262.17)
- D. Deeds for premises so acquired shall be held for the benefit of the appropriate institution and such lands shall be subject to lease or sale the same as other lands. (Code 262.18)
- E. The board shall have charge of the foreclosure of all mortgages and of all collections from delinquent debtors to the institutions under its jurisdiction. All actions shall be in the name of the state board of regents, for the use and benefit of the appropriate institution. (Code 262.15)
- F. Institutions will recommend that foreclosure actions be commenced whenever such action is deemed necessary. The board will authorize the executive secretary to initiate proceedings. (Code 262.15)
- G. No lapse of time shall be a bar to any action to recover on any loan made on behalf of any institution. (Code 262.19)

- H. The institutions shall handle their own uncollectible student loans with settlements carried out through statutory procedures.
1. The transfer of uncollectible accounts shall be approved by the president of the institution involved and a report of this action shall be sent to the Board Office.
 2. Any changes in current policies, or new policies, are to be documented by the chief business officer for board action.

(November 10-12, 1966, p. 218; January 12-13, 1967, p. 328; June 28-30, 1967, p. 569)

7.09 Property

- A. Control, acquisition, and disposition. The board shall manage and control the property, both real and personal, belonging to the institutions under its control. (Code 262.9 (4))
1. The board shall, with the approval of the executive council, acquire real estate for the proper uses of said institutions, and dispose of real estate belonging to said institutions when not necessary for their purposes. A disposal of such real estate shall be made upon such terms, conditions and consideration as the board may recommend and subject to the approval of the executive council. If real estate subject to sale hereunder has been purchased or acquired from appropriated funds, the proceeds of such sale shall be deposited with the treasurer of state and credited to the general fund of the state. There is hereby appropriated from the general fund of the state a sum equal to the proceeds so deposited and credited to the general fund of the state to the state board of regents which, with the prior approval of the executive council, may be used to purchase other real estate and buildings, and for the construction and alteration of buildings and other capital improvements. All transfers shall be by state patent in the manner provided by law. (Code 262.9 (5))
 2. No sale or purchase of real estate shall be made save upon the order of the board, made at a regular meeting, or one called for that purpose, and then in such manner and under such terms as the board may prescribe and only with the approval of the executive council. No member of the board or any of its committees, offices or agencies nor any officer of any institution, shall be directly or indirectly interested in such purchase or sale.

Purchases of real estate may be made on written contracts providing for payment over a period of years but the obligations thereon shall not constitute a debt or charge against the state of Iowa nor against the funds of the board or the funds of the institution for which said purchases are made. Purchase payments may be made from appropriated capital funds or from other funds lawfully available for that purpose and allocated therefor by the board, or from any combination of the foregoing, but not from appropriated operating funds. All state appropriated capital funds used for any one purchase contract shall be taken

entirely from a single capital appropriation and shall be set aside for that purpose. In event of default, the only remedy of the seller shall be against the property itself and the rents and profits thereof, and in no event shall any deficiency judgment be entered or enforced against the state of Iowa, the board, or the institution for which the purchase was made. Provided, however, that no part of the tuition fees shall be used in the purchase of such real estate. (Code 262.10)

3. It is the basic policy of the board to convey real estate for monetary consideration based on appraisal; in all cases in which monetary consideration is waived by the board, the alternative consideration shall be detailed in board minutes.
 4. The board policy is that property so purchased shall be purchased at not more than 5% over the average of two appraisals or the high appraisal, whichever is the lower figure. This policy is not intended to limit negotiation for a price lower than the appraised value. (April 11-12, 1968, p. 407; March 13-14, 1969, p. 338; Executive Council letter dated April 23, 1973)
 5. All acts of the board relating to the management, purchase, disposition, or use of lands and other property of said institutions shall be entered of record, which shall show the members present, and how each voted upon each proposition. (Code 262.11)
- B. Lease of property. The board is authorized to lease properties and facilities, either as lessor or lessee, for the proper use and benefit of the institutions upon such terms, conditions, and considerations as the board deems advantageous, including leases with provisions for ultimate ownership by the state of Iowa, and to pay the rentals from funds appropriated to the institutions for operating expenses thereof or from such other funds as may be available therefor. (Code 262.9 (13))

7.10 Disposal, Transfer, and Sale of Buildings and Equipment

- A. Transactions regarding buildings with estimated value of \$1,000 or more will be docketed by the institutions for board action.
- B. The chief business officer of each institution is authorized to dispose of obsolete or worn out equipment, and buildings with an estimated value of less than \$1,000, under the following conditions:
 1. Equipment, because of its obsolescence or condition, is of no further use to any institutional department and is not of such general usage as to be readily sold through the surplus equipment pool.
 2. Equipment and buildings having no trade-in value, or having a trade-in value less than might be expected by sale.
 3. Price quotations for equipment and buildings to be sold are to be solicited from all dealers or users of similar equipment and buildings in the area, or from salvage dealers in the area, and the sale made to the person or firm making the highest offer. Every effort should be made to receive at least three competitive quotations. (August 11-12, 1966, p. 62)

7.11 Claims for Fire Loss and Storm Damage

- A. All loss occurrences of \$5,000 or less shall be absorbed by the Regents' institutions (unless the aggregate of all such losses in any fiscal year exceeds \$15,000 for the University of Iowa and Iowa State University, \$10,000 for the University of Northern Iowa, or \$5,000 for the Iowa School for the Deaf or the Iowa Braille and Sight Saving School).
- B. Claims for all losses exceeding \$5,000 to \$100,000 (or annual aggregate of all losses of \$5,000 or less which exceed \$15,000 for the University of Iowa and Iowa State University, \$10,000 for the University of Northern Iowa, or \$5,000 for the Iowa School for the Deaf or the Iowa Braille and Sight Saving School) shall follow the formal procedures listed below.

Claims for all losses exceeding \$100,000 shall be processed according to the formal procedures for costs of emergency measures associated with the loss and then a legislative appropriation request for replacement of buildings and contents shall be processed in the normal manner with prior board approval.

- C. Formal procedures for reporting and payment of losses due to disaster are as follows:
 1. Immediately upon loss of property due to fire or other disaster, the institution should notify the Board Office. This notification should occur promptly without regard to whether the loss occurs at night, weekends, holidays, etc. In the event that the Board Office cannot be reached, the institution should immediately notify the State Executive Council and the State Auditor.
 2. A representative of the Board Office will normally contact both the Secretary of the State Executive Council and a representative of the State Auditor's Office. The Board Office representative will give the aforementioned officials general information and will seek authority, on behalf of the institution, to proceed with emergency work. The institution shall be notified by the Board Office of this authorization if granted.
 3. The institution should prepare immediately and submit to the Board Office a brief written description of the damage and/or loss including preliminary cost estimates of the loss sustained. The institution should proceed to draw up necessary plans and specifications for repairs, equipment, buildings, etc.
 4. The institution would next prepare and submit a written report of the loss to the Board Office. The report would include description of the loss and cost estimates for restoration and replacement of property damaged and destroyed.
 5. The Board Office would submit the written report to the Executive Council with a request for allocation of funds and a request to proceed with necessary repairs and replacement in accordance with Board of Regents established policy and procedures.

6. Following Executive Council action on the funding request, if favorable, the institution would proceed with repairs and replacement in accordance with Board of Regents procedures.
7. The Executive Council would prescribe how claims are to be submitted for reimbursement and would approve payment forms for reimbursement. Claims usually can be submitted for payment either when accumulated during the life of the project or upon completion of the project.
8. All claims shall be submitted to the Board Office for transmittal to the Executive Council.
9. The institution should file with the Board Office a semi-annual status report dated July 1 and January 1 on those projects for which the Executive Council has allocated funds and which have not been final reported prior to the closing date for the report.
10. A final report shall be prepared and transmitted to the Board Office on project immediately after receipt of the final payment on that project. (November 10-12, 1966, p. 218; March 14-15, 1968, p. 385; December 9-10, 1971, p. 332; January 13-14, 1972, p. 382; January 11-12, 1973, p. 465; Board Office memorandum dated February 24, 1975)

7.12 Fire Protection Contracts

- A. The State Board of Regents shall have power to enter into contracts with the governing body of any city, town, or other municipal corporation for the protection from fire of any property under the control of the board, located in any such municipal corporation or in territory contiguous thereto, upon such terms as may be agreed upon. (Code 262.33)
- B. New contracts or renewal of contracts shall be brought to the board for approval. Annual payments as specified in a multi-year contract previously approved by the board shall be made by the institution involved without further board approval. (March 11-12, 1971, p. 419)

7.13 Gifts and Grants

- A. The board shall accept and administer trusts and may authorize non-profit foundations acting solely for the support of institutions governed by the board to accept and administer trusts deemed by the board to be beneficial. Notwithstanding the provisions of section six hundred thirty-three point sixty-three (633.63) of the Code, the board and such nonprofit foundations may act as trustee in such instances. (Code 262.9(6))
- B. The chief executive officer of each institution is authorized to accept and approve all gifts, grants, and service contracts except gifts of real estate, which shall be docketed for board action.

Gifts, grants, and service contracts are to be accepted only if supportive of the mission of the institution. Activities supported by such outside funding are to be adjusted corresponding to fluctuation in outside funding levels. No gifts, grants, or service contracts are to be accepted without approval of the board which need now, or may need in the future, additional appropriations to supplement such outside funding.

- C. Each institution, on or before the 15th day of each month, shall send 12 copies of the report of gifts and grants that were received during the preceding month to the executive secretary for transmittal to the State Comptroller and Legislative Fiscal Director, and to the members of the board of one (1) copy each, after review by the Board Office. The Board Office shall retain one (1) copy for its files. The institution will make this report in the form currently used to comply with Chapter 8.44, 1973 Code (August 11-12, 1966, p. 62; January 15-16, 1970, p. 225).
- D. Each institution, on or before the 15th day of each month, shall send to the Board Office a copy of all federal grant application cover pages and budget forms submitted to federal agencies during the preceding month. The executive secretary shall transmit this material to the Office of Planning and Programming (Code 7A.6)
- E. Each institution shall forward to the Board Office two copies of a Federal Funds Pre-Application Questionnaire. After review by the Board Office staff, one copy will be forwarded to the State Comptroller and the second copy will be retained in Board Office files. The questionnaire is to be provided for federal fund applications for all purposes other than research.



- B. Each regent institution will require the employee or eligible organization to submit written authorization for payroll withholding for each withholding program including the assent of the spouse of the employee as required. For programs which require assent of the spouse, both the signature of the employee and spouse must be notarized.
- C. The business officers are required to maintain such records as necessary for audit purposes.
- D. Following is a list of payroll withholdings authorized:

ALL INSTITUTIONS:

Federal income tax
State income tax
Federal Social Security and Medicare
Iowa Public Employees' Retirement System
TIAA-CREF retirement annuities and substitutions therefore
Group hospitalization insurance
Group life insurance
Group disability insurance
Parking fees and fines
Salary advances
Accounts receivables
U. S. Savings Bonds
Savings Plan for academic year faculty
Employees' Credit Union
United Fund

UNIVERSITY OF IOWA:

Martin Luther King Scholarship
Health Sciences Library
Art Gallery
Old Gold Development Fund
Dues for State, County and Municipal Employees' Union, Local 12 AFL-CIO
Dues for American Association of University Professors
Dues for University of Iowa Employees Association
Dues for Staff Employees Collective Organization

IOWA STATE UNIVERSITY:

Federal and Service Retirement Annuities
Federal Life Insurance
Alumni Achievement Fund
Iowa State University Center
Dues for Local 870, American Federation of State, County, and
Municipal Employees
Dues for Staff Employees Collective Organization

UNIVERSITY OF NORTHERN IOWA:

Union Building Fund
Dues for Amalgamated Meat Cutters and Butcher Workers
Dues for American Federation of Teachers
Dues for Non-Academic Employees Union

(March 9-10, 1972; p. 535; April 12-14, 1972, pp. 724 & 740;
July 13-14, 1972, p. 75; September 14-15, 1972, p. 172; November
8-10, 1972, p. 318; May 10-11, 1973)

7.15 Elementary and Secondary Education Act (Title I) Coordination

- A. The board shall provide direct coordination of the Title I program.
1. Proposals shall be prepared by the individual institutions and sent to the Board Office for review.
 2. The Board Office shall utilize the expertise of a professional educator on the staff of the state department of public instruction in evaluating proposals.
 3. The Board Office shall make a recommendation of programs to be approved by the board.
 4. Regular allocations of funds available shall be made strictly on the basis of average daily attendance at each institution.
 5. Supplemental appropriations shall be allocated on a program basis.
- B. The content of programs financed from such funds shall be reviewed with the Coordinator of Title I programs, Department of Public Instruction, in accordance with criteria set forth in the authorizing legislation.

(May 14-15, 1970, p. 451; February 9-11, 1972, p. 453; March 9-10, 1972, p. 525)

7.16 Contracts with School Districts

- A. The board of directors of any school district in the state of Iowa may enter into contract with the state board of regents for furnishing instruction to pupils of such school district, and for training teachers for the schools of the state in such particular lines of demonstration and instruction as are deemed necessary for the efficiency of the University of Northern Iowa, state University of Iowa, and Iowa State University of science and technology as training schools for teachers. The contract for such instruction shall authorize the payment for such service furnished the school district or for such service furnished the state, the amount to be agreed upon by the state board of regents and the board of the school district thus cooperating. Such contracts shall be in writing and shall extend over a period of not to exceed two years, and a copy thereof shall be filed in the office of the superintendent of schools of the county. (Code 262.30-32)

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1. Proposals shall be prepared by the individual institutions and sent to the Board Office for review.
 2. The Board Office shall utilize the expertise of a professional educator on the staff of the state department of public instruction in evaluating proposals.
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7.16

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- B. Annually at the first board meeting of the fiscal year the board approves the form of contract for the ensuing year. At the same meeting the institutions report to the Board the school districts with which contracts were entered into during the previous fiscal year. The executive secretary of the board and the president, or the president's designee, are delegated the power to execute the contracts for each institution (February 13-14, 1975, p. 525; July 19-20, 1978, p. 44, 55-56).

7.17 Laboratory Schools

- A. The state board of regents is authorized to establish and operate elementary and secondary laboratory schools at the institutions of higher education under its control. For the purpose of this chapter, laboratory school shall mean a school operated by an educational institution for the purpose of instructing students, training teachers, and advancing teaching methods.
- B. For the purposes of this chapter, the state board of regents and the board of directors of any school district in the state of Iowa may enter into contracts for the laboratory schools to furnish instruction to the pupils of such school district and to train teachers on an agreed basis for tuition and other compensation to be paid by the school district. Such contracts shall be in writing and may extend for any stipulated period not to exceed fifteen years. During the agreed period, such contracts shall be obligatory on both the school district and the state board of regents.
- C. The state board of regents which has established a laboratory school shall receive state aid pursuant to chapters two hundred eighty-one (281) and four hundred forty-two (442) of the Code for each pupil enrolled in the laboratory school in the same amount as the public school district in which the pupil resides would receive aid for that pupil and shall transmit the amount received to the institution of higher education at which the laboratory school has been established.
- D. Pupils attending a university laboratory school shall be reported directly to the department of public instruction by the laboratory school, and shall not be counted in any district's enrollment.

(Code of Iowa, 1975, Chapter 265)

7.18 Hospital Audits and Rates

- A. To arrive at a proper basis for the payment of ... bills for treatment, care and maintenance of indigent patients, the state board of regents shall cause to be made annually an audit of the accounts of the University Hospital and determine the average cost per day for the care and maintenance of each patient therein, exclusive of the salaries of the members of the faculty of said university college of medicine, and said bills shall be allowed at such average cost. All accounts shall be so adjusted and paid as to reimburse the funds of the hospital used for the purposes of this chapter.
(Code 255.25)
- B. Annual audits of hospital accounts will be made by the University Hospital. Rate schedules will be presented to the board annually for approval. (November 11-12, 1966, p. 218)
- C. The commissioner of the department of social services and the director of any of the divisions of such department, and the board in control of the Iowa braille and sight-saving school, and the Iowa school for the deaf, may, respectively, send any inmate, student or patient of any of said institutions, or any person committed or applying for

- B. Every claim and suit against the state permitted under this chapter shall be forever barred, unless within two years after such claim accrued, the claim is made in writing to the state appeal board under this chapter. The time to begin a suit under this chapter shall be extended for a period of six months from the date of mailing of notice to the claimant by the state appeal board as to the final disposition of the claim or from the date of withdrawal of the claim from the state appeal board under section 25A.5, if the time to begin suit would otherwise expire before the end of such period.

If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that this chapter provides the exclusive remedy for the claim, the time to make a claim and to begin a suit under this chapter shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency, if the time to make the claim and to begin the suit under this chapter would otherwise expire before the end of such period. The time to begin a suit under this chapter may be further extended as provided in the preceding paragraph.

This section is the only statute of limitations applicable to claims as defined in this chapter.

- C. The provisions of this chapter shall not apply to:
1. Any claim based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion be abused.
 2. Any claim arising in respect to the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer.
 3. Any claim for damages caused by the imposition or establishment of a quarantine by the state, whether such quarantine relates to persons or property.
 4. Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse or process, libel, slander, misrepresentation, deceit, or interference with contract rights.
 5. Any claim by an employee of the state which is covered by the Iowa workmen's compensation law or the Iowa occupational disease law.
 6. Any claim based upon damage to or loss or destruction of private property, both real and personal, or personal injury or death, when such damage, loss, destruction, injury or death occurred as an incident to the training, operation, or maintenance of the national guard while not in "active state service" as defined in section 29A.1, subsection 5.

- D. 1. "State agency" includes all executive departments, agencies, boards, bureaus, and commissions of the state of Iowa, and corporations whose primary function is to act as, and while acting as, instrumentalities or agencies of the state of Iowa, whether or not authorized to sue and be sued in their own names. This definition shall not be construed to include any contractor with the state of Iowa.
2. "Employee of the state" includes any one or more officers or employees of the state or any state agency, and persons acting on behalf of the state or any state agency in any official capacity, temporarily or permanently in the service of the state of Iowa, whether with or without compensation. Professional personnel, including medical doctors, osteopathic physicians and surgeons, osteopathic physicians, optometrists and dentists, who render services to patients and inmates of state institutions under the jurisdiction of the department of social services are to be considered employees of the state, whether such personnel are employed on a full-time basis or render such services on a part-time basis on a fee schedule or arrangement.
3. "Acting within the scope of his office or employment" means acting in his line of duty as an employee of the state.
4. "Claim" means any claim against the state of Iowa for money only, on account of damage to or loss of property or on account of personal injury or death, caused by the negligent or wrongful act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant for such damage, loss, injury, or death.
- E. Award conclusive on state. Any award made under this chapter and accepted by the claimant shall be final and conclusive on all officers of the state of Iowa, except when procured by means of fraud, notwithstanding any other provisions of law to the contrary.

The acceptance by the claimant of such award shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter.

Any award to a claimant under this chapter, and any judgment in favor of any claimant under this chapter, shall be paid promptly out of appropriations which have been made for such purpose, if any; but any such amount or part thereof which cannot be paid promptly from such appropriations shall be paid promptly out of any money in the state treasury not otherwise appropriated. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general.

- F. Whenever a claim or suit against the state is covered by liability insurance, the provisions of the liability insurance policy on defense and settlement shall be applicable notwithstanding any inconsistent provisions of this chapter. The attorney general and the state appeal board shall co-operate with the insurance company. (Code 25A)



VIII. PURCHASING

8.01 Procurement Policy

- A. The board affirms that the best interests of the State of Iowa and of the Regents' institutions shall be served through implementation of a full and free competitive purchasing system fostered by the use of open specifications, competitive bids or quotations and awards to the lowest responsible bidder. To further a competitive and economical system, the following operating rules are hereby adopted:
1. Preference shall be given to Iowa products and suppliers. This preference shall exist when Iowa products can be obtained at equal or less cost and are of equal quality to those products obtainable from out-of-state suppliers. The purchasing officials shall use their professional judgment in making such determinations.
 2. Each primary purchasing officer at each institution shall maintain a master list of prospective suppliers for each established category and shall utilize this list to request, when practical and feasible, three or more quotations/bids for each item to be purchased.
 3. Any person, agency or firm wishing to supply materials in a category may request, in writing, that his name be added to the master list. The name shall be added to the list if in the professional judgment of the purchasing officer the addition would aid in fostering a competitive situation. The purchasing officer may require the requesting party to furnish information relative to his qualifications to supply the item(s) indicated and relative to his financial responsibility.
 4. Once a supplier is accepted on the master list, the name shall not be removed from the list except upon his request, or for good and sufficient reasons, including, but not limited to, the following:
 - (a) Delivery of commodities that do not comply with specifications.
 - (b) Failure to deliver within the specified time.
 - (c) Refusal to deliver after making a quotation and after receiving an order.
 - (d) Repeated withdrawal of quotations prior to the placing of an order.
 - (e) Failure to have qualified service available in the area to set up, check out, instruct personnel in use or parts to service equipment, if a part of the agreement or warranty, written or implied.

- (f) Bankruptcy or other evidence of insolvency, or any other fact which might cause substantial doubt about the supplier's ability to continue as a responsible source and fulfill his obligations.
- (g) Failure to comply with the Regents' Equal Employment Opportunity Policy. Removal shall be on recommendation of the Regents' Compliance Officer.
- (h) Repeated failure to respond to requests for prices.
- (i) No longer in business.

Names so removed for the above and other reasons shall be sent to the Board Office and an interinstitutional list shall be maintained and circulated. Such reasons as above may be construed as evidence of his being an irresponsible bidder.

5. Whenever possible and practical, specifications drawn by Regent institutions shall be written in general terms so as to foster competition between bidders. If brand names are used to indicate quality desired, the specifications shall contain an "or equal" clause. Approval of the "or equal" status shall be left to the judgment of the purchasing officials.
6. The board recognizes that in some instances scientific, mechanical and technical equipment or supplies may be required which are obtainable from a single source only and further recognizes that in some emergency situations the taking of competitive bids or quotations will not be feasible or possible and in such situations, the requirements to do so must be waived. Recognition is also given to standardization and compatibility requirements which should be maintained for purposes of economies in replacement and maintenance.
7. The purchasing officers may establish a procedure, based on economy-of-scale, to handle local small orders. The procedure used as to dollar amount allowable, firms to be utilized, and definition of local area shall be left to the judgment of the purchasing officer at each institution.
8. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request.
9. Any complaints from suppliers received by board members shall be referred to the Board Office for investigation. Results of the investigation shall be sent to each member. Copies of any written complaints received by the institutions shall also be sent to the Board Office if interinstitutional implications are present. All such complaints and results of investigations shall be exchanged through the Purchasing Committee.

10. A quarterly report on purchasing shall be submitted by each institution to the Board Office. Format and standard information to be collected shall be developed by the Purchasing Committee. A joint report shall be docketed for board information each quarter.
11. Nothing contained in these rules shall be construed to mean that the lowest priced goods or inferior or sub-standard goods must be purchased. The Regents' institutions are encouraged to continue to purchase the best quality consistent with economy and are encouraged to test and evaluate all supplies, materials, and equipment purchased.
12. The Regents institutions are encouraged to exchange price information, supplier lists, bidder histories and standard specifications, and to implement interinstitutional purchasing arrangements whenever practical and feasible so that maximum value can be obtained. (January 13-14, 1966, pp. 254-256; February 12-13, 1970, pp. 309-311)

8.02 Special Considerations

- A. All equipment, furnishings and supplies for which an exclusive franchise is granted such as laundry equipment, vending machines and coin-operated equipment shall be subject to the receipt of bids or quotations. This policy shall pertain to arrangements made after 1967 and is not intended to alter present contractual arrangements. (November 8-10, 1967, p. 176)
- B. Equipment, furnishings and supplies shall be purchased by the chief business officer of each institution acting through the institutional purchasing agent, on the basis of quotations when practical and feasible. Such purchases need not be reported to or approved by the board, provided that the chief business officer has determined that there is no unusual circumstance which requires the special attention of the board. (March 11-12, 1965, p. 385)
- C. The chief executive officer of each institution is authorized to approve contracts for all purchased services except for fire protection, legal services, architectural and engineering services. The exceptions shall be docketed by each institution for board action. (August 11-12, 1966, p. 63)

8.03 Iowa Products

- A. Every commission, board, committee, officer or other governing body of the state . . . and every person acting as contracting or purchasing agent for any such commission, board, committee, officer or other governing body shall use only those products and provisions grown and coal produced within the state of Iowa, when they are found in marketable quantities in the state, and are of a quality reasonably suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states. (Code 73.1)

- B. All requests hereafter made for bids and proposals for materials, products, supplies, provisions and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name or other individual mark. All such requests and bids shall contain therein a paragraph in easily legible print, reading as follows: "By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa." (Code 73.2)

8.04 State Department of General Services

- A. There is created a department of general services which shall be attached to the office of the governor and shall be under his general direction, supervision, and control. The office shall be in charge of a director, who shall be appointed by the governor, with the approval of two-thirds of the senate. The director shall be employed on a permanent basis.
- B. The duties of the director shall include but not necessarily be limited to the following:
1. Establishing and developing, in cooperation with the various state agencies, a system of uniform standards and specifications for purchasing. When the system is developed, all items of general use shall be purchased through the department, except items used by the highway commission, institutions under the control of the board of regents, the commission for the blind, and any other agencies exempted by law.

The director may purchase items through the highway commission, institutions under the control of the board of regents and any other agency exempted by law from centralized purchasing. These state agencies shall upon request furnish the director with a list of and specifications for all items of office equipment, furniture, fixtures, motor vehicles, heavy equipment and other related items to be purchased during the next quarter and the date by which the director must file with the agency the quantity of items to be purchased by the state agency for the department of general services. The department of general services shall be liable to the state agency for the proportionate costs the items purchased for it bear to the total purchase price. When items purchased have been delivered, the state agency shall notify the director and after receipt of the purchase price shall release the items to the director or upon his order.

2. Administering the provisions of chapter 21. [Vehicle Dispatcher]
3. Administering the provisions of chapters 15 and 16. [Printing]
4. Providing for the proper maintenance and protection of the state capitol, grounds, and equipment and all other state buildings, grounds, and equipment at the seat of government, except those referred to in section 601B.6, subsection 9.

5. Establishing, supervising, and maintaining a system of centralized electronic data processing, including a data processing service center for the benefit of the state agencies in need of data processing services.

This subsection shall not apply to electronic data processing equipment, personnel, and services operated and maintained by the state highway commission and institutions under control of the board of regents. However, these agencies shall notify the director before contracting for additional data processing equipment, operating systems, or programming systems and shall cooperate with the director to benefit other state agencies by joint use.

6. Administering the provisions of chapter 8A. State Communication
7. Establishing, supervising, and maintaining a central mail unit for the use of all state officials, agencies, and departments located at the seat of government.
8. Installing a records system for the keeping of records which are necessary for a proper audit and effective operation of the department.

C. State Printing.

1. The power of the director to let contracts shall not embrace printing for any state institution when the institution is able and desires to do its own printing.
2. The director may, without advertising for bids, enter into contracts or make provision for doing any of the work coming under the provisions of this and chapters 16 and 17 at any school or institution under the ownership or control of the state. The work shall be done under conditions substantially the same as those provided for in the case of contracts with individuals and the same standard of quality or product shall be required.
3. The director may, at the various points in the state, outside the city of Des Moines, at which state institutions or departments are located, appoint assistants and empower the assistants to issue in the name of the director, orders for printing. Assistants shall be furnished with a copy of the contract under which the orders are to be given, necessary blank order books and proper instructions as to their procedure. Assistants on issuing an order shall immediately forward the original thereof to the director.

4. The director may authorize the managing board, or head, or chief executive officer of any institution or department of the state located outside the city of Des Moines to secure, under the specifications of the director, competitive bids for printing needed by the institution or department, and submit the bids to the director. If the director approves any of the bids, the authorized board, head, or officer may contract for the printing but the contract shall not be valid until a duplicate copy is filed with and approved by the director. (Code Chapters 19B and 15)

8.05 Policy for Sales of Services and Products

- A. Establishment or conduct of any service shall be limited to services which satisfy one or more of the following conditions:
 1. The service is one peculiar to the nature of the institution and is necessary to the conduct of its educational, research or service programs.
 2. The inclusion of the service in the total activity of the institution will improve the efficiency and economy of the operations.
 3. The provision of the service by the institution will contribute primarily to the convenience, comfort, health, academic, social, or recreational life of its students and staff, or others who participate in educational, research or service programs on campus.
 4. The service is not otherwise available in the quantity or quality required nor conveniently available geographically.
- B. No service shall be established or conducted solely for the purpose of profiting from the public sale of services or products. In those instances in which sales of services or products are made to the general public, that service shall be secondary and incidental to the primary functions of the institutions, and the institution shall not seek to advertise or promote for the purpose of increasing the volume of general public business. The organizations and corporations affiliated with the institutions shall, in general, conform to these policies. (June 8-10, 1960, pp. 482-483; July 14-15, 1960, p. 2; May 10-11, 1962, p. 386; August 12-13, 1971, p. 16)

8.06 Trade-Marked Articles and Unfair Discrimination

- A. No contract relating to the sale or resale of a commodity which bears, or the label or content of which bears, the trade-mark, brand, or name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the state of Iowa by reason of any of the following provisions which may be contained in such contract:

1. That the buyer will not resell such commodity except at the price stipulated by the vendor.
 2. That the vendee or producer require in delivery to whom he may resell such commodity to agree that he will not, in turn, resell except at the price stipulated by such vendor or by such vendee.
- B. Such provisions in any contract shall be deemed to contain or imply conditions that such commodity may be resold without reference to such agreement in the following cases:
1. In closing out the owner's stock for the purpose of discontinuing delivering such commodity.
 2. When the goods are damaged or deteriorated in quality, and notice is given to the public thereof.
 3. By any officer acting under the orders of any court.
 4. In sales made to the state, its departments, commissions, agencies, boards and its governmental subdivisions.
- C. Any person, firm, company, association, or corporation, foreign or domestic, doing business in the state, and engaged in the production, manufacture, sale, or distribution of any commodity of commerce or commercial services excepting those, the rate of which is now subject to control of cities or towns or other governmental agency, that shall, for the purpose of destroying the business of a competitor in any locality or creating a monopoly, discriminate between different sections, localities, communities, cities, or towns of this state, by selling such commodity or commercial services excepting those, the rate of which is now subject to control of cities or towns or other governmental agency at a lower price or rate in one section, locality, community, city, or town than such commodity or commercial services excepting those, the rate of which is now subject to control of cities or towns or other governmental agency is sold for by said person, firm, association, company, or corporation, in another section, locality, community, city, or town, after making due allowance in case of telephone service for the difference in the cost of furnishing service in different localities, and in the case of commodities and commercial services other than telephone service, for the difference, if any, in the grade of quality, and in the actual cost of transportation from the point of production or purchase, if a raw product, or from the point of manufacture, if a manufactured product, to a place of sale, storage, or distribution shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful; provided, however, that prices made to meet competition in such section, locality, community, city, or town shall not be in violation of this section.
- D. Any person, firm, association, company, or corporation, foreign or domestic, doing business in the state, and engaged in the business of purchasing for manufacture, storage, sale, or distribution, any commodity of commerce that shall, for the purpose of destroying the business of a competitor or creating a monopoly, discriminate between

different sections, localities, communities, cities, or towns, in this state, by purchasing such commodity at a higher rate or price in one section, locality, community, city, or town, than is paid for such commodity by such party in another section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, distribution, or storage, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful; provided, however, that prices made to meet competition in such section, locality, community, city, or town shall not be in violation of this section.

- E. The provisions of this chapter shall not apply to any contract or agreement relating to any sale made to the state, its departments, commissions, agencies, boards and its governmental subdivisions. (Code 550 and 551)

8.07 Purchase of Equipment Funded by Academic Revenue Bond Proceeds

- A. On each equipment grouping where the estimated cost of the equipment to be purchased from a single source is equal to or less than \$10,000.00:
1. A university shall follow its normal purchasing procedures.
 2. Purchase orders shall be issued with the approval of the chief business officer and/or his authorized representative to the lowest responsible bidder for equipment conforming to the specifications.
 3. Bid security will not be required unless it is deemed to be in the public interest to do so by the chief business officer and/or his authorized representative.
 4. Purchase orders issued under the procedure set forth above shall be ratified by the board at a regular meeting. Bid tabulation forms will be made up in a format agreed to by the Purchasing Committee. Orders will be ratified on a timely basis as part of the Register of Capital Improvement Business Transactions.
- B. On each equipment grouping where the estimated cost of the equipment to be purchased from a single source exceeds \$10,000.00:
1. A notice to bidders shall be published as provided by the Code, establishing a time for public opening of bids.
 2. Bid security in the amount of 5 percent of the total bid for each group shall be required in the form of cash, certified check or bid bond.
 3. Bid tabulations shall be prepared in the normal format and submitted to the Board Office for distribution.

4. Award of equipment orders shall be by the board at a regular meeting and such award recommendations shall be made part of the Register of Capital Improvement Business Transactions.
- C. Public Hearings shall not be required under either procedure set forth above. (December 13-15, 1972, pp. 417-418)

8.08 Purchase of Insurance for Buildings

A. Property to be insured

1. Property pledged for indebtedness, either as to income or principal.
2. Property acquired from sources other than state appropriations for which replacement by the state could not reasonably be expected.
3. Property which is essential to produce income for self-supporting activities.
4. Property consigned or loaned if required by consignee or lender.
5. Buildings under construction.

B. Perils to be insured

1. Fire, windstorm, lightning, and extended coverage.
2. Vandalism and malicious mischief.

C. Type of insurance

1. Builder's risk.
2. Property loss - 90 percent co-insurance or replacement insurance. (Valuations for buildings to be based on valuation appraisals mutually agreeable to the insurers and the institution.)
3. Use and occupancy (for income producing units).
4. Business interruption.

D. Insurance companies to be approved

1. Non-assessable mutual companies licensed in Iowa.
2. Stock companies licensed in Iowa.

E. Selection of insurance company

Insurance should be purchased from the company offering the lowest net cost. Consideration should be given to rates, dividend experience,

and financial responsibility. Any changes in present insurers made in compliance with this provision should, where practical, be made upon expiration of present insurance contracts.

F. Term and premium payment plan

Unless needed for a shorter period, insurance should be purchased for terms of three years, with annual payment of premiums, if possible. Insurance contracts which require purchase of stock or premium deposits should not be purchased.

G. Insurance coverages, as indicated above, may be purchased upon authorization of the chief business officer of each institution on the basis of the low competitive bid or quotation and in accordance with principles previously approved by the board (see SBR 6/23/55). Such purchases need not be reported to or approved by the board, provided that the chief business officer has determined that there is no unusual circumstance which requires special attention of the board.

H. Builder's risk insurance may be provided by contractors, and certification of such coverage provided in each instance.

I. The selection of a professional insurance broker of conventional insurance for buildings and contents is endorsed in principle by the board. (June 23-24, 1955, p. 476; March 11-12, 1965, p. 384; January 12-13, 1967, p. 318; December 9-10, 1971, p. 332)

8.09 Purchase of Insurance - Liability

A. All state commissions, departments, boards and agencies . . . of the state of Iowa not otherwise authorized are hereby authorized and empowered to purchase and pay the premiums on liability, personal injury and property damage insurance covering all officers, proprietary functions and employees of such public bodies, including volunteer firemen, while in the performance of any or all of their duties including operating an automobile, truck, tractor, machinery or other vehicles owned or used by said public bodies, which insurance shall insure, cover and protect against individual personal, corporate or quasi corporate liability that said bodies or their officers or employees may incur.

The form and liability limits of any such liability insurance policy purchased by any commission, department, board, or agency of the state of Iowa shall be subject to the approval of the attorney general. (Code 517A)

B. The Executive Secretary is authorized to purchase public liability and property damage insurance for motor vehicles for all institutions under the State Board of Regents, on the basis of the low bids and in accordance with principles previously approved by the board. Costs will be allocated among the various institutions in accordance with the distribution of premium costs provided by the successful bidder.

Report of such purchases need not be made to the board provided that the Executive Secretary has determined that there is no unusual circumstance which requires the attention of the board.

Any unusual circumstance that requires the attention of the board will be docketed by the Executive Secretary. (March 11-12, 1965, p. 384; July 14-15, 1966, p. 17; August 11-12, 1966, p. 64)

8.10 Purchase of Coal

- A. It shall be unlawful for any commission, board, . . . to purchase or use any coal, except that mined or produced within the state by producers who are, at the time such coal is purchased and produced, complying with all the workmen's compensation and mining laws of the state. The provisions of this section shall not be applicable if coal produced within the state cannot be procured of a quantity or quality reasonably suited to the needs of such purchaser, nor if the equipment now installed is not reasonably adapted to the use of coal produced within the state, nor if the use of coal produced within the state would materially lessen the efficiency or increase the cost of operating such purchaser's heating or power plant, nor to mines employing miners not now under the provisions of the workmen's compensation act or who permit the miners to work in individual units in their own rooms. (Code 73.6)
- B. Before any user of coal designated in Section 73.6, whose annual consumption of coal exceeds, in delivered value, the sum of \$300, shall purchase any coal, it shall make request for bids for such coal by advertising in a newspaper published in the county in which the purchaser has its principal office, and such advertisement shall, among other things, state the date, time and place such bids shall be received, which date and time shall not be less than fifteen days after publication, and the advertisement shall contain the approximate quantity and description of coal to be purchased, and the bids for such coal shall be opened in public at the time, date and place indicated in the said advertisement and, unless the purchasing body shall determine that the general good of the state, including the best interests of the taxpayer and the employment of labor, the adaptability of the coal offered, or the efficiency and cost of operation of purchaser's plant makes it advisable to do otherwise, the contract shall be let to the lowest responsible bidder, but any and all bids may be rejected; however, if all bids are rejected, then an advertisement for bids shall again be made as hereinbefore provided. After any bid is accepted, a written contract shall be entered into and the successful bidder shall furnish a good and sufficient bond with qualified sureties for the faithful performance of the contract. Any contract for purchase of coal provided for in Section 73.6 and 73.9 inclusive, may contain the provisions that the purchaser may, in the event of an emergency, purchase coal elsewhere without advertising for bids in any year, for not more than ten per cent of said purchaser's annual coal requirements. (Code 73.7)

- C. Coal may be purchased upon authorization of the chief business officer of each institution on the basis of the low competitive bid or quotation and in accordance with the Code of Iowa and in accordance with specifications previously approved by the Executive Secretary. Such purchases need not be reported to or approved by the board, provided that the chief business officer has determined that there is no unusual circumstance which requires special attention of the board.
- D. Any unusual circumstance that requires the attention of the board will be docketed by the chief business officer. (March 11-12, 1965, p. 385; August 11-12, 1966, p. 64)

8.11 Committee on Purchasing Practices and Procedures

(See Section 1.08, this Guide)



IX. CAPITAL PROCEDURES

9.01 Public Hearing

- A. Before any municipality shall enter into any contract for any public improvement to cost five thousand dollars or more, the governing body proposing to make such contract shall adopt proposed plans and specifications and proposed form of contract therefor, fix a time and place for hearing thereon at such municipality affected thereby or other nearby convenient place, and give notice thereof by publication in at least one newspaper of general circulation in such municipality at least ten days before said hearing. (Code 23.2)
1. The word "municipality" as used in this chapter shall mean county . . . city, town, township, school district, State Fair Board, State Board of Regents, and State Board of Control. (Code 23.1)
 2. At such hearing, any person interested may appear and file objections to the proposed plans, specifications or contract for, or cost of such improvement. The governing body of the municipality proposing to enter into such contract shall hear said objections and any evidence for or against the same, and forthwith enter of record its decision thereon. (Code 23.3)
- B. Initial public hearings shall be conducted by the chief business officer of each institution, or his delegated representative, except as noted in C below. Reports of public hearings shall be filed with the Executive Secretary by the chief business officers. All final hearings required by law shall be held by the board.
- C. On any project financed in whole or in part by academic revenue bond or hospital revenue bond proceeds, the public hearing shall be held by the board at a regular meeting.
1. Except in unusual circumstances, the board shall adopt a resolution by roll call vote setting the date, place and time of the hearing. This resolution shall be acted on at a meeting prior to the date set forth in the resolution for the hearing.
 2. The procedure for a board-held public hearing is:
 - (a) Call the meeting to order; (b) call the roll; (c) state that this is the day, time and place set for a hearing on the proposed plans, specifications and proposed form of contract for _____ (project); (d) ask whether anyone present wishes to register objections concerning either the proposed plans and specifications or proposed form of contract; (e) ask whether the Executive Secretary received any written objections to the project; (f) if no objections, oral or written received, declare the public hearing closed. (June 16-17, 1966, p. 563; Code 262A, Code 263A)

9.02 Bids

A. When the estimated cost of construction, repairs, or improvement of buildings or grounds under charge of the state board of regents shall exceed ten thousand dollars, the said board shall advertise for bids for the contemplated improvement or construction and shall let the work to the lowest responsible bidder; provided, however, if in the judgment of the board bids received be not acceptable, the said board may reject all bids and proceed with the construction, repair, or improvement by such method as the board may determine. All plans and specifications for repairs or construction, together with bids thereon, shall be filed by the board and be opened for public inspection. All bids submitted under the provisions of this section shall be accompanied by a deposit of money or a certified check in such amount as the board may prescribe. (Code 262.34)

B. Bid bonds.

Notwithstanding any other provisions of the Code, any contracting authority may authorize the use of bid bonds executed by corporations authorized to contract as surety in Iowa and on a form prescribed by the contracting authority, in lieu of certified or cashier's checks or any other form of security otherwise required of a bidder to accompany his bid on a public improvement project. The full amount of the bid bond shall be forfeited to the contracting authority in liquidation of damages sustained in the event that the bidder fails to execute the contract as provided in the specifications or by law in the same manner and amount as other forms of authorized security. (Code 23.20)

C. Specification for Bid Security

1. Bids shall be accompanied by and secured with a certified check, cash, or a bid bond in an amount of at least 5% of the bid. Check shall be made payable to State Board of Regents, R. Wayne Richey, Executive Secretary. Bid bonds must be executed by corporations authorized to contract as surety in Iowa and in a form prescribed by the Board of Regents. A cashier's check shall not be accepted as bid security. Bids accompanied by and secured with a cashier's check shall be automatically disqualified.
2. Bid security shall be agreed upon as the measure of liquidated damages which Owner will sustain by failure, neglect or refusal of bidder to deliver a signed contract stipulating performance of the work in unqualified compliance with Contract Documents within ten days after notification of award of contract to him.

D. Equal Employment Opportunity Specification

(See Section 5.04 of this Guide)

9.03 Capital Improvements - Procedure

A. Definition. A capital improvement project is one which provides for construction, repairs or improvements of buildings or grounds

under charge of the State Board of Regents except projects costing less than \$100,000 payable from funds other than legislative capital appropriations.

B. Duties of State Board of Regents. Whenever a capital improvement project is proposed or undertaken at any institution under the control of the State Board of Regents, the board shall:

1. Approve the project and the estimated cost;
2. Approve a plan for the financing of the project through the use of appropriated funds or through other forms of financing;
3. Approve preliminary plans and a preliminary budget for the project;
4. Award the contract for architectural or engineering services;
5. Award contracts on the basis of bids reported by the Executive Secretary;
6. Approve a final budget for the project.

C. Duties of Executive Secretary.

Whenever a capital improvement project is undertaken at any institution under the control of the board, the Executive Secretary is authorized and directed to:

1. Negotiate financing arrangements, other than appropriations, as directed by the State Board of Regents, and report to the board;
2. Approve final plans and specifications unless they are substantially different from the preliminary plans and specifications as approved by the board, in which case the final plans and specifications will be submitted for board approval;
3. Advertise for bids and public hearings;
4. Recommend award of contracts, or rejection of bids;
5. Recommend alternative procedures if the bids are rejected;
6. Make all reports and secure all approvals as required by other governmental agencies.

D. Duties of Institutions. The institutions under the control of the State Board of Regents are authorized to:

1. Survey needs and recommend projects to the board;
2. Develop preliminary plans or sketches when directed by the board;

3. Furnish members of its staff to act as architect, engineer, or associate architect or engineer if so designated by the board;
 4. Act as clerk of the works if so designated by the board.
- E. All projects estimated to cost below \$100,000 except those funded by legislative appropriations will be handled by the chief business officer of each institution, with the understanding that the actions and reports required by paragraph B and C of Section 9.03 and paragraph A of 9.04 and 9.12 of this Guide be carried out as prescribed and that all such actions will be reported in the manner prescribed by Section 9.10. (December 9-10, 1954, p. 184; November 11-12, 1966, pp. 217-218; May 9-10, 1968, p. 459; September 12-13, 1968, p. 43)

9.04 Procedures for Plans and Specifications

- A. Appointment of the Clerk-of-the Works (Inspection Supervisor) will be made by the board upon the recommendation of the chief business officer of the institution when the project involved is first submitted to the board for approval.
- B. Project budgets when presented for regents approval shall include the estimated costs for the entire project, including fixed and movable equipment, utilities, landscaping and all other costs.
- C. All major project plans shall contain accompanying comments from the outside campus planners as to relationship with the overall campus plan.
- D. The chief business officer of each institution shall send two copies of the final plans and specifications with his recommendation for approval to the Executive Secretary. If the Executive Secretary is satisfied that they are in substantial compliance with the preliminary plans previously approved by the board, he will sign both copies indicating his approval, return one copy to the chief business officer and retain one copy in the Board Office. One copy of the approved final plans and specifications are to be filed in the Board Office.
- E. If it is determined by the chief business officer and the Executive Secretary that the final plans and specifications are not in substantial compliance with preliminary plans previously approved by the board, they shall be docketed for board consideration. (June 16-17, 1966, p. 562; August 11-12, 1966, pp. 65-67; May 8-9, 1969, p. 463; August 14-15, 1969, p. 5)
- F. (See 9.03 for duties of each party)

9.05 Procedures for Bid Openings and Award of Contracts

- A. The Executive Secretary shall advertise for bid openings at places and on dates mutually agreeable to himself and the chief business officer of the institution involved, and as provided by law.

- B. On the date fixed for opening of bids pursuant to Sections 23.2, 23.3 and 262.34 of the Code of Iowa, the chief business officer of the institution involved shall open all bids, tabulate the same, and with the approval of the president of the institution recommend an award of contracts, prepare the same and submit them to the Executive Secretary for action by the board at its next meeting. If any objections are filed pursuant to Section 23.3 of the Code of Iowa, or if the chief business officer determines that any unusual circumstances exist which require special attention of the regents, the report shall include a statement thereof, and said matters shall be considered by the board of regents at its next meeting, at which all interested parties may appear and be heard.
- C. The chief business officer shall furnish to the Board Office a report of the bid opening, tabulation of bids received, his recommendation as to award of contract and a revised project budget, if any. The chief business officer is also to furnish a copy of the bid tabulation to board members, upon request, or when unusual circumstances warrant. The recommendation of award of contract will be furnished through the Board Office prior to the board meeting for review and comment.
- D. The chief business officer shall docket for board action any unusual circumstances in regard to the award of contract, revision of the project budget or the necessity for a final public hearing in case there have been objections. (August 11-12, 1966, p. 64; November 10-12, 1966, p. 217; October 9-10, 1969, p. 94)
- E. (See 9.03 for duties of each party)

9.06 Iowa Labor Preference

- A. Every commission, board, committee, officer or other governing body of the state, . . . and every person acting as contracting agent for any such commission, board, committee, officer or other governing body of the state, . . . shall give preference to Iowa labor in the constructing or building of any public improvement or works, and every contract entered into by any such commission, board, committee, officer or other governing body of the state for the construction or building of any public improvement or works shall contain a provision requiring that preference shall be given to Iowa domestic labor in the constructing or building of such public improvement or works. The provisions of this and sections 73.4 and 73.5 shall not apply to the purchase of materials and supplies to be used in the construction of any road or highway.
- B. A person shall be deemed to be a domestic laborer of this state if he is a citizen and has resided in this state for more than six months.
- C. Any officer or person who is connected with, or is a member or agent or representative of any commission, board, committee, officer or other governing body of this state, . . . or contractor, who fails to give preference to Iowa labor as required in sections 73.3 and 73.4, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days. Each

separate case of failure to give preference to Iowa labor shall constitute a separate offense.

9.07 Contract Change Orders Approval

- A. The chief business officer, with the approval of the president of each institution is authorized to approve contract change orders under the amount of \$25,000 for which no increase in the previously approved project budget is required. Contract change orders requiring an increase in the project budget, or which are \$25,000 or over, shall not be approved by the chief business officer until the project budget increase has been approved by the State Board of Regents.
- B. One copy of every change order shall be filed in the Board Office by the chief business officer. All copies of change orders requiring board approval shall be signed by the chief business officer after board approval.
- C. The exceptions shall be docketed by the chief business officer for board action. (July 14-15, 1966, p. 16; August 11-12, 1966, p. 65)

9.08 Acceptance of Completed Construction Contracts

- A. The chief business officer, with the approval of the chief executive officer of each institution, is authorized to accept contract work as complete and authorize final payments on behalf of the State Board of Regents and in accordance with the Code of Iowa. The thirty-day waiting period shall commence on the date of such acceptance and authorization.
- B. The chief business officer shall file with the Executive Secretary a report indicating the date of final inspection, persons making the inspection, and the date of acceptance. (August 11-12, 1966, p. 65; June 28-30, 1967, pp. 567-568)

9.09 Final Reports

- A. The chief business officer shall file with the Executive Secretary, a final report for each completed capital improvements project. The report shall show in summary form, funds available, expenditures, the balance or overdraft in the project account, and the reasons for the balance or overdraft. The report shall include the recommendation of the chief business officer, with the approval of the chief executive officer of the institution, for disposition of the balance or overdraft, supported by detailed explanation. If the amount recommended for transfer is \$25,000 or over, or any unusual circumstances exist, it shall be docketed separately for board action. (June 28-30, 1967, p. 568)

9.10 Retention from Payments on Contracts

- A. Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the

- F. The form of reporting all capital matters to the board shall be by the "Register of Capital Improvement Business Transactions" as revised.
- G. The institutional dockets should include only one capital action item except when prior approval has been given by the executive secretary for separate docketing of an item.

9.07 Iowa Labor Preference

- A. Every commission, board, committee, officer or other governing body of the state,... and every person acting as contracting agent for any such commission, board, committee, officer or other governing body of the state,... shall give preference to Iowa labor in the constructing or building of any public improvement or works, and every contract entered into by any such commission, board, committee, officer or other governing body of the state for the construction or building of any public improvement or works shall contain a provision requiring that preference shall be given to Iowa domestic labor in the constructing or building of such public improvement or works. The provisions of this and sections 73.4 and 73.5 shall not apply to the purchase of materials and supplies to be used in the construction of any road or highway.
- B. A person shall be deemed to be a domestic laborer of this state if he is a citizen and has resided in this state for more than six months.
- C. Any officer or person who is connected with, or is a member or agent or representative of any commission, board, committee, officer or other governing body of this state,... or contractor, who fails to give preference to Iowa labor as required in sections 73.3 and 73.4, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed one hundred dollars, or by imprisonment in the county jail for not to exceed thirty days. Each separate case of failure to give preference to Iowa labor shall constitute a separate offense.

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- B. One copy of every change order shall be filed in the Board Office by the chief business officer. All copies of change orders requiring board approval shall be signed by the chief business officer after board approval.
- C. The exceptions shall be docketed by the chief business officer for board action. (July 14-15, 1966, p. 16; August 11-12, 1966, p. 65)

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- A. The chief business officer, with the approval of the chief executive officer of each institution, is authorized to accept contract work as complete and authorize final payments on behalf of the State Board of Regents and in accordance with the Code of Iowa. The thirty-day waiting period shall commence on the date of such acceptance and authorization.
- B. The chief business officer shall file with the executive secretary a report indicating the date of final inspection, persons making the inspection, and the date of acceptance. (August 11-12, 1966, p. 65; June 28-30, 1967, pp. 567-568)

9.10 Final Reports

- A. The chief business officer shall file with the executive secretary, a final report for each completed capital improvements project. The report shall show in summary form, funds available, expenditures, the balance or overdraft in the project account, and the reasons for the balance or overdraft. The report shall include the recommendation of the chief business officer, with the approval of the chief executive officer of the institution, for disposition of the balance or overdraft, supported by detailed explanation. If the amount recommended for transfer is \$25,000 or over, or any unusual circumstances exist, it shall be docketed separately for board action. (June 28-30, 1967, p. 568)

9.11 Retention from Payments on Contracts

- A. Payments made under contracts for the construction of public improvements, unless provided otherwise by law, shall be made on the basis of monthly estimates of labor performed and material delivered. In making said payments, there shall be retained ten percent of each said monthly estimate by the public corporation; provided, however, that if the contract is for more than fifty thousand dollars, and if the public corporation at any time after fifty percent of the improvement has been completed finds that satisfactory progress is being made, the public corporation may authorize any of such remaining payments to be made in full.
- B. No public corporation shall be permitted to plead noncompliance with section 573.12, and the retained percentage of the contract price, which in no case shall be less than five percent shall constitute a fund for the payment of claims for materials furnished and labor performed on said improvement, and shall be held and disposed of by the public corporation as hereinafter provided.

- C. Said fund shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of said thirty-day period claims are on file as herein provided the public corporation shall continue to retain from said unpaid funds a sum not less than double the total amount of all claims on file. (Code 573.12, 573.13, 573.14)
- D. Policy on Retention of Funds on Construction Contracts
1. The Board of Regents' general policy on retention of funds on construction contracts is to follow the provisions of Chapter 573 of the Code of Iowa, in particular sections 573.12 and 573.13, and to reduce the amount retained to the minimum level allowable by law except in unusual circumstances where reasons exist for a higher amount of retention.
 2. The institutions shall inform the Board Office any time contract documents propose any deviation from general board policy on retention. The Board Office shall inform the board of the proposed deviation prior to execution of the contract documents.
 3. Except for highly extraordinary circumstances, the board will not consider any changes in contract documents on the question of retainage after contracts have been executed (September 18-19, 1975, pp. 78-79; June 15-16, 1978, pp. 772-773).

9.12 Register of Capital Improvement Business Transactions

- A. All capital actions including those taken by institution business officers on recommending awarding of contracts, on contract change orders, on the acceptance of contracts completed, final reports and disposition of balances and new projects costing below \$100,000, as defined, and those taken by the executive secretary will follow the above prescribed procedures and shall be reported for approval, ratification, and execution by the board at its next meeting. Reporting shall be by means of the monthly "Register of Capital Improvement Business Transactions" with subheadings as follows: (A1) construction contracts approved, (A2) construction contracts recommended, (B) revised or amended budgets, (C) contract change orders approved, (D) acceptance of completed construction contracts (E) final reports, (F) new projects, (G) presentations by consultants, (H) consultant contracts. Such register shall be certified by the chief business officer and filed with the executive secretary who shall advise the board as to its acceptability.
- B. The chief business officer of each institution shall send the Register of Capital Improvement Business Transactions to the Board Office, with the monthly docket material, showing transactions since the date of the previous Register.
- C. Each institutional docket shall carry a single item for this purpose. (June 28-30, 1967, p. 568; May 9-10, 1968, p. 459; October 9-10, 1969, p. 94; May 15-16, 1976, pp. 565-568; June 15-16, 1978, pp. 757-760)

A. GENERAL

1. The president of each institution shall appoint a Campus Architect's Selection Committee whose names shall be reported to the board.
2. The chief business officer of the institution shall determine whether the Campus Architect's Selection Committee shall convene for the purpose of architects selection. However, the chief business officer shall convene the committee whenever architectural services are required for a major new building or a major addition to an existing building.
3. The institution shall request prior board approval to negotiate for architectural or engineering services when the contract for architectural or engineering services is estimated to exceed \$25,000.
4. The Iowa Chapter of AIA shall be notified by letter from the executive secretary of the board of institutional intent to secure architectural services through use of a formal selection process.
5. Any general contract for architectural and engineering services which involves potential usage for more than a single named project shall be subject to prior approval by the State Board of Regents, acting upon a recommendation from the institution involved.
6. Any architect or engineer who has been selected shall be advised by the institution that any material or components of capital improvements for a project shall, when feasible, be described so that competition between manufactures or suppliers will be fostered. If brand names are used, the specifications shall contain a statement that such reference is only for the purpose of establishing a standard of quality and that materials equivalent to the named material will be accepted in accordance with the provisions of the bidding documents. The use of brand names will be permitted when such use is required in order to continue compatibility and standardization of materials and products for the purpose of economies in replacement and maintenance.

B. APPROVAL OF ARCHITECTS AND ENGINEERS WHERE COMPENSATION EXCEEDS \$25,000 FOR A SINGLE CONTRACT

1. Whenever compensation to an architect or engineer exceeds \$25,000 on a single project, selection shall be by the State Board of Regents acting upon a recommendation from the institution involved. A single architect or engineer shall be recommended to the board, except in unusual circumstances.
2. Institutions may request approval of the selection of an architect or an engineer and the proposed architectural or engineering service contract at the same board meeting.

C. APPROVAL OF ARCHITECTS AND ENGINEERS WHERE COMPENSATION IS LESS THAN \$25,000 FOR A SINGLE CONTRACT

1. The chief business officer may, after giving prior written notification to the executive secretary of the board, select and contract for architectural or engineering services in cases where compensation to the architect or engineer does not exceed \$25,000 on a single contract. The limit for single contracts at Iowa School for the Deaf and Iowa Braille and Sight Saving School shall be \$10,000.
2. Selection and terms of such contracts shall be reported on the Register of Capital Improvement Business Transactions for board ratification.

D. CHANGES IN CONSULTANT CONTRACTS

Any change in architectural or engineering contracts which has been previously approved by the board, as set forth in "B" above, shall be docketed for board action prior to implementation of the contract change. Any change in contracts which has previously been ratified by the board, as set forth in "C" above, shall be reported to the board on the Register of Capital Improvement Business Transactions for ratification.

9.14 Disputes with Architects

- A. Any unresolved dispute between the architect and the architect's office or the institutional committee assigned to the project regarding, but not limited to, project budget, project scope, layouts, or types and quality of materials shall first be appealed to the institutional official responsible for planning and development, who may resolve the dispute or may refer it to the chief executive officer of the institution who may resolve the dispute or refer it to the owner, the State Board of Regents. This appeal procedure shall not deny the right of the architect to appeal disputes directly to the chief executive officer of the institution and the State Board of Regents (October 6-7, 1966, p. 163).

9.15 State Fire Marshal

- A. Preliminary plans for new buildings and alterations to existing buildings are to be submitted to the state fire marshal for examination before final plans are started. Architects are to be so instructed. (February 10, 1948, p. 133)
- B. The fire marshal shall adopt, amend, promulgate and enforce rules, regulations and standards relating to fire protection, fire safety and the elimination of fire hazards in churches, schools, hotels, theaters, amphitheatres, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Any person, firm or corporation violating any of such rules and regulations of the fire marshal shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars. Each day of the continuing violation of such rules and regulations after conviction shall be considered a separate offense. Appeals may be taken from such convictions as in other criminal cases.
- C. The state fire marshal or his deputies shall cause each public or private school, college or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made. (Code 100)

9.16 Easements

- A. With the approval of the Executive Council, the board is hereby authorized to grant easements for rights of way over, across and under the surface of public lands under its jurisdiction when in its judgment such easements are desirable and will benefit the State of Iowa. (Code 262.67)

9.17 Dormitories

- A. Subject to and in accordance with the provisions of this division the State Board of Regents is hereby authorized to undertake and carry out any project as hereinbefore defined at the State University of Iowa, Iowa State University of Science and Technology and the University of Northern Iowa and to operate, control, maintain and manage student residence halls and dormitories, including dining and other incidental facilities, and additions to such buildings at each of said institutions. All contracts for the construction, reconstruction, completion, equipment, improvement, repair or remodeling of any buildings, additions or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this division and the improvements erected thereon shall be taken and held in the name of the State of Iowa. The board is authorized to rent the rooms in such residence halls and dormitories to the students, officers, guests, and employees

of said institutions at such rates, fees or rentals as will provide a reasonable return upon the investment, but which will in any event produce net rents, profits and income sufficient to insure the payment of the principal of and interest on all bonds or notes issued to pay any part of the cost of any project and refunding bonds or notes issued pursuant to the provisions of this division.
(Code 262.56)

- B. Legal requirements for sale of dormitory revenue bonds are set forth in Chapter 262.55-262.66, 1973 Code.

9.18 Self-Liquidating Facilities Other Than Dormitories

- A. The State Board of Regents is authorized to:
 - 1. Set aside and use such portions of the respective campuses of the institutions of higher education under its control, namely, the State University of Iowa, the Iowa State University of Science and Technology and the University of Northern Iowa, as the board shall determine to be suitable for the construction thereon of self-liquidating and revenue producing buildings and facilities, which the board deems necessary for the comfort, convenience and welfare of their students and suitable for the purposes for which the institutions were established, including student unions, recreational buildings, auditoriums, stadiums, field houses, athletic buildings and areas, parking structures and areas, and additions to or alterations of existing buildings or structures now or hereafter used for any or all of the purposes aforesaid.
 - 2. Acquire by any lawful means additional land deemed by the board to be desirable and suitable for any or all of the aforesaid purposes.
 - 3. Construct, equip, furnish, maintain, operate, manage and control any or all of the buildings, structures, facilities, areas, additions or improvements hereinbefore enumerated. (Code 262.44)
- B. Legal requirements for sale of bonds for self-liquidating facilities are set forth in Chapter 262.44-262.53, 1973 Code.

9.19 Academic Revenue Bonds

- A. The board shall prepare and submit annually to the General Assembly for approval or rejection a proposed ten-year building program for each institution, including an estimate of the maximum amount of bonds which the board expects to issue during each year of the ensuing biennium. Each such list shall contain an estimate of the cost of each of the buildings and facilities referred to therein.
- B. The board after authorization by a constitutional majority of each house of the General Assembly and approval by the Governor may



undertake and carry out any project at the institutions now or hereafter under the jurisdiction of the board. The board is authorized to borrow money under the provisions of this Act and the board may issue and sell negotiable bonds to pay all or any part of the cost of such projects.

- C. Whenever bonds are issued by the board, it shall be the duty of said board to provide sufficient income from student fees to pay the principal and interest on such bonds as the same become due. (Code 262A)
- D. The legislature has appropriated state funds for replacement of tuitions and fees pledged to pay debt service on academic revenue bonds. (63rd General Assembly - 1st and 2nd Sessions; 64th General Assembly, 1st Session)
- E. Earnings from investment of bond proceeds during construction and any Federal interest subsidy grant receipts shall be used prior to requesting tuition replacement appropriations.
- F. Additional requirements leading up to and including sale of academic revenue bonds are set forth in Chapter 262A, 1973 Code.
- G. See Sections 8.07 and 9.01, this Guide, for special requirements for projects funded by academic revenue bonds.

9.19 Hospital Revenue Bonds

- A. Subject to and in accordance with the provisions of this chapter, the state board of regents after authorization by a constitutional majority of the general assembly may undertake and carry out any project as defined in this chapter at the state University of Iowa. The state board of regents is authorized to operate, control, maintain, and manage buildings and facilities and additions to such buildings and facilities at said institution. All contracts for the construction, reconstruction, completion, equipment, improvement, repair, or remodeling of any buildings, additions, or facilities shall be let in accordance with the provisions of section 262.34. The title to all real estate acquired under the provisions of this chapter and the improvements erected thereon shall be taken and held in the name of the state of Iowa.
- B. "Buildings and facilities" shall mean buildings to be used primarily for service, clinical instructional and clinical research purposes in the field of medicine with particular emphasis on the family practice of medicine and such other facilities as are deemed necessary by the board to support and carry out the service, instructional, and research objectives of the hospitals, medical clinics, and medical service laboratories of the institution, including, without limiting the generality of the foregoing, hospital buildings, clinic buildings, laboratory buildings, clinical staff facilities, building for housing interns, resident physicians and nurses, and medical record and film storage buildings, or any combination thereof.

"Project" shall mean the acquisition by gift, purchase, lease, or construction of buildings and facilities and additions to such buildings and facilities, the reconstruction, completion, equipment, improvement, repair, or remodeling of buildings and facilities, including the demolition of existing buildings and facilities which are to be replaced, and the acquisition of property of every kind and description, whether real, personal or mixed, for buildings and facilities by gift, purchase, lease, condemnation, or otherwise and the improvement of the same or any combination of the foregoing.

"Hospital income" shall mean the income and funds received by the hospitals, medical service clinics, and medical service laboratories of the state University of Iowa, including the proceeds of rates, fees, and charges for services rendered by said hospitals, clinics, and laboratories, but excluding state appropriations to the institution.

"Bonds or notes" shall mean revenue bonds or revenue notes which are payable solely and only from hospital income.

- B. Additional requirements relative to sale of hospital revenue bonds are set forth in Chapter 263A, 1973 Code.

9.20 Institutional Roads

- A. The board will annually approve a five-year institutional road construction program in accordance with requirements of the Iowa State Highway Commission. The five-year program is to be developed in cooperation with the state park and institutional Roads Engineer of the Iowa State Highway Commission, Board Office, and institutional representatives.
- B. Final plans and specifications for construction projects which have been prepared by the Iowa State Highway Commission may be approved by the Executive Secretary upon the recommendation of the chief business officer of the respective institutions.
- C. The Institutional Roads Engineer of the Iowa State Highway Commission shall send three copies of the final plans and specifications to the chief business officer of the institution with his recommendation for their approval. The chief business officer shall indicate his approval by signing all three sets. He shall then forward them to the Executive Secretary for his approval. Two sets bearing the approval of the Executive Secretary shall be returned to the chief business officer; one set to be returned to the Institutional Roads Engineer.
- D. The Iowa State Highway Commission will advertise the notices of public hearings and bid openings, and will conduct the public hearing and receive and open the bids. It will make a recommendation to the board as to award of contract and request board concurrence in such award.
- E. The chief business officer shall docket the request of the Iowa State Highway Commission for concurrence by the board in its recommendation

for award of contract. Items shall be docketed under the Capital Improvement Business Transactions Register.

- F. On certain projects, and usually as a part of a site development project, a university may be responsible for the preliminary engineering, design, administration, contract letting, construction engineering and inspection of a programmed institutional road construction project. The Iowa State Highway Commission shall be informed, consulted, and shall concur in the various phases of the project as determined by a formal agreement between the board and the Iowa State Highway Commission. The Iowa State Highway Commission shall reimburse the university for the actual construction and design costs of such a programmed project as prescribed and expressed in the formal agreement.
- G. The Iowa State Highway Commission shall enter into annual maintenance agreements with Board of Regent universities. Agreements shall set out institutional road mileage to be maintained by each university and shall specify in detail the routine maintenance categories for which each university shall be reimbursed monthly for maintenance costs incurred in the preceding month. Such agreements shall be effective the first day of January each year.
- H. Additional and detailed procedures are set forth in Policy for the Administration of the State Parks and Institutional Road Fund as a Part of the Primary Road Fund, an Iowa State Highway Commission document. (November 10-12, 1966, p. 218; May 9-10, 1968, p. 520; December 13-15, 1972, p. 358)

9.21 State Building Code

- A. The state building code shall, for the buildings and structures to which it is applicable, constitute a lawful local building code.
- B. The state building code shall be applicable:
 - 1. To all buildings and structures owned by the state or an agency of the state.
 - 2. In each governmental subdivision where the governing body has adopted a resolution accepting the application of the code.
- C. Provisions of the state building code relating to the manufacture and installation of factory-built structures shall apply throughout the state. Factory-built structures approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from any local building regulations.
- D. The director of the division of municipal affairs, in the office for planning and programming shall, in addition to his other duties, serve as the state building code commissioner, or may designate a building code commissioner.

- E. The examination and approval or disapproval of plans and specifications, the issuance and revocation of building permits, licenses, certificates, and similar documents, the inspection of buildings or structures, and the administration and enforcement of building regulations shall be the responsibility of the governmental subdivisions of the state and shall be administered and enforced in the manner prescribed by local law or ordinance. All provisions of law relating to the administration and enforcement of local building regulations in any governmental subdivision shall be applicable to the administration and enforcement of the state building code in the governmental subdivision. An application made to a local building department or to a state agency for permission to construct a building or structure pursuant to the provisions of the state building code shall, in addition to any other requirement, be signed by the owner or his authorized agent, and shall contain the address of the owner, and a statement that the application is made for permission to construct in accordance with the provisions of the code.

In aid of administration and enforcement of the state building code, and in addition to and not in limitation of powers vested in them by law, each governmental subdivision of the state may:

1. Examine and approve or disapprove plans and specifications for the construction of any building or structure, the construction of which is pursuant or purports to be pursuant to the provisions of the state building code, and to direct the inspection of buildings or structures during the course of construction.
2. Require that the construction of any building or structure shall be in accordance with the applicable provisions of the state building code, subject, however, to the powers granted to the board of review in section 103A.16.
3. Order in writing any person to remedy any condition found to exist in, or about any building or structure in violation of the state building code. Orders may be served upon the owner or his authorized agent personally or by certified mail at the address set forth in the application for permission to construct a building or structure. Any local building department may grant in writing such time as may be reasonably necessary for achieving compliance with an order.
4. Issue certificates of occupancy or use, permits, licenses, and other documents in connection with the construction of buildings or structures as may be required by ordinance.

A certificate of occupancy or use for a building or structure constructed in accordance with the provisions of the state building code shall certify that the building or structure conforms to the requirements of the code. The certificate shall be in the form the governing body of the governmental subdivision prescribes.

Every certificate of occupancy or use shall, until set aside or vacated by the board of review, director, or a court of competent

jurisdiction, be binding and conclusive upon all state and local agencies, as to all matters set forth and no order, direction, or requirement at variance therewith shall be made or issued by any other state or local agency.

5. Make, amend, and repeal rules for the administration and enforcement of the provisions of this section, and for the collection of reasonable fees in connection therewith.
 6. Prohibit the commencement of construction until a permit has been issued by the local building department after a showing of compliance with the requirements of the applicable provisions of the state building code.
- F. If the plans and specifications accompanying an application for permission to construct a building or structure fail to comply with the provisions of building regulations applicable to the governmental subdivision where the construction is planned, the state or governmental subdivision official charged with the duty shall nonetheless issue a permit, certificate, authorization, or other required document, as the case may be, for the construction, if the plans and specifications comply with the applicable provisions set forth in the state building code, whenever such code is operative in such governmental subdivision.

Any building or structure constructed in conformance with the provisions of the state building code, shall be deemed to comply with all state, county, and municipal building regulations, and the owner, builder, architect, lessee, tenant, or their agents, or other interested person shall be entitled, upon a showing of compliance with the code, to demand and obtain, upon proper payment being made in appropriate cases, any permit, certificate, authorization, or other required document, the issuance of which is authorized pursuant to any state or local buildings or structure regulation, and it shall be the duty of the appropriate state or local officer having jurisdiction over the issuance to issue the permit, certificate, authorization, or other required document, as provided herein, whenever the code is operative in the governmental subdivision. (Code 103A)

- G. Additional requirements are set forth in Chapter 103A, 1973 Code.

9.22 Occupational Safety and Health

A. Public Policy

It is the policy of this state to assure so far as possible every working man and woman in the state safe and healthful working conditions and to preserve human resources by:

1. Encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and perfect existing programs for providing safe and healthful working conditions.

2. Providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions.
 3. Authorizing the labor commissioner to set mandatory occupational safety and health standards applicable to businesses, and by creating an occupational safety and health review commission for carrying out adjudicatory functions under the chapter.
 4. Building upon advances already made through employer and employee initiative for providing safe and healthful working conditions.
 5. Providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems.
 6. Exploring ways to discover latent diseases, establishing casual connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety.
 7. Providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity or life expectancy as a result of his work experience.
 8. Providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health.
 9. Providing for the development and promulgation of occupational safety and health standards.
 10. Providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for an individual violating this prohibition.
 11. Providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this chapter and accurately describe the nature of the occupational safety and health problem.
 12. Encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.
 13. Devoting adequate funds to the administration and enforcement of occupational safety and health standards and rules promulgated by the labor commissioner.
- B. The Bureau of labor, established in chapter 91, is designated to administer this chapter.
- C. "Employer" means a person engaged in a business who has one or more employees and also includes the state of Iowa, its various depart-

ments and agencies, and any political subdivision of the state.

- D. Each employer shall furnish to each of his/her employees employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees and comply with occupational safety and health standards promulgated under this chapter.

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this chapter which are applicable to the employee's own actions and conduct. (Code 88)

- E. The standards, orders, enforcement and penalties relative to the State Occupational Safety and Health Act are set forth, in detail, in Chapter 88, Code 1973.

9.24 Sale of Public Bonds

- A. Notice of sale. When public bonds are offered for sale, the official or officials in charge of such bond issue shall, by advertisement published for two or more successive weeks in at least one newspaper located in the county, give notice of the time and place of sale of said bonds, the amount to be offered for sale and any further information which may be deemed pertinent.
- B. Sealed and open bids. Sealed bids may be received at any time prior to the calling for open bids. After the sealed bids are all filed, the official or officials shall call for open bids. After all of the open bids have been received the substance of the best open bid shall be noted in the minutes. The official or officials shall then open any sealed bids that may have been filed and they shall note in the minutes the substance of the best sealed bid.
- C. Rejection of bids. Any or all bids may be rejected, and the sale may be advertised anew, in the same manner, or the bonds or any portion thereof may thereafter be sold at private sale to any one or more of such bidders, or other persons, by popular subscription or otherwise. In case of private sales, the said bonds shall be sold upon terms not less favorable to the public than the most favorable bid made by a bona fide and responsible bidder at the last advertised sale.
- D. Sale of state bonds. All contracts for the sale of bonds issued by the state shall be subject to the approval of the Executive Council (Code 75.2, 3, 4 and 8, 407.13)
- E. Maturity of bonds - interest. Bonds issued under the provision of this chapter shall bear interest at the rate of not more than 7% per annum and < shall become due in not more than 20 years after issuance and may be issued serially.>

9.25 Emission Reduction Programs

The board delegates to the executive secretary of the board responsibility for approval and submittal of emission reduction programs for institutions under the control of the board including any changes in those programs. Action taken by the executive secretary shall be reported to the board for subsequent ratification on the respective institutional Register of Capital Improvement Business Transactions (July 19-20, 1978, p. 21-23).



X. MISCELLANEOUS POLICIES, PRACTICES, PROCEDURES

10.01 Authority

- A. The board shall perform all other acts necessary and proper for the execution of the power and duties conferred by law upon it.
(Code 262.9 (11))

10.02 Communications with Students, Faculty and Staff with Board

- A. The presidents of each university are authorized and encouraged to utilize appropriate faculty, students, and staff representatives as institutional resource persons at each meeting when, in their judgment, it is desirable.
- B. Students, faculty and staff may request opportunity to appear before the board to discuss matters of interest and may request that an item be included on the docket. Such requests should be made in writing to the president of the board with a copy to the president of the university concerned. The request should include a statement as to the reason why a personal appearance is desired or why an item should be included on the docket. A statement as to the exhaustion of local campus remedies, including specific persons or groups approached and their disposition of the matter, should also be included in the request. The president of the board is empowered to permit such person or persons to appear or an item to be docketed if, in his judgment, it is appropriate or unless there are unusual circumstances.

The president of the board shall report to the full board all requests made to him for permission to appear or to include an item on the docket, whether or not the request was granted.

The procedure set forth in this section does not replace, alter or supersede the procedures for formal appeals to the board by students or employees who feel aggrieved by any final adjudicatory order or rule making decision as set forth in section 4.23 of the Procedural Guide or in other rules and regulations of the board.

- C. Representatives of appropriate campus constituencies may seek permission to comment on a given item on the agenda during a board meeting by oral request to the president of the university and upon authorization of the president of the Board of Regents.
- D. The president may, on rare occasions, recognize an individual seeking, without advance written or oral notice, to comment during deliberations on a docketed item.
- E. Board members will plan to meet informally throughout the year with students, faculty and staff to discuss problems of mutual interest. Members of these groups are encouraged to contact board members and to develop plans for informal meetings.
- F. The presidents of the universities should continue to forward without editing, change or delay all communications or reports to the board from faculty, students and staff members.

- G. Faculty, students and staff are welcome to attend board meetings. All sessions of the board are public except for those relating to personnel or property matters authorized by law to be considered in executive session. The Regents have no objection to the appointment of representatives by the various university constituencies to attend meetings of the board as observers.
- H. The board will attempt to give advance notice on any issues to be considered by the board at a later date so that students, faculty and staff will have the opportunity to seek to be heard if they so desire.
- I. The agenda or docket for each meeting will be available for distribution on Tuesday preceding each meeting at the Board Office and the information offices at each university. The Board Office and institutions are instructed to attempt to have the dockets ready for distribution by Friday so that interested groups may have earlier notice.
- J. The presidents of the universities are urged to report to the board the views of faculty, staff and students, where pertinent and to the extent known, on any matter before the board for consideration.

It is the board's expectation that the policies set forth above will be administered to the end that the board understands the viewpoints of faculty, students and staff and that these groups understand the viewpoints of the board.

10.03 Classification of Residents and Non-residents

- A. The following material reproduces Rule 1.4 of Chapter 1 as relates to board of regents in Iowa Departmental Rules, 1973.

1.4(1) General. Students enrolling at one of the three state institutions shall be classified as resident or nonresident for admission, fee and tuition purposes by the registrar. The decision shall be based upon information furnished by the student and all other relevant information. The registrar is authorized to require such written documents, affidavits, verifications, or other evidence as are deemed necessary to establish the domicile of a student, including proof of emancipation, adoption, award of custody, or appointment of a guardian. The burden of establishing that a student is exempt from paying the nonresident fee is upon the student.

For purposes of resident and nonresident classifications, the word "parents" as herein used shall include legal guardians or others standing in loco parentis in all cases where lawful custody of any applicant for admission has been awarded to persons other than actual parents.

1.4(2) Residence for tuition purposes. Rules regarding residence for admission, fee and tuition payments are generally divided into two categories -- those that apply to students who are under the age of 18 and those who are 18 years of age or older. The requirements in these categories are different. Domicile within the state means adoption of the state as a fixed permanent home and involves personal presence within the state. The two categories are discussed in more detail below.

1.4(3) Students who are minors. The residence of a minor shall follow that of the parents at all times, except in extremely rare cases where emancipation can be proved beyond question. The residence of the father during his life, and after his death, the residence of the mother, is the residence of the unemancipated minor; but if the father and the mother have separate places of residence, the minor takes the residence of the parent with whom he lives or to whom he has been assigned by court order. The parents of a minor applying for admission will be considered residents of Iowa only if they have a domicile within the state at the time of the beginning of the semester, quarter or session in which the minor is first enrolled at Iowa State University or the state University of Iowa, or University of Northern Iowa, and if the parents establish such domicile for purposes other than to qualify their child for resident tuition.

A minor admitted before his parents have moved to Iowa may be reclassified as a resident at the beginning of the next semester or quarter in which the student is enrolled after his parents have a domicile in Iowa. A minor student whose parents move their residence from Iowa to a location outside of Iowa shall be considered to be a nonresident at the beginning of the next semester, quarter, or session in which the student is enrolled after the date of the parents removal from the state.

A minor under legal guardianship shall not be granted resident status if the primary purpose of the guardianship is to qualify the minor for resident tuition.

A minor living with and being supported by a relative or a friend who is a resident of Iowa, but not a minor's legal guardian, may be granted resident status if he has lived with the relative or friend at least three years prior to high school graduation.

1.4(4) Students over 18 years of age and married students under 18 years of age. A student 18 years of age or older and a married student under 18 years of age shall be classified as a resident if (a) the student's parents were residents of the state at the time such student reached majority or was married and the student is not domiciled in another state, or (b) who after marriage or reaching majority has established a bona fide residence in the state of Iowa by residing in the state for at least 12 consecutive months immediately preceding the beginning of the semester, quarter or session. Bona fide residence in Iowa means that the student is not in the state primarily to attend a college; that he is in state for purposes other than to attempt to qualify for resident status.

Any nonresident student who reaches 18 years of age or is married while under 18 years of age while a student at any school or college does not by virtue of such fact attain residence in this state for admission or tuition payment purposes.

1.4(5) General facts. The resident status for admission, fee and tuition purposes of a married student shall usually be determined under these rules irrespective of the classification of the spouse. Married students under 18 years of age shall be considered to have attained majority as of the date of their marriage.

Persons who are moved into the state as the result of military or civil orders from the government, or the minor children of such persons, are entitled to resident status. However, if the arrival of the parents is subsequent to the time of the beginning of the semester, quarter or session in which the minor child is first enrolled, nonresident tuition will be charged in all cases until the beginning of the next semester, quarter or session in which the student is enrolled.

Dependents of persons whose legal residence is permanently established in Iowa, who have been classified as residents for tuition purposes may continue to be classified as residents so long as such residence is maintained, even though circumstances may require extended absence of said persons from the state. It is required that persons who claim an Iowa residence while living in another state or country will provide proof of the continual Iowa domicile such as (a) evidence that they have not acquired a domicile in another state, (b) they have maintained a continuous voting record in Iowa, and (c) they have filed regular Iowa income tax returns during their absence from the state.

Ownership of property in Iowa, or the payment of Iowa taxes, does not in itself establish residence.

A student from another state who has enrolled for a full program or substantially a full program in any type of educational institution will be presumed to be in Iowa primarily for educational purposes, and will be considered not to have established residence in Iowa. Continued residence in Iowa during vacation periods or occasional periods of interruption to the course of study does not of itself overcome the presumption.

All students not classified as resident students shall be classified as nonresidents for admission, fee and tuition purposes.

A student who willfully gives incorrect or misleading information to evade payment of the nonresident fees and tuition shall be subject to serious disciplinary action and must also pay the nonresident fee for each semester, quarter or session attended.

An alien who has entered the United States on an immigration visa and who has established a bona fide residence in Iowa by living in the state for at least 12 consecutive months immediately preceding the beginning of the semester, quarter or session may be eligible for resident classification providing he is in the state for purposes other than to attempt to qualify for resident status as a student.

Men in military service (except career servicemen) who listed Iowa as their residence prior to entering service and who, immediately upon release, return to Iowa to establish their residence or enter college, will be classified as residents unless their parents moved from the state while the individual was still a minor.

Change of classification from nonresident to resident will not be made retroactive beyond the semester, quarter, or session in which application for resident classification is made.

1.4(6) Review committee. The decision of the registrar on the residence of a student for admission, fee and tuition purposes may be appealed to a review committee. The finding of the review committee may be appealed to the board of regents.
(Filed December 17, 1958; amended January 28, 1959, May 26, 1959, October 28, 1959, September 15, 1959, September 30, 1960, July 12, 1967, June 14, 1972, May 16, 1973)

B. Interpretations

1. A nonresident student (who is currently enrolled or immediately enrolls as a full-time student) marries an Iowa resident. The nonresident spouse becomes eligible for resident classification at the first registration following the anniversary of the first year of marriage. (The spouse becomes eligible after twelve months even though continuously enrolled as a full-time student during the twelve months period during which the spouse will have paid nonresident fees.)
2. A nonresident man and family move to the state so that he might accept full-time employment. The children are eligible immediately for resident classification, the man would be a non-resident for one year as would be the wife. The man and/or wife may enroll as a part-time student paying nonresident fees without jeopardizing their eligibility for resident classification after twelve months providing evidence is clear that he came to the state for full-time employment rather than to establish residence for tuition purposes.

(May 14-15, 1970, p. 439)

10.04 Parietal Rules and Dormitories

- A. The institutions shall bring to the board proposed changes in parietal rules when such rules in their judgment would affect the responsibility of the board under its bond covenant to assure maximum occupancy of the dormitories.
(February 8-9, 1968, p. 314)

B. University of Iowa Parietal Rule

2.2(262) Parietal Rule. All unmarried freshmen and sophomore students are required, as a condition of registration at the state University of Iowa for the semester or session, to reside in university residence halls, except that such residence shall not be required of any student beyond the time the student, following the normal course from secondary school to college, would have completed three years at the college level; and except as hereinafter provided. Failure of a student to comply with this condition of registration is cause for denial or cancellation of registration.

2.2(1) Exemptions. Students subject to the parietal rule may request an exemption for the following reasons:

- a. Actual local residence with parent, legal guardian, grandparent, adult sister or brother, or adult aunt or uncle, providing the parietal rules do not apply to both parties concerned.

- b. Medical necessity certified in writing by a licensed physician, subject to the approval of the university which shall establish appropriate standards of general application for the determination of medical necessity.
- c. Mandatory religious obligations impossible of performance in the residence halls which the student attests in writing that he in fact regularly observes and which a clergyman of the student's religious faith certifies in writing are mandatory.
- d. Actual local residence in a place of bona fide employment certified in writing by the employer as a necessary condition of employment and in exchange for which the student receives at least one-half of the rent normally charged.
- e. Actual local residence in a social fraternity or sorority chapter house or other residential living unit operated and maintained by a recognized student organization exclusively for its members, which residential living unit has been approved by the university as providing those housing, dining and student life facilities which are essential to carrying out the philosophy of higher education contemplated by the establishment of the parietal rule.
- f. Actual residence in state University of Iowa residence halls for four semesters. Residence hall residence for two summer sessions is equivalent to one semester.
- g. The student making the request is a veteran of the armed forces of the United States who has been discharged or released from active duty service.

All requests for exemption from the parietal rule shall be submitted to the university at least 30 days prior to the beginning of the semester or session for which exemption is requested, unless a later time is authorized. The university may require that requests be submitted on prescribed forms and that supporting documents or other evidence be provided, and the burden is on the student to demonstrate to the satisfaction of the university that he is entitled to an exemption. The university is authorized to establish further internal procedures for the administration of these rules and to delegate to appropriate university staff personnel any duty or function prescribed herein.

2.2(2) Enforcement. Failure of a student subject to the parietal rule to comply with this condition of registration is cause for denial or cancellation of registration. If, upon registration or at any time thereafter, a student subject to the parietal rule is found not to be in compliance therewith, including the failure of a student who has been granted an exemption to comply with the conditions thereof, a written notice shall be sent to the student affording him a reasonable opportunity to submit proof of compliance or otherwise to show cause why his registration should not be denied or canceled or his exemption revoked. If the student fails to submit proof or show cause satisfactory to the university, his registration shall forthwith be denied or canceled or his exemption revoked, as the case may be. Upon subsequent application and proof of compliance satisfactory to the university and upon payment of all required fees, the student shall be registered or reinstated in accordance with established procedures.

2.2(3) Review. A student aggrieved by any adverse decision with respect to the administration of the parietal rule may request an administrative review of the decision by the university. Such request shall be made in writing and shall state with particularity the reasons therefor. Pending administrative review, the student's registration shall not be denied or canceled. After review, the decision of the university is final, subject to the student's right to request a review by the state board of regents in accordance with procedures established by the board. Unless otherwise ordered by the board, a student must be in compliance with the parietal rule as a condition of continued registration at the university pending board action on the request for review.

2.2(4) Definitions. As used herein, the following words shall mean:

- a. "University" means the state University of Iowa or the appropriate university administrator to whom any particular duty or function prescribed herein is delegated.
- b. "Parietal rule" means the condition of registration at the university established by these rules.
- c. "Freshman" student means any undergraduate student registered for nine or more semester hours who has not previously earned 28 or more semester hours of credit toward a baccalaureate degree at the university.
- d. "Sophomore" student means any undergraduate student registered for nine or more semester hours who has not previously earned 56 or more semester hours of credit toward a baccalaureate degree at the university.

(Filed June 18, 1971; amended June 14, 1972, July 17, 1972)

(The above material reproduces Rule 2.2 of Chapter 2 as relates to board in Iowa Departmental Rules, 1973)

C. University of Northern Iowa Parietal Rule

2.36(262) Parietal rule. All unmarried freshmen and sophomore students are required, as a condition of registration at the University of Northern Iowa for the semester or session, to reside in university residence halls, except as hereinafter provided. Failure of a student to comply with this condition of registration is cause for denial or cancellation of registration.

2.36(1) Exemptions. Students subject to the parietal rule may request an exemption for the following reasons;

- a. Actual local residence with parent, legal guardian, or adult close relative, providing the parietal rule does not apply to both parties concerned.

b. Medical necessity certified in writing by a licensed physician, subject to the approval of the university which shall establish appropriate standards of general application for the determination of medical necessity.

c. Mandatory religious obligations impossible of performance in the residence halls which the student attests in writing that he in fact regularly observes and which a clergyman of the student's religious faith certifies in writing are mandatory.

d. Actual local residence in a place of bona fide employment certified in writing by the employer as a necessary condition of employment and in exchange for which the student receives at least one-half of the rent normally charged.

e. Actual local residence by sophomore students who wish to live in houses operated by university recognized student organizations of which they are members; such houses must meet at least the minimum housing standards of the city of Cedar Falls and the university's own regulations governing student organizations and their operation of houses.

All requests for exemption from the parietal rule shall be submitted to the university at least 30 days prior to the beginning of the semester or session for which exemption is requested, unless a later time is authorized. The university may require that requests be submitted on prescribed forms and that supporting documents or other evidence be provided, and the burden is on the student to demonstrate to the satisfaction of the university that he is entitled to an exemption. The university is authorized to establish further internal procedures for the administration of these rules and to delegate to appropriate university staff personnel any duty or function prescribed herein.

2.36(2) Enforcement. Failure of a student subject to the parietal rule to comply with this condition of registration is cause for denial or cancellation of registration. If, upon registration or at any time thereafter, a student subject to the parietal rule is found not to be in compliance therewith, including the failure of a student who has been granted an exemption to comply with the conditions thereof, a written notice shall be sent to the student affording him a reasonable opportunity to submit proof of compliance or otherwise to show cause why his registration should not be denied or canceled or his exemption revoked. If the student fails to submit proof or show cause satisfactory to the university, his registration shall forthwith be denied or canceled or his exemption revoked, as the case may be. Upon subsequent application and proof of compliance satisfactory to the university and upon payment of all required fees, the student shall be registered or reinstated in accordance with established procedures.

2.36(3) Review. A student aggrieved by any adverse decision with respect to the administration of the parietal rule may request an administrative review of the decision by the university. Such request shall be made in writing and shall state with particularity the reasons therefor. Pending administrative review, the student's registration shall not be denied or canceled. After review, the decision

of the university is final, subject to the student's right to request a review by the state board of regents in accordance with procedures established by the board. Unless otherwise ordered by the board, a student must be in compliance with the parietal rule as a condition of continued-registration at the university pending board action on the request for review.

2.36(4) Definitions. As used herein, the following words shall mean:

a. "University" means the University of Northern Iowa or the appropriate university administrator to whom any particular duty or function prescribed herein is delegated.

b. "Parietal rule" means the condition of registration at the university established by these rules.

c. "Freshman" student means any undergraduate student registered for nine or more semester hours who has not previously earned 31 or more semester hours of credit toward a baccalaureate degree at the university.

d. "Sophomore" student means any undergraduate student registered for nine or more semester hours who has earned at least 32 and not more than 63 semester hours of credit toward a baccalaureate degree at the university.

(Filed June 18, 1971; amended July 17, 1972)

(The above material reproduces Rule 2.36 of Chapter 2 as relates to board in Iowa Departmental Rules, 1973)

- D. Students attending Iowa State University may currently choose to live in university residence halls, university apartments, fraternities, sororities, or off-campus housing. However, the university reserves the right to require students to live in university housing. When and if such a requirement is needed, the university shall first present a recommendation for a parietal rule to the board for action.
- E. The board encourages the directors of student housing and dining services to meet regularly to exchange information and to discuss policies, practices and procedures and for the three universities to prepare appropriate information that will enable analysis trends in occupancy by class, sex, and age, and assist the Board Office in preparation of an annual report to the board.
(March 11-12, 1971, p. 409; December 13-15, 1972, p. 366)
- F. Maintenance of Occupancy and Rental Rates in University Housing. The board covenants and agrees that so long as any of the bonds /dormitory/ shall remain outstanding it will continuously operate and maintain the system, will adopt such rules and regulations for occupancy, including parietal rules, as will assure maximum occupancy of the buildings and will fix, maintain, revise and adjust from time to time such rates, rents, fees and charges for the use of said system as will provide revenues sufficient at all times to pay the reasonable cost of operating and maintaining the system and to provide and maintain the "Dormitory Revenue Bond Sinking Fund" and the required reserve therefor, that it will not permit any free use of the system, and that it will collect and account for and apply the rents, profits, income and revenues in accordance with /its bond resolutions/. (Excerpt from Dormitory Bond Resolution)

10.05 Consumption of Alcoholic Beverages and Sale of Beer on Campus

- A. Use of alcoholic beverages in fraternities and sororities will be permitted in accordance with state law; and, students who have attained the age of majority will be permitted to consume alcoholic beverages in their residence hall rooms. Arrangements shall be made to accommodate students who want nondrinkers as roommates.
- B. The student unions at the three universities shall be permitted to add draft beer to the list of beverages served.
 - 1. Iowa Memorial Union - University of Iowa
 - a. The board shall approve the franchise and operating procedures.
 - b. Operating hours shall be approved by the board. Opening hours of 4:00 P.M., closing hours not to extend past normal Union closing hours at any time.
 - 2. University Union - University of Northern Iowa
 - a. The board shall approve operating policies and procedures.
 - b. Operating hours shall be approved by the board. Operating hours of 4:00 P.M. - 12 Midnight, Monday through Saturday, shall be in effect.
 - 3. Iowa State University - Memorial Union and Veenker Memorial Golf Course
 - a. The board shall approve operating policies and procedures.
 - b. Operating hours shall be approved by the board. Operating hours as follows:
 - Union - 4:00 P.M, continuing no later than Union closing time.
 - Golf Course - when course is in operation.

(June 14-16, 1972, p. 875; July 13-14, 1972, pp. 55,56,81,82,98,99)

10.06 Uniform Rules of Personal Conduct

- A. Definitions. For purposes of these rules, the following words shall have the meaning set forth unless the context requires otherwise.
 - 1. "Board" means the State Board of Regents, state of Iowa.
 - 2. "University" means an institution of higher learning under the jurisdiction of the board. When used in the plural, the word means all institutions of higher learning under the jurisdiction of the board.
 - 3. "President" means the president (or acting president) of the university or any person or persons designated by him to act on his behalf for purposes of these rules.

4. "Campus" includes all property owned or used by the university.
5. "Student" means a person who is currently registered as a student at the university in an undergraduate, graduate or professional program on the campus.
6. "Member of the faculty or staff" includes all employees of the university.
7. "Visitor" means any person on the campus who is not a student or a member of the faculty or staff. A suspended member of the faculty or staff, or a suspended student, who is on the campus during the period of such suspension shall be deemed a visitor.
8. "Person" means any student, member of the faculty or staff, or visitor.
9. "Admission" means admission, re-admission, re-entry, registration, and re-registration as a student to any educational program of the university.
10. "Suspension of a member of the faculty or staff" means that during a specified period of time, the member of the faculty or staff is not eligible to continue as an employee of the university, or to resume his employment status or to be granted admission as a student. Subject to other rules and regulations of each institution concerning continued employment by the institution, a member of the faculty or staff who has been suspended for a specified period shall be reinstated by the university at the expiration of the suspension period provided that during the suspension period the member of the faculty or staff has not committed acts of misconduct specified in B. below. One under such suspension whose reemployment is denied on the basis of alleged acts of misconduct committed during his suspension period shall have a right to a hearing on that issue as provided in section C.
11. "Suspension of a student" means that during a specified period of time, the student shall be denied admission to the university or employment by it. Subject to the rules and regulations of each institution concerning enrollment at the institution, a suspended student shall be reinstated to the university at the expiration of the suspension period provided that during the suspension period the student has not committed acts of misconduct specified in B. below. A suspended student whose reinstatement is denied on the basis of alleged acts of misconduct committed during this suspension period shall have a right to a hearing on that issue, as provided in section C.
12. "Expulsion of a student" means termination of his status as a student without right of re-admission.
13. "Dismissal of a member of the faculty or staff" means termination of his status as an employee without right of reemployment.

- B. Rules of Personal Conduct. Any person -- student, member of the faculty or staff, or visitor -- who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts of misconduct shall be subject to disciplinary procedures by the university as hereinafter provided:
1. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.
 2. Unauthorized occupation or use of or unauthorized entry into any university facility. However, any entry into, use of, or occupation of any university facility by a student or member of the faculty or staff, which does not violate any of the other Rules of Personal Conduct set forth herein, shall be deemed unauthorized only if specifically prohibited, if that facility is closed at that time to general use or if the person fails to comply with proper notice to leave.
 3. Physical abuse or the threat of physical abuse against any person on the campus or at any university-authorized function or event, or other conduct which threatens or endangers the health or safety of any such person.
 4. Theft of or damage to property of the university or of a person on the campus.
 5. Interference with the right of access to university facilities or with any other lawful right of any person on the campus.
 6. Setting a fire on the campus without proper authority.
 7. Use or possession on the campus of firearms, ammunition, or other dangerous weapons, substances, or materials (except as expressly authorized by the university), or of bombs, explosives, or explosive or incendiary devices prohibited by law.
 8. Conduct off campus which directly, seriously, and adversely interferes with or disrupts the educational or other functions of the university.

C. Sanctions

1. Any student or member of the faculty or staff who is found after appropriate hearing* to have violated any of the rules of personal conduct set forth in B. above may be sanctioned up to and including suspension, expulsion or dismissal. If the violation is found to be of a serious nature or to have contributed to a substantial disruption of the orderly processes of the university, then such student or member of the faculty or staff shall, at a minimum, be suspended from the university immediately following such

*Appropriate hearing as used throughout these Rules means pursuant to existing hearing procedures in effect at the university for students and members of the faculty and staff.

finding for one academic year. If a suspension is ordered after the start of a semester or quarter, however, the time period of the suspension shall be deemed to run from the beginning of the semester or quarter rather than from the actual date of the order. A faculty or staff member who is suspended shall receive no salary during the period of his suspension; provided, however, that he shall be paid for work done prior to the date of the suspension order.

2. A person who applies for admission to or employment by the university (either for the first time, or after a term of suspension or dismissal) may be denied such admission or employment if it is found that he has committed any acts of misconduct specified in B. above while such a person was a visitor on the campus. If the violation is found to be of a serious nature or to have contributed to a substantial disruption of the orderly processes of the university, then such a person shall, at a minimum, be denied admission or employment for twelve months immediately following the violation. A person denied admission or employment under this section shall have a right to an appropriate hearing.
3. Any sanction imposed under B. 1 and 2 above shall have operative effect at all universities, and a person not eligible for admission to or employment by one university shall be barred similarly at the other universities.

D. Emergency Power

1. The president is authorized to declare a state of emergency to exist at the institution upon a determination by him that violent actions or disruptive activities at the university are of such a nature as:
 - a. To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and
 - b. To require extraordinary measures to
 - (1) Safeguard persons or property at such institution, or
 - (2) Maintain educational or other legitimate institutional functions.
2. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that it should be extended, such determination to be made under the standards established in a. and b. above. Each extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.

3. As soon as feasible after declaring a state of emergency, the president shall notify the board of his actions.
4. Upon a finding by the president as set forth in D1 above, the president is authorized to take such action as, in his judgment, may be necessary to eliminate or alleviate a clear and present danger to the orderly processes of the university AND to safeguard persons or property at the university or to maintain educational or other legitimate university functions including barring a particular person or persons from the campus.

E. Sanctions Under Emergency Power

1. Any person who, after appropriate hearing, is found to have violated knowingly a presidential order issued as contemplated in section D. above may be expelled or dismissed from the university. If the violation is found to be of a serious nature or to have contributed to a substantial disruption of the orderly processes of the university, then such person shall, at a minimum, be suspended from the university for one calendar year from the date of such violation, or shall be denied admission to or employment by the university for one calendar year from the date of such violation.
2. Any person who, after appropriate hearing, is found to have violated during a state of emergency -- knowing that a state of emergency has been declared -- any of the Regents' Rules of Personal Conduct, set forth in section B. of this policy, may be expelled or dismissed from the university. If the violation is found to be of a serious nature or to have contributed to a substantial disruption of the orderly processes of the university, then such person shall, at a minimum, be suspended from the university for two calendar years from the date of such violation, or shall be denied admission to or employment by the university for two calendar years from the date of such violation.
3. Any person who, after appropriate hearing, is found to have violated knowingly a presidential order as contemplated in section D above and -- knowing that a state of emergency had been declared -- is found to have violated during the state of emergency any of the Regents' Rules of Personal Conduct, set forth in section B of this policy, may be expelled or dismissed from the university. If the violations are found to be of a serious nature or to have contributed to a substantial disruption of the orderly processes of the university, then such person shall, at a minimum, be expelled or dismissed from the university.
4. Any sanction imposed under this section shall have operative effect at all universities, and a person not eligible for admission to or employment by one university shall be barred similarly at the other universities.

F. Constitutional Rights. The foregoing rules shall be construed so as not to abridge any person's constitutional right of free expression of thought or opinion, including the traditional American right to assemble peaceably and to petition authorities.

(July 9-10, 1970, p. 27; May 13-14, 1971, pp. 497-504; June 24-25, 1971, p. 611)

10.07 Judicial Policies Related to Unrest

A. Regents' Approved Judicial System

1. The universities should exert every reasonable effort to see that rules governing conduct are enforced.
2. If, in the university president's judgment, the university's disciplinary procedures are not adequate to the task of enforcement of rules governing conduct at the institution on any particular occasion, the president may temporarily set aside or supplement local administrative disciplinary procedures by appointing a hearing examiner from a panel of hearing examiners who have previously been approved by the Board of Regents.
3. The examiner so appointed shall find the facts, and, if he finds a violation, he shall make recommendations to the president, or his designate, as to sanctions. In the event review is sought from the president's decision, requests for review may be made to the Board of Regents, and the board may in its discretion review the case.
4. For Hearing Examiner Procedures, see Regents Hearing Examiner Manual, October 1, 1971, Revision.

B. Double Jeopardy

When a student, or a member of the faculty or staff violates a university regulation, he shall be subject to disciplinary action by the university whether or not the violation constitutes a criminal act. If a person's behavior simultaneously violates a civil law, the university may take disciplinary action independent of action taken by civil authorities.

C. Injunctions

The President of each university governed by the Board of Regents, or his designee, is authorized, with the consent of the Attorney General, to apply to the appropriate court for an injunction against activities disruptive of the orderly processes of the university when, in the President's judgment, an injunction will materially aid in deterring such disruptive activities.

(July 9-10, 1970, pp. 25, 30, 31)

10.08 Criminal Trespass

A. Definitions:

1. The term "property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.
2. The term "trespass" shall mean one or more of the following acts.
 - a. Entering upon or in property without legal justification or without the implied or actual permission of the owner, lessee,

or person in lawful possession with the intent to commit a public offense or to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

- b. Entering or remaining upon or in property without legal justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.
 - c. Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.
 - d. Being upon or in property and using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.
- B. Any person who shall knowingly trespass upon the property of another is guilty of a public offense and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail for a term not to exceed thirty days.
- C. Any person committing a trespass as defined in section A. of this Act resulting in injury to any person or damage in an amount of more than one hundred dollars to anything, animate or inanimate, located thereon or therein shall be punished by a fine not to exceed three hundred dollars or by imprisonment in the county jail not to exceed six months or by both such fine and imprisonment. (Code 729)

10.09 Traffic and Parking Regulations

- A. The maximum speed limit of all vehicles on institutional roads at institutions under the control of the state board of regents shall be forty-five miles per hour. All driving shall be confined to driveways designated by the state board. Whenever the state board shall determine that the speed limit hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of its institutional roads, said board shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such places of congestion or other parts of its institutional roads. Any person violating the aforementioned speed limits shall, upon conviction, be fined not to exceed one hundred dollars, or be imprisoned in the county jail not to exceed thirty days. (Code 262.68)
- B. The state board of regents may make such rules as it deems necessary and proper to provide for the policing, control, and regulation of traffic and parking of vehicles on the property of any institution under its control. The rules may provide for the use of institutional

roads, driveways, and grounds, registration of vehicles, the designation of parking areas, the erection and maintenance of signs designating prohibitions or restrictions, the installation and maintenance of parking control devices, and assessment, enforcement, and collection of reasonable sanctions for the violation of the rules.

Any rules made pursuant to this section may be enforced under procedures adopted by the board for each institution under its control. Sanctions may be imposed upon students, faculty and staff for violation of the rules, including, but not limited to, a reasonable monetary sanction which may be deducted from student deposits and faculty or staff salaries or other funds in the possession of the institution, or added to student tuition bills. The rules made pursuant to this section may also be enforced by the impoundment of vehicles parked in violation of the rules, and a reasonable fee may be charged for the cost of impoundment and storage, prior to the release of the vehicles to their owners. Each institution under the control of the board shall establish procedures for the determination of controversies in connection with imposition of sanctions. The procedures shall require giving notice of the violation and the sanction involved and provide an opportunity for an administrative hearing. Appeal of the administrative ruling may be heard de novo by the district court. The rules promulgated under this section shall be subject to chapter 17A. (Code 262.69)

- C. All traffic and parking regulations shall be subject to board approval prior to enforcement. Changes in existing regulations, general or specific, shall be brought to the board annually, for approval.
- D. General traffic and parking regulations for each university shall be filed in accordance with chapter 17A. (Regulations are in Chapter 4, pp. 878-892, Iowa Departmental Rules, 1973.)

10.10 Examination of Public Records

- A. Wherever used in this chapter, "public records" includes all records and documents of or belonging to this state or any county, city, town, township, school corporation, political subdivision, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.
- B. Every citizen of Iowa shall have the right to examine all public records and to copy such records, and the news media may publish such records, unless some other provision of the Code expressly limits such right or requires such records to be kept secret or confidential. The right to copy records shall include the right to make photographs or photographic copies while the records are in the possession of the lawful custodian of the records.
- C. Such examination and copying shall be done under the supervision of the lawful custodian of the records or his authorized deputy. The lawful custodian may adopt and enforce reasonable rules and regulations regarding such work and the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for

such work, but if it is impracticable to do such work in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for such work. All expenses of such work shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or his authorized deputy in supervising the records during such work.

- D. The rights of citizens under this chapter may be exercised at any time during the customary office hours of the lawful custodian of the records.
- E. The following public records shall be kept confidential unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release information.
 - 1. Personal information in records regarding a student, prospective student, or former student of the school corporation or educational institution maintaining such records.
 - 2. Hospital records and medical records of the condition, diagnosis, care, or treatment of a patient or former patient, including out patient.
 - 3. Trade secrets which are recognized and protected as such by law.
 - 4. Records which represent and constitute the work product of an attorney, which is related to litigation or claim made by or against a public body.
 - 5. Peace officers investigative reports except where disclosure is authorized elsewhere in this Code.
 - 6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.
 - 7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.
 - 8. Iowa development commission information on an industrial prospect with which the commission is currently negotiating.
 - 9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests shall be public records.
 - 10. Personal information in confidential personnel records of the military department of the state.
 - 11. Personal information in confidential personnel records of public bodies including but not limited to cities, towns, boards of supervisors and school districts. (Code 68A)

10.11 Conflict of Interest of Public Offices and Employees

- A. No official, employee, member of the general assembly, or legislative employee shall sell any goods having a value in excess of five hundred (500) dollars to any state agency unless pursuant to an award or contract let after public notice and competitive bidding.
- B. No official, employee, member of the general assembly, or legislative employee shall, directly or indirectly, solicit, accept, or receive any gift having a value twenty-five (25) dollars or more whether in the form of money, service, loan, travel, entertainment, hospitality, things, or promise, or in any other form. No person shall, directly or indirectly, offer or make any such gift to any official, employee, member of the general assembly, or legislative employee which has a value in excess of twenty-five (25) dollars. Nothing herein shall preclude campaign contributions or gifts which are unrelated to legislative activities or to state employment.
- C. No official, employee, or legislative employee shall receive directly or indirectly, or enter into any agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by himself or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission or department.
- D. No person who has served as an official or employee of a state agency shall within a period of two (2) years after the termination of such service or employment appear before such state agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which any person was directly concerned and in which he personally participated during the period of his service or employment. (Code 68B)

10.12 Publications

- A. The board shall, with the approval of the Executive Council, publish from time to time and distribute such circulars, pamphlets, bulletins, and reports as may be in its judgment for the best interests of the institutions under its control, the expense of which shall be paid out of any funds in the treasury not otherwise appropriated.
(Code 262.9(a))

10.13 Administrative Rules and Regulations

- A. There is hereby created a bipartisan legislative committee which shall be designated the departmental rules review committee. Regular meetings of the committee shall be held at the seat of government on the second Tuesday of each month.
- B. Any agency empowered by law to make rules shall submit four copies with authorized signatures of each proposed rule, temporary or permanent, in the style and form prescribed by the Code editor, to the attorney general, and submit a copy of each proposed rule to each member of the departmental rules review committee at least ten days prior to that

scheduled meeting of the committee at which consideration is desired and one copy to the Code editor.

- C. Within thirty days after receiving such copies of a proposed rule, the attorney general shall give to the agency in writing his advisory opinion on the form and legality of the proposed rule. If the attorney general fails to render an opinion within thirty days after receiving such copies, the agency may proceed as if an opinion had been given.
- D. If the departmental rules review committee finds objection to a proposed rule, it shall report such finding to the agency proposing the rule together with its recommendations on how the objectionable part may be corrected. If the committee finds no objection to a proposed rule, it may at any time report such finding to the agency, but shall not be required to do so. If the committee does not report any finding to the agency within forty-five days after submission of such copies, the agency may proceed as if a finding had been reported, except that postponement of action on any rule, after consideration by the committee at any meeting, shall toll the limitation of the statute and the committee's secretary shall report such fact to the agency submitting the rules.

When an administrative department has rules under consideration by the committee at any meeting, the department shall have a representative in attendance.

The rules review committee shall at the request of any standing committee of the general assembly, or may on its own motion, require a department to meet with the rules review committee to discuss and review rules already promulgated and in force and thereafter render to such department an advisory opinion requesting that such rules be amended or revised.

- E. In the event any departmental rule, except internal operation rules or temporary rules, does not have an advisory opinion by the attorney general, or unless the attorney general failed to render an opinion as provided by section 17A.6 or it does not have the approval of the departmental rules review committee, then the department or agency prescribing, promulgating, or enforcing such rule shall have the burden of proof to establish that such rule is not arbitrary, illegal, or capricious.
- F. If the department or agency fails to meet the proof, or the court finds that such rule is arbitrary, illegal, or capricious, judgment shall be rendered against the department or agency for court costs which will include a reasonable attorney fee to be fixed by the court hearing such action, payable by the state comptroller from the support appropriations to the department or agency making the rule.
(Code 17A)

10.14 Positive Opting-In - Student Organizations

- A. The board approves the concept of positive opting-in /rather than negative opting-out/ by a student to a student organization financed by non-mandatory student fee collections, provided satisfactory

arrangements for proceeding to opt-in can be made, such arrangements to be subject to prior board approval.
(March 9-10, 1972, p. 539; April 12-14, 1972, pp. 694-698; October 19-20, 1972, pp. 223-233)

