

Contact: Marcia Brunson

**NOTICE OF INTENDED ACTION TO AMEND**  
**IOWA ADMINISTRATIVE CODE 681—CHAPTERS 5, 12, 14 AND 16**

**Action Requested:** Consider filing notice of intent to amend Iowa Administrative Code 681—Chapter 5 “State Hygienic Laboratory”, Chapter 12 “University of Iowa Organization and General Rules”, Chapter 14 “The University of Northern Iowa Organization and General Rules” and Chapter 16 “Iowa School for the Deaf Organization and General Rules”.

**Executive Summary:** The Board of Regents administrative rules are contained in 20 chapters of the Iowa Administrative Code. At the request of the Board Office, the rules are being reviewed by the Board staff and the institutions.

Amendments are proposed to Chapter 5 “State Hygienic Laboratory”. These amendments update the rules to more accurately describe the activities of laboratory. The amendments are shown in Attachment A.

Upon review of Chapter 12, the University of Iowa proposes to strike the existing chapter in its entirety. The chapter is outdated and does not reflect the current administrative organization of the University. The proposed amendment also updates references to the University’s Operations Manual and provides links to current practices and procedures.

Amendments to Chapters 14 and 16 are proposed to reflect current organizational structures and procedures at the University of Northern Iowa and the Iowa School for the Deaf.

Upon approval of filing the notice of intended action to amend, the rule amending process will be started with publication in the Iowa Administrative Bulletin on October 19. The notice filing will establish a period in which to solicit public comments on the proposed amendments. The comments, if any are received, will be evaluated, and changes made as necessary to the amendments based upon the comments. The Board will be asked to adopt the amendments at its December meeting.

CHAPTER 5  
STATE HYGIENIC LABORATORY  
GENERAL REGULATIONS

**681—5.1(263) Scope of services.**

**5.1(1) *Scientific.*** The laboratory provides analytical and reference services, surveillance information, disaster and terrorism response, population data, microbiological and chemical examinations and other investigations in the areas of disease, newborn and maternal screening, fieldwork and in the assessment of environmental quality primarily in the areas of communicable disease control and in the assessment of environmental quality.

**5.1(2) *Consultative.*** The professional staff of the laboratory provide regulatory review, consultative assistance, data interpretation and evaluation of environmental effects and scientific needs to persons, agencies, organizations with interest or involvement in public and environmental health. ~~is available for consultative assistance to persons with interest or involvement in public health.~~

**5.1(3) *Education and Training.*** As part of the laboratory's academic mission, staff of the laboratory provide education and training of professional colleagues, educators, students, citizens, policymakers and anyone interested in public and environmental health through appropriate educational methods including, but not limited to workshops, seminars, and individualized instruction. ~~Facilities and staff of the laboratory are available for the training of laboratorians, environmentalists, and public health specialists as the need arises through workshops, seminars, and individualized instruction.~~

**5.1(4) *Applied Research.*** The laboratory conducts scientific and management research designed to solve practical problems and to translate basic research to improve the public and environmental health.

**681—5.2(263) Specimens examined.**

**5.2(1) *Classification.*** This being the state public health and environmental laboratory, specimens submitted to it should have a direct or probable significance to public health, medical management, or the quality and preservation of the environment.

**5.2(2) *Who may submit specimens.***

a. Licensed physicians, osteopathic physicians, and other licensed practitioners may submit specimens for the diagnosis and control of communicable or other diseases in which such tests are required by the state department of public health.

b. Veterinarians may submit specimens involving diseases of animals which are communicable to humans.

c. State department of public health may submit specimens necessary in the conduct of its fundamental responsibilities. Other programs, services, and studies may be negotiated on a contractual basis.

d. The natural resources department may submit specimens necessary in the conduct of its fundamental responsibilities relative to municipal water supplies. Other programs, services, and studies may be negotiated on a contractual basis.

e. Other state agencies, institutions, and municipalities may submit specimens, generally under a contractual arrangement if the submission is to be of a regular and/or routine nature.

f. Local departments of health may submit specimens when performing official functions of state regulatory agencies. The examination of other specimens necessary in the support of locally directed programs are provided only with prior clearance and cost negotiations.

g. Private individuals may submit specimens to address infectious disease or environmental

~~concerns. determine the suitability and safety of private water supplies only when collected and received according to conditions prescribed by the laboratory and accompanied by the appropriate fee.~~

*h.* Privately owned industries and businesses may submit specimens for environmental studies by prior arrangement with the laboratory on a fee-based contractual basis.

*i.* Public schools may submit specimens at the discretion of the school nurse, consulting physician, principal, or upon recommendations of the local department of health.

*j.* Any agency, organization, business or individual impacted by a natural disaster that requires biological or environmental testing to assure health and safety.

*k.* First responders, HazMat teams, the Iowa Radiation Response team, the 71st Civil Support Team, FBI, the United States Postal Service and any other officially recognized law enforcement or terrorism response agency may submit samples for identification and confirmation of a potential Weapons of Mass Destruction (WMD) according to the Iowa Chemical, Biological, Radiological, Nuclear, and Explosive(CBRNE) Response Protocol.

### **681—5.3(263) Charges.**

#### **5.3(1) *Specimens where the fee may be waived or deferred examined free of charge:***

*a.* Specimens submitted relating to diseases communicable from human to human, from animals to human, provided such examinations are required by rules of the state department of public health.

*b.* Specimens submitted under statutory authority by state agencies or designees of state agencies which are involved in investigations or episodes challenging the health of the public or the quality of the environment. Expenses caused by emergency testing may be eligible for subsequent reimbursement.

*c.* Any specimen when there is probable cause that a direct threat to public health exists. Such tests may qualify for subsequent reimbursement.

*d.* Specimens submitted related to the confirmation or identification of potential Weapons of Mass Destruction according to the Iowa CBRNE Response Protocol.

#### **5.3(2) *Specimens for which fees are charged:***

*a.* Specimens submitted under no statutory authority which are part of special investigations or surveillance programs and where there is no direct threat to the public health or environmental quality.

*b.* Specimens submitted for the submittor's private information, such as well water samples.

*c.* Specimens submitted by private concerns and municipalities which are considered to be product quality control measures and, therefore, a cost of doing business.

*d.* Specimens not covered by statute, by rules of the state department of health, by rules of the natural resources department or in this subrule, may be examined and charged for at rates to be determined by the laboratory ~~state board of regents~~ subject to any limitations imposed by law.

CHAPTER 12  
UNIVERSITY OF IOWA  
ORGANIZATION AND GENERAL RULES

~~681—12.1(262) Organization.~~

~~12.1(1) *Statement of university mission.* The State 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 preprofessional 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 will seek to maintain a balanced enrollment. It will do so in recognition of the joint responsibility it has with the other regent 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.~~

~~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 society.~~

~~This rule is intended to implement Iowa Code section 263.1.~~

~~12.1(2) *Officers.* The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has such authority and duties as have been delegated by the board of regents.~~

~~The president has nominated and the board of regents has appointed five vice presidents. The vice president for academic affairs and dean of the faculties is the chief academic officer of the university and is responsible with the deans of the colleges for the educational programs of the university, the appointment, promotion and welfare of the faculty and related matters. The vice president for educational development and research and dean of the graduate college is responsible for the advancement of research, educational development, relations with government agencies, private foundations and the public generally, and is the person to whom the graduate departments, the computer center, and the university press report. The vice president for student services and dean of academic affairs is responsible for the advancement of teaching, student services, admissions, orientation, records, financial aids, evaluation, counseling, job placement, recreation, programming of extracurricular events, and program advising in residence halls. The vice president for administrative services is responsible for nonfaculty personnel, development and assignment of facilities including housing, the Museum of Art and Old Capitol. The vice president for business and finance is responsible for investments, financial transactions, financial records,~~

purchasing, maintenance of facilities, laundry, parking, traffic, security, and related services. The state hygienic laboratory and university health services report to the office of the president.

A detailed listing of the university units is shown on the organizational chart contained in the university operations manual.

~~12.1(3) Operations.~~ The academic mission of the university is principally carried out through its ten colleges: pharmacy, law, education, nursing, medicine, dentistry, liberal arts, engineering, business administration, and the graduate college. The dean of each college is its chief administrative officer.

~~The university hospitals and clinics provide tertiary level patient care, clinical education and clinical research. The state sanatorium at Oakdale provides care and treatment for tuberculosis, chronic and rehabilitation patients and related services. The state psychopathic hospital provides care and treatment for persons afflicted with abnormal mental conditions. The hospital school provides education and treatment for severely handicapped children. The chief administrative officer of the hospital school is the director. The student health service provides primary health care services to students.~~

~~The state hygienic laboratory conducts examinations and investigations and makes recommendations pertaining to methods of overcoming and preventing epidemics of disease.~~

~~12.1(4) Communications.~~ Written and personal inquiry, submissions and requests should be addressed to the office of public information, 102 Jessup Hall, University of Iowa, Iowa City, Iowa 52242; or the office of the Board of Regents, Old Historical Building, Des Moines, Iowa 50319.

~~Generally, inquiries, submissions, and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of forms, general description and the address where they may be obtained are found at 12.6(262).~~

~~12.1(5) University operations manual.~~ The university operations manual contains the policies governing the internal administrative operation of the university. It is available for public inspection in the university library, the office of public information and in the office of the state board of regents.

~~681—12.2(262) Petition regarding rules.~~ Rescinded IAB 12/15/99, effective 1/19/00.

~~681—12.3(262) Petition for declaratory ruling.~~ Rescinded IAB 12/15/99, effective 1/19/00.

~~681—12.4(262) Rule adoption—opportunity for oral presentation.~~ Rescinded IAB 12/15/99, effective 1/19/00.

~~681—12.5(262) Contested cases.~~ Rescinded IAB 12/15/99, effective 1/19/00.

~~681—12.6(262) Forms.~~ The university uses the forms listed below in dealing with the public. The various forms are classified by subject matter, followed by the name of the office where they are available in care of the University of Iowa, Iowa City, Iowa 52242.

~~Admission application forms—director of admissions; undergraduate, graduate, law, medicine, dental hygiene, special nondegree, physical therapy, dentistry, physicians assistant, student financial aid, Saturday and evening class—graduate and undergraduate, Quad-Cities graduate program, guided independent study through correspondence.~~

~~Housing forms—university housing office; application and contract for residence halls quarters for unmarried students, application for married student housing, leasehold for married student housing at Hawkeye Drive, Hawkeye Court, and Parklawn apartments.~~

~~Educational placement—educational placement office~~

~~Registration forms for credential service, reference forms for credential files.~~

~~Iowa memorial union—Iowa memorial union~~

Space use application.

Hancher auditorium space use—Hancher auditorium

Rental agreement.

Gymnastics—recreation department

Waiver of liability for public participants.

Dental care—college of dentistry

Patient registration form.

Hospital and health care—general hospital

Patient registration form.

Employment—personnel service

Application for employment.

Parking and traffic—transportation and security

Violation citation.

**681—12.7(262) General rules.**

~~12.7(1) Dogs and other mammals, birds, and reptiles are not permitted in any university building or structure, and if found are subject to impoundment. Leader dogs and experimental subjects are excepted.~~

~~12.7(2) University buildings, except hospitals, are closed to public access from 10 p.m. until 7 a.m., except when different hours are communicated by signs at one or more points of access.~~

~~12.7(3) Salespersons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the university property, except with the permission of the vice president for business and finance in the case of employees, or the vice president for student services in the case of students.~~

~~Permission is given by the vice president for finance and university services for the solicitation of employees by charitable organizations under all of the following circumstances:~~

~~a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.~~

~~b. The solicitation is conducted through the university's campus mail system.~~

~~c. The solicitation by any one such charitable organization may occur once in any calendar year.~~

~~d. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the university campus mail system or other university facilities.~~

~~e. No solicitation using the university's facilities may occur except through campus mail as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the university deems reasonable.~~

~~f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.~~

~~12.7(4) Photographs, film, or videotapes for publication for commercial purposes may only be made of university programs, events, or activities in university buildings upon the invitation of or approval of the immediate supervisor of the program, event, or activity. If a decision to grant or deny invitation or approval is challenged, an appeal may be made to the vice president within whose responsibility the program, event, or activity is assigned.~~

~~12.7(5) Lost and found items are reported to and deposited promptly with university security. After 30 days unclaimed items are disposed of as surplus property or given to charitable organizations dealing with used materials.~~

~~12.7(6) The use of cameras, tape recorders, and noisemakers is prohibited during performances in the various theatres, auditoria, ballrooms, and lounges. Such items may be~~

impounded by university personnel and returned at the conclusion of the performance. Permission may be granted for an exception by the president of the university or the president's designee, to be announced publicly in advance.

~~12.7(7) Hancher auditorium aisle doors will be closed when performances begin. Latecomers will be taken to an observation room and seated at intermission. Standing in aisles during performances is not permitted, except by employees.~~

~~12.7(8) Smoking of all types is prohibited in the following locations and circumstances:~~

~~a. In all rooms in which organized academic activity is occurring. This includes specifically, but is not limited to, classrooms, seminar rooms, auditoria, teaching laboratories, and gymnasia.~~

~~b. In all rooms, areas, and buildings posted with "no smoking" signs. The administrative (e.g., collegiate, departmental) unit primarily responsible for a room not covered by paragraph "a" above shall decide whether or not "no smoking" signs shall be posted. In rooms where smoking is not expressly prohibited, smoking will be permissible as long as no one present raises an objection.~~

~~12.7(9) Food and beverages shall be consumed in academic buildings only in areas designated by the responsible administrative (e.g., collegiate, departmental) unit.~~

~~12.7(10) Tickets for concerts scheduled primarily for the entertainment of university students, held in the field house are not to be made available to minors who are not university students; however, minors may attend field house concerts if accompanied by their parents or parent. Commencing with the academic year 1980-81, the prohibition against sales of tickets to minors and the attendance of minors at field house concerts unless accompanied by parent(s) is suspended on a concert-by-concert basis and the university administration is authorized to reinstate the rules after any concert if conditions warrant such action.~~

~~12.7(11) Use of the Iowa memorial union and university recreation facilities by minors who are not university students is not permitted, except in the following situations:~~

~~a. When participating in university-sponsored activities or when guests or invitees of the university;~~

~~b. While on campus tours or at preregistration events;~~

~~c. When accompanied by teachers, parents, or other responsible adults;~~

~~d. When displaying a university name badge for a conference or event in progress.~~

~~12.7(12) No alcoholic beverages or metal or glass containers are allowed in the field house, football stadium, or recreation building. Checking service is provided. A search sufficient to ensure that articles are not taken into the field house, recreation building or football stadium will be made. Refusing search or refusing to check the items are grounds to deny admission.~~

~~12.7(13) The following articles may not be taken into the field house or football stadium during contests or concerts for which admission tickets are required: placards, noisemakers, bugles, banners, horns, seat backs, coolers, disruptive devices.~~

~~12.7(14) Spectators who are not contestants are not permitted on the football field, basketball court, or other areas where athletic contests are taking place or to take place. Spectators may not block aisles and passageways which provide ingress and egress to seating at athletic contests.~~

~~12.7(15) The following fees or deposits apply to the members of the public prior to admission to the university as students:~~

~~a. A \$10 fee is required to accompany an application submitted by a prospective student. This fee is not required from a student previously enrolled for full-time study at the university during a regular academic year, or an applicant to the graduate college or the colleges of dentistry, law or medicine who has earned a degree from the university.~~

~~b. A \$50 deposit is required to accompany applications for contracts for residence hall accommodations. The deposit is credited to the first required payment for the accommodations.~~

~~c. A \$25 deposit is required to be paid at the time a married student apartment is assigned to the prospective student. The deposit is credited to the first required payment for the apartment.~~

~~12.7(16) University sponsored productions.~~

~~a. The selection of an artistic presentation to be produced or sponsored by the university through its colleges, departments, programs, or university committees, and to be presented to the public in a university auditorium or theatre should be made solely on the basis of its serious artistic merit as well as its educational value. Primary responsibility for ensuring the serious artistic merit and educational value of any such artistic presentation rests with the head of the producing or sponsoring unit.~~

~~b. The head of the producing or sponsoring unit will be responsible for:~~

~~(1) Providing adequate and reasonable advance notice to patrons of the nature of the artistic presentation, or portions thereof, which the head judges may be offensive to a substantial number of the prospective audience, using contemporary community norms as the criterion;~~

~~(2) Providing adequate and reasonable advance notice to patrons of the nature of the artistic presentation, or portions thereof, which the head judges to be legally obscene for minors, although not for adults, under the standards set forth in Iowa Code section 725.1, subsection 1; and~~

~~(3) Initiating and supervising procedures to exclude minors from any presentation described in subparagraph (2) unless such minors furnish parental or a guardian's permission to attend.~~

~~**12.7(17) Nonuniversity sponsored productions.** Any person, group or organization which is not defined in subrule 12.7(16) "a," as a condition of leasing or otherwise using a university auditorium or theatre, must agree to do so in a manner consistent with the laws of the state, including, specifically, Iowa Code chapter 725.~~

~~**12.7(18)** The memorial union is operated as a center for activities directed towards the entire university community. Members of the community are granted use of the facility, including the Iowa House, subject to scheduling restrictions and rules regarding such use. The university community includes:~~

~~a. Students, faculty, and staff of the university.~~

~~b. Participants in events sponsored by recognized student organizations, university departments, and conferences and institutes.~~

~~c. Others who have business related to university functions.~~

~~d. Visitors to the university.~~

~~**681—12.8(262) Contracting authority.** The state board of regents has delegated to the president authority to make contracts and agreements as specified in Iowa administrative rules, board of regents, 681—Chapter 8. The president has delegated authority for signing such agreements and contracts to the vice president for business and finance and the business manager in all cases except the following:~~

~~a. Employment matters involving deans, directors, departmental executive officers, and faculty are reserved to the office of the president.~~

~~b. Applications for grants for educational development and research from all sources are signed by the vice president for educational development and research.~~

~~c. Supplies, equipment, and services to be ordered from sources outside the university in compliance with Iowa departmental rules, board of regents, 681—Chapter 8 are purchased only by means of purchase orders or purchase contracts approved and signed by the purchase agent, and based on requisitions submitted to the purchasing agent.~~

~~**681—12.9(262) Merit system employee grievances.** For purposes of grievance procedure only, "employee" means a merit system employee who has completed the six-month probationary period and is presently employed, or has been dismissed within the previous one-year period.~~

~~Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of the merit system rules, or other than disputes whose resolution is provided for in the Iowa Administrative Code 681—3.127(19A) and 681—3.128(19A), will be~~

resolved in accordance with this procedure, which has been approved by the merit system director in accordance with 681—3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal orally at Step 1 and in writing at Steps 2 and 3. The university may permit an oral presentation at Steps 2 and 3 if deemed necessary.

**681—12.10(262) Grievance procedure.**

~~12.10(1)~~ An employee who has a grievance and wishes to use the grievance procedure must initiate Step 1 within 21 calendar days from the date of the discovery of the grievance. No grievance may be filed later than one year from the occurrence of the event which gave rise to the grievance.

~~12.10(2)~~ An aggrieved employee has the right to be accompanied by no more than two representatives throughout the grievance procedure. The names of such representatives will be noted on written grievances and each subsequent request for review.

~~12.10(3)~~ An aggrieved employee is allowed reasonable time off from regular university duties without loss of pay to investigate and process a grievance. The immediate supervisor of the employee makes suitable arrangements.

~~12.10(4)~~ The aggrieved employee may also request released time from work without loss of pay for such representative or representatives to investigate a grievance at any time following the oral presentation in Step 1 of the grievance procedure, except that the aggrieved employee and representative are allowed up to one hour off from regular university duties without loss of pay to confer before any grievance hearing held under these procedures.

Any request for time off for a grievant's representative is made in writing to the representative's supervisor, with an informational copy to the director of personnel, and should contain an indication of the reason released time is necessary. The representative's supervisor shall provide a reasonable bona fide amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.

Furthermore, it is a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant's representative in accordance with this procedure. On the other hand, an employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and will conduct the investigation with dispatch.

~~12.10(5)~~ The grievance procedure consists of the following four steps:

~~Step 1.~~ An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, stating the pertinent circumstances of the complaint or dispute and the actions requested, to the employee's immediate supervisor. The supervisor responds in writing to the grievance within seven calendar days. In such writing, the supervisor states the supervisor's understanding of the grievance, the response to the grievance, and justification for the response. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 2.

~~Step 2.~~ If the employee requests Step 2, a written grievance is forwarded by the aggrieved employee to the administrative head of the unit or department within seven calendar days. The administrative head of the unit or department or designee has ten calendar days to reply in writing. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 3.

~~Step 3.~~ If the employee decides to request Step 3, the written grievance is forwarded by the aggrieved employee to the head of major functional or administrative unit of the university with a copy sent to the director of personnel. A meeting shall be held within ten calendar days after the grievance has been submitted to the head of a major functional or administrative unit. The university may be represented by the director of personnel, or designee, the head of a major functional or administrative unit or designee, and the administrative personnel involved in Steps 1

~~and 2. The aggrieved employee has the right to be accompanied by representatives. The head of the administrative unit should respond in writing within seven calendar days. If a satisfactory settlement is not reached, the employee has seven calendar days to proceed to Step 4.~~

~~Step 4. If the employee is not satisfied with the decision rendered under Step 3, a hearing before an arbitrator may be requested within seven calendar days after receiving the Step 3 decision. Such a request will be in writing and include all of the information included in the initial grievance and subsequent appeals, all of the decision related thereto, and any other pertinent information the employees wishes to submit.~~

~~The appeal will be signed and dated by the employee and will be directed to the Merit System Director, State Board of Regents, Old Historical Building, Des Moines, Iowa 50319, who will arrange for a hearing before an arbitrator. The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.~~

~~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 university or merit system rule which has allegedly been violated and will state the corrective action desired by the employee.~~

~~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 becomes final. If a university 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.~~

~~**681—12.11(262) Appeals.** The board of regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service.~~

~~The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.~~

~~The arbitrator establishes procedures for the conduct of the hearing in a fair and informal manner that affords each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.~~

## Proposed Chapter 12

### University of Iowa Organization and General Rules

**681—12.1(262) Statement of University Mission.** The University of Iowa is a comprehensive public university with the mission to provide the highest quality undergraduate, professional, graduate, and continuing education, and patient care. To fulfill this mission, the University engages in teaching, research, professional, public, and clinical services, and appropriate extension.

**681—12.2(262) Officers.** The University has three statutory officers: President, Secretary, and Treasurer. The President is the chief administrative officer of the University and has such authority and duties as have been delegated by the Board of Regents.

**681—12.3(262) Organization/Administration.** The academic mission of the University, to provide undergraduate, graduate, professional and continuing education, is carried out

principally by the faculty and staff of The University of Iowa's eleven colleges: business, dentistry, education, graduate college, law, liberal arts and sciences, medicine, nursing, pharmacy, public health, and university college. The dean of each college is its chief administrative officer. The University's patient care mission is carried out principally by University of Iowa Health Care—the University's academic medical center.

A detailed listing of the University's administrative units is shown on the organizational chart at the following website: <http://www.uiowa.edu/~our/opmanual/app/a01ui.pdf>. Additional information regarding the University's administration can be found at the following website: <http://www.uiowa.edu/homepage/fac-staff/administration.html>

**681—12.4(262) University Operations Manual.** The University's operations manual contains policies and procedures governing the internal operations of the University. It is available for review at the following website: <http://www.uiowa.edu/~our/opmanual/> The operations manual is printed annually, a copy of which is available for public review at the University's Main Library.

**681—12.5(262) Contracting authority.** Except for authority retained by the Board of Regents in Chapter 681 of the Iowa Administrative Code or in the *Regents Policy Manual*, the Board of Regents has delegated to the President authority to make contracts and agreements as specified in *Iowa Administrative Rules, Board of Regents, 681-Chapter 8*. Pursuant to and in accord with that delegation, the President has further delegated contracting authority as outlined in the University's *Operations Manual*, Part V, Chapter 6. This delegation is available for review at the following website: <http://www.uiowa.edu/~our/opmanual/v/06.htm>.

**681—12.6(262) No-Smoking Policy.** In accord with the Iowa Smokefree Air Act (Iowa Code ch. 142D), The University of Iowa has adopted a smoke-free campus policy, which is incorporated by reference herein. The policy, together with campus boundary maps, is available at the following website: <http://www.uiowa.edu/~our/opmanual/v/35.htm#355>.

**681—12.7(262) Alcoholic Beverage Policy.** Alcoholic beverages may be consumed, served and sold in those areas of The University of Iowa as may be designated by the University but only in compliance with all existing University policies which are incorporated by reference herein, including, but without limitation, the policy on Alcoholic Beverage Service Guidelines and Procedures at the following website: <http://www.uiowa.edu/~our/opmanual/v/26.htm> and Guidebook for University Housing at the following website: <http://housing.uiowa.edu/res-hall-guidebook/>

**681—12.8(262) Communication, marketing, and public relations.** Inquiries, submissions, and requests should be addressed to the Office of the Vice President for Strategic Communication, The University of Iowa, 300 Plaza Center One, Iowa City, IA 52242, or to the Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, IA 50322-7905. Generally, inquiries, submissions, and requests from the public (other than applications for admission or employment) should be submitted either in writing or by email.

**681—12.9(262) Merit system employee grievances.** For purposes of the grievance procedure set forth in section 12.10 and 12.11, "employee" means a merit system employee who has completed the six-month probationary period and is presently employed, or has been dismissed within the previous one-year period.

Disputes or complaints by permanent employees regarding the interpretation or application of institutional rules governing terms of employment or working conditions (other than general wage levels) or the provisions of the merit system rules, or other than disputes whose resolution is provided for in the Iowa Administrative Code 681—3.127(19A) and 681—

3.128(19A), will be resolved in accordance with this procedure, which has been approved by the merit system director in accordance with 681—3.129(1). Employees in an initial probationary period will be allowed access to the grievance procedure with the right to appeal orally at Step 1 and in writing at Steps 2 and 3. The university may permit an oral presentation at Steps 2 and 3 if deemed necessary.

**681—(262)12.10 Grievance procedure.**

**12.10(1)** An employee who has a grievance and wishes to use the grievance procedure must initiate Step 1 within 21 calendar days from the date of the discovery of the grievance. No grievance may be filed later than one year from the occurrence of the event which gave rise to the grievance.

**12.10(2)** An aggrieved employee has the right to be accompanied by no more than two representatives throughout the grievance procedure. The names of such representatives will be noted on written grievances and each subsequent request for review.

**12.10(3)** An aggrieved employee is allowed reasonable time off from regular university duties without loss of pay to investigate and process a grievance. The immediate supervisor of the employee makes suitable arrangements.

**12.10(4)** The aggrieved employee may also request released time from work without loss of pay for such representative or representatives to investigate a grievance at any time following the oral presentation in Step 1 of the grievance procedure, except that the aggrieved employee and representative are allowed up to one hour off from regular university duties without loss of pay to confer before any grievance hearing held under these procedures.

Any request for time off for a grievant's representative is made in writing to the representative's supervisor, with an informational copy to the director of personnel, and should contain an indication of the reason released time is necessary. The representative's supervisor shall provide a reasonable bonafide amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.

Furthermore, it is a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant's representative in accordance with this procedure. On the other hand, an employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and will conduct the investigation with dispatch.

**12.10(5)** The grievance procedure consists of the following four steps:

Step 1. An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, stating the pertinent circumstances of the complaint or dispute and the actions requested, to the employee's immediate supervisor. The supervisor responds in writing to the grievance within seven calendar days. In such writing, the supervisor states the supervisor's understanding of the grievance, the response to the grievance, and justification for the response. If a satisfactory settlement is not reached, the employee has seven calendar days to request Step 2.

Step 2. If the employee requests Step 2, a written grievance is forwarded by the aggrieved employee to the administrative head of the unit or department within seven calendar days. The administrative head of the unit or department or designee has ten calendar days to reply in writing. If satisfactory settlement is not reached, the employee has seven calendar days to request Step 3.

Step 3. If the employee decides to request Step 3, the written grievance is forwarded by the aggrieved employee to the head of the major functional or administrative unit of the university with a copy sent to the director of personnel. A meeting shall be held within ten calendar days after the grievance has been submitted to the head of a major functional or administrative unit. The university may be represented by the director of personnel, or designee, the head of a major functional or administrative unit or designee, and the administrative personnel involved in Steps 1 and 2. The aggrieved employee has the right to be accompanied by representatives. The head of the administrative unit should respond in writing within seven calendar days. If a satisfactory settlement is not reached, the employee has seven calendar days to proceed to Step 4.

Step 4. If the employee is not satisfied with the decision rendered under Step 3, a hearing before an arbitrator may be requested within seven calendar days after receiving the Step 3 decision. Such a request will be in writing and include all of the information included in the initial grievance and subsequent appeals, all of the decision related there to, and any other pertinent information the employees wish to submit.

The appeal will be signed and dated by the employee and will be directed to the Merit System Director, State Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa, 50322-7905, who will arrange for a hearing before an arbitrator. The arbitrator will be expected to render a decision within 30 calendar days following the conclusion of the hearing.

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 university or merit system rule which has allegedly been violated and will state the corrective action desired by the employee.

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 becomes final. If a university 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.

**681—(262)12.11 Appeals.** The board of regents will approve the use of a single arbitrator in hearing an appeal. The selection of the arbitrator shall be made from a panel of arbitrators as referred from the Federal Mediation and Conciliation Service.

The arbitrator will hear a dispute appealed to the last step of the grievance procedure and render a decision thereon subject only to review by the courts.

The arbitrator establishes procedures for the conduct of the hearing in a fair and informal manner that affords each party reasonable and ample opportunity for case presentation and to rebut the presentation of the other. The arbitrator will be expected to render a decision to the involved parties and to the board of regents within the prescribed time.

CHAPTER 14  
UNIVERSITY OF NORTHERN IOWA  
ORGANIZATION AND GENERAL RULES

**681—14.1(262) Organization.**

**14.1(1) *Statement of university mission.*** The University of Northern Iowa at Cedar Falls is recognized as having a mission of sufficient scope to enable it to be a distinguished arts and sciences university with an outstanding professional programs in teacher education and business program. It provides 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. The institution offers undergraduate and graduate programs and degrees in the liberal and ~~practical~~ arts and sciences, including selected areas of technology. It offers preprofessional programs and conducts research and ~~extension~~ community outreach programs to strengthen the educational, social, cultural, and economic development of Iowa and the larger community. ~~Evolution from a state college to a university entailed a broadening of offerings, development of more specialized undergraduate and graduate programs, and greater emphasis on research and public professional services.~~

It is imperative that the quality of the university's instruction be maintained and enhanced through increasingly strong emphasis on: (1) general or liberal arts education as the most essential ingredient for the undergraduate student; (2) the central importance and complementary relationship of teaching and research; (3) enrichment of instruction through extensive clinical, laboratory and field experiences, experiential learning, community engagement, and independent study; and (4) development of the life of the university community itself as an effective educational force. In order to serve students of all ages and to be responsive to their needs and preferences and to the needs of society, it is imperative that the university offer a variety of programs in such areas as liberal arts, education, business, social work, and technology. It will offer no major programs in agriculture, architecture, dentistry, engineering, forestry, hospital administration, law, pharmacy, medicine, or veterinary medicine.

In the area of teacher preparation the university must remain at the forefront of developments in the field of education and be prepared to offer instruction in new areas required by society. Furthermore, UNI should be more than merely responsive to changing needs and interests of its students and society. It must provide leadership in educational innovations, programs, and research.

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. However, 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 meet the new needs of students and of society.

**14.1(2) *Officers.*** The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has such authority and duties as have been delegated by the board of regents.

The president has nominated and the board of regents has appointed three vice presidents. The executive vice president and provost is acting president in the president's absence and is the chief academic officer of the university, having general administrative responsibility, under the president, for the educational program of the university. The vice president for student services affairs is responsible for the administration of all student services. The vice president for administrative-administration and financial services serves as the chief fiscal officer of the university.

A detailed listing of the university units is shown on the organizational chart contained in the policies and procedures ~~manual~~ of the university.

**14.1(3) Operation.** In order to fulfill the academic mission of the university the following academic units have been established: ~~school~~ college of business administration, college of education, graduate college, college of humanities and fine arts, college of natural sciences, and college of social and behavioral sciences.

The dean of each college is its chief administrative officer ~~and the director of the school of business is the chief administrative officer of the school.~~ Academic departments function within the organizational structure of colleges ~~and the school of business.~~ The executive officer of a department is the head, who is the chief administrative officer of an academic department.

**14.1(4) Policies and procedures ~~manual~~.** The university policies and procedures ~~manual~~ contains the policies and procedures governing the internal academic and administrative operations of the university. It is available for public inspection in the university library, ~~the office of public information services,~~ and in the office of the state board of regents and on the university website.

**681—14.2(262) General rules.**

**14.2(1)** Sales persons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the university property, except with the permission of the vice president for administration and ~~finance~~ financial services in the case of employees, or the vice president for ~~educational and student services~~ affairs in the case of the students.

**14.2(2)** Permission is granted in limited cases by the vice president for administration and ~~finance~~ financial services for the solicitation of employees by charitable organizations under all of the following circumstances:

a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.

b. The solicitation is conducted through the university's campus mail system or once a year through an on-campus coordinated campaign of all eligible organizations meeting the conditions and giving written notice to the university of the desire to participate at least 120 days prior to the campaign period.

c. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the university campus mail system or other university facilities.

d. The solicitation by any one charitable organization may occur once in any calendar year and must not interfere with normal operations.

e. No solicitation using the university's facilities may occur except as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the university deems reasonable.

f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.

CHAPTER 16  
IOWA SCHOOL FOR THE DEAF  
ORGANIZATION AND GENERAL RULES

**681—16.1(262) Organization.**

**16.1(1) *Statement of mission.*** The mission of the Iowa School for the Deaf (ISD) has two primary components: to provide direct educational services to hearing-impaired children and youth of the state of Iowa and to serve a leadership and resource role in statewide efforts to meet the needs of the hearing impaired. In fulfilling its stated mission, ISD will coordinate its efforts with all appropriate state agencies, area education agencies, and local education agencies. Such coordination will be accomplished in the spirit of cooperation reflected in the agreements with these agencies.

Consistent with various sections of the Iowa Code, the educational mission of the Iowa School for the Deaf is to provide an appropriate individual education program for hearing-impaired children and youth who require the comprehensive programs provided by the school.

The educational programs of the Iowa School for the Deaf will be consistent with the philosophy, reflected in federal and state legislation, that ~~handicapped~~ disabled and ~~nonhandicapped~~ nondisabled children and youth be educated together to the greatest extent possible. Thus, ISD assumes responsibility for providing an education for those hearing-impaired children and youth, including those with additional handicaps, for whom the comprehensive educational programs of the school are most appropriate.

The educational programs of the Iowa School for the Deaf are based on the premise that the school exists to serve its students by providing a learning environment which, to the greatest extent possible, maximizes each child's potential to become a contributing member of society by enhancing the development of communication, knowledge, self-realization, human relationships, economic independence, and a sense of civic and social responsibility. The child-centered programs include learning activities and experiences that appropriately and specifically meet the needs of each child.

The scope of the educational program includes provisions for the hearing impaired from infancy through secondary education. Program formats include full-time residential, day school, summer and other short-term residential programs to meet specific needs, vocational, and on- and off-campus individual assessment and evaluation services. For residential students, activities and experiences on a 24-hour basis, not restricted to the traditional academic day, are an integral part of the program.

The Iowa School for the Deaf also serves as a state resource and dissemination center for education of the hearing impaired. In this role, the school has a central and vital mission in the statewide education of the hearing impaired and provides a resource center for educators, related field professionals, parents, the deaf community, and all interested citizens. Such a role affords the opportunity for the community-at-large to draw upon the specialized programs and services available at ISD.

The Iowa School for the Deaf will make its special resources available to regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services would provide support in such activities as:

1. Assessment, counseling, and educational planning for hearing-impaired children and youth;
2. Programs for development of specialized communications skills;
3. Parent education;
4. Extended educational programming for hearing-impaired adults;
5. Research;

6. Preservice and continuing education of teachers and related professionals;
7. Curriculum development and evaluation; and
8. Development and dissemination of instructional materials and technology.

Within the scope of the school's mission, future programs will be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs will be added, curtailed, or eliminated based on assessment of need and the most effective use of resources. The school remains flexible so as to respond quickly and effectively to unmet needs of hearing-impaired children and youth of Iowa.

**16.1(2) Officers.** The school has two statutory officers: the superintendent and the secretary-treasurer.

The superintendent is the chief administrative officer of the school and has such authority and duties as delegated by the board of regents.

The secretary-treasurer is responsible for nonfaculty personnel, investments, financial transactions, financial records, maintenance of facilities and related services as delegated by the superintendent. The secretary-treasurer is also designated as business manager.

The superintendent has nominated and the board of regents has appointed a director of business operations, a director of student life, and a director of facilities. ~~director of education and four principals. The director of education is the chief administrative officer of the instructional departments. The principal of each department is the administrative officer of the department.~~

**16.1(3) Organization.** The academic mission of the school is principally carried out through its four elementary, middle school, and high school departments: ~~elementary, upper elementary, high school, and vocational.~~

**16.1(4) Communications.** Written and personal inquiry, submissions and requests should be addressed to the Office of the Superintendent, Iowa School for the Deaf, 1600 South Highway 275 3501 Harry Langdon Blvd, Council Bluffs, Iowa 51503-7898, or the office of the Board of Regents, Old Historical Building, Des Moines, Iowa 50319 11260 Aurora Avenue, Urbandale, IA 50322-7905.

Generally, inquiries, submissions and requests by the public may be submitted by informal letter. However, application for some purposes is to be made on a specified form. A list of the forms, general description, and the address where they may be obtained are found at 16.6(262).

~~**16.1(5) School operations manual.** The school operations manual contains the policies governing the internal administrative operation of the school. It is available for public inspection in the school's business office, superintendent's office, and in the office of the state board of regents. This rule is intended to implement Iowa Code section 270.3.~~

**681—16.2(262) Petition regarding rules.** Rescinded IAB 12/15/99, effective 1/19/00.

**681—16.3(262) Petition for declaratory ruling.** Rescinded IAB 12/15/99, effective 1/19/00.

**681—16.4(262) Rule adoption—opportunity for oral presentation.** Rescinded IAB 12/15/99, effective 1/19/00.

**681—16.5(262) Contested cases.** Rescinded IAB 12/15/99, effective 1/19/00.

**681—16.6(262) Forms.** The school uses the following forms in its relations with the public. They are available from the superintendent's office, Iowa School for the Deaf, Council Bluffs, Iowa 51503-7898.

- Application for student admission
- Facilities Request Form
- Gymnastics—waiver of liability for public participants
- Employment—application for employment

This rule is intended to implement Iowa Code section 262.7.

**681—16.7(262) Contracting authority.** The board of regents has delegated to the superintendent authority to make contracts and agreements as specified in 681—subrule 8.2(3). The superintendent has delegated authority for signing such agreements and contracts to the business manager in all cases except the following:

1. Employment matters involving directors, principals, and faculty are reserved to the office of the superintendent.

2. Application for grants for educational development and research from all sources are signed by the superintendent.

3. Supplies, equipment, and services to be ordered from sources outside the school in compliance with board of regents rules, 681—Chapter 8, are purchased only by means of purchase orders or purchase contracts approved and signed by the business manager and based on requisitions submitted to the business manager.

**681—16.8(262) Transportation.** Transportation from the institution to the residence of the parents or guardians and return to the institution for children enrolled in the Iowa School for the Deaf shall be reimbursed or provided as follows:

1. Transportation or transportation reimbursement at a rate to be established annually by the state board of regents shall be provided to the parents or guardians of children who reside in the Council Bluffs area but do not live at the school and travel daily to the school.

2. ~~Not more than 11 trips per year shall be provided by chartered bus for children who attend the school and live outside the Council Bluffs area.~~ Transportation for children who attend the school and live outside the Council Bluffs area shall be provided in accordance with special education law.

This rule is intended to implement Iowa Code section 262.7.

**681—16.9(262) General rules.**

**16.9(1)** Salespersons or agents for any product, proposition, or cause are prohibited from soliciting employees or students in any building or part of the school property, except with the permission of the superintendent.

**6.9(2)** Permission is given by the superintendent for the solicitation of employees by charitable organizations under all of the following circumstances:

a. The charitable organization presents documentation of its tax-exempt status as provided in Section 501(C)(3) of the Internal Revenue Code.

b. The solicitation is conducted through the school's campus mail system or once a year through an on-campus coordinated campaign of all eligible organizations meeting the conditions and giving written notice to the school of the desire to participate at least 120 days prior to the campaign period.

c. The organization may be expected to pay the administrative and out-of-pocket costs associated with using the campus mail system or other school facilities.

d. The solicitation by any one charitable organization may occur once in any calendar year.

e. No solicitation using the school's facilities may occur except as described above; however, any eligible charitable organization may arrange to conduct information sessions at which no solicitation occurs, at times and places and in a manner the school deems reasonable.

f. Any eligible charitable organization acting pursuant to the authority of this rule may also make use of the payroll deduction system described in Iowa Code sections 70A.14 and 70A.15, if qualified under the terms of those provisions.

This rule is intended to implement Iowa Code sections 70A.14, 70A.15, and 262.9.