

MEMORANDUM

To: Board of Regents
From: Board Office
Subject: Notice of Intended Action Updating Regents Chapter 681(11)
Date: May 10, 2004

Recommended Actions:

1. Approve proposed revisions to Chapter 681 (11) of the Iowa Administrative Code pertaining to operation of the Board of Regents administrative rules so they accurately reflect current practices;
 2. Authorize the Executive Director to file the proposed revisions in the proper format.
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Executive Summary:

The Iowa Code requires each state agency to promulgate administrative rules regarding the operation of its organization; it also defines the specific process for doing so. Currently the administrative rules for the Board of Regents are found in Section 681 of the Iowa Administrative Code. Chapter 11 of the Board's administrative rules, "Board of Regents Organization and General Rules" needs to be updated to conform with the current operation of the Board and the Board office.

Background:

Overview of administrative rules Administrative rules enable a state agency such as the Board of Regents to interpret their general statutory authority and implement more specific policies and procedures within the bounds of that authority. The legal formalities of the rule-making process enable the general public to review and comment on the proposed rules prior to their implementation, thus allowing the Board to learn of constituent concerns. The legal process for implementation of administrative rules is set forth in Chapter 17A of the Iowa Code. Currently the administrative rules for the Board of Regents are found in Section 681 of the Iowa Administrative Code.

Board rules need to be updated Over the past several years, the Office of Legal Affairs and Human Resources has been engaged in efforts to update the administrative rules of the Board of Regents. Chapter 11 of the Board's rules, "Board of Regents Organization and General Rules" needs to be updated to conform to the current operation of the Board of Regents and the Board office.

Analysis:

Proposed revisions relate to Board and Board office operations

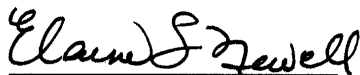
A copy of the current version of Chapter 11 of the Board's administrative rules is included in this memo as Attachment 1. The proposed revisions are noted on that attachment. A clean copy of the revised version of Chapter 11 is included as Attachment 2. In general, the proposed revisions do the following:


- Clarify the Board's authority to establish a variety of committees and task forces, and the Board president's authority to appoint individuals to those bodies
- Update references to the preparation and distribution of docket material and Board meeting information to reflect current practices
- Clarify who is authorized to promulgate rules and policies, and at what level
- Continue the ongoing effort to remove specific references that may inhibit the Board's ability to do its work (in this case, removing references to specific special committees)

Revisions provide notice plus flexibility

Approval of these proposed revisions will ensure that the Board of Regents is in compliance with their legal obligations under the Iowa Code. It also will enable the Board and Board office to conduct its business with increased efficiency and flexibility, while at the same time, being appropriately sensitive to the needs of their constituents.

The Board office recommends that the Board of Regents authorize the proposed revisions to Chapter 681(11) of the Iowa Administrative Code, and authorize the Executive Director to file the proposed revisions in the proper format.


Elaine S. Newell

Approved: 
Gregory S. Nichols

CHAPTER 11 BOARD OF REGENTS ORGANIZATION AND GENERAL RULES

681—11.1(262) Organization.

11.1(1) *President and President Pro Tem.* The president of the board of regents is elected by the board from its members at the ~~May~~ April meeting in even-numbered years for a two-year term and until a successor is elected and qualified. ~~If a vacancy occurs in the office prior to the end of the regular term, the board elects a president to fill out the unexpired term. A president pro tem shall be elected at the same meeting at which the board president is elected. If a vacancy occurs in the office of Board president, the president pro tem shall serve as president until such time as a new president is selected by the board.~~

11.1(2) *Duties of the president.* The duties of the president include presiding at all meetings of the board, appointing members of all ~~special~~ committees and task forces with the consent of the board of regents, executing, with the executive director, such instruments and contracts as may be ordered by the board, and performing such other duties as may be assigned by the board. The President of the board shall serve as an ex-officio, non-voting, member of all standing committees.

11.1(3) *Executive director.* The executive director is elected by the board. The duties of the executive director include recording proceedings of the board, preserving the documents and records of the board, providing a meeting agenda to the board, administering the board office, providing such staff work as may be necessary to assist the board in its planning and decision making, participating in budget preparation and presentation to the board, maintaining liaison between the board and other state agencies, providing information to the general assembly and the public, participating in the preparation and completion of matters relating to financing of capital improvements, and such other duties as may be assigned by the board.

Agendas containing matters to be brought before the board together with supporting material will be assembled by the executive director. Such agendas will be indexed and included in a binder for easy reference. ~~Each institution will prepare its own portion of the agenda and forward same, with necessary supporting material, to the executive director at least ten days prior to the date a board meeting is scheduled.~~ Assembled agendas will be mailed forwarded to members of the board by the executive director ~~at least six days~~ about a week prior to any scheduled meeting.

The agenda of board meetings also 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.

11.1(4) *Submissions and requests.* Inquiries, submissions, petitions, and other requests directed to the board of regents may be made by letter addressed to the Executive Director, Board of Regents, ~~Old Historical Building, Des Moines, 11260 Aurora Avenue, Urbandale, Iowa 50349~~ 22-7905.

Any person may petition for a written or oral hearing before the board. All requests for a hearing 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.

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 the chief executive officer's comments, to the executive director of the board. The executive director of the board will place the item on the agenda for consideration by the board.

All other persons may request hearings by written petition directly to the executive director of the board. The executive director shall cause the subject matter of the petition to be

investigated, and make a written report to the board. ~~The executive director of the board will~~ and place the item on the agenda for consideration by the board.

If the board grants a hearing, it shall be conducted in the manner prescribed by the board. The board may decide to grant a written hearing, an oral hearing, or both.

11.1(5) ~~Rule-making~~ Adoption of rules and policies. The board of regents adopts rules and policies having general application to the institutions subject to its governance. The president of each institution is delegated the authority to adopt ~~such rules~~ policies as may be appropriate ~~to~~ for the operation of the individual institution and which are not inconsistent with the general rules and policies adopted by the board. The board of regents retains the authority to rescind any ~~such~~ institutional rule policy.

11.1(6) ~~Meetings.~~ The board meets regularly ~~once each month except one month in the summer~~ throughout the year. The schedule of meetings is available from the executive director at the address given in 11.1(4). The advance schedule of meetings is shown in each ~~monthly~~ agenda that is distributed to the press and the public at the board meeting. The meeting schedule, generally is to be set for about six several months in advance, indicates the site at which ~~regent institution~~ the meetings will be held and the date(s) of the meeting. Formal notification of meeting details is given to the press about a week prior to each monthly board meeting.

Six members of the board shall constitute a quorum for a meeting of the full Board of Regents. 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 or these rules, the board shall conduct its meetings according to Robert's Rules of Order.

11.1(7) ~~General role and scope of regent institutions.~~ The universities under the control of the board of regents, State University of Iowa, Iowa State University, and the University of Northern Iowa, strive to offer diversified and high quality programs of undergraduate and postgraduate study at reasonable cost to a major segment of those seeking postsecondary 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, agriculturists, 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 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.

General role and scope of the two specialized schools under the board of regents, Iowa School for the Deaf and Iowa Braille and Sight Saving School, are to provide residential, educational, and training programs for the blind and the deaf through grade 12.

The board of regents is the policymaking body representing the citizens of Iowa. It establishes goals and monitors progress toward those goals to ensure that the institutions under its governance accomplish their mission.

11.1(8) ~~Committees.~~ The board of regents ~~has~~ may established standing committees of the Board, interinstitutional committees of professional educators drawn from the institutions and staff under its governance, and special committees or task forces. Their function of all committees and task forces is to advise the board on matters related to development of policy, ~~and~~ An additional goal of interinstitutional committees is to ensure cooperation among the several institutions, and promote efficiency of operation.

~~The committees include the committee on educational coordination, the registrar's committee on coordination, the subcommittee on library coordination, the information committee, the regent committee on educational relations, the state extension and continuing education council, the committee on equal employment opportunity, the coordinating council for international studies, and the regent advisory committees on Iowa School for the Deaf and Iowa Braille and Sight Saving School.~~

This rule is intended to implement Iowa Code section 262.12.

CHAPTER 11 BOARD OF REGENTS ORGANIZATION AND GENERAL RULES

11.1(1) *President and President Pro Tem.* The president of the board of regents is elected by the board from its members at the April meeting in even-numbered years for a two-year term and until a successor is elected and qualified. A president pro tem shall be elected at the same meeting at which the board president is elected. If a vacancy occurs in the office of Board president, the president pro tem shall serve as president until such time as a new president is selected by the board.

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All other persons may request hearings by written petition directly to the executive director of the board. The executive director shall cause the subject matter of the petition to be investigated, make a written report to the board, and place the item on the agenda for consideration by the board.

If the board grants a hearing, it shall be conducted in the manner prescribed by the board. The board may decide to grant a written hearing, an oral hearing, or both.

Attachment 2

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