

CHAPTERS 1 AND 2: ADMISSIONS

The following rule-making actions are proposed:

ITEM 1. Amend subrule 1.1(2) as follows:

1.1(2) Admission criteria.

~~a. Effective for students who seek admission in fall 2009 and thereafter through spring 2020. (1) A primary regent admission index (RAI) will be calculated for each freshman applicant using~~

~~the formula below when the high school has provided a class rank. For purposes of calculating the primary RAI, the ACT composite score has a top value of 36 (SAT scores will be converted to ACT composite equivalents), high school rank is expressed as a percentile with 99 percent as the top value, high school GPA is expressed on a four-point scale, and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.~~

~~$$RAI = \frac{(2 \times \text{ACT composite score}) + (1 \times \text{high school rank expressed as a percentile}) + (20 \times \text{high school grade point average}) + (5 \times \text{number of high school courses completed in the core subject areas})}{100}$$~~

~~(2) An alternative RAI will be calculated for each freshman applicant using the equation identified in paragraph 1.1(2) "b" when the high school has not provided a class rank.~~

~~b. a. Effective for students who seek admission in summer 2020 and thereafter. An RAI will be calculated for each freshman applicant using the equation below. For purposes of calculating the RAI, the ACT composite score has a top value of 36 (SAT scores will be converted to ACT composite equivalents), high school GPA is expressed on a four-point scale, and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.~~

~~$$RAI = \frac{(3 \times \text{ACT composite score}) + (30 \times \text{high school grade point average}) + (5 \times \text{number of high school courses completed in the core subject areas})}{100}$$~~

e. b. Freshman applicants from Iowa high schools who have an RAI of at least 245 and who meet the minimum requirements of the regent universities will qualify for automatic admission to any of the three regent universities. Freshman applicants who have an RAI below 245 may also be admitted to a specific regent university; however, each regent university will review these applications on an individual basis, and admission decisions will be specific to each institution.

ITEM 2. Amend subrule 1.2(1), introductory paragraph, as follows:

1.2(1) Transfer applicants with a minimum of 24 semester hours of graded credit from ~~regionally accredited~~ colleges or universities accredited by an entity recognized by the U.S. Department of Education, who have achieved for all college work previously attempted the grade point required by each university for specific programs, will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

ITEM 3. Amend subrule 1.2(4) as follows:

1.2(4) Transfer applicants from colleges and universities not ~~regionally accredited~~ by an entity recognized by the U.S. Department of Education will be considered for admission on an individual basis taking into account all available academic information.

ITEM 4. Amend rule 681—1.3(262) as follows:

681—1.3(262) Transfer credit practices. The regent universities endorse the Joint Statement on Transfer and Award of Academic Credit approved in 1978 by the American Council on Education (ACE), the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and the Council on Postsecondary Accreditation (COPA). The current issue of Transfer Credit Practices of Selected Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and publications of the Council on Postsecondary Accreditation (COPA) are examples of references used by the universities in determining transfer credit. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

1.3(1) ~~Students from regionally accredited colleges and universities~~ accredited by an entity recognized by the U.S. Department of Education. Credit earned at ~~regionally accredited~~ colleges and universities accredited by an entity recognized by the U.S. Department of Education is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature, or credit in courses or programs in which the institution granting the credit is not directly involved, may not be accepted, or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university. This policy becomes effective September 29, 1993.

1.3(2) *Students from colleges and universities which have candidate status.* Credit earned at colleges and universities which have become candidates for accreditation by a ~~regional~~ an entity recognized by the U.S. Department of Education ~~association~~ is acceptable for transfer in a manner similar to that from ~~regionally accredited~~ colleges and universities accredited by an entity recognized by the U.S. Department of Education if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college which has received approval by a ~~regional~~ an entity recognized by the U.S. Department of Education ~~accrediting association~~ for change to a four-year college may be accepted by a regent university.

1.3(3) ~~Students from colleges and universities not regionally accredited by an entity recognized by the U.S. Department of Education.~~ When students are admitted from colleges and universities not regionally accredited by an entity recognized by the U.S. Department of Education, they may validate portions or all of their transfer credit by satisfactory academic study in residence, or by examination. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

~~In determining the acceptability of transfer credit from private colleges in Iowa which do not have regional accreditation, the regent committee on educational relations, upon request from the institutions, evaluates the nature and standards of the academic program, faculty, student records, library, and laboratories.~~

In determining the acceptability of transfer credit from colleges in states other than Iowa which are not regionally accredited by an entity recognized by the U.S. Department of Education, acceptance practices indicated in the current issue of Transfer Credit Practices of Selected Educational Institutions will be used as a guide. For institutions not listed in the publication, guidance is requested from the designated reporting institution of the appropriate state.

1.3(4) No change.

This rule is intended to implement Iowa Code section 262.9(3).

ITEM 5. Amend paragraph **1.4(2)“a”** as follows:

a. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person's domicile is presumed to be that of the parent(s) or legal guardian unless the person is independent and establishes a separate domicile. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished. If the absence from the state is for a period exceeding 12 months, a ~~student~~ former resident may be considered a resident if evidence can be presented showing that the student has long-term ties to Iowa and reestablishes an Iowa domicile.

A person or the dependent of a person whose domicile is permanently established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile. ~~as evidence that the person:~~

- ~~1. Has not acquired a domicile in another state,~~
- ~~2. Has maintained a continuous voting record in Iowa, and~~
- ~~3. Has filed regular Iowa resident income tax returns during absence from the state.~~

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (6 credits for an undergraduate or professional student, 5 credits for a graduate student) in any academic year term at any postsecondary institution, is not enrolled for

more than 4 credits in a summer or winter term at any postsecondary institution for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the Iowa state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
 2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of proof of establishment of Iowa residency.

(7) An alien who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent institutions, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Oneida (Narragansett), Otoe (Otto), Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (HoCak, Ho Chunk), will be assessed Iowa resident tuition and fees.

(9) Individuals who have received a homeless youth determination may be classified as residents for tuition and fee purposes.

ITEM 6. Rescind subrule **1.4(3)**.

ITEM 7. Rescind and reserve rule **681—1.5(262)**. ITEM 8. Amend subrule 1.6(2) as follows:

1.6(2) Policy on college-bound program.

a. The regent institutions will cooperate with other state and local agencies, including the department of education, the college aid commission, and educational institutions in implementing the college-bound program to provide Iowa minority students with information and experiences relating to opportunities offered at the regents' universities.

b. The universities will develop programs for elementary, middle and secondary school students and their families in the following areas:

- (1) Encouragement to consider attending a postsecondary institution;
- (2) Enrichment and academic preparation;
- (3) Information about how to apply for admission.

c. College-bound program vouchers will be awarded to students on the basis of the participation of the student and the student's family in the college-bound program. One voucher will be awarded for participation in each college-bound program sponsored by a university.

(1) Each university will maintain records concerning those students who participate in the college-bound program, according to its established policies and procedures. The records will include information on those students who have received college-bound program vouchers which are described in Iowa Code section 262.92(2). The University of Iowa will maintain a central record on all students who have received college-bound program vouchers on behalf of

all regent institutions and will make appropriate information available to the college aid commission.

(2) College-bound program vouchers may be used by students enrolled at a regent institution or at a private college or university in Iowa.

(3) A student holding vouchers and enrolling at a regent institution will receive priority in the award of funds under the Iowa minority academic grants for economic success (IMAGES) program. Awards under the IMAGES program are made on the basis of financial need. A student may be eligible for an additional award from the institution in which the student is enrolled.

(4) A student holding vouchers and enrolling at a private college or university in Iowa will receive priority in the award of funds under the Iowa minority academic grants for economic success program as provided by the rules of the college aid commission.

(5) The presidents, or their designees, will administer and coordinate the college-bound program at the universities. As part of the coordination, they will establish liaison with the appropriate state and local agencies, serve as the university contact and promote collaborative efforts among the regent universities and other appropriate agencies and institutions. Annual reports to the board of regents shall be prepared by each regent university. The reports shall contain relevant information as to the accomplishments of the program in the past year and a plan of action with goals and objectives for the forthcoming year. Reports shall be submitted to the board of regents on ~~October~~ December 1 of each year.

ITEM 9. Rescind rule 681—1.7(262) and adopt the following new rule in lieu thereof:

681—1.7(262) Application fees. Mandatory application fees for admission to the University of Iowa, Iowa State University and the University of Northern Iowa shall be approved by the board of regents and shall be based on reasonable costs anticipated to be incurred by the institution in processing the application, unless otherwise approved by the board of regents.

ITEM 10. Rescind and reserve **681—Chapter 2**.

CHAPTER 3: MERIT SYSTEM

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of “Premium pay” in rule **681—3.14(8A)**:

“Premium pay” means a sum of money paid for specific work in addition to the salary or hourly rate.

ITEM 2. Amend rule **681—3.14(8A)**, definition of “Probationary period,” as follows:

“Probationary period” is a six-month period to determine an employee’s fitness for the position. A probationary period is required for an original appointment, ~~reinstatement, or~~ reemployment to a classification not previously held, promotion, voluntary demotion out of series or lateral transfer out of classification. Employees hired on term appointments, as defined by rule 681—3.85(8A), are also subject to a probationary period.

ITEM 3. Amend rule 681—3.39(8A) as follows:

681—3.39(8A) 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 classifications in the system. Except as otherwise provided in these rules and in the pay plan, all employees will be paid between the minimum and maximum of the pay grade to which the employee’s classification is assigned and such pay will constitute the total cash remuneration the employee receives for the employee’s work in that position. Any employee who is approved for participation in a phased retirement program as provided for by state law and regent policy shall have the salary provided under these rules adjusted as specified by such law and regent policy. In instances where more than one rule for pay is applicable, the resident director may apply the rule that is most appropriate for the situation.

3.39(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 classification 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 classification 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 classification at a rate higher than the minimum. Where such a higher entrance rate is authorized all employees in the same classification 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 classification or who possess outstanding experience relative to the demands of the position may, at the request of an employing department and upon approval by the resident director, be appointed at a rate higher than the minimum, provided that the pay of all other employees in the same classification ~~as defined in 3.104(4)“e”~~ with similar qualifications working under the same conditions as defined in 3.104(4)“h” at the same institution are raised to that higher rate. These appointments along with any salary adjustments required of other employees other than the appointee must be reported to the merit system director.

Increases authorized and granted to other employees as the result of appointments based on the scarcity of qualified applicants, 3.39(1)“a,” or appointments based on exceptional

qualifications, 3.39(1)“b,” will establish new merit review dates for affected employees. In the event that a substantial inequity is created due to a change to a merit review date, the resident director may determine that no change should be made to the merit review date or that an alternate merit review date should be established.

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 classification 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.

3.39(2) and 3.39(3) No change.

3.39(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 rate 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 except as provided in 3.39(1)“b.” Minimum increase eligibility period will not change.

If the salary of an employee who is demoted as the result of the reclassification of the employee’s position exceeds the maximum salary of the pay range to which the new classification is assigned, at the discretion of the employing department and with the approval of the resident director, the salary may be “red-circled” for a period not to exceed one year. The resident director may request an extension be approved by the merit system director due to extraordinary special circumstances for a designated period of time.

If an employee accepts voluntary demotion in lieu of layoff, the salary shall be retained providing funding is available. In no event will the salary exceed the maximum of the new pay grade.

3.39(5) Pay on reinstatement, reemployment or return from leave.

a. An employee who is reinstated will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade. An employee who is returned to a merit system position from a professional position, will be paid in accordance with subrule 3.39(4), pay on demotion. The date of reinstatement will be the merit review date.

b. An employee who is reemployed to the previously occupied class will be paid at a rate no greater than what the employee was last paid, plus any across-the-board increases that would have occurred during the time of nonemployment, and between the minimum and maximum of the pay grade. 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 reemployed to the previously occupied class with the higher rate of pay. Reemployment to the previously occupied class 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 reemployment to the previously occupied class from a position taken as a voluntary demotion in lieu of layoff.

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

3.39(6) to 3.39(9) No change.

3.39(10) Pay for exceptional performance. An employee may be given pay for exceptional performance, not to exceed 5 10 percent of an employee’s current annual salary, at the written

request of the employee's department head with appropriate administrative approval and the prior approval of the resident director. The request will describe the nature of the exceptional job performance for which additional pay is requested, indicate the amount proposed, and specify the source of funds. The award may be based on sustained superior performance or an exceptional achievement or contribution during the period since the employee's last performance review. To qualify for an exceptional performance award, an employee must have a cumulative performance evaluation exceeding standards and have no individual rating below satisfactory. Payment will be made as a lump sum award and will not change the employee's established salary rate. An employee will be eligible to receive multiple rewards per fiscal year but not to cumulatively exceed 5 10 percent of the employee's current annual salary.

3.39(11) to 3.39(14) No change.

3.39(15) *Discretionary pay increases for permanent employees.* Permanent employees paid within the designated pay grade may be eligible for a discretionary increase to their present base pay as a result of a market analysis, equity analysis, employment offer or other employment situation. In no circumstance will the adjustment result in pay above the maximum of the pay grade. A resident director shall present the rationale for a discretionary pay increase to the merit system director for approval by the merit system director.

3.39(16) *Payment of a shift differential.* All employees will be paid a shift differential for any shift of which four or more hours occur between 6 p.m. and midnight and a shift differential for any shift of which four or more hours occur between midnight and 6 a.m. The amount of the shift differential paid shall be determined by the merit system director and may vary between or within institutions based on geographical or market differences.

3.39(17) to 3.39(19) No change.

3.39(20) *Emergency payments.* When a state of emergency has been declared to exist at an institution, an employee may be given emergency pay at the written request of the employee's department head with appropriate administrative approval and the prior approval of the merit system director and executive director. The request will describe the nature of the state of emergency, the services provided by the employee in support of the management of or response to the state of emergency, the amount proposed, and the source of funds. Payment will be made as a lump sum award and will not change the employee's established salary rate. This rule is intended to implement Iowa Code section 8A.413. ITEM 4. Amend rule 681—3.85(8A) as follows:

681—3.85(8A) Term appointment. When it is known that a particular job, project, grant or contract will require the services of an employee for a limited duration or where funding must be renewed periodically, a term appointment may be made. The initial appointment will not be made for more than one year. Renewals beyond one year may be approved by the resident director on the basis of funding availability or institutional limits on term appointments.

Employees on a term appointment are subject to a probationary period. An employee on term appointment subsequently hired as a regular employee in the same classification is not required to complete an additional probationary period.

Such appointments will not confer to the individual any right of position, transfer, demotion, promotion, or recall, but incumbents shall be eligible for vacation and sick leave, except that a term appointment made for less than 780 hours will be considered a temporary appointment under rule 681—3.82(8A) without conferring rights or eligibility for vacation or sick leave.

This rule is intended to implement Iowa Code section 8A.413(9).

CHAPTER 4: TRAFFIC AND PARKING

The following rule-making action is proposed:

Rescind 681—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4

TRAFFIC AND PARKING AT UNIVERSITIES

681—4.1(262) Purpose. The purpose of these rules is to provide for the policing, control and regulation of traffic and of parking vehicles on the campuses of the state University of Iowa, Iowa State University and the University of Northern Iowa.

681—4.2(262) Definitions. For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

“Appointed authority” means the person or entity designated by the president of a university to perform any function or duty required or permitted hereunder.

“Bicycle” means any vehicle having two or three wheels and fully operable pedals that is a traditional bicycle designed solely to be pedaled by the rider. An electric/battery-powered bicycle designed not only to be pedaled by the rider but also propelled by an electric motor of less than 750 watts (one horsepower) may be treated as a bicycle and may be parked at bicycle racks.

“Campus” means all property under the control of a university.

“Employee” means any person regularly employed by a university who is not a student. *“Guest”* means any person other than a person living at the designated residence hall. *“Handrail”* means any railing intended to provide physical support to a pedestrian.

“Immobilization” of a bicycle consists of restricting the bicycle’s use by detaining it at the point of infraction with a university locking device.

“Impoundment” of a bicycle consists of removing the owner’s locking device, transporting the bicycle to a university facility, and detaining it with a university locking device.

“In-line skates” means any frame or shoe with a single row of wheels that is used for gliding or skating. In-line skates are also known as roller blades.

“Motorcycle” or *“moped”* or *“motorized bicycle”* means any vehicle that is self-propelled, has fewer than four wheels in contact with the ground, and is not a bicycle or an electric bicycle. For purposes of these rules, a moped or motorized bicycle is considered a motorcycle.

“Motor vehicle” means any vehicle that is self-propelled and has four or more wheels in contact with the ground.

“Roller skates” means any frame or shoe with a pair of small wheels near the heel and near the toe that is used for gliding or skating.

“Skateboard” means any board or platform with attached wheels used for individual transportation. For purposes of these rules, a nonmotorized scooter (a board with a handle) is considered a skateboard. *“Street furniture”* is any structure or accessory in a university pedestrian area or slow zone designed for the benefit of pedestrians. This includes, but is not limited to, benches, tables, lamp posts, and trash receptacles.

“Student” means any person registered with the university for academic credit who is not employed by the university on a full-time salaried or equivalent basis.

“University,” unless specifically indicated herein, means the state University of Iowa, Iowa State University or the University of Northern Iowa.

“*Vehicle*” means any wheeled or treaded device used or designed for use as a means of transportation or conveyance of persons or property.

“*Visitor*” means any person who owns, operates or parks a vehicle on the university campus who is not a student or an employee.

681—4.3(262) General traffic.

4.3(1) The appointed authority shall establish rules governing traffic violations and the safe operation of all vehicles, including motor vehicles, motorcycles, skateboards, in-line skates, roller skates and bicycles, on institutional roads and property as the director deems necessary. Such traffic rules shall be available for inspection during business hours at the office of the appointed authority and the board of regents. Traffic violations may also be charged and prosecuted as violations of Iowa Code chapter 321 and section 262.68. All state of Iowa motor vehicle laws are in effect on campus.

4.3(2) The appointed authority shall erect speed limit signs in conformity with maps of the institutional roads and property of the university designating such speed limits as adopted by the board of regents. The maps will be available for inspection during business hours at the office of the appointed authority and the board of regents.

4.3(3) The appointed authority is delegated authority to make temporary changes in traffic patterns, including establishment of one-way roads and road closures, where necessary because of construction or special events being held on campus.

4.3(4) The appointed authority is delegated authority to erect traffic control signs and devices, and to designate pedestrian crosswalks and bicycle lanes, as well as no bicycling and no skateboard, in-line skating and roller skating areas; bicycle dismount zones and pedestrian-only areas. All vehicle operators must obey all signs directing traffic flow on campus.

4.3(5) Pedestrians shall be given the right-of-way at all crosswalks or when in compliance with existing traffic controls.

4.3(6) Driving of vehicles, motor vehicles, and motorcycles on university property other than roads is prohibited, unless specific areas have been designated for such use by the appointed authority or special permission has been granted by the appointed authority for emergency conditions.

4.3(7) Driving of vehicles, motor vehicles, and motorcycles on parts of institutional roads marked as bicycle lanes or on designated bicycle paths is prohibited.

4.3(8) The appointed authority is delegated authority to have the university public safety department investigate accidents which occur on university property.

4.3(9) Every person riding a bicycle on a street or highway on campus is granted all the privileges and is subject to all the regulations applicable to a driver of any motor vehicle on that street or highway and to the special regulations of this subrule.

a. A bicycle rider on campus must:

- (1) Obey the instructions of official traffic control devices, signs and signals applicable to motor vehicles, unless otherwise directed by a peace officer or other authorized traffic director;
 - (2) Obey the direction of any sign whenever authorized signs are erected indicating that no right, left or U-turn is permitted;
 - (3) Obey the regulations applicable to pedestrians when the bicycle rider dismounts from the bicycle;
 - (4) Yield the right-of-way to all vehicles approaching on a street whenever a rider is on a separate bicycle path that intersects the street;
- (5) Not use campus sidewalks except those specifically designated as bicycle paths;
 - (6) Yield the right-of-way to any pedestrian in a designated crosswalk;

(7) Not ride on lawns.

b. This subrule does not apply to peace officers of the university's department of public safety while they are acting within the scope of their regularly assigned duties.

4.3(10) Roller skates, roller blades and skateboards are permitted on campus sidewalks. Roller skates, roller blades and skateboards are not permitted on or in university structures or buildings; on stairways, sub-walks, elevated sidewalks, access ramps, steps, retaining walls, handrails or other architectural elements; on or in planting, grass or seeded areas; or where otherwise prohibited by sign, peace officer or other authorized traffic director. Any person on roller skates, roller blades or a skateboard must yield the right-of-way to any wheelchair or other mobility assistance device for the disabled, pedestrian or bicycle.

681—4.4(262) Registration. Motor vehicles and motorcycles shall be registered as follows:

4.4(1) Students. Any student who operates, maintains or owns a motor vehicle or motorcycle on university property is responsible for the proper registration of the vehicle and the display of the university registration identification thereon. Every motor vehicle and motorcycle which is operated or maintained by a student on campus must be registered with the university, and a registration identification must be displayed on the vehicle in the manner prescribed by the appointed authority. A student must register the vehicle within 48 hours of initial operation of the vehicle on campus.

4.4(2) Employees. Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration identification may be issued for display on vehicles registered by employees.

4.4(3) Visitors. Vehicles owned or operated by visitors may be registered with the university if the visitor so desires, but registration of these vehicles is not required unless the visitor desires parking privileges on campus or the visitor needs temporary or extended access to parking lots. A registration identification shall be displayed on vehicles registered by visitors in the manner prescribed by the university.

4.4(4) Procedure. Applications for registration shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall register any vehicle owned or actually maintained by another student. No fee shall be charged for registration without parking privileges.

4.4(5) Bicycles. Each university may prescribe additional policies regarding the registration of bicycles.

681—4.5(262) Parking facilities. The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The appointed authority shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking, and any restrictions applicable thereto shall be conspicuously posted.

4.5(1) Parking control devices. Gates and other devices may be installed and maintained to control access to any parking facility.

4.5(2) Parking meters. Parking meters, toll houses, and other devices may be installed and maintained to regulate the use of any parking facility.

4.5(3) Hours of operation. Reasonable hours shall be established by the university for the normal operation of the parking facilities, and a schedule of hours of operation shall be published and available for public inspection in the office of the appointed authority.

4.5(4) Closing. The appointed authority may temporarily close any parking facility for cleaning, maintenance or other university purpose, or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The appointed authority shall give advance notice of such temporary closing, restriction, or reassignment by posting or otherwise when practical. No parking fees will be refunded during the temporary closing of a parking facility.

4.5(5) Restricted areas. The appointed authority is delegated authority to restrict access to campus streets, parking lots and other facilities by means of gates or other barriers. Streets or portions of streets may be closed to vehicle traffic or limited to specific vehicles. Access to restricted areas is limited to established gate openings or designated entrances, and no other means of access is permitted. Moving or driving around authorized barriers is prohibited.

4.5(6) Restricted zones. The appointed authority may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

4.5(7) No parking. Motor vehicle and motorcycle parking on the campus shall be restricted to designated parking facilities, and no parking for motor vehicles and motorcycles shall be permitted at any other place on the campus.

a. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways, or designated parking stalls.

b. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

c. No parking is permitted on grass or other vegetation or in pedestrian areas.

d. Motor vehicles are not allowed in university buildings except:

- (1) Where a shop or garage is designated as a vehicle repair or storage area;
- (2) Where there is a designated vehicle loading area; or
- (3) Where there is a parking ramp or deck.

e. Improper parking is parking in any place on campus other than those areas designated for parking.

f. Improper parking is parking incorrectly in designated parking areas. Improper parking includes, but is not limited to:

- (1) Parking in an area restricted by signs;
- (2) Parking without an appropriate permit;
- (3) Parking in an area designated for persons with disabilities;
- (4) Parking in a loading zone over the time limit; and
- (5) Parking over a stall marker line.

4.5(8) Motorcycle and moped parking. The appointed authority may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas. The university may require that a parking permit be displayed on all motorcycles and mopeds.

4.5(9) Bicycle parking. The appointed authority may install and maintain bicycle parking racks or designate other facilities for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking. Improperly or illegally parked and abandoned bicycles may be impounded. Locking devices may be cut and removed when necessary. Bicycles may not be taken inside university buildings except as approved by the appointed authority.

4.5(10) Violations. Bicycles attached to, or rested against, trees, shrubs, handrails, or handicapped parking meters, or limiting access to, or use of, any university facility may be impounded, the owners fined, or both. Bicycles parked inside a university building that is not designated for bicycle parking may be impounded or the owners fined, or both. Bicycles bearing proper registration decals that are attached to, or rested against, street furniture may be ticketed or immobilized and the owners fined. If the bicycles interfere with the use of the furniture, they may be impounded. Bicycles considered abandoned may be labeled for impending impoundment by placing impoundment tags on the bicycles. If the bicycles display the proper registration decals, an attempt will be made to contact the owners to remove the bicycles. If the bicycles do not display the proper registration decals, the owners have two weeks to contact the parking and transportation office from the time the bicycles are tagged until the bicycles may be impounded.

681—4.6(262) Parking privileges. Students and employees may be granted parking privileges on the campus in accordance with these rules and upon such other reasonable terms and conditions as may be established by the university.

4.6(1) Students. Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of the student's residence to the campus, physical disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

4.6(2) Employees. Employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, or physical disability; the availability of facilities; or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

4.6(3) Visitors. Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the appointed authority. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit; physical disability; the availability of facilities; or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

4.6(4) Persons with disabilities. Persons with disabilities will be granted parking privileges in parking facilities designated for use by persons with disabilities.

4.6(5) Procedure. Applications for parking privileges shall be submitted to the appointed authority in the manner the appointed authority prescribes. No student shall apply for parking privileges for any vehicle owned or actually maintained by another student. The appointed authority shall determine the eligibility and priority of each applicant for parking privileges within the classifications established in subrules 4.6(1), 4.6(2) and 4.6(3) and shall make all parking assignments. A parking permit or other means of identification may be issued to each applicant who is granted parking privileges, and such permit or other identification must be displayed on the vehicle in the manner prescribed by the appointed authority. Parking permits are not transferable. Parking privileges shall not be granted to a student and to an employee or visitor for the same vehicle, and a student parking permit and an employee or visitor parking permit shall not be displayed on the same vehicle. The unauthorized possession, use, alteration, forging or counterfeiting of a parking permit, or any portion thereof, is prohibited. The appointed

authority shall adopt a procedure to replace lost, stolen and destroyed parking permits and controlled access entry cards.

4.6(6) *Parking fees.* The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities. The amount of such fees and charges shall be established by the university and approved by the board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the appointed authority and in the office of the board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters or toll houses. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

4.6(7) *University business.* Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the appointed authority.

4.6(8) *Responsibility.* Any person who maintains, owns or operates a vehicle that is parked on the campus or in whose name the vehicle is registered or to whom parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

4.6(9) *Liability.* Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

4.6(10) *Revocation.* Parking privileges on the campus may be revoked by the university for good cause at any time upon five days' written notice and refund of any advance payment of parking fees or charges on a pro rata basis for the revoked period.

681—4.7(262) Violations. Sanctions may be imposed for violation of traffic, registration and parking rules as follows:

4.7(1) *Notice of violations.* The university shall give written notice of all parking violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle or provided in an alternative manner as determined by the appointed authority, and such notice shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

4.7(2) *Sanctions.* Reasonable monetary sanctions may be imposed upon students, employees, and visitors for violation of university traffic, vehicle registration or parking rules. The amount of such sanctions shall be established by the university and approved by the board of regents, except sanctions established by statute will be imposed at the current statutory amount. A schedule of all sanctions for traffic violations, improper registration and parking shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the board of regents. Traffic, registration, and parking sanctions may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to the person's university account. Registration and parking sanctions may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

4.7(3) Impoundment and immobilization. Any vehicle parked on the campus in violation of parking rules may be impounded, removed or immobilized. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted or notice may be provided in an alternative manner as determined by the appointed authority. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle by the university or by contract with private operators. Impounded vehicles that are not claimed within 60 days will be deemed abandoned property and may be sold under procedures set forth in Iowa Code chapter 579, and the proceeds of the sale will be applied to the payment of the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner.

a. Immobilization. Immobilized bicycles bearing proper registration permits may be claimed by proving ownership and payment of immobilization fees and any fines. Immobilized bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycle under a valid name and address, and paying the appropriate fines and immobilization fees. Immobilization fees for first-time offenders may be waived after immobilized bicycles have been registered. Immobilized bicycles not reclaimed after two working days may be impounded.

b. Impoundment. Impounded bicycles bearing proper registration permits may be claimed by proving ownership and paying the impoundment fees and any fines. Impounded bicycles not bearing proper registration permits may be claimed by proving ownership, registering the bicycles under a valid name and address, and paying the appropriate fines and impoundment fees. Impoundment fees for first-time offenders may be waived after impounded bicycles have been registered. All impounded bicycles will be held for 60 days, during which time they may be claimed by the owners upon payment of all outstanding fines and charges. After 60 days, all unclaimed impounded bicycles will be deemed abandoned property and sold pursuant to Iowa law, and the proceeds applied to the costs of impoundment, storage and sale. The balance, if any, shall be sent to the owner, if known.

4.7(4) Administrative hearing. Students and employees may request a hearing and administrative ruling concerning a controversy, based on the imposition of a sanction for a registration or parking violation, or an impoundment procedure, by the appropriate university official or hearing body as set forth in university policy. Visitors may request the appointed authority to conduct a hearing and issue an administrative ruling in such cases.

4.7(5) Judicial review. Judicial review of an administrative ruling may be sought in an Iowa district court in accordance with the terms of the Iowa administrative procedure Act.

681—4.8(262) Administration of rules. The president of the university shall be responsible for the proper administration of these rules. The president is authorized to establish traffic and parking procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of presidential duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the appointed authority and in the office of the board of regents. The president may delegate authority under these rules to the appointed authority or to any other person designated by the president to perform any function or duty hereunder.

681—4.9(262) Effect of rules. These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Registration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

Rules 681—4.1(262) to 681—4.9(262) are intended to implement Iowa Code section 262.69.

CHAPTER 7: EQUAL EMPLOYMENT OPPORTUNITY

The following rule-making actions are proposed:

ITEM 1. Amend **681—Chapter 7**, title, as follows:

~~EQUAL EMPLOYMENT OPPORTUNITY, AFFIRMATIVE ACTION, AND TARGETED SMALL BUSINESS~~

ITEM 2. Amend rule 681—7.1(262), introductory paragraph, as follows:

681—7.1(262) Equal opportunity policy. It is the policy of the board of regents, hereinafter board, to provide equal opportunity in all aspects of regent operations to all persons without regard to race, creed, color, religion, sex, gender identity, sexual orientation, national origin, age, or status as a protected veteran of the ~~Vietnam era~~, or ~~physical or mental~~ disability except where it relates to a bona fide occupational qualification. The board of regents and all officials who are responsible to the board of regents shall take affirmative action in personnel administration to overcome the effects of past or present practices, policies, or other factors which serve as barriers to equal employment opportunity. Contractors doing business with the board of regents shall take affirmative action to ensure that all persons without regard to race, creed, color, religion, sex, gender identity, sexual orientation, national origin, age, or status as a protected veteran of the ~~Vietnam era~~, or ~~physical or mental~~ disability except where it relates to a bona fide occupational qualification above are effectively afforded equal employment opportunities. Institutions under the governance of the board of regents shall provide opportunities for minority and women businesses in the awarding of contracts through a procurement set-aside program as authorized by statute.

ITEM 3. Rescind and reserve subrule **7.1(2)**. ITEM 4. Amend paragraph **7.2(2)“a”** as follows:

a. Each institution and the board office shall regularly review its personnel practices and

procedures with a view to correcting personnel practices and procedures which may contribute to discrimination in appointment, assignment, or advancement. Each 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 institution shall also bar from all employment application forms any inquiry as to race, creed, color, religion, sex, gender identity, sexual orientation, national origin, age, or status as a protected veteran of the ~~Vietnam era~~, 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 all federal and state laws, executive orders, and rules and regulations of the board of regents and of its institutions which pertain to equal employment opportunity and affirmative action.

ITEM 5. Amend rule 681—7.4(262) as follows:

681—7.4(262) 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 regent institutions and the board office shall be administered in accordance with the provisions of all federal and state laws, executive orders, and rules and regulations of the board of regents and of its institutions which pertain to equal

employment opportunity and affirmative action. 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, gender identity, sexual orientation, national origin, age, or status as a protected veteran of the Vietnam era, or ~~physical or mental~~ disability except where it relates to a bona fide occupational qualification.

This rule is intended to implement Executive Order number 15 of 1973. ITEM 6. Amend rule 681—7.6(262) as follows:

681—7.6(262) Contract compliance.

7.6(1) *Equal employment opportunity.* The state board of regents and the institutions under its jurisdiction are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the board of regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the board of regents who is authorized to make contracts or subcontracts for public works construction 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 federal and state laws, executive orders, and rules and regulations of the board of regents and of its institutions which pertain to equal employment opportunity and affirmative action. ~~Contractors, vendors, and suppliers shall further be required to submit or have on file with the board of regents' equal employment 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.

a. Compliance shall be determined by ~~a comprehensive review and~~ an evaluation of a contractor's employment policies and practices and shall depend on an analysis of all relevant factors, including the following:

- (1) The contractor's publicly stated and posted policy regarding equal opportunity employment.
 - (2) The contractor's external dealings with unions, employment agencies, newspapers, and other sources of employees.
- (3) The methods by which and places where the contractor seeks to recruit employees.
 - (4) The contractor's use of tests and qualifications for positions which are job-related ~~job-related~~ and not culturally biased.
- (5) Classification and compensation plans which apply equally to all employees.
 - (6) Training programs which provide all persons including those in the protected classes with an equal opportunity to qualify for employment and advancement.
- (7) The contractor's active support of local and national community action programs.
 - (8) The effectiveness of the contractor's affirmative action program as evidenced, in part, by the number or percentage of persons of the protected classes employed at all levels, taking into account the geographical locations of the contractor's work force.

b. The judgment regarding compliance shall be favorable if it is determined that the contractor is working affirmatively toward extending opportunities for members of the protected classes and is not discriminating against these persons. Contractors must be able to demonstrate ~~to the satisfaction of the compliance officer~~ that their affirmative action program is productive.

7.6(2) *Procedures.* Any individual aggrieved by a contractor's alleged noncompliance with the board of regents equal opportunity policy may file a complaint with the institutional office designated for receiving and investigating complaints of discrimination. Complaints shall be

investigated in accordance with established institutional policies and procedures and shall take into consideration the compliance factors in subrule 7.6(1).

~~a. —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 with these is a condition of doing business with regent institutions. It is the intention of the regents to be fair and to avoid harassment and unnecessary reporting requirements and to be clear and firm about policy and expectations.~~

~~b. —Contractors are to submit periodic reports as requested by the compliance office. 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.~~

~~c. —The compliance office will solicit and compile additional information about present and prospective contractors from any reliable source including regent institutions, the Iowa civil rights commission, department of economic development, and other state and federal agencies.~~

~~d. —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 the contractor. Every reasonable effort shall be made to secure compliance through conciliation and persuasion. The burden shall be on the contractor to demonstrate compliance and eligibility to do business with the regents.~~

~~e. —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 the 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 to be justified. Award of contracts may be deferred while an investigation is pending, but executed contracts will not be suspended except in compelling situations.~~

~~f. —If an investigation or compliance evaluation discloses that a contractor has discriminated or has failed to take affirmative action, the executive director in consultation with regent institutions may declare the contractor ineligible unless it can otherwise be affirmatively determined that the contractor is able to comply. The executive director shall issue a written notice of ineligibility to the contractor, and give the contractor 30 days to show cause why enforcement proceedings should not be instituted. During the 30-day show cause period, every effort shall be made to effect compliance through the processes of conciliation, mediation, and persuasion.~~

~~g. —If the contractor fails to show good cause for failure to comply or fails to remedy that failure, the executive director in consultation with regent institutions 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 the notice, the contractor may be declared ineligible for future contracts and current contracts may be terminated for default following the approval of the state board of regents.~~

~~h. —Hearings shall be conducted by a hearing examiner appointed by the executive director of the board from a panel for hearing examiners selected and approved by the board. The hearing examiner shall submit findings of fact and conclusions to the executive director who shall make~~

final recommendations for final action to the board of regents.

~~*f.* —The equal opportunity compliance officer shall promptly notify the board of regents and regent institutions when such action is pending regarding the suspension, cancellation, or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts.~~

7.6(3) No change.

ITEM 7. Rescind and reserve rule **681—7.7(73GA, ch315)**.

CHAPTERS 8 AND 9: PROCUREMENT

The following rule-making actions are proposed:

ITEM 1. Rescind and reserve **681—Chapter 8**.

ITEM 2. Amend subrule 9.4(5) as follows:

9.4(5) Exceptions provided by statute. This prohibition does not apply to the ~~on-campus~~ activities of an institution under the control of the state board of regents as provided in Iowa Code section 23A.2(10)“k”(1) to (10) or any other applicable provision of Iowa law.

ITEM 3. Amend paragraph **9.4(6)“i”** as follows:

i. Sales of books, records, tapes, software, educational equipment and supplies ~~offered primarily to students, faculty, and staff of the institution; sales of, and~~ personal computers and associated hardware ~~pursuant to institutional policy and limited to students, faculty, and staff.~~

ITEM 4. Adopt the following **new** paragraph **9.4(6)“j”**:

j. Goods and services provided to other state board of regents institutions; affiliates of state board of regents institutions; federal, state, and local government entities; nonprofit organizations; entities established pursuant to Iowa Code chapter 28E; and student organizations.

ITEM 5. Rescind and reserve rule **681—9.5(262)**. ITEM 6. Rescind and reserve rule **681—9.6(262)**. ITEM 7. Rescind and reserve rule **681—9.7(262)**. ITEM 8. Adopt the following **new** rule 681—9.8(262):

681—9.8(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regent institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services fostered by the use of open specifications, competitive bids or quotations, and awards to the lowest responsible bidder or to the bidder that submits the bid or quotation that provides the best overall value. 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 following the execution of the prime contract(s) or agreement(s) related to the procurement.

CHAPTERS 11 – 16: INSTITUTION ORGANIZATION

The following rule-making actions are proposed:

ITEM 1. Amend rule 681—11.1(262) as follows:

681—11.1(262) Organization.

11.1(1) and **11.1(2)** No change.

11.1(3) Executive director. The executive director is ~~elected~~ appointed 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. Assembled agendas will be forwarded to members of the board by the executive director about a week prior to any scheduled meeting.~~

~~The agenda for the board meeting 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 each board meeting.~~

11.1(4) Submissions and requests. Inquiries, submissions, petitions, and other requests directed to the board of regents may be made by letter or electronic message addressed to the ~~Executive Director, Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905~~ executive director using the contact information available on the board of regents website.

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, make a written report to the board, and place the item on the agenda for consideration by the board and determine whether a request is to be granted.~~

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) Adoption of rules and policies. 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. 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 policies as may be appropriate 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 institutional policy.

~~11.1(6) Meetings.~~ The board meets regularly throughout the year. The schedule of meetings ~~is available from~~ may be established by the executive director ~~at the address given in 11.1(4).~~ ~~The advance schedule of meetings is shown in each agenda that is distributed to the press and the public at the board meeting. The meeting schedule is to be set several months in advance and indicate the site at which the meetings will be held and the date(s) of the meetings. Formal notification of meeting details is given to the press about a week prior to each board meeting and will be made available to the public at the office of the board of regents and on the board of regents website.~~

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.

Members of the public are permitted to attend meetings of the board of regents to the fullest extent required by Iowa Code chapter 21, the Iowa open meetings Act. The president of the board of regents reserves the right to have individual attendees removed from any board meeting if the attendee engages in behavior that materially interferes with the board's ability to conduct the meeting or other attendees' ability to observe or hear the proceedings.

~~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) 11.1(7) Committees.~~ The board of regents may establish standing committees of the board, interinstitutional committees of professional educators professionals drawn from the institutions and staff under its governance, and special committees or task forces. ~~The function of all committees and task forces is to advise the board on matters related to development of policy. An additional goal of interinstitutional committees is to ensure cooperation among the several institutions and promote~~

~~efficiency of operation.~~ The function of any committee or task force shall be set by the president of the board of regents.

This rule is intended to implement Iowa Code sections 262.9 and 262.12.

ITEM 2. Amend subrule 12.3(2) as follows:

12.3(2) A detailed listing of the university's administrative units is shown on the organizational chart at the following ~~Web site~~ website:

~~<http://www.uiowa.edu/~our/opmanual/app/a01ui.pdf>~~
opsmanual.uiowa.edu/governance/university-iowa/organizational-charts-and-mission-statements.

ITEM 3. Amend rule 681—12.4(262) as follows:

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 ~~Web site~~ website: ~~<http://www.uiowa.edu/~our/opmanual/opsmanual.uiowa.edu>~~. The operations manual is printed annually, and a copy is available for public review at the university's main library. The university archivist maintains prior versions of the operations manual at wayback.archive-it.org/org-120*/http://www.uiowa.edu/~our/opmanual/.

ITEM 4. Amend rule 681—12.5(262) as follows:

681—12.5(262) Contracting authority. Except for authority retained by the board of regents in ~~681—8.2(262)~~ or in the ~~Regents Policy Manual~~ regents policy manual, the board of regents has delegated to the president authority to make contracts and agreements as specified in ~~681—Chapter 8~~ the regents policy manual. Pursuant to and in accordance with that delegation, the president has further delegated contracting authority as outlined in the university's operations manual, part V, chapter 6. This delegated contracting authority is available for review at the following ~~Web site~~ website: ~~<http://www.uiowa.edu/~our/opmanual/v/06.htm>~~ opsmanual.uiowa.edu/administrative-financial-and-facilities-policies/contracting.

ITEM 5. Amend rule 681—12.6(262) as follows:

681—12.6(262) ~~No-smoking~~ Tobacco-free campus policy. In accordance with the Iowa smokefree air Act (Iowa Code chapter 142D), the University of Iowa has adopted a ~~smoke-free~~ tobacco-free campus policy, which is incorporated by reference herein. The policy, together with campus boundary maps, is available at the following ~~Web site~~ website: ~~<http://www.uiowa.edu/~our/opmanual/v/35.htm#355>~~ opsmanual.uiowa.edu/community-policies/tobacco-free-campus.

ITEM 6. Amend rule 681—12.7(262) as follows:

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 alcoholic beverage service guidelines and procedures at the following ~~Web site~~ website: ~~<http://www.uiowa.edu/~our/opmanual/v/26.htm>~~ and the ~~guidebook for university housing~~ at the following ~~Web site~~: <http://housing.uiowa.edu/res-hall-guidebook/>

opsmanual.uiowa.edu/administrative-financial-and-facilities-policies/alcoholic-beverage-service-guidelines-and.

ITEM 7. Amend rule 681—12.8(262) as follows:

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 Centre One, Iowa City, Iowa 52242, or to the Board of Regents, State of Iowa, 11260 Aurora Avenue, Urbandale, Iowa 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 e-mail email: sitenow.uiowa.edu/contact-us.

ITEM 8. Amend rule 681—12.9(262) as follows:

681—12.9(262) Merit system employee grievances. For purposes of the grievance procedure set forth in 681—12.10(262) and 681—12.11(262), “employee” means a merit system employee who has completed the six-month probationary period and is presently employed or who 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, other than disputes whose resolution is provided for in 681—3.127(49A 8A) and 681—3.128(49A 8A), will be resolved in accordance with this procedure, which has been approved by the merit system director in accordance with 681—subrule 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.

ITEM 9. Amend paragraph **12.10(4)“a”** as follows:

a. Any request for time off for a grievant’s representative is made in writing to the associate vice president for human resources or a designee, who will convey the request to the representative’s supervisor, with an informational copy sent to the director of personnel, and should contain. The written request must 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.

ITEM 10. Amend subrule 12.10(5) as follows:

12.10(5) Steps in the grievance procedure.

a. The grievance procedure consists of the following four steps:

(1) Step 1. An aggrieved employee states in writing that a grievance is being presented and then presents the grievance orally, providing to the employee’s immediate supervisor the pertinent circumstances of the complaint or dispute and the actions requested. The supervisor responds in writing to the grievance within seven calendar days. In the response, 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.

(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.

(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 office of associate vice president for human resources. A meeting shall be held within ten calendar days after the grievance has been submitted to the head of the major functional or administrative unit. The university may be represented by the office of associate vice president for human resources, the head of the 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 major functional or administrative unit shall 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.

(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 following receipt of the Step 3 decision.

1. Such a request shall 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 employee wishes to submit.

2. The appeal shall be signed and dated by the employee and shall 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.

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

c. Presentations, reviews, investigations and hearings held under this procedure may be conducted during working hours, and employees who participate in such meetings shall not suffer loss of pay as a result thereof.

d. If an employee does not appeal a decision rendered at any step of this procedure within the time prescribed by this rule, the decision shall become 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 Notwithstanding the foregoing, with the consent of both parties, any of the time limits prescribed by this rule may be extended.

ITEM 11. Amend subrule 13.1(1) as follows:

13.1(1) Statement of university mission. Iowa State University of science and technology is a public land-grant institution serving the people of Iowa, the nation, and the world through its interrelated programs of instruction, research, extension and professional service. With an institutional emphasis in areas related to science and technology, the university carries out its traditional mission of discovering, developing, disseminating and preserving knowledge. The university's mission and vision may be found in the strategic plan at www.president.iastate.edu/planning/strategic/plan.php www.president.iastate.edu/projects/mission.

ITEM 12. Amend subrule 13.1(2) as follows:

13.1(2) Officers. The university has three statutory officers: president, secretary, and treasurer. The president is the chief administrative officer of the university and has authority and duties as have been delegated by the board of regents.

A detailed listing of the university units is shown on the organizational chart at the following ~~Web—site~~ website:

~~www.president.iastate.edu/org/univorg.pdf~~
www.president.iastate.edu/sites/default/files/org/univorg.pdf.

ITEM 13. Amend paragraphs **13.1(3)“d”** and **“f”** as follows:

~~d.~~ The vice president for research and economic development oversees the university's broad range of research, which contributes to economic development in the state and the nation.

f. The senior vice president for business operations and finance oversees the various business-related functions of the university, including physical plant, safety, accounting and purchasing.

ITEM 14. Amend subrule 13.1(4) as follows:

13.1(4) Communications. Inquiries, submissions, and requests should be addressed to the Office of ~~University Relations~~ Strategic Relations and Communications. Contact information for the Office of ~~University Relations~~ Strategic Relations and Communications may be found online at the following address: www.ur.iastate.edu. Communications may also be addressed to the office of the Board of Regents, 11260 Aurora Avenue, Urbandale, Iowa 50322-7905. Generally, inquiries, submissions, and requests by the public may be submitted by informal letter or ~~e-mail~~ email. However, application for some purposes is to be made on a specified form. Rule 681—13.6(262) provides an address for obtaining forms.

ITEM 15. Amend rule 681—13.10(262) as follows:

681—13.10(262) General priority for facilities and grounds use. University facilities and grounds are primarily dedicated to the university's missions of teaching, research and service. While facilities and grounds are generally open to noncommercial use by the public, students, student organizations and staff, use for other than university-related purposes must not substantially interfere with university activities and must be in conformity with the requirements of this chapter. University-related activities, including the activities of recognized campus and student organizations, will be given priority. (The ISU facilities and grounds use activities policy may be found in the policy library.)

13.10(1) Except as specifically indicated, the policies stipulated in rules 681—13.11(262) to ~~681—13.19(262)~~ 681—13.13(262) are applicable to noncommercial uses.

13.10(2) No change.

ITEM 16. Amend subrule 13.11(2) as follows:

13.11(2) The following facilities and grounds are restricted areas. Access requires express permission of the relevant building supervisor, superintendent or other person in charge of the facility: individual residences or dwellings; research laboratories or facilities; farms and associated buildings; animal storage and confinement facilities; utility and maintenance closets; mechanical rooms; utility facilities; utility tunnels; storage areas; hazardous materials waste storage and handling areas; marked or fenced construction areas; institutional food preparation areas; private offices; workrooms; shops; areas where medical, psychological or other consultation takes place; radio and television studios; intercollegiate athletics competition facilities; or areas which bear signs indicating that access is restricted. The university has leased some of its facilities and grounds to other parties for use related to university purposes (for example, the Ames Laboratory and the National Laboratory for Agriculture and the Environment). Such areas are not open to public use except as provided by the lessee of the property or facility. The buildings at the Iowa State Center (Scheman Continuing Education

Building, Stephens Auditorium and Fisher Theater) and the Iowa State University Research Park are managed by ~~separate organizations~~ organization that ~~regulate~~ regulates the use of these facilities and grounds.

ITEM 17. Amend subrule 13.11(3) as follows:

13.11(3) Access to facilities and grounds may be denied when they are closed to the public for special university events or when access would conflict with an approved use of the facilities or grounds. The university may limit or control access to areas of the campus for ceremonial events and celebrations such as graduation and VEISHEA.

ITEM 18. Amend paragraph **13.12(1)“c”** as follows:

c. Uses that require approval. A public event not at a designated public forum, and which does not meet the above criteria, requires prior approval by the filing of an Online Event Authorization Request Form with the Student Activities Center when recognized student organizations make the request and with Facilities Planning and Management when university departments and nonuniversity entities make the request. It is preferred that the online request be made at least ten business days and not less than four business days in advance of the proposed event. The Student Activities Center or Facilities Planning and Management will make every effort to provide approval or nonapproval, with a statement of the reasons for nonapproval, in a timely manner. The sponsors of the event may request a waiver of the four-day requirement. A waiver may be granted if the Student Activities Center or Facilities Planning and Management determines that there are good reasons for an exception.

(1) No change.

(2) Following approval of the event, the organization shall make particular arrangements regarding location, electrical power needs, custodial services, and provision for liability insurance as directed by the Student Activities Center or Facilities Planning and Management. If parking lots will be involved, the organization must receive clearance from the Parking Division, (515)294-3388. If streets will be involved, the organization must receive clearance from the office of the senior vice president for business operations and finance, (515)294-6162. Preferred locations for outdoor events covered under this subrule are the areas south or north of the Campanile, west of Curtiss Hall, south of MacKay Hall, south of the Hub, south of the Parks Library, and west of Marston Hall provided the events do not conflict with university classes or scheduled activities and provided the events conform to appropriate uses for the area.

ITEM 20. Amend subrule 13.14(2) as follows:

13.14(2) No person shall engage in harassment or stalking as defined by Iowa criminal law or engage in ~~sexual or racial~~ harassment in violation of university policy.

ITEM 21. Amend subrule 13.14(7) as follows:

13.14(7) Vehicles are not permitted off roadways or parking areas without permission from Manager, Campus Facilities Services, 152 General Services Building, telephone (515)294-0692 or from the ~~Manager of Parking Division~~ Director of the Parking Department, 27 Armory, telephone (515)294-1987.

ITEM 22. Amend subrule 13.14(8) as follows:

13.14(8) For reasons of safety, sanitation, and preservation of campus property, camping is not permitted except for special events approved by the senior vice president for business operations and finance or senior vice president for student affairs.

ITEM 23. Amend rule 681—13.15(262) as follows:

681—13.15(262) Commercial and charitable uses. This rule applies to commercial and

charitable uses other than those of university units, of university-affiliated entities or of recognized campus organizations.

13.15(1) Commercial solicitation, advertising and sales. Commercial solicitation, advertising and sales are not permitted on the campus except as follows:

a. Newspapers and periodicals may be distributed in established locations in accordance with the university's periodical distribution policy, which is available from the senior vice president for business operations and finance.

b. No change.

c. Commercial sales or solicitation may be approved by the senior vice president for business operations and finance. Such activity may be approved for academic areas of the campus if the activity directly relates to the academic program. Otherwise, such commercial activity may be approved only in the area directly to the north of the Memorial Union, with priority being given to all other campus-related uses.

13.15(2) Charitable solicitation. Use of university mail systems and related facilities may be approved by the senior vice president for business operations and finance for the solicitation of employees by charitable organizations when the following criteria are met.

a. to e. No change.

ITEM 24. Amend rule 681—13.19(262) as follows:

681—13.19(262) Authority to order persons off the campus. Any person violating university regulations may have the person's permission to remain in or on university premises revoked. A person who does not voluntarily leave, or who immediately returns, is subject to arrest for trespassing under state law. A person who has engaged in serious or repeat violations of university regulations, who has committed crimes, or who has endangered other persons may be banned by the director of public safety or the director's designee from all or part of the campus. Such orders shall be issued in writing. Any person who is subject to such an order may appeal such action to the senior vice president for business operations and finance, who shall promptly handle the appeal. A person who violates such orders is subject to arrest and prosecution for trespassing.

ITEM 25. Amend rule 681—14.1(262) as follows:

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 outstanding professional programs in education and business. It provides leadership in the development of programs for the preservice 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 arts and sciences, including selected areas of technology. It offers preprofessional programs and conducts research and community outreach programs to strengthen the educational, social, cultural, and economic development of Iowa and the larger community. The University of Northern Iowa is a comprehensive public university with the mission to provide the state and region with the highest quality undergraduate education, as well as professional, graduate, and continuing education programs. Along with being a distinguished arts and sciences university, it maintains outstanding professional programs in areas such as education and business. It provides leadership in the preservice and in-service preparation of teachers, administrators and other educational personnel for schools, colleges, and universities. It offers programs and~~

conducts research and community outreach programs to strengthen the educational, social, cultural, and economic development of Iowa and the larger community.

~~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 and through 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~~ four vice presidents. The provost and 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 affairs is responsible for the administration of all student services. The vice president for ~~administration and financial services~~ finance and operations 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~~ directory of the university.

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

The dean of each college or unit is its chief administrative officer. Academic departments function within the organizational structure of colleges. 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. The university policies and procedures govern the internal academic and administrative operations of the university. The policies and procedures are available for public inspection on the university ~~Web site~~ website.

ITEM 26. Amend rule 681—14.2(262) as follows:

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 financial services~~ finance and operations in the case of employees or the vice president for student affairs in the case of the students.

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

a. to f. No change.

These rules are intended to implement Iowa Code sections 70A.14, 70A.15, and 262.9.

ITEM 27. Amend subrule 16.1(1) as follows:

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~~ deaf and hard-of-hearing 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~~ deaf and hard of hearing. 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~~ deaf and hard-of-hearing 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 disabled and nondisabled children and youth be educated together to the greatest extent possible. Thus, ISD assumes responsibility for providing an education for those ~~hearing-impaired~~ deaf and hard-of-hearing children and youth, including those with additional disabilities, 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~~ deaf and hard of hearing 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 deaf and hard of hearing~~. In this role, the school has a central and vital mission in the statewide education of the hearing-impaired deaf and hard of hearing and provides a resource center for educators, related field professionals, parents, the deaf and hard-of-hearing 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 deaf and hard-of-hearing~~ children and youth;
2. Programs for development of specialized communications skills;
3. Parent education;
4. Extended educational programming for ~~hearing-impaired deaf and hard-of-hearing~~ 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 deaf and hard-of-hearing~~ children and youth of Iowa.

ITEM 28. Amend rule 681—16.7(262) as follows:

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 regents policy manual. The superintendent has delegated authority for signing such agreements and contracts to the business manager in all cases except the following:

1. to 3. No change.

This rule is intended to implement Iowa Code section 262.9.

CHAPTERS 18 AND 19: PETITIONS AND WAIVERS

The following rule-making actions are proposed:

ITEM 1. Amend subrule 18.4(3), introductory paragraph, as follows:

18.4(3) A petition for intervention shall be filed at the office of the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322, or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. Such a petition is deemed filed when it is received by that office. The board of regents will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten or legibly handwritten in ink and must substantially conform to the following form:

ITEM 2. Amend rule 681—18.6(17A) as follows:

681—18.6(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the Executive Director of the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322, or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition.

ITEM 3. Amend subrule 18.7(2) as follows:

18.7(2) Filing—when required. All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed with the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322, or, in the case of a matter assigned to an institution, to the person and address indicated in the notice of assignment of the petition. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the board of regents or, in the case of a matter assigned to an institution, the president or superintendent.

ITEM 4. Amend subrule 19.3(1) as follows:

19.3(1) Docket maintained. The board of regents shall maintain a current public rule-making docket. The board of regents designates its director of legal affairs, human resources and information technology as its agency rules coordinator. Persons interested in information about rules being considered by the board of regents should contact the following office:

Board of Regents ~~Legal Affairs~~
~~400 Court Avenue~~ 11260 Aurora Avenue ~~Des Moines, IA 50319~~ Urbandale, IA 50322

Persons interested in information about rules being considered at each regent institution should contact the following offices:

University of Iowa
Office of University Relations
5 Old Capitol
Iowa City, IA 52242

Iowa State University

~~University Legal Services Office of University Counsel 305 3550~~ Beardshear Hall
~~515 Morrill Road~~
~~Ames, IA 50040 50011~~

University of Northern Iowa Office of the Operations Auditor 242 Gilchrist Hall
Cedar Falls, IA 50614

Iowa School for the Deaf Superintendent
1600 S. Highway 275 Council Bluffs, IA 51503

~~Iowa Braille and Sight Saving School Superintendent~~
~~4002 G Avenue~~
~~Vinton, IA 52349~~

ITEM 5. Amend subrule 19.5(1) as follows:

19.5(1) *Written comments.* For at least 20 days after publication of the Notice of Intended Action, persons may submit argument, data, and views, in writing, on the proposed rule. Such written submissions should identify the proposed rule to which they relate and should be submitted to the office of the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322, or the person designated in the Notice of Intended Action.

ITEM 6. Amend subrule 19.5(5) as follows:

19.5(5) *Accessibility.* The board of regents shall schedule oral proceedings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the office of the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322, telephone (515)281-3934, in advance to arrange access or other needed services.

ITEM 7. Amend subrule 19.6(2), introductory paragraph, as follows:

19.6(2) *Mailing list.* Small businesses or organizations of small businesses may be registered on the board of regents small business impact list by making a written application addressed to the office of the Board of Regents, ~~400 Court Avenue, Des Moines, Iowa 50319~~ 11260 Aurora Avenue, Urbandale, Iowa 50322. The application for registration shall state:

ITEM 8. Amend rule 681—19.18(17A) as follows:

681—19.18(17A) Waiver or variance from rule.

19.18(1) *Applicability.* Waiver or variance from board of regents rules may be requested but only in the event that:

a. The board of regents has exclusive rule-making authority to promulgate the rule from which a waiver or variance is requested or has final decision-making authority over a contested case in which a waiver or variance is requested; and

b. No federal or state statute or rule otherwise controls the grant of a waiver or variance from the rule from which a waiver or variance is requested.

19.18(2) *Authority.* The board of regents, the president or superintendent of a regent institution, or designee, or the presiding officer as part of the decision in a contested case, may grant a waiver of, or variance of, or variance from, all or part of a rule to the extent allowed by these rules.

19.18(3) Compliance with law. No waiver or variance may be granted from a requirement that is imposed by state or federal statute. Any waiver or variance must be consistent with state or federal statute.

19.18(4) Criteria. A waiver or variance under this chapter may be granted only upon a showing that:

- a. The waiver or variance will not harm other persons and will not adversely affect the public interest; and
- b. There are exceptional circumstances which justify an exception to the general rule to the extent that the requester is unable to comply with the particular rule without undue hardship or compliance with the particular rule would be unnecessarily and unreasonably costly and serve no public benefit.

19.18(5) Request. All requests for a waiver or variance must be in writing and shall include the following information:

- a. The name, address, and telephone number of the person requesting the waiver or variance and the person's representative, if any;
- b. The specific rule from which a waiver or variance is requested;
- c. The nature of the waiver or variance requested, including any alternative means or other proposed condition or modification proposed to achieve the purpose of the rule;
- d. An explanation of the reason for the waiver or variance, including all material facts relevant to the grant of the waiver or variance in question;
- e. Any information known to the requester regarding the board of regents, or any regent institution's, treatment of similar cases;
- f. The name, address and telephone number of any person(s) with knowledge of the matter with respect to which the waiver or variance is requested; and
- g. Any necessary release of information authorizing persons with knowledge to disclose relevant information necessary to a decision.

19.18(6) With whom filed. A request for a waiver or variance which pertains to a rule applicable to only a specific regent institution shall be submitted to the president or superintendent of that institution. A request for a waiver or variance which pertains to a matter involving more than one regent institution, or the board of regents or its staff, shall be submitted to the Executive Director, Board of Regents, 100 Court Avenue, Des Moines, Iowa 50319 11260 Aurora Avenue, Urbandale, Iowa 50322. A request for waiver or variance which pertains to a pending contested case shall be filed in the contested case proceedings.

19.18(7) Ruling. Rulings on requests shall be in writing. The ruling shall include the reason for granting or denying the request and, if approved, the time period during which the waiver or variance is effective. Rulings on a waiver or variance shall be made in the following manner:

- a. Requests submitted to the president or superintendent of a regent institution shall be decided by the president or superintendent, or designee.
- b. Requests submitted to the board of regents shall be decided by the board, unless the board determines that the request was inappropriately submitted to it, in which case it shall forward the request to the appropriate decision maker as designated by these rules.
- c. Requests submitted in a contested case shall be decided by the presiding officer in the contested case proceeding.

19.18(8) Public availability. All final rulings in response to requests for ~~waiver or variances~~ waivers shall be indexed and available to members of the public at the offices listed below:

Board of Regents Legal Affairs

100 Court Avenue 11260 Aurora Avenue Des Moines, IA 50319 Urbandale, IA 50322

University of Iowa
Office of University Relations 5 Old Capitol
Iowa City, IA 52242

Iowa State University
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19.18(9) Conditions. The board of regents, or other designated decision maker allowed pursuant to these rules, may condition the grant of a waiver ~~or variance~~ on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question through alternative means.

19.18(10) Voiding or cancellation. A waiver ~~or variance~~ is void if the material facts upon which the request is based are not true or if material facts have been withheld. The decision maker may at any time cancel a waiver ~~or variance~~ upon appropriate notice and hearing if it is determined that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver ~~or variance~~ have failed to achieve the objectives of the statute, or the requester has failed to comply with conditions set forth in the waiver ~~or variance~~ approval.

19.18(11) Violations. Violation of conditions in the waiver ~~or variance~~ approval is the equivalent of violation of the particular rule for which the waiver ~~or variance~~ is granted and is subject to the same remedies or penalties.

19.18(12) Appeals. Any request for an appeal from a decision on a waiver ~~or variance~~ request made by the board of regents, the president or superintendent of a regent institution, or designee, shall be in accordance with the procedures provided in Iowa Code chapter 17A.

Any request for an appeal from a decision by the presiding officer in a contested case proceeding which grants or denies a waiver ~~or variance~~ shall be made pursuant to the procedures provided in rule 681—20.26(17A) or rule 681—20.27(17A), as applicable.