

The State Board of Regents met at the Iowa School for the Deaf, Council Bluffs, Iowa, on Thursday and Friday, May 10 and 11, 1973. Those present were:

	<u>May 10</u>	<u>May 11</u>
Members of State Board of Regents:		
Mr. Redeker, President	All Sessions	All Sessions
Mr. Bailey	All Sessions	All Sessions
Mr. Baldrige	All Sessions	All Sessions
Mrs. Collison	All Sessions	All Sessions
Mr. Perrin	All Sessions	All Sessions
Mrs. Petersen	All Sessions	All Sessions
Mr. Shaw	All Sessions	All Sessions
Mr. Wallace	All Sessions	All Sessions
Mr. Zumbach	Absent	Absent
Appointees to State Board of Regents:		
Mr. Barber	All Sessions	All Sessions
Mr. Brownlee	All Sessions	All Sessions
Office of State Board of Regents:		
Executive Secretary Richey	All Sessions	All Sessions
Mr. Coffman	All Sessions	All Sessions
Mr. McMurray	All Sessions	All Sessions
Pauline Van Ryswyk, Secretary	All Sessions	All Sessions
University of Iowa:		
President Boyd	All Sessions	Exc. 3:10 p.m.
Vice Provost Hardin	All Sessions	Exc. 3:10 p.m.
Provost Heffner	All Sessions	Exc. 3:10 p.m.
Vice President Jolliffe	All Sessions	Exc. 3:10 p.m.
Director Strayer	All Sessions	Exc. 3:10 p.m.
Vice President Chambers	All Sessions	Exc. 3:10 p.m.
Iowa State University:		
President Parks	All Sessions	Exc. 3:30 p.m.
Vice President Christensen	All Sessions	Exc. 3:30 p.m.
Vice President Hamilton	All Sessions	Exc. 3:30 p.m.
Vice President Moore	All Sessions	Exc. 3:30 p.m.
University of Northern Iowa:		
President Kamerick	All Sessions	Exc. 4:00 p.m.
Business Manager Jennings	All Sessions	Exc. 4:00 p.m.
Provost Martin	All Sessions	Exc. 4:00 p.m.
Director Kelly	All Sessions	Exc. 4:00 p.m.
Iowa School for the Deaf:		
Superintendent Giangreco	All Sessions	All Sessions
Business Manager Geasland	All Sessions	All Sessions
Iowa Braille and Sight Saving School:		
Superintendent Woodcock	All Sessions	Exc. 4:15 p.m.
Business Manager Berry	All Sessions	Exc. 4:15 p.m.

GENERAL

President Redeker called the meeting of the State Board of Regents to order at 9:10 a.m., Thursday, May 10, 1973. The following business pertaining to General or Miscellaneous items was transacted on Thursday, May 10, 1973.

REPORT ON AGB NATIONAL CONFERENCE ON TRUSTEESHIP. Regents Petersen, Bailey, and Baldrige attended the AGB National Conference on Trusteeship which was held April 29 through May 1, 1973. An oral evaluation of the conference was presented to the Board by each of them.

COMMITTEE ON EDUCATIONAL COORDINATION.

A. Report by Sub-Committee on Environmental Programs. Mr. James Martin, UNI, introduced Professor Bernard Clausen, UNI, Professor John McBride, U of I, and Professor James O'Toole, ISU, to the Board. The sub-committee reported in part:

April 1972, the Board of Regents specified two charges to the Interinstitutional Committee on Environmental Studies (ICES). First, to work toward the State Plan for Environmental Education and second, to develop guidelines for coordination among the three Regents universities in the areas of curriculum, research, and service functions with respect to environmental studies. Governor Ray assigned the responsibility for preparing the state plan to the Governor's Committee on Conservation of Outdoor Resources, which asked ICES to report on the needs, programs, and potential of the Regents' universities with the recommendation for improving environmental education.

ICES found that the task of developing coordinating guidelines in all areas was too great for accomplishment in one year. Therefore, we gave priority to environmental education and the state plan. The portions of this report dealing

with environmental education will be transmitted to the Governor's Committee on Conservation of Outdoor Resources for inclusion in the state plan unless rejected or modified prior to June 1, 1973.

ICES has identified the following areas of responsibility for the Regents universities in environmental education: (1) general education of students, (2) teacher education, (3) research and development of curriculum materials and education program models, (4) acquisition and dissemination of environmental information, (5) programs for environmental specialists.

GENERAL EDUCATION

Each of the three universities has made progress in curriculum innovation to make environmental awareness available in general education programs. Furthermore, environmental topics are increasingly discussed in traditional courses. The integration of environmental material into existing courses will be a major route to follow; but the new courses will doubtlessly continue to be needed for those wishing to pursue, in depth and breadth, newer environmental concepts and environmental problems which require an interdisciplinary perspective.

Based on previous surveys, we do not feel too many courses have already been developed in response to environmental interests; however, further growth will have to be evaluated carefully.

We recommend that explanations of new environmental courses should be sent to the environmental office on campus, for incorporation by the campus environmental coordinator into the report he will regularly submit to the Interinstitutional Committee on Environmental Studies. Departments and colleges should also be encouraged to send information on reworked courses emphasizing environmental factors to the campus coordinator.

TEACHER EDUCATION

Environmental education is a new field and it involves new processes and multidisciplinary approaches. For this reason teachers generally need special preparation in this field. In the past year, each of the three universities reported a rapid increase in the number of requests received from teachers for assistance.

Pre-service teacher training programs should strongly encourage prospective teachers to acquire an environmental awareness. Students specializing in the teaching of science in grades 1 through 8 may be required to obtain an environmental background in accordance with Senate File 126 now before the legislature. The Regents Universities have modified programs in individual courses to help meet this need and a continued progress is anticipated.

In-service environmental education opportunities for teachers have been provided by summer programs such as the cooperative Iowa Teachers Conservation Camp and the Summer NSF Institute in Interdisciplinary Environmental Studies at the University of Iowa. Extension classes, short sessions by consultants to schools, and the development of environmental programs for professional meetings of teachers have been significant contributions of university faculty members. Innovative programs are being developed and tested to make available the combined resources of the Regents universities and governmental agencies on a regional basis. It is of critical importance that such efforts at each of the universities be communicated to the others during the earliest planning stages and therefore information with respect to them should be incorporated in the reports of the campus environmental coordinators to ICES.

RESEARCH AND DEVELOPMENT IN ENVIRONMENTAL EDUCATION

Although research and development of curricula, teaching materials and techniques has been occurring nationally, Iowa schools need assistance in preparing modifications for local situations. The Regents universities have joined with governmental agencies, professional organizations and schools on a variety of environmental education projects. Much of this cooperative activity has been circulated through the Iowa Conservation Education Council. The Conservation Commission's Conservation Education Center provides a unique facility for testing outdoor curricula and teaching material. Many schools are willing to experiment with innovative programs. The capability of the universities to help meet the research and development needs of environmental education has been limited by the availability of funding to buy time.

ACQUISITION AND DISSEMINATION OF ENVIRONMENTAL EDUCATION

In the 1972 report ICES recommended the role of a clearinghouse function designed to provide the faculties with an opportunity to share information on curricular development and insure coordinated programs.

Today the importance and usefulness of the clearinghouse function is evident in other areas and in more specific ways. For example, recent federal legislation has resulted in new and comprehensive air, water, and solid waste implementation rules which require interpretation and clarification for public understanding. In addition to individual input by faculty members, in many instances the qualified and interested faculty of the three institutions may integrate efforts with the federal and state agencies for the organization of workshops or seminars to meet this end. This year progress has been made in developing communication with state agencies in several instances on both specific resource problems and public information in general. Such interaction

has been evident particularly in the Skunk River and Saylorville Reservoir projects in addition to less publicized efforts with the Iowa Department of Environmental Quality and E.P.A.

PROGRAMS FOR ENVIRONMENTAL SPECIALISTS

In addition to well established programs for training environmental specialists which were described in the 1971 and 1972 reports, a new integrated research and training approach to problem solving came into being with the completion of the Ames Reservoir Environmental Impact Study. This interinstitutional team study can also be characterized as an "outreach" program involving university/federal agency/community interaction. The case study documents the viable catalytic and resource function of the university. Equally important, the project provided training ground in the real world problems of data gathering and cross-disciplinary interaction and problem solving to many graduate students in social and natural sciences and engineering.

Problem designed experimental course work was also successfully initiated at the undergraduate level, drawing upon interested and cooperative faculty and student enthusiasm.

President Redeker suggested to the Board that further discussion pertaining to the committee report be deferred until Friday so that the Board members could review the report more thoroughly.

B. Discussion of Keast - Report on Academic Tenure. The Board briefly discussed "The Commission on Academic Tenure in Higher Education: A Preview of the Report" by William R. Keast.

Mr. Martin, UNI, stated to the Board that the Commission on Academic Tenure in Higher Education has recommended that tenure policies on each campus be reviewed in light of the Keast report. The Committee on Educational Coordination recommended that each university submit a report to the Board on tenure policies and practices for discussion. This report would consist of review of situation on each campus with respect to tenure.

Regent Collison called the Board's attention to no. 6 of the tenure panel's recommendations stating "Governing boards should insist on strong personnel policies and should require regular reports on the institution's staffing plan."

Regent Collison stated that there is no specific time table for these reports to be submitted. She suggested that regular reports on this subject be submitted as soon as an institution is ready to report. Regent Collison also stated that the institutions need to include affirmative action as a part of this report.

President Boyd emphasized the importance of each institution making its own report to the Board on affirmative action.

MOTION:

Mr. Wallace moved the Board adopt the recommendation of the committee as relates to a tenure study and directed such reports and studies to proceed at each of the institutions in regard to tenure policies and suggested changes. Mr. Baldrige seconded the motion, and it passed unanimously.

Discussion followed with President Boyd stressing the point that the Keast report endorses tenure.

A point was made by Regent Shaw that statistics needed to be collected which would show 1) approaches in other states and 2) how many staff members in a department hold tenure and how many do not. President Boyd objected to a statistical approach. Regent Petersen noted that the Board had already given a great deal of thought to tenure matters and that such matters have been an on-going concern.

SECRETARY'S NOTE. The leisure services major proposed by Iowa State University some time ago and referred to the Committee on Educational Coordination for review and recommendation has been withdrawn by Iowa State University. This fact was reported to the Board earlier but failed to be recorded in the minutes.

REPORT ON MAY MEETING OF IOWA COORDINATING COUNCIL FOR POST HIGH SCHOOL EDUCATION. Regent Perrin presented an oral report on the May meeting of the Iowa Coordinating Council. Mr. Perrin stated, among other matters, that private schools are now offering programs very similar to the type of programs currently being offered at the area schools. He stated this presents competition between private schools and the area schools. Mr. Perrin also stated that the guidelines the Department of Public Instruction set for the area schools are quite different from the guidelines the Board of Regents set for their schools.

Regent Petersen reported to the Board that Iowa Western College at Council Bluffs has now changed their residency rules so that within 30 days after coming to the state of Iowa a student may be considered a resident for tuition purposes.

President Parks raised the question as to whether the area schools are authorized to set their own individual rules and regulations.

Regent-appointee Barber responded by stating the area schools are authorized to set their own rules and regulations--there is no standardized rule in regard to residency.

Regent Shaw stated it would be preferable if the state would have a uniform policy as to the residency requirements for all public educational institutions.

President Boyd suggested that the Executive Secretary confer with the State Superintendent of Public Instruction regarding the difference in residency requirements of the area schools and Regents' institutions.

REGENTS' PROCEDURAL GUIDE. The Board was requested to provide guidance to the Board Office as to the Board's desire to include in the new edition of the Procedural Guide certain proposed additions and revisions.

Regent Bailey requested a rough draft be made available to the Regents of the revised Procedural Guide before publication. Executive Secretary Richey replied that the Procedural Guide will be drafted in loose leaf form so that material can be added or deleted without major revisions.

President Redeker requested the Board members' suggestions for any new items to be included in the Procedural Guide or any items they felt should be omitted.

MOTION:

Mrs. Petersen moved that the Board include the statement on communication with students, faculty, staff of December, 1970 in the Procedural Guide. Mr. Baldrige seconded the motion, and it passed unanimously.

Executive Secretary Richey stated that the Regents' classification plan and pay plan will not be included in the Procedural Guide but will be printed as separate documents. He commented that the Procedural Guide will be limited to basic rules and procedures.

MOTION: Mr. Bailey moved the Board include in the revised Procedural Guide those additions and revisions proposed by the Board Office. Mrs. Petersen seconded the motion.

Regent Perrin asked Mr. Richey how many copies of the Procedural Guide will be run. Mr. Richey indicated 150 copies will be printed.

President Kamerick brought up the point that the Procedural Guide should be placed in the university libraries for general use. Regent Bailey added that someone should be responsible for knowing where each copy is distributed so that any additions or corrections in the Procedural Guide can be readily updated.

VOTE ON MOTION: The motion passed unanimously.

COMMITMENT FOR PRESIDENTS HAVING FACULTY STATUS. The Board was requested to consider for adoption the following statement:

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

MOTION:

Mr. Wallace moved the above statement be adopted regarding the status of a university president who might choose to leave his administrative position before the normal retirement date. Mrs. Collison seconded the motion.

Regent Bailey stated he felt the Board would be better off not to be bound by a statement such as above moved. He stated the presidents should have another form of reward or consideration.

VOTE ON MOTION:

The motion passed with Bailey voting nay.

REVISION OF BOARD OF REGENTS CODE OF FAIR PRACTICES. The Board was requested to adopt the recommended revisions of the Regents Code of Fair Practices to comply with Executive Order #15. Mr. Maxwell, Board of Regents Compliance Officer, was present for the discussion.

The Board Office reported:

Governor Ray issued Executive Order #15 relating to equal employment opportunity on April 2, 1973, superseding Executive Order #9 of former Governor Hughes of 1967. Executive Order #15 states that fair and equal treatment of all persons is the public policy of the State of Iowa. The Regents Code of Fair Practices should be revised to reflect the appropriate provisions as contained in Executive Order #15. The Regents Code of Fair Practices should be changed as follows:

- (1) Include creed and physical and mental disability in order that applicants seeking employment or persons presently employed with the Board of Regents, with Regents institutions, or with contractors supplying goods and services to Regents institutions will not be discriminated against because of age or physical or mental disability except where it relates to a bona fide occupational qualification.
- (2) Adopt affirmative action programs containing goals and time specifications.
- (3) Conduct programs of job orientation and training.
- (4) Bar from employee application forms any inquiry as to race, creed, color, religion, sex, national origin, creed or physical or mental disability except for statistical purposes.
- (5) Contractors, vendors and suppliers be required to submit or have on file with the Regents Compliance Office a copy of their affirmative action program containing goals and time specifications.

- (6) Expand the area dealing with compliance and reporting to include the Board of Regents and Regents institutions' executive officers and their designees.
- (7) To distribute and post copies of this Code of Fair Practices at and throughout Regents institutions.

Regent Bailey questioned Mr. Richey as to whether the recommendations shown above are in compliance with the Executive Order and Mr. Richey replied they were.

Discussion ensued centering around the phrase, "Each such institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment." Regent Bailey questioned whether clarification on budgetary commitment is necessary before this statement can become part of the code. Executive Secretary Richey stated that the same kind of commitment in terms of funding would be used as was implied when the Executive Order was issued. President Boyd suggested that Mr. Richey inquire at the Governor's Office the intent of the above statement, in particular the words "provide training" and its financial implications.

MOTION:

Mr. Bailey moved the Board defer action on adopting the revised Code of Fair Practices. Mr. Perrin seconded the motion.

SUBSTITUTE MOTION:

Mrs. Collison moved the Board adopt the recommended revisions of the Regents Code of Fair Practices to comply with Executive Order #15. There was no second to the motion.

SUBSTITUTE MOTION:

Mrs. Petersen moved the Board adopt the Code of Fair Practices subject to clarification of the words "provide training". Mr. Wallace seconded the motion.

President Kamerick stated that it was his understanding that if this Code of Fair Practices were not adopted, there is a possibility that the institutions would be under the direct control of the Iowa Civil Rights Commission.

Executive Secretary Richey concurred.

President Parks stressed to the Board the importance of having our own code and our own enforcement procedure. He said the importance and time urgency in getting our enforcement machinery is important enough that the code be drafted as soon as possible.

VOTE ON PETERSEN MOTION: The motion carried with Bailey, B ldridge, and Perrin voting nay.

PROPOSED CHANGES IN COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY. The Board was requested to combine its present two committees on equal employment opportunity into a single committee as set forth in the following proposal for the Procedural Guide.

1.14 Committee on Equal Employment Opportunity

- A. The Committee on Equal Employment Opportunity shall consist of two representatives from each of the institutions and the Board Office. The members shall be appointed by the Board upon nomination of their respective institutional heads and the Board Office. The term of office shall be two years.
- B. The responsibilities of the Committee shall be as follows:
 - (1) To organize and name its chairman. The term of chairman shall be one year and the chairmanship shall rotate among the institutions.
 - (2) To meet periodically to develop common guidelines and general procedures for administration of Regents policies on equal employment opportunities and to exchange pertinent information.
 - (3) To cooperate to minimize duplicative reporting as required by the Regents Code of Fair Practices.

- C. The Committee shall seek the advice and assistance of the following:
- (1) Specialized personnel from each higher education institution who will act as consultants as needed.
 - (2) The Iowa Civil Rights Commission.
 - (3) Affected and interested employees, associations, groups, and organizations such as human relations groups, labor organizations, associations of manufacturers, contractors, and retailers, as may be appropriate and necessary in development and implementation of guidelines, procedures and policies.
- D. All minutes of the Committee shall be sent to all Board members and institutional heads and the minutes shall be prepared in detail sufficient to reflect all ideas, statements, proposed actions, presented at Committee meetings.
- E. Recommendations of the Committee shall be transmitted to the Board of Regents through the heads of the institutions and the executive secretary with such comments and recommendations as they may wish to make.

The Board created a committee on equal employment opportunity in February of 1969 and provided that the recommendations of the committee be transmitted to the Board through the institutional heads. At its April 1973 meeting the Board created another equal employment opportunity committee consisting of the affirmative action officers of the universities, which would report to the Committee on Educational Coordination. The duties of the two committees would overlap considerably although the committee created in 1969 has directed its efforts primarily to compliance by vendors, suppliers and contractors doing business with institutions under the Board of Regents. This committee has also done a certain amount of work with regard to internal compliance by the Board of Regents institutions.

The provisions of the new Executive Order on equal employment opportunity require a coordinated effort in achieving affirmative action and equal employment opportunities both within the institutions and by vendors, suppliers and contractors. The proposed combination of the two committees and the duties outlined should provide a more appropriate vehicle for effective action in this most important endeavor.

It is proposed that each institution and the Board Office have two representatives on the committee. The members would be appointed by the Board upon nomination by the institutions and the Board Office for their respective representatives. It is most likely that the committee would be comprised of a majority of equal employment opportunity officers plus other appropriate institutional representatives.

Executive Secretary Richey stated to the Board that by combining the two committees the best features of both would be used.

Regent Petersen commented that although the committees are proposed to be united, they can work independently of each other as subcommittees from time to time.

Regent Collison inquired as to whether the interinstitutional committee has a regular report mechanism set up. Executive Secretary Richey replied that the Equal Employment Opportunity Committee reports to the Board semi-annually. He stated this could be a guideline for this committee.

Regent Collison commented that it would be better to have reports from the various committees submitted more than twice a year. President Redeker replied that one of the first things the newly formed committee will do is make a schedule of issues on which further studies need to be made.

President Redeker asked Mr. Richey what the function of the two Board Office representatives are at the committee meetings. Mr. Richey replied that the Equal Employment Opportunity officer has input and the Executive Secretary plans to attend to be kept aware of interagency problems.

MOTION:

Mr. Baldrige moved that the Board of Regents combine its two present committees on equal employment opportunity into a single committee and include Section 1.14 proposed above in the Procedural Guide. Mr. Wallace seconded the motion. The motion passed unanimously.

EXECUTIVE SESSION. President Redeker announced that there were a large number of personnel matters to be discussed in Executive Session. On roll call vote on whether to go into Executive Session, the vote was as follows:

AYE: Bailey, Baldrige, Collison, Perrin, Petersen, Shaw, Wallace, Redeker.

NAY: None.

ABSENT: Zumbach.

The Board having voted in the affirmative by at least a 2/3 majority, resolved itself into Executive Session at 3:00 p.m., and arose therefrom at 6:30 p.m.

The following business pertaining to General or Miscellaneous items was transacted on Friday, May 11, 1973.

REPORT BY SUB-COMMITTEE ON ENVIRONMENTAL PROGRAMS (Continuation). The Board of Regents, having read the report submitted by the Sub-Committee on Environmental Programs, discussed the subject. Regent Petersen asked the committee members whether the material they had collected from the Board last year which identified course offerings will accompany their report to the Committee on Conservation of Outdoor Resources. A member replied that the material would be included in that report.

Regent Bailey thanked the committee for its fine work over and above its assigned duties of the Sub-Committee on Environmental Programs.

MOTION: Mr. Bailey moved that the Board highly commend the Sub-Committee on Environmental Programs for their fine work and ask the committee to continue its efforts. Mr. Wallace seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES. The minutes of the April 12-13, 1973 meeting were approved as corrected.

REPORT TO BOARD ON APPEAL BY CLAIR HEYER. The Board was requested to defer consideration of Clair Heyer's appeal until the June Board meeting.

The Board Office reported:

In December, 1972, the members of the Board of Regents together with the President of the University of Iowa and other University administrators were defendants in a case brought by Mr. Heyer and his representatives and tried in the District Court of Johnson County. At issue was Mr. Heyer's claim that he should have been covered under the Rules of the Regents Merit System. The court denied this claim. The matter presently being appealed to the Regents involves a claim for back salary. However, in their discussions regarding this appeal both sides directly or indirectly refer to testimony given under oath at the December trial. Although requested, the transcript is not yet available.

MOTION:

Mr. Wallace moved the Board defer consideration of the Clair Heyer appeal until the June Board meeting. Mr. Bailey seconded the motion, and it passed unanimously.

LEGISLATIVE PROGRAM. The Board was presented a summary of legislative action relating to the Board of Regents' legislative program. All actions reported were as of May 4, 1973. A complete copy of this report is on file at the Board Office.

Executive Secretary Richey reported that the Price Lab School bill and the bill increasing IPERS coverage has been signed by the Governor.

Regent Shaw noted that some states have been taking part of their federal revenue sharing money and allocating it in lump sum programs to educational needs, particularly in programs that involve cutback in federal funding. He stated that Iowa should be aware that some other states are following a different pattern than Iowa in respect to revenue sharing and education.

Regent Petersen commented that supplemental funds can't really be requested until we know the final status of our federal funding. She stated Congress hasn't acted on the final appropriations for funding. Regent Bailey stated that funds appropriated by the state could be permitted to revert if federal funds were made available.

Executive Secretary Richey stated that it is best to request funds through the approach currently being considered by the legislature and the Governor rather than attempting to request funds for specifics when everything is still uncertain.

Regent Bailey asked if any other agencies have made supplemental requests recently. Executive Secretary Richey stated that some appropriations have been made for the Iowa Travelling Library and the Higher Education Facilities Commission because of the certainty of discontinuation of funds.

Regent Petersen stated it was her recollection that the Board was going to consider asking for appropriations for the second year of the biennium when it could more clearly see the fiscal implications of federal policies. She stated that early in this fiscal year the Board will want to make some decision concerning a supplemental request to the 1974 legislative session.

Regent-appointee Brownlee inquired of Mr. Richey if there were any specific programs that are jeopardized at this point. Executive Secretary Richey replied that we know there are programs for which funds have been impounded. Some aren't included in the President's recommendation but certainly not dropped because we don't know what Congress is going to do.

President Redeker requested discussion concerning any specific programs expected to phase out. Dr. Hardin replied that the capitation in medicine

and dentistry at U of I will be cut, nursing and pharmacy capitations are almost certain to be phased out in two years and the regional medical program will be phased out by February 1, 1974. Dr. Hardin stated, however, the uncertainty of whether all training programs will be phased out. He said recently there has been some evidence of reconsideration and the possibility of training grants in basic sciences kept.

Regent Shaw questioned the status of Iowa State University Veterinary Medicine.

President Parks stated that plans will proceed to build the Veterinary Medicine Building but that it will not be as equipped as it should be.

BOARD OFFICE PERSONNEL REGISTER. The actions reported in the Board Office Personnel Register for the month of April, 1973, were ratified.

RESIGNATION.

MOTION:

Mr. Wallace moved the Board accept, with regret, the resignation of Jack B. Coffman, Director of Research and Information effective June 30, 1973, express sincere appreciation for his exemplary service and extend best wishes upon his return to journalism. Mr. Perrin seconded the motion, and it passed unanimously.

QUARTERLY REPORT ON PURCHASING COMMITTEE. The Quarterly Report of the Regents' Purchasing Committee for the third quarter of FY 1972-73 (January, February, March) is as follows:

Since the last report to the Board the Purchasing Committee held three meetings with these developments:

- 1- Rebid the oleo contract for a 6-months period. Bids received were excellent, particularly in light of the increase in the price of soybeans. Number of bidders invited to quote was expanded.

- 2- Completed the 1973 Joint Price Survey and began detailed considerations of each item on the survey, also the Committee is comparing prices paid by the Regents' institutions with those paid by Department of General Services for the State. The Committee feels that another meeting with General Services in the near future will be worthwhile.
- 3- Rebid the contract for envelopes for the period May 1973 to April 1974. Your attention is called to mentions of the problems in gaining paper supplies as set forth in the narrative for both SUI and ISU. Please note the reduced number of bidders on the envelope contract and the price increases in the neighborhood of 20 per cent.
- 4- Initiated procedures for rebidding the joint contract on transport and tank wagon gas. The Committee is prepared to experience difficulties similar to those recently faced by the Highway Commission and municipalities generally in the State of Iowa as to a) significant price increases and b) lack of bidder interest. We have been notified, for example, that only six months of our yearly need will be provided under contract and that the price in the contract as well as the contract itself will be subject to a 10-day cancellation clause. The Committee will keep the Board informed on significant developments in this area.
- 5- Initiated procedures for rebidding the annual contracts on storage batteries and photo supplies.

The Quarterly Report

Statistical information on the quarterly report is consistent, both in numbers and dollar amounts, to those figures shown in previous quarterly reports. After the 4th quarter, a year-end comparison to previous years will be run and reported to the Board. The committee is quite concerned about the rapid price inflation indicated in recent bids on gasoline, paper supplies and scientific equipment. If these price trends continue, the institutions will face severe budgetary problems in the 1973-75 biennium.

A complete copy of the Quarterly Report of the Regents' Purchasing Committee is on file at the Board Office.

Executive Secretary Richey emphasized that inflation has raised the price of gasoline 40% and the price of paper has risen 20%. Because of this fact, Mr. Richey stated some adjustments in the request for the second year of the biennium may have to be made. Regent Bailey noted the committee, on the basis of the most recent joint price survey, still has much to do in the area of joint contracts and level prices.

NEXT MEETINGS.

June 22	Public Hearing - Pay Plan	Des Moines
June 28-29	University of Iowa	Iowa City
July 26-27	Iowa State University	Ames
	NO AUGUST MEETING----	
September 13-14	University of Iowa and IBSSS	Iowa City and Vinton
October 11-12	Iowa School for the Deaf	Council Bluffs
November 8-9	University of Northern Iowa	Cedar Falls
December 13-14	Iowa State University	Ames

Executive Secretary Richey stated that institutions plan to present their proposed preliminary budgets for fiscal year 1973-74 for action of the Board at the June 28-29 meeting. Action on the detailed budgets is scheduled for the July meeting.

President Redeker told the institution heads that documents should be ready for signature before July 1 as there will be no legal signature during most of July.

INSURANCE.

MOTION:

Mr. Baldrige moved that the Board request the institutions and the Iowa School for the Deaf and Iowa Braille and Sight Saving School to investigate the matter of purchasing officer's and director's insurance similar to that UNI purchased some months ago which covers the administration down through the Deans, Board members, Executive Secretary, and central office, when engaged in UNI matters. Mr. Wallace seconded the motion, and it passed unanimously.

UNIVERSITY OF IOWA

The following business pertaining to the University of Iowa was transacted on Thursday, May 10, 1973.

PUBLIC HEARING - CONTRACT 7 - BOILER NO. 9 PROJECT. President Redeker called the meeting to order at 11:00 a.m., Central Daylight Time, May 10, 1973, and the roll being called, there were present Stanley F. Redeker, President, in the chair, and the following named Board members: Bailey, Baldrige, Collison Perrin, Petersen, Shaw, Wallace. Absent: Zumbach.

The President advised that this was the day and time and place set for a hearing on the proposed plans and specifications and proposed form of contracts utilities - Boiler No. 9 - Contract 7, Ash Handling System modifications on the Campus of the State University of Iowa, Iowa City, Iowa.

President Redeker asked if there were any present who wished to register objections concerning either the proposed plans and specifications or proposed forms of contract. No objections were filed.

The President then inquired whether the Executive Secretary had received any written objections to the project. The Executive Secretary stated that he had not received any such objections. There being no objections, the President declared the public hearing closed.

The following business pertaining to the University of Iowa was transacted on Friday, May 11, 1973.

REGISTER OF PERSONNEL CHANGES. The actions reported in the Register of Personnel Changes for the month of April, 1973, were ratified including academic promotions granted beginning with the 1973-74 academic year.

APPOINTMENTS. The Board was requested to approve the following appointments as departmental executive officers:

Dr. William A. Tade, Professor, appointment as Acting Head of the Department of Oral Pathology, College of Dentistry, effective July 10, 1973, until a department head is appointed.

Doctor Tade holds B.A., D.D.S., M.S., and Ph.D. degrees from The University of Iowa. He served in the Dental Corps, U.S. Navy in 1954-55. Since 1956 he has been associated with the College of Dentistry, and during the years 1966-71 had a joint appointment in the College of Medicine. A committee is being formed in the College of Dentistry to select a nominee for a permanent head.

Samuel C. Patterson, Professor, appointment as Chairman of the Department of Political Science, College of Liberal Arts, effective August 1973.

Professor Patterson holds a B.A. from South Dakota, M.S. and Ph.D. from the University of Wisconsin. He came to the University in 1961 after two years at Oklahoma State University as an assistant professor. He has been a full professor since 1968.

Clyde Kohn, Professor, reappointment as Chairman of the Department of Geography, College of Liberal Arts.

Professor Kohn was appointed Professor in 1958 and has been chairman since 1965. His A.B. degree was received from Northern Michigan College, and he has M.A. and Ph.D. degrees from the University of Michigan. He taught at Mississippi State College for Women, Harvard, and Northwestern University before coming to Iowa in 1958.

Col. Charles R. Supplee, appointment as Head of the Department of Military Science, College of Liberal Arts, effective June 6, 1973.

Colonel Supplee will be Professor of Military Science. He is a graduate of the United States Military Academy, has M.S. degrees from Massachusetts Institute of Technology and Harvard, and in 1969 completed work at the Industrial College of the Armed Services.

Friedrich P.J. Diecke, Professor, appointment as Acting Head of the Department of Physiology-Biophysics, College of Medicine.

Doctor Diecke holds the degree of Doctor rer. nat. in Comparative Physiology, Universität Würzburg. He has served at the University of California, Universität Würzburg, University of Tennessee, Rockefeller Institute, and The George Washington University College of Medicine before coming to Iowa in 1963 as Professor. A committee has been appointed to search for a new Head of the Department.

John T. Nothnagle, Associate Professor, appointment as Chairman, Department of French and Italian, College of Liberal Arts.

Professor Nothnagle holds a B.A. from the University of Rochester, Diplôme from the Université de Toulouse, and M.A. and Ph.D. from the University of Wisconsin. He taught at the University of Montana and Cornell College before coming to Iowa in 1959. He has been Acting Chairman for the past year.

MOTION: Mr. Wallace moved the Board appoint the above-named persons as departmental executive officers. Mrs. Collison seconded the motion, and it passed unanimously.

CHANGE IN APPOINTMENT. President Boyd requested approval as follows:

George A. Chambers, Professor of Educational Administration and Vice President for University Administration, to Professor of Educational Administration and Executive Vice President, effective July 1, 1973, at salary as stated in 1973-74 budget.

President Boyd also requested authorization to establish and initiate a search for a Vice President for Academic Affairs and also a Vice President for Administrative Services.

MOTION: Mr. Perrin moved the Board approve the two requests made above. Mrs. Collison seconded the motion, and it passed unanimously.

REGISTER OF CAPITAL IMPROVEMENT BUSINESS TRANSACTIONS. Executive Secretary Richey reported the Register of Capital Improvement Business Transactions for the period April 2 through April 27, 1973, had been filed with him, was in order, and was recommended for approval.

The following CONSTRUCTION CONTRACTS were recommended for approval:

<u>PROJECT</u>	<u>AWARDEE</u>	<u>TYPE OF CONTRACT ITEM</u>	<u>AMOUNT</u>
University Hospitals - North Tower Project, Phase I	Knutson Construction Co., Minneapolis, Minn.	General	\$ 1,168,500.00

Westlawn - Remodel Rooms S-212 - S-231	Geo. Kondora Plumbing & Heating, Iowa City.	Heating & A/C	24,680.00
Pediatrics Cardiovascular Clinic	Burger Construction Co, Iowa City, Iowa	General	202,704.00
Pediatrics Cardiovascular Clinic	Modern Piping, Cedar Rapids, Iowa.	Mechanical	114,000.00
Pediatrics Cardiovascular Clinic	Meisner Electric, Newton, Iowa	Electrical	43,114.00

The following PURCHASE ORDER FOR EQUIPMENT (Funded by 1970 sale of Academic Revenue Bonds) was recommended for approval:

Dental Science Building Equipment \$24,415.00

The following REVISED PROJECT BUDGETS were recommended for approval:

WESTLAWN - REMODEL ROOMS S-212 THROUGH S-231

REVISED BUDGET

	<u>Preliminary</u>	<u>Revised</u> (5-73)
Engineering & supervision	\$ 3,500	\$ 3,500
General construction	8,000	8,000
Plumbing construction	9,400)	26,000
Air conditioning	9,800)	
Electrical construction	7,800	7,800
Contingencies	3,300	2,900
	<u>\$41,800</u>	<u>\$48,200</u>

Source of funds: University RR & A

EXPLANATION

The preliminary budget was based on work to be accomplished by Physical Plant forces. Present workloads prevent accomplishing by this procedure the air conditioning work and a majority of the plumbing work. Consequently, public bids were taken on these two phases. Cost of work performed by outside contractors usually is considerably greater than for the same work by Physical Plant forces. Although the original estimates for these two phases may have been somewhat conservative, the major portion of the budget increase is due to the change in the method of accomplishing the work.

UTILITIES IMPROVEMENTS - WEST SIDE DISTRIBUTION SYSTEM

REVISION IN SOURCE OF FUNDS

	SOURCE OF FUNDS	
	Approved 5/14/71	Requested Revision (5-73)
University Hospital Plant Fund	\$255,000.00	\$150,000.00
62nd G. A. Capital	184,871.23	184,871.23
Overhead Income for Use of Facilities	128.77	105,128.77
	<u>\$440,000.00</u>	<u>\$440,000.00</u>

EXPLANATION

A recomputation of the proportional share of the project cost to be charged to the University Hospital Plant Fund results in a reduction of \$105,000 in the share which should have been funded from this source. The recomputation is based on the incremental cost for relocation and resizing of utility lines to accommodate the University Hospital Addition over the minimum cost of providing utility lines to serve the other new facilities in the area.

UNIVERSITY HOSPITAL - PEDIATRIC CARDIOVASCULAR CLINIC

REVISED BUDGET

	<u>Preliminary</u>	<u>Revised</u> (5-73)
Construction	\$ 237,000	\$ 359,818
Site Work	8,500	Incl. above
Off-Site Work	10,000	Incl. above
Moveable Equipment	310,000	251,355
Planning, Supervision and Surveys	22,750	25,500
Contingency	31,150	28,400
Total	<u>\$ 619,400</u>	<u>\$ 665,073</u>
Less Estimated Sales Tax Refunds		3,673-
Net Total		<u>\$ 661,400</u>

Source of Funds:

Hospital and Medical Facilities Construction		
Program Grant	\$ 557,460	\$ 557,460
University Hospital Building Usage Fund	61,940	103,940
	<u>\$ 619,400</u>	<u>\$ 661,400</u>

EXPLANATION

Footings and foundation were changed to carry four floors instead of one floor. Equipment reduction is due to use of more of present equipment.

The following NEW PROJECTS were recommended for approval:

MEDICAL RESEARCH CENTER - ROOF REPLACEMENT

PRELIMINARY BUDGET

Engineering and supervision	\$ 5,000
General construction	44,600
Contingencies	<u>4,500</u>
Total	<u>\$54,100</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The existing built-up roof and equipment bases have deteriorated badly and must be replaced to prevent serious interior damage due to roof leakage.

The project involves removing the existing exhaust fans and other equipment; removal of the existing built-up roof and insulation down to the structural deck; installation of new insulation and a new built-up roof; construction of new equipment bases; replacing flashing as required and reinstallation of exhaust fans and related equipment.

The Physical Plant department is designated as the architect and inspection supervisor.

IOWA MEMORIAL UNION
REMODELING FOR COUNSELING SERVICE

PRELIMINARY BUDGET

Engineering and supervision	\$ 2,600
General construction	9,800
Electrical construction	7,000
Mechanical construction	4,600
Painting	2,200
Contingencies	<u>2,600</u>
Total	<u>\$28,800</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The project involves the renovation of space in rooms 101, 101A, 102 and 105 for use by Counseling Service. The completion of the project will enable the portion of Counseling Service still housed in East Hall to be consolidated with the major activities of the department which have been located in the Memorial Union for approximately three years. The project includes installation of new partitions, ceilings, lighting, electrical outlets and new convectors. Also included is a new electrical service to the area involved.

Inasmuch as no single phase of the work exceeds \$10,000, it is proposed that the project be accomplished through the process of quotations and purchase orders.

The Physical Plant department is designated as the architect and inspection supervisor.

EAST HALL - WEST WING
RENOVATE GROUND, FIRST AND THIRD FLOORS

PRELIMINARY BUDGET

Engineering and supervision	\$ 6,300
Construction	76,600
Contingencies	7,600
Total	<u>\$90,500</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The purpose of this project is the renovation of space vacated in East Hall with the opening of the Lindquist Center for Measurement. The space will be assigned to the portions of the College of Education still housed in University Schools resulting in the consolidation of the College into East Hall, Jefferson Building and the Lindquist Center for Measurement. The project will also permit scattered educational media and resources to be consolidated into an Educational Resources Center.

The project includes the ground, first and third floors of the northwest wing of East Hall. Work will include new lay-in ceiling and lighting, wall repair and painting and new floor covering as needed throughout the area. In addition the project will include minor amounts of remodeling work to include wall construction, installation of two sinks, and installation of 12 window air conditioner units.

In addition to the foregoing, the project will include the construction of a connecting corridor, with booklift, between the Curriculum Laboratory relocatable structure and the adjacent relocatable structure. The connecting corridor will permit expansion of the Curriculum Laboratory into the second relocatable which was recently vacated by Computer Center.

The Physical Plant department is designated as the architect and inspection supervisor.

RELOCATION OF KILNS

PRELIMINARY BUDGET

Planning and supervision	\$ 3,500
Construction	50,000
Contingencies	4,000
Total	<u>\$57,500</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

This project is to construct a building to the south of the Ceramics Studio to permit relocation of the kilns now located in the Ceramics Studio. The kilns must be relocated to a building with adequate ventilation or an elaborate and expensive mechanical ventilation system must be installed in the present facility. The cost of such a system is estimated to be \$50,000, only \$7,500 less than the cost of this proposed project, which will not only solve the ventilation problem but will also provide 2750 SF of badly needed additional space in the area. The project will also serve as a visual screen from the river for a necessary unkempt area to the south of the Ceramics Studio.

The project has been approved by the campus planning consultant.

The project consists of a metal frame building with a masonry wall on the river side and a corrugated galvanized metal roof and the south and west walls galvanized. The metal will be painted red to blend with the brick of the present studio. The building is 25' wide and 110' long. Minimal heat and lighting will be included as well as electric service outlets.

The University Architect is selected as the architect and inspection supervisor.

PHYSICS BUILDING
REPAIR AND WATERPROOF CONCRETE ROOF DECK

PRELIMINARY BUDGET

Engineering and supervision	\$ 3,900
Construction	24,600
Contingencies	2,500
Total	<u>\$31,000</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The existing concrete deck, which is poured over the built-up roof, has cracked allowing water to permeate through the concrete and eventually into the structure through the leaks in the built-up roofing. The project involves sandblasting the concrete surface, repairs of the cracks and joints and application of a suitable deck coating to insure a waterproof surface.

The Physical Plant department is designated as the architect and inspection supervisor.

MEDICAL LABORATORIES
REMODEL ROOMS 339 AND 339-1 FOR STUDENT LOUNGE

PRELIMINARY BUDGET

Engineering and supervision	\$ 2,000
General construction	9,500
Electrical construction	2,800
Mechanical construction	1,400
Painting	1,000
Carpet	4,400
Contingencies	<u>1,500</u>
Total	<u>\$22,600</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The project involves remodeling two existing rooms into a student lounge and lunch room for medical students.

Included in the project is removal of existing ceilings, doors and fixtures; construction of new walls and ceilings; installation of folding partitions; installation of new carpet and floor tile and painting.

Since no part of the work is over \$10,000, it is proposed that the work be done by Physical Plant forces in combination with purchase orders for specific items.

The Physical Plant department is designated as the architect and inspection supervisor.

The Board Office reported that the University desires during the next month to initiate action on a project which exceeds \$100,000, entitled "Parking Lots Improvement for University Hospitals". The normal procedure would be for the University to bring in the project and project budget for approval at one meeting and have the Board award the contract at a later meeting. Since the June Board meeting is later than normal and because the University finds it highly desirable to begin this project as early as possible, the University requests permission to proceed with the project at this time.

MOTION:

Mr. Perrin moved the Board approve the Register of Capital Improvement Business Transactions for the period April 2 through April 27, 1973; the construction contracts as shown above be awarded, including the contract for Phase I, North Tower Project, subject to Legislative approval of the Resolution denoting approval of the project; the purchase order for equipment as shown above be approved; the revised project budgets as shown above be approved; the new projects as shown above be approved; the University be granted permission to proceed concurrently with a project for University Hospitals Parking Lot Improvements so that, at the regular June Board meeting, the Board will be requested to approve the project, project budget and the award of contract; the Executive Secretary be authorized to sign all necessary documents. The motion was seconded by Mr. Wallace, and it passed unanimously.

WEST CAMPUS STORM SEWER MODIFICATIONS. The Board was requested to approve the above-named project, preliminary plans and budget and approve Physical Plant Department as engineer and inspection supervisor.

PRELIMINARY BUDGET

Storm Sewer Construction	\$ 95,000
Contingencies	7,000
Planning and supervision	17,500
TOTAL	<u>\$119,500</u>

Source of Funds:

a) North Tower Hospital Addition	\$ 61,000
b) University RR & A	58,500
	<u>\$119,500</u>

PROJECT DESCRIPTION

The "1972-73 STORM SEWER AND SEPARATION STUDY" currently under way has defined drainage problems in the existing west campus storm drainage system.

As a result of this information, we are now able to propose renovation and general upgrading of portions of subject drainage network which would alter existing drainage patterns. The load on the North Medical Interceptor would be reduced to the degree that areas now being flooded during heavy storms would no longer be subject to this situation. In the past, this flooding has caused significant damage with associated high costs of repair.

The renovation and upgrading will include the remodeling and realignment of sections of storm sewer lines lying south of University Hospital between Wolf Avenue and that portion of South Grand Avenue east of the Pharmacy Building. This work would also include the construction of a new storm line which would provide drainage for the University Hospitals North Tower Project.

MOTION:

Mr. Wallace moved the Board approve the project, preliminary plans and budget of the West Campus Storm Sewer Modifications Project and approve the Physical Plant Department as engineer and inspection supervisor. Mr. Baldrige seconded the motion, and it passed unanimously.

EAST HALL ANNEX DEMOLITION. The Board was requested to (a) approve the East Hall Annex demolition project and preliminary budget and (b) authorize the Vice President for Business and Finance to accept demolition bids and award contract to low bidder, subject to Board ratification at the regular June Board meeting.

PRELIMINARY BUDGET

Demolition and site work	\$ 26,500
Engineering	3,500
Contingencies	2,500
Total	<u>\$ 32,500</u>

Source of funds: University RR & A

PROJECT DESCRIPTION

The project includes disconnecting and capping all services (sewer, water, electricity and steam); barricading demolition site; demolition and removal of the structure, and restoration of the area by filling the hole and grading.

PROJECT SCHEDULE

May 25, 1973	- Advertise for bids
June 8, 1973	- Receive bids
June 16, 1973	- Award contract
July 2, 1973	- Begin demolition
August 31, 1973	- Complete project

HISTORY AND GENERAL DESCRIPTION:

The building was erected in 1890 as the Hall of Pharmacy and Chemistry. In 1924 it was remodeled into a library and served this function until 1931. In the following year, the Department of Electrical Engineering took over the structure, which was renamed the Electrical Engineering Building, and the department remained there until the Spring of 1964.

The next occupant was the Iowa Educational Information Center (IEIC) which moved into the building that same year. In May 1966 the building was again renamed, to its present title of East Hall Annex. The IEIC occupied the building through January 1973 when it moved into the new Lindquist Center for Measurement Building.

The building is a three-story plus attic structure constructed with brick bearing walls, wood joists, wood-stud interior partitions and open wood stairs. The first floor is about two feet below grade and there is no basement. The wood floor joists, particularly the joists spanning 28 feet in the east wing, have sagged considerably. Floor joists above the first story in one area are shored up with a pipe column and wood bolster. Floor joists above the second story on the south half of the east wing are bolstered up with exposed steel beams.

The building is considered to be in deteriorated run-down condition, extremely hazardous for occupancy. Because it is structurally unsound extensive repairs and remodeling are unwarranted.

JUSTIFICATION FOR DEMOLITION:

Inspections have been made of this building in May 1959, August 1965, and March 1973. The conclusions from these inspections is best summed up in the August 1965 report of the University Department of Health which states:

The Need for Abandonment

"Deterioration of this building is serious. This is evident in the extensively worn and deteriorating floors and deterioration of the exterior walls. The question is posed as to whether or not this building is structurally safe and if not, whether any practical measures can be taken to make it safe.

Design standards applicable to fire safety which were applied at the time of erection of this building are now antiquated. The exterior walls are brick, thus incombustible. However, much of the interior construction is wood, which has become very dry and easily ignitable. Also, construction material used during various remodeling operations are substandard with respect to combustibility and strength. Unenclosed stairwells and a large wooden shaft in the southwest portion of the building constitutes huge chimneys whereby fire, smoke and heat could spread quickly throughout the building in the event of fire. This, together with the inadequacy of egress facilities, could result in the trapping of occupants of the upper floors in the building.

The findings of this investigation, as herein stated, corroborate substantially the findings and opinion of a professional engineer who appraised the structural and fire safety of this building in 1959. (See "Inspection Report -- Electrical Engineering Building [Old Chemistry Building] State University of Iowa -- May 5, 1959" by R. Wayne Lyon, P.E.)

Recommendations

The abandonment and removal of East Hall Annex should be undertaken at the earliest practical time."

The University Inspection Division and the Engineering Section of the University Physical Plant have recently inspected the building and concur with the recommendation stated above.

Space made available by the recent completion of the Lindquist Center for Measurement Building allows the University now to act on the recommendation for demolition of East Hall Annex.

MOTION:

Mr. Baldrige moved the Board (a) approve the East Hall Annex demolition project and preliminary budget and (b) authorize the Vice President for Business and Finance to accept demolition bids and award contract to low bidder, providing there are no unusual circumstances, subject to Board ratification at the June 28-29 meeting. Mr. Perrin seconded the motion. On roll call vote, the following voted:

AYE: Bailey, Baldrige, Collison, Perrin
Petersen, Shaw, Wallace, Redeker.

NAY: None.

ABSENT: Zumbach.

The motion carried.

PURCHASE OF PROPERTY - 120 WEST BURLINGTON STREET. The Board was requested to approve the following property purchase:

PRESENT OWNER: City of Iowa City

LEGAL DESCRIPTION

Lots 5, 6, 7 and 8 in Block 95, Iowa City, Iowa, according to the recorded plat thereof.

GENERAL DESCRIPTION

The property consists of land only. The land area is 48,000 square feet, zoned M-1 Light Industrial. This property was purchased recently by the City of Iowa City Urban Renewal Agency under its urban renewal project known as the "City-University Project I, Iowa R-14". This parcel of land is designated for institutional development in the Urban Renewal Plan as is the balance of Block 95 and the University has agreed to purchase this land subject to approval by the Regents and the Executive Council. Previously, the land was occupied by a lumber company with the related building improvements on it. The Urban Renewal Agency purchased the land and buildings from the lumber company, and according to the Project Plan, razed all the buildings. The land has since been leveled to grade and is offered to the University in an unimproved state.

PURCHASE PRICE

The purchase price is \$140,160.00 which is based on land reuse appraisals secured by the Department of Urban Renewal of the City of Iowa City and is payable in full upon approval of the Board of Regents and the Executive Council of the State of Iowa and on possession and delivery of a warranty deed and an abstract of good merchantable title. The cost per square foot is \$2.92. Recent appraisals of property (dated April 1973) of M-1 Light Industrial zoned land within two blocks of this property have indicated a land value of \$2.92 to \$3.00 per square foot. The subject property herein being presented for purchase is judged to be in a superior location to the appraised properties. A 1965 appraisal of the subject property indicated a land value of \$6.00 per square foot for a total value of \$228,000.00

AVAILABILITY OF FUNDS

Funds for this purchase are available from unexpended balances in the Income from Treasurer's Temporary Investments.

NEED FOR PURCHASE

The property is located within the general campus boundaries and specifically adjacent to and directly south of the Main Library. The property is being offered to the University according to plan under the City-University Urban Renewal Project I, Iowa R-14. The property will be developed in a way to complement the south approach to the University Library.

Regent Perrin questioned the date of appraisal of the property and Mr. Jolliffe, University of Iowa, stated the reuse appraisal was made in 1971.

MOTION:

Mr. Baldrige moved the Board approve the purchase of lots 5, 6, 7 and 8 in Block 95, Iowa City, Iowa, according to the recorded plat thereof. Mrs. Petersen seconded the motion. On roll call vote, the following voted:

AYE: Bailey, Baldrige, Collison, Perrin
Petersen, Shaw, Wallace, Redeker.

NAY: None.

ABSENT: Zumbach.

The motion carried.

UNIVERSITY OF IOWA HEARING PROCEDURES. The Board was requested to adopt the procedures and statements listed hereafter, and the optional procedures recommended by the President of the University in the document listed as Item B:

- A. Statement on Professional Ethics and Academic Responsibility
- B. Regulations Prescribing Procedures for Hearing Ethics, Unfitness, Grievance, Nonrenewal, Denial of Tenure and Failure to Promote Cases
- C. Regulations for Alleged Violation of Regents Rules of Personal Conduct
- D. Regulations Concerning Claims By and Against University Employees
- E. Administration of Legal Funds for Students Charged under the Uniform Rules of Personal Conduct, as Modified by Vice President Hubbard's Letter of April 20, 1973.

President Boyd introduced the following persons from the University of Iowa who were present for discussion: David Vernon, Professor of Law; Robert Corrigan, Chairman of Faculty Council and Senate; William Hines, Professor of Law; Craig Karsen, President of Iowa Student Senate; Todd Tripp, Student Senate representative; Thomas Eilers, Student Senate Representative; Ronald Kastner, President of Iowa Collegiate Association Council; Jean Kendall, Secretary of Staff Council.

President Boyd reported by memorandum as follows:

The regulations herewith submitted for your consideration establish procedures for resolving disputes concerning the status of faculty members at the University of Iowa. The provisions cover (1) ethics-responsibility, (2) unfitness, (3) grievance, (4) non-renewal, (5) denial of tenure, and (6) failure to promote cases. The President and the Faculty Senate join in recommending the procedures to you. There are a few sections on which the President and the Faculty Senate do not agree. These sections are presented as Options, with Option 1 setting forth the provisions recommended by the Faculty Senate, and Option 2 setting forth the President's recommendations.

In addition to the procedural recommendations, a Statement of Professional Ethics and Academic Responsibility is being presented and recommended to you jointly by the President and the Faculty Senate. Because procedures are being proposed to enforce the "Ethics-Responsibility" policy, it is deemed appropriate that the Board consider formal approval of the "Ethics-Responsibility" policy statement.

The proposals recommended are long and relatively complex. A short summary, while necessarily incomplete, may serve to orient you to the pattern established.

Throughout the recommendations, it is contemplated that the parties will make every reasonable effort to resolve a dispute before it reaches a formal, adversary stage. It is only after informal methods have failed that the hearing mechanism comes into play.

Part A of the regulations contains general provisions regulating all procedures. Part B deals specifically with ethics-responsibility cases; Part C with unfitness cases; Part D with faculty grievances; and Part E with complaints concerning non-renewal, denial of tenure, and failure to promote. A formal mediation process is available for all disputes except those arising under Part E. In all Parts, if a hearing is to be held, the faculty member is given the option of having the case heard by a faculty hearing panel, a hearing officer who is a faculty member at the University, or a hearing officer who is a faculty member at another institution of higher learning. If the case is heard by an individual hearing officer -- whether drawn from the faculty or outside -- the faculty member may request that the case be reviewed by a faculty review panel. The final internal step involves Presidential review. After such review, the faculty member may request that the Board of Regents review the case.

Differences of Opinion

1. Presidential Review: It is primarily in the area of the scope of Presidential review that the Faculty Senate and President make different recommendations to you. The Faculty Senate proposal in ethics-responsibility cases is that a faculty panel determination concerning violations of the ethics-responsibility policy and the sanction to be imposed will bind the President except that the President may reduce the sanction imposed by the faculty panel. The President recommends that the faculty panel determination both as to violation and sanction be in the form of a recommendation and that the President -- bound by a clear and convincing evidence test -- make the final decision, subject, of course, to a request for review addressed by the faculty member to the Board of Regents. The President would be bound to give "great weight" to the recommendation of the faculty panel. In unfitness cases, the Faculty Senate recommends that the panel determination of fitness or unfitness be binding on the President, but that the

President retain discretion relative to the proper sanction. The President recommends that he or she retain the discretionary power as the President suggests for ethics cases. The Faculty Senate and President are in agreement that the President should have discretion in grievance cases and in cases involving complaints about non-renewal, denial of tenure, and failure to promote.

The President and the Faculty Senate disagree on the Presidential role in one other area. In defining the word "President" in section A1(b)(7), the Faculty Senate recommends in essence that the President not be permitted to delegate any of the functions assigned to him or her by the regulations. The Faculty Senate believes that the actual decision-making in all cases calling on the President to make a decision should be made by the President personally. While the President agrees with the Faculty Senate that the President should make the decisions personally in ethics and unfitness cases, he feels that the President should be permitted to delegate the decision-making function to other administrative officers in other cases arising under the regulations. In view of the press of the President's other duties, the President doubts the wisdom of imposing on the person holding the office the burden of final decision-making in every grievance case, non-renewal case, denial of tenure case, or failure to promote case.

2. Counsel: Another difference of opinion between the President and the Faculty Senate relates to the presence or absence of counsel when efforts are being made to resolve a dispute through informal discussions between the faculty member and administrative officials. The Faculty Senate recommends that counsel be present at the informal stage, as well as at all other stages, if the faculty member so desires. The Faculty Senate urges that the presence of counsel will assist the informal settlement process. The President, while concurring that counsel should be present at all formal proceedings, feels that the presence of counsel at informal stages will inhibit the parties and militate against informal settlements.

3. Grievances: The Faculty Senate and the President agree that the formal grievance hearing mechanism should be available for complaints concerning action or non-action which discriminates against a faculty member because of age, national origin, race, religion, or sex; and complaints that the action taken violates academic freedom or tenure rights. (D1.(a)(i) and (ii)) There is disagreement, however, concerning the wording of the third ground for invoking the formal grievance process.

The different recommendations are as follows:

D1.(a). Scope. This Part establishes procedures which a faculty member shall follow in seeking resolution of complaints by the faculty member concerning administrative action or non-action.....

Faculty Senate's Recommendation

(iii) which seriously impairs a faculty member's ability to perform his or her professional functions and is not based on reasonable educational needs or on criteria related to the faculty member's professional performance.

President's Recommendation

(iii) taken for reasons unrelated to reasonable institutional needs or to the faculty member's professorial performance and which action or non-action seriously impairs a faculty member's ability to perform functions expected of a faculty member.

You will note that the major difference relates to the Faculty Senate's use of "reasonable educational needs" and the President's use of "reasonable institutional needs." While the differences are not great, the President believes that the words "reasonable educational needs" may be too narrow to encompass reasonable administrative or financial needs which might justify the action taken.

One other difference of opinion arises in the grievance area. Under D2.(c)(1), the Faculty Senate recommends that as a preliminary matter, the faculty member's complaint be reviewed by an Advisory Committee to determine whether the complaint on its face sets forth facts which, if proved, would constitute a grievance. The President recommends that the Advisory Committee -- a faculty group -- go beyond merely reviewing the complaint as written. The suggestion is that the Advisory Committee investigate further to ascertain whether the allegations have sufficient substance in fact to warrant proceeding further with the complaint. Both the Faculty Senate and the President favor some preliminary screening prior to the formal grievance procedures being involved.

Conclusion: The regulations and the ethics-and-responsibility statement being recommended to you are the results of several years of devoted work by a great many faculty members and University administrators. The work, done in an atmosphere of cooperation and good will, should be viewed as a joint effort to assure that academic due process and mutual confidence will remain the hallmark of faculty-administrative relations at The University of Iowa.

The following letter to President Boyd from Robert A. Corrigan, Chairman of the University Faculty Senate, states the position of the Faculty Council regarding the documents on conduct and ethics:

I am pleased to report that the Faculty Council has completed its deliberations on four documents having to do with conduct and ethics. I have instructed N. William Hines, Chairman of the ad hoc Committee on Conduct and Ethics, to transmit to you clean copies of the following documents.

1. "Statement on Professional Ethics and Academic Responsibility"
2. "Regulations Concerning the Security of University Employment Contracts"
3. "Regulations Prescribing Procedures for Hearing Ethics, Unfitness, Grievance, Nonrenewal, Denial of Tenure and Failure to Promote Cases"

Each of these three documents has been endorsed by the Faculty Council acting on behalf of the University Faculty Senate and transmitted to you for submission to the Board of Regents for discussion at their May meeting.

Both the Council and Senate discussed a fourth document, "Hearing Regulations For Alleged Violations of Regents Rules", but neither body was able to reach a consensus. I have been instructed, therefore, to report this statement to you and to indicate that the Faculty Senate will neither support nor oppose this document when and if it is submitted to the Board of Regents for action.

I should like to conclude by expressing my own pleasure at the quality of the work produced by the joint faculty/administrative committee and recommend to you that it be endorsed and transmitted to the Regents as soon as possible. Should you have any questions, or substantive changes to make in any of the documents, I should be most happy to consult with you at your convenience.

Proposed Hearing Regulations for Alleged Violations of Regents Rules.

The following document was presented for adoption. It includes a new section brought forth at the meeting plus the addition of the term "(vice president for academic affairs)" in subsection e, section 2, Definitions.

Section 1. Scope

These regulations establish procedures for adjudicating cases involving alleged violations of the Uniform Rules of Personal Conduct at Universities under the Jurisdiction of the State Board of Regents, as revised by the State Board of Regents in June of 1971, and as such rules may be revised subsequently.

Section 2. Definitions

As used in these regulations, each of the following words has the indicated meaning:

(a) "Faculty member" means an individual holding an academic appointment with the rank of instructor, assistant professor, associate professor, or full professor, and such other individuals, who may hold various titles, as may be defined as faculty member by action of the Faculty Senate, with the concurrence of the President. For purposes of the notice and review provisions of these regulations:

(i) Full-time faculty members who fall within the definition of "student" in subsection (b) of this section shall be treated as faculty members; and

(ii) Part-time faculty members who fall within the definition of "student" in subsection (b) of this section may elect to be treated as faculty members or students. If such a part-time faculty member fails to exercise the option within three days of the sending of Notice of Charges, he or she will be classified as a faculty member.

(b) "Student" means a person who is currently registered as a student at the University in an undergraduate, graduate, or professional program on campus.

(c) "Staff member" means any person not a member of the faculty who is employed by the University. For purposes of the notice and review provisions of these regulations:

- (i) Full-time staff members who fall within the definition of "student" in subsection (b) of this section above shall be treated as staff members; and;
- (ii) Part-time staff members who fall within the definition of "student" in subsection (b) of this section may elect to be treated as staff members or students. If such a part-time employee fails to exercise the option within three days of the sending of Notice of Charges, he or she will be classified as a staff member.
- (d) "President" means the chief executive officer of the University or any person designated by the President to act on his or her behalf for purposes of these regulations.
- (e) "Academic Officer" means the chief academic officer of the University under the President (Vice President for Academic Affairs) or the person designated by the Academic Officer to perform certain functions on his or her behalf for purposes of these regulations.
- (f) "Rules" mean the Uniform Rules described in Section 1 of these regulations.

Section 3. Hearing Officers

(a) List of Hearing Officers. The American Arbitration Association, or other similar neutral body, will be asked to provide the President with the names of fifteen persons from institutions of higher learning other than Regents institutions who have earned law degrees or have experience as hearing officers, arbitrators, or mediators, and have consented to serve the University as hearing officers.

The President shall forward the list to the Faculty Senate, the Staff Council, and the Student Senate. Each group may strike from the list up to three of the persons named. The President shall be informed of the decision to strike within two weeks of the list being forwarded. Those whose names remain on the list after the two-week period shall constitute the hearing officer list.

If at any time membership on the hearing officer list falls below five, the President will ask for a new list of fifteen qualified persons from the American Arbitration Association, the selection process will be repeated, and the remaining names will be added to the existing list.

(b) Drawing and Challenges. When a case is to be heard, the presiding officer of the appropriate Judicial Commission shall place the names of the members of the hearing officer list on separate slips and a drawing will be held, with the person whose name is drawn first being designated as hearing officer, subject (i) to the person so designated expressing a willingness to serve and (ii) to a peremptory challenge by either the person charged or the Academic Officer. If the hearing officer selected feels that he or she would not be able to conduct an unbiased hearing, such person shall disqualify himself or herself. The person charged and the Academic Officer shall have one peremptory challenge which must be exercised within twenty-four hours of a name being presented to them.

If the person selected expresses a willingness to serve, that person's name will be presented to the Academic Officer. If the Academic Officer does not exercise a peremptory challenge, his or her right to challenge shall be deemed waived, and the name will be presented to the person charged. If the person charged does not exercise a peremptory challenge, the person selected will be the hearing officer. If the person charged does exercise a peremptory challenge in such situation, a new drawing will take place and the first person whose name is drawn and who indicates a willingness to serve will be the hearing officer.

If when the name is presented to the Academic Officer, he or she exercises a peremptory challenge, a new name will be drawn, inquiry as to willingness to serve made, and the name of the person first drawn who expresses a willingness to serve will be presented to the person charged. If the person charged does not exercise a peremptory challenge, the person whose name was presented will be the hearing officer. If the person charged does exercise a peremptory challenge, a new drawing will take place, and the first person whose name is drawn and who indicates a willingness to serve will be the hearing officer.

Section 4. Communications and Computation of Time Periods

(a) Communications prescribed by these rules may be sent by certified United States mail or by messenger. Methods in which evidence of receipt is obtained are preferred. Communications to a person charged shall be sent to the local address, a home or permanent address if one appears in the University records, and the University office address if current University records indicate that the person charged has such an address. If circumstances warrant it, communication should also be made by publication in an appropriate newspaper.

(b) In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period so computed shall be included, unless general University offices are not open on that day, in which event the period runs until the end of the next day during which general University offices are open. Communications by mail are deemed complete upon mailing.

(c) For good cause shown, any time period may be extended for a specific number of days or any proceeding continued to a specific date by the Academic Officer or the hearing officer.

Section 5. Status of Person Charged Pending Final Actions

Pending final action on charges brought under the provisions of these regulations, the status of a person charged shall not be altered except as this may occur by actions of the President under emergency powers set forth in the Rules or as directed by a court order.

Section 6. Right to Counsel

A person charged and the Academic Officer each may be represented by no more than two persons--legal counsel or other advisor--of his or her own choosing in all proceedings provided for by these regulations. If the person charged has been unable to obtain the assistance of legal counsel or other advisor, the presiding officer of the appropriate group--Faculty Senate if a faculty member is the person charged; Student Senate if a student is the person charged; Staff Council if a staff member is the person charged--shall attempt to obtain the services of a qualified person to assist the person charged in the preparation and presentation of his or her case. If after reasonable efforts counsel has not been obtained, the hearing shall proceed.

Section 7. Initial Steps

(a) Complaints. A complaint that a person has violated the Rules may be filed with the Academic Officer by any person, or a complaint may be initiated by the Academic Officer.

(b) Preliminary Actions. If a complaint has been filed with the Academic Officer, the Academic Officer shall make such brief investigations as may be necessary to decide whether probable cause exists to believe that the person about whom a complaint has been made has violated the Rules. The Academic Officer's investigation ordinarily shall be completed within thirty days following receipt of the complaint. During the period of investigation, the Academic Officer may discuss the matter with the person about whom allegations have been made and reach a mutually acceptable settlement of the matter.

(i) If, at this time or any later time, the Academic Officer decides that probable cause does not exist, he shall notify the complainant and the matter will be deemed closed.

(ii) If the Academic Officer decides that probable cause does exist, he shall formulate a Notice of Charges as provided in paragraph (c) of this section.

(c) Notice of Charges. The Notice of Charges shall quote the rule or rules asserted to have been violated, shall set forth in reasonable detail the reported circumstances of the alleged misconduct, shall set forth the sanction the Academic Officer plans to recommend to the hearing officer, and shall describe the options available to the person charged under these procedures. A copy of the Notice shall be sent to the person charged, the presiding officer of the faculty, student, or staff Judicial Commission, depending upon the group from which the person charged comes, and to the complainant if other than the Academic Officer. The Notice of Charges shall include a copy of these regulations and of the Rules.

Section 8. Hearing Option

Within ten days from the date of the Notice of Charges, the person charged may, by notice in writing to the Academic Officer, indicate his or her decision to have the charges adjudicated by a hearing officer.

Section 9. Failure to Respond

(a) If the person charged fails within ten days to give the notice called for in Section 8, the Academic Officer, at his or her discretion, shall take one of the following actions:

(i) Notify the person charged that the case is being referred to a hearing officer for adjudication.

(ii) Notify the person charged that the sanction listed in the Notice of Charges, or a lesser sanction, will be imposed. In such a case, the matter shall be deemed closed.

(b) A person on whom a sanction is imposed under the provisions of subsection (a)(ii) of this section may request that the Review Panel set aside the sanction on the ground of failure in fact to have received notice. The Review Panel may set aside the prior action and order a new proceeding only if it finds (i) that reasonable doubt exists that notice was received, and (ii) that the person charged acted in good faith in that he or she took no action to avoid receiving notice.

Section 10. Informal Discussions with Academic Officer

At any time prior to final action, the person charged may arrange a conference with the Academic Officer to discuss the case. If agreement is reached between the person charged and the Academic Officer, a written statement of the disposition of the case shall be prepared and signed by the person charged and by the Academic Officer. A copy of the settlement agreement will be forwarded to the appropriate faculty, student, or staff Judicial Commission.

Section 11. Proceedings before Hearing Officer

(a) Within seven days of having been appointed, the hearing officer shall notify the parties in writing of the time, date, and place of the hearing. The hearing shall be scheduled no earlier than five days after the date such notice is mailed. The hearing officer may require the parties to provide in

advance of the hearing the names of witnesses who will be called by the parties and list of all other items which will be submitted in evidence. If such information is required, it shall be made known to the other party at least two days before the appearance of the witnesses or the submission of the evidence. The two-day rule does not apply to witnesses who may be called for rebuttal purposes. In his or her discretion, the hearing officer may waive the two-day rule where it appears that such waiver will not prejudice the party not calling the witness or submitting the evidence. If any prejudice seems likely, the hearing shall be delayed for an appropriate period so that prejudice will be avoided.

(b) Open Hearings

(i) Unless the person charged or the Academic Officer requests otherwise, the hearings will be open. The party requesting that the hearings be closed shall notify the hearing officer and the other party of this desire at least forty-eight hours in advance of the hearing. After hearing arguments from the person charged and the Academic Officer on the request to close the hearings, the hearing officer, in his or her discretion, shall decide whether or not the hearings should be closed. The question whether the hearing shall be open or closed shall be the first issue to be considered.

(ii) At the request of either party made prior to the commencement of the hearing, the hearing officer will exclude prospective witnesses, other than parties, from the hearing room during testimony of other witnesses.

(c) The hearing officer shall preside over the hearing and shall rule on all questions regarding the conduct of the hearing, including the admissibility of evidence.

(d) The failure of the person charged to appear shall not be taken as indicative of guilt and shall not prejudice his or her case in any way. The hearing officer may proceed in the absence of any party who, after due notice, fails to be present or who has been excluded from the hearing because of disruptive conduct.

(e) The hearing officer shall have the power to have removed from the hearing any person who disrupts the proceedings. If a party to the proceeding or the advisor or counsel of such party, or any or all of them, are ordered removed for actions disrupting the proceeding, all reasonable efforts shall be made to keep them informed about the proceeding. The hearing officer, in his or her discretion and in the absence of a request from either party, has the authority to close the hearing if in the judgment of the hearing officer it seems likely that the hearing, once disrupted, will again be disrupted. The hearing officer's decision to close the hearing to persons who are not parties, counsel, or advisors shall be in his or her discretion and shall not be subject to review. The hearing officer's decision to order from the hearing persons who are parties, counsel, or advisors shall be subject to review by the appropriate review panel and shall constitute reversible error if the record shows that the hearing officer acted unreasonably in the circumstances.

- (f) A tape recording or stenographic account shall be made of the hearing, except that on order of the hearing officer procedural matters may be discussed off the record. After the time for all administrative reviews has elapsed, the recording or stenographic account shall be turned over to the presiding officer of the appropriate Judicial Commission who shall keep it for one year and shall make it available under his or her supervision to all parties in the case.
- (g) The Academic Officer shall have the burden of proving the alleged violation and shall present evidence first. The Academic Officer's burden of proof shall be satisfied only by clear and convincing evidence in the record considered as a whole.
- (h) The parties may offer such evidence as they desire and shall produce such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute. The hearing officer shall be the judge of the relevancy and materiality of the evidence offered. Conformity to the legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of the parties, except where a party is absent by default or is excluded for cause. The hearing officer may require University officers and employees to produce records or other exhibits if such records or exhibits are not confidential under state or federal law. Upon request, the hearing officer shall exclude evidence acquired in violation of the search and seizure provisions of the United States and Iowa constitutions if such evidence would be excluded in a criminal proceeding in a federal or state court.
- (i) The parties and their legal counsel or advisors may present witnesses and examine them, and cross-examine all witnesses called by the other party. In his or her discretion, the hearing officer may limit the number of witnesses to be heard where it is clear that additional witnesses will not add new information for the record.
- (j) If the person charged elects to testify, he or she shall be subject to cross-examination. The person charged may not be required to testify, however.
- (k) The hearing officer may receive and consider written statements of persons unable to appear as witnesses. Such statements may be given whatever weight appears appropriate, but before a written statement is given any consideration, the party not introducing it shall receive a copy of the statement and be given a reasonable opportunity to obtain answers to written interrogatories submitted to the person whose written statement is offered. If the written interrogatories are submitted and, in the judgment of the hearing officer, are not answered in a timely and satisfactory manner, the statement shall not be received in evidence.
- (l) In his or her discretion, the hearing officer may grant adjournments and continuances upon the request of a party or upon the hearing officer's own initiative.
- (m) The hearing officer shall inquire specifically of all parties whether they have any further proofs to offer or witnesses to be heard prior to the ending of the hearing. If briefs are to be filed, the hearings shall be declared ended as of the final date set by the hearing officer for the receipt of briefs.

Section 12. Raising the Issue of Enforceability

If a person charged wishes to challenge the constitutionality or legality of any Rule or regulation on which a charge is based, notice of this fact shall be given to the appropriate presiding officer prior to any hearing. The presiding officer will then set the case for argument before the entire Judicial Commission on this issue, and may request that the parties submit written briefs. If a majority of the Judicial Commission concludes that the Rule or regulation at issue is unconstitutional or illegal, the Judicial Commission shall make that fact known to the President, and request a determination of the issue by the President prior to remanding the case to the hearing officer for an adjudication on the facts. If the President decides that the Rule or regulation is constitutional and legal, the hearing officer and the review panel will accept that decision and apply the Rule or regulation as written. If the Judicial Commission decision is not submitted to the President within fourteen days of the notice of challenge being submitted to the presiding officer, the Rule or regulation being challenged shall be deemed constitutional and legal, and an adjudication on the facts shall proceed.

While the failure to raise the issue of constitutionality or legality as provided in this section shall preclude the person charged from raising the issue in proceedings under these regulations, it shall not be deemed to preclude the person charged from raising such an issue in any judicial proceeding he or she may institute to challenge the Rules and regulations or any sanctions imposed under them.

Section 13. Recommended Decision

Within thirty days of the conclusion of the hearing, or from the time set for the submission of briefs if later, the hearing officer shall render a decision in the form of a recommendation to the President. In extraordinary circumstances, the decision may be rendered after the thirty-day period but in no event shall the decision be rendered more than forty-five days after the conclusion of the hearing. The hearing officer's decision shall include (i) findings of fact, (ii) conclusions with respect to violation of the Rules drawn from such findings, and (iii) recommended sanctions, requirements, or remedial action, if any. The written report of the hearing officer shall be distributed to the person charged, the Academic Officer, the President, and the presiding officer of the appropriate Judicial Commission, depending upon whether the person charged is a faculty member, student, or staff member.

Section 14. Sanctions

(a) General Sanctions must be consistent with the provisions of the Rules. Any suitable combination of sanctions may be imposed.

(b) Types of Sanctions

(i) Letter of warning or censure.

(ii) Denial of specified privileges for specified periods.

(iii) Assessment of monetary damages to cover expenses incurred in restoring property of the University which was damaged or destroyed as a result of misconduct by the person charged.

(iv) Assignments of specific tasks for the betterment of the University community.

(v) Suspension for a specific period of time.

(vi) Dismissal from employment or expulsion from the University.

Section 15. Reopening of Hearings

At any time prior to the rendering of a decision by the hearing officer, a hearing may be reopened by him or her on motion of either the person charged or the Academic Officer, if such motion is accompanied by a showing of good cause. Such showing is limited to either the discovery of new evidence or the existence of substantially changed circumstances.

Section 16. Review

If the person charged wishes a review of the decision of the hearing officer, the following procedures shall be followed:

(a) Request for Review. Within ten days from the date of the report of the hearing officer, the person charged may submit a written request for review to the presiding officer of the appropriate Judicial Commission--the faculty Judicial Commission if a faculty member has been charged; the staff Judicial Commission if a staff member has been charged; the student Judicial Commission if a student has been charged. A copy of the request shall be sent to the Academic Officer and the hearing officer. For good cause shown, the presiding officer of the Commission may grant a ten-day extension of the ten-day time limit. If he or she does so, the presiding officer shall inform the Academic Officer of the decision and the reasons for it. In the request for review, the person charged should specify whether the request is for a review of the conclusions, or of the recommended sanctions, or both.

(b) Review Panels. The Faculty Senate, Student Senate, and Staff Council each shall create Judicial Commissions, from among whose members Panels shall be selected to hear requests for review of a hearing officer's decision. Such Panels shall consist of five members, with three persons constituting a quorum; shall be standing committees; and shall have standby members to sit if a member of the Panel is disqualified or unable to sit. The order in which standby members will be called on to serve shall be fixed at the time the Panels are constituted. A Panel member may be disqualified for cause, but no peremptory challenges shall be allowed. Challenges for cause shall be ruled on by the Chairman of the appropriate Judicial Commission. The Panel shall reach a decision within twenty-five days of a case being referred to it. If the Panel fails to reach a decision within the twenty-five day period, the President will make a final decision on the basis of the hearing officer's recommendation.

(c) Basis for Accepting Requests for Review. Whenever a suspension, dismissal, or expulsion has been recommended by the hearing officer, the request for review by the person charged shall automatically be granted. In other cases, the person charged shall in his or her request for review set forth the grounds for believing the findings to be erroneous or the sanction unfair, or both. Such request shall be granted if two or more members of the Panel vote to accept the request.

(d) Additional Evidence. The Panel will review the case on the basis of the record of the hearing before the hearing officer. If the Panel deems the record of the proceedings before the hearing officer insufficient to permit it to review the case intelligently, the Panel may remand the case to the hearing officer for further proceedings. The remand order shall state specifically what additional evidence should be taken. A case may be remanded only twice and the rehearing by the hearing officer shall take place as soon as reasonably possible after the remand.

(e) Record of Hearing. The taped record or transcript of the hearing before the hearing officer shall be made available to the parties and to the Panel.

(f) Disposition. The Panel generally will hear oral arguments in cases on review, but may elect to decide the case on the basis of the taped record or transcript of the hearing before the hearing officer and written briefs. The Panel will be bound by the findings of fact made by the hearing officer, but not by the conclusions drawn from the facts or the sanctions recommended by the hearing officer. The presiding officer of the Panel will notify counsel and the parties of the date and place of the Panel hearing at least two days in advance of such hearings. The Panel may request written briefs, either before or after a hearing.

(g) Decision. The Panel shall render a written decision as soon as possible after the hearing, but at least within the twenty-five day period mentioned above. The Panel's decision shall be in the form of a recommendation to the President.

Section 17. President's Review and Decision

(a) After reviewing the record and recommendations of the hearing officer and the Panel, if the case has been reviewed by a Panel and the Panel has forwarded its recommendations within twenty-five days of the request for review, the President will determine what sanction or sanctions, if any, shall be imposed. In making such decision, the President shall give great weight to the recommendations of the Panel and shall be bound by the burden of proof standard established in Section 11(g) of these regulations. There will be no oral argument before the President. Either party may submit an additional brief to the President, within five days of the matter being referred to the President. The President shall communicate his decision to the Chairman of the appropriate Judicial Commission within thirty days of the case being referred to him or her. In the absence of a decision by the President within thirty days, the recommendation of the Panel, if one has been made, shall become the decision of the case; and

the recommendation of the hearing officer shall become the final decision if the President fails to make a decision within thirty days and there is no timely recommendation from the Panel. In any event, the parties shall be informed in writing of the final disposition of the case and of the fact that the decisions will be implemented, subject only to a decision by the Board of Regents to accept from the person charged a request for review.

(b) If the President accepts the recommendation of the Panel if one is submitted within the twenty-five day period or imposes a lesser sanction than that recommended by the Panel, appropriate administrative action shall be taken to implement the decision and the case will be deemed closed, subject only to a decision by the Board of Regents to grant a request for review from the person charged. If the President rejects the recommendations of the Panel, the case shall be returned to the submitting Panel along with a written statement of the President's reasons for the action taken, a copy of which shall be provided to the person charged. Within seven days of receiving the case from the President, the Panel shall reconsider it and report its recommendation to the President. The President shall then make a final decision, giving great weight to the Panel recommendation, and have the decision implemented administratively. At this point, the case shall be deemed closed, subject only to a decision by the Board of Regents to grant a request for review from the person charged.

Section 18. Review by the Board of Regents

Review by the Board of Regents is governed by Sections 20.240-20.246 of the University Operations Manual, these sections containing the review policy of the Board of Regents as adopted in March of 1970. If the Board changes its review policy, the new review policy will be followed. The request for review by the Board of Regents must be made within fifteen days of the final decision referred to in Section 17. If no such request is made, the matter shall be deemed closed and the final decision by the President will become the rule of the case.

Section 19. Visitors

A person who is not a faculty member, student, or staff member who violates the rules and who later seeks to attain status as a faculty member, student, or staff member shall, at the time such status is requested, be subject to these procedures under the provisions governing a person holding the status requested. Thus, a person applying for a position on the faculty who requests review of a hearing officer's decision shall have his or her case reviewed by a faculty Panel; a person applying for status as a student who requests a hearing officer's decision shall have his or her case reviewed by a student panel; and a person applying for status as a staff member who requests a hearing officer's decision shall have his or her case reviewed by a staff member Panel.

Section 20. Amendment

These regulations, having been approved by the Board of Regents, may be amended only by action of the Board of Regents. The Board agrees that no change shall be made in the regulations or the Rules prior to consultation with appropriate groups at the University.

President Boyd requested the Board of Regents adopt the above "Regulations for Alleged Violation of Regents Rules of Personal Conduct" in lieu of the standby Regents system.

Mr. Corrigan stated to the Board that the Faculty Senate Grievance Committee has been involved every step of the way in the drafting of the document.

President Boyd emphasized to the Board that in this proposed document concerning conduct regulations the president of the University would be under the same regulations as the faculty members and students.

Mr. Karsen stated that students have been involved along with the faculty since work began on this document. He stated that from the beginning students have had objections. He said he would like the document amended including the legal counsel system.

Mr. Eilers stated that the Student Senate has presented to Professor Vernon several different ways of doing away with mandatory presidential review. He requested that the president be freed of the burden of mandatory review. He said the Board of Regents should make final decision rather than the president of the University. The president would have all the rights and power as before except full responsibility would not be on his shoulders.

Mr. Karsen stated that in 1968 persons were given the right to be found guilty only by means beyond a reasonable doubt. He said Regent rules sanctions are more severe than those in criminal courts. Before any sort of judicial process gives someone a sanction, every consideration should be given to the person charged to determine if he is really guilty, he said.

Professor Vernon stated that the student in all cases has the right to appeal to the Board. He urged strongly that the presidential review statement remain in the document. If the student disagrees with the president of the University he or she can then appear to the Board and the Board can then review the president's decision. He stated the Collegiate Association Council recommends adoption of the document with Section 12 (Recommended Decision) removed.

Mr. Kastner stated the Student Senate urges deletion of presidential review (Section 16) in all cases. He affirmed the need for the president to delegate authority. If the president is responsible for all decisions he is in the hot seat, he said. The president should have authority to make sure the education process is not disrupted. Mr. Kastner also concurred with the Collegiate Association Council in disagreeing with Section 12.

Professor Vernon stated the president does not have power to impose sanctions. The president is required not only to give great weight to peer group but also bound by clear and convincing evidence test. The president is given power to review the case and if he finds it is not to be recommended he may reverse the decision, sending it back to peer group.

Mr. Kastner asked why the president should have the power to make the decision. He felt the hearing officer would be the best person to make the decision and appeals could be made to the president.

Mr. Tripp stated that students don't like violations any more than the faculty; however, the students face stiffer sanctions than does the faculty.

Regent Shaw commented that students hadn't shown themselves to be capable of handling the process. Mr. Eilers responded that as of July 1 of this year the entire student body of the University of Iowa will be citizens of the state.

They will then be deemed by legislature as being responsible. He said to Mr. Shaw that if he didn't think the students were capable of having their own judicial process after the legislature has considered them as responsible citizens then he is saying the jury system is not proper either.

Regent Bailey asked Professor Vernon whether the provisions listed above in any way change the substance of the Regents Rules on Conduct. Professor Vernon replied that they did not. Mr. Perrin expressed concern with the provisions of Section 5 relating to the status of persons charged pending final action.

Professor Vernon discussed the section dealing with hearing officers and selection of them. He emphasized the need for a hearing officer who is neutral but yet someone who knows about law and has had experience on various panels.

MOTION:

Mr. Baldrige moved the Board adopt the proposed "Regulations for Alleged Violations of Regents Rules of Personal Conduct". Mr. Wallace seconded the motion.

Regent Collison asked President Redeker whether a discussion would be necessary to consider removing from Regents rules the provisions establishing mandatory sanctions. President Redeker stated that discussion would be necessary at a later date.

VOTE ON MOTION:

The motion passed unanimously.

Administration of Legal Funds for Students Charged Under the Uniform Rules of Personal Conduct. The Board was requested to approve the following document:

Section 1: Student Legal Services (SLS) shall administer the program providing for students charged with violations under the uniform rules of personal conduct.

Section 2: All students have the right to representation under Section 6 of the proposed hearing regulations for alleged violations of Regent's Rules.

Section 3: Students who cannot finance an attorney shall have access to funds for the purpose of paying attorney fees for services rendered in the defense of the student under university hearing procedure.

Section 4: Notice of the availability of this service shall be attached to a copy of the notice of charges that shall be sent to the student.

Section 5: Students desiring this service must make application through Student Legal Services. A form will be provided indicating the student's financial status. This form must be completed by the student and notarized. (attached sample forms.) A decision shall be made according to the OEO guidelines presently used by Student Legal Services. A copy of these guidelines will be provided to the Vice President of Student Affairs. Final decision on eligibility shall be up to the coordinator or his or her designee of Student Legal Services. The student may not appeal this decision.

Section 6: Selection and payment of attorney:

Student Legal Services shall draw up a contract to be signed by the attorney, who shall represent the student in the administrative hearing. The attorney shall be payed a rate of \$25.00 an hour (minimum Bar rate,) totaling a maximum fee of \$300.00 for his or her services. Student Legal Services shall provide a referral list of available attorneys. This list shall be prepared by mailing a letter to all members of the Johnson County Bar, explaining the program and requesting indication that they wish to be included on such referral lists. The attorneys shall be chosen by the student and must contact SLS, submitting an itemized bill prior to payment.

Section 7: Those students who do not qualify for the program shall have two alternatives: 1.) they may retain an attorney at their own expense, or,
2.) they may retain a student intern from Student Legal Services at no expense.

The student may also choose to represent him or herself, or to be represented by a friend.

Funds necessary to support this new service will be provided by University of Iowa Student Association from sources under its control. The maximum fee of \$300 was proposed by letter from Philip G. Hubbard, Vice President for Student Services and Dean of Academic Affairs, to Craig Karsen, President, University of Iowa Student Association.

MOTION:

Mr. Baldrige moved the Board approve the proposed document entitled "Administration of Legal Funds for Students Charged Under the Uniform Rules of Personal Conduct as modified by Vice President Hubbard's Letter of April 20, 1973." Mrs. Collison seconded the motion, and it passed unanimously.

Regulations Concerning Claims By and Against University Employees. The Board was requested to approve the following procedures and regulations concerning claims by and against University employees:

Section 1. Scope.

The procedures established in these regulations

(a) Shall be available to an employee who has been discharged by the University, claims that the discharge is unlawful, and is prevented by the Doctrine of Sovereign Immunity from obtaining a judicial hearing on the claim of unlawfulness;

(b) Shall be available to an employee who claims that the University owes a debt to him or her, the University disputes the claim, and the Doctrine of Sovereign Immunity prevents the employee from obtaining a hearing on the merits of the claim in a judicial proceeding;

(c) Shall be utilized by the University when the University alleges that the employee owes the University \$300 or less and the employee disputes the claim;

(d) May be utilized by the University in its discretion when the University alleges that the employee owes it more than \$300, the employee disputes the claim, the employee consents to the institution of a proceeding under these regulations, and both the University and the employee agree to be bound by the determination made.

Section 2. Definitions.

As used in these regulations

(a) "Administrator" means the person designated by the President to act on behalf of the University for purposes of these regulations or any person designated by the Administrator to perform certain functions on his or her behalf for purposes of these regulations.

(b) "President" means the chief executive officer of the University or any person designated by the President to perform certain functions on his or her behalf for purposes of these regulations.

Section 3. Limitations.

If the Regents Merit System provides a hearing on the issue presented or a University-authorized internal hearing procedure exists to deal with the issue or issues presented, the hearing procedures established in these regulations shall not be invoked. It is not contemplated that actions in the nature of class actions can be prosecuted under these procedures.

Section 4. Informal Discussions.

Prior to filing a Notice of Claim as provided below, it is expected that the parties will make reasonable efforts through informal discussions to resolve the dispute.

Section 5. List of Hearing Officers.

(a) List -- The names of five persons who have earned law degrees or are on one of the approved lists of the American Arbitration Association and who have consented to serve as hearing officers shall be submitted to the President by each of the following groups: (i) Faculty Senate; (ii) Staff Council; (iii) Student Senate. Persons whose names are submitted may be, but need not be, members of the University community.

If any group fails to submit the names of five qualified persons who have indicated their willingness to serve as hearing officers, the President may add to that list so that a total of fifteen qualified persons are considered. From among the fifteen persons, the President will select seven who will constitute the hearing officer list.

If the names of five qualified persons are submitted by one of the three groups listed above, at least two persons from among those suggested by that group shall be selected by the President as members of the list. Each group shall submit the five names to the President by October 15 of each year. Members of the list shall serve one-year terms, commencing November 1 of each year. Members of the list shall not serve more than five consecutive terms. If membership on the list drops below five, the selection process shall be repeated and seven additional names shall be added to the list to serve until the following November 1.

(b) Drawing -- When a case is to be heard, the names of those on the hearing officer list will be placed on separate slips and a drawing will be held by the presiding hearing officer, with the person whose name is drawn first being designated as hearing officer. If the person selected holds his or her principal appointment in the department or division in which the employee holds an appointment, the person selected will be disqualified automatically. If the hearing officer selected feels that he or she would not be able to make an unbiased recommendation, the hearing officer shall disqualify himself or herself. The employee and the Administrator each shall have one peremptory challenge, such challenge to be exercised as provided in the Regulations governing alleged violations of the Uniform Rules of Personal Conduct. If a hearing officer is disqualified automatically, disqualifies himself or herself, or is subject to the exercise of a peremptory challenge, another drawing will be made, with successive drawings being made until a hearing officer able and willing to sit is selected.

(c) Presiding Officer -- When the list of hearing officers is designated, those on the list will designate one of their members as presiding hearing officer who shall be a member of the University community.

(d) Claims of \$750 or Less -- When a Notice of Claim is received by the presiding hearing officer and either the employee or the University is claiming \$750 or less, a single hearing officer shall be selected as provided in subsection (b) of this section.

(e) Claims of More than \$750. When a Notice of Claim is received by the presiding hearing officer and either the employee or the University is claiming more than \$750, three members of the hearing officer list shall be selected to hear the case if either the employee or the Administration request such a panel prior to the commencement of the drawing of names from the hearing officer list. At least two of the three hearing officers selected to hear the case shall be members of the University community. If three hearing officers are to hear a case, neither the employee nor the Administrator shall have more than a single preemptory challenge. If not exercised on the first name drawn, it may be exercised on the second; and if not exercised on the first or second name drawn, it may be exercised on the third. The presiding officer shall designate one of the three hearing officers who are to hear the case as chief hearing officer.

Section 6. Notice of Claim by Employee.

If an employee claims that money is due him or her from the University under the conditions set forth in Section 1(a) or Section 1(b) and informal discussions fail to resolve the claim to the employee's satisfaction, the employee shall assert his or her claim by sending a written Notice of Claim to the Administrator. The Notice of Claim shall describe in reasonable detail the circumstances under which the employee alleges the claim arose and shall request that the Administrator forward the Notice of Claim to the presiding hearing officer. The employee's claim must be filed within thirty days after the claim arises or the claim will be deemed to have been waived. For good cause shown, the presiding hearing officer may extend the thirty-day period an additional thirty days. If an extension is granted, the presiding hearing officer shall notify the Administrator in writing of the fact of the extension and the reason for it. Within ten days of receipt of the Notice of Claim, the Administrator shall forward the Notice to the presiding hearing officer along with the University's response to the Notice. If the Notice is not forwarded by the Administrator within ten days, the employee may send a copy of the Notice to the presiding hearing officer.

Section 7. University's Notice of Claim Under Section 1(c).

If the University asserts a claim under the conditions established in Section 1(c) and the matter is not settled to the University's satisfaction by informal discussion, the University shall assert its claim by sending a written Notice of Claim to the employee. The Notice shall describe in reasonable detail the circumstances under which the University alleges that the claim arose and shall inform the employee that he or she should respond in writing to the Notice within ten days of the Notice having been sent. The employee's written response shall be sent to the Administrator. Upon receipt of the response, the Administrator shall forward the Notice of Claim and the response to the presiding hearing officer. If the employee fails to respond within ten days, the Administrator shall forward the Notice of Claim to the presiding hearing officer despite the absence of a response. If the employee fails

to respond prior to the date set for the hearing, such failure shall be deemed an admission that the alleged debt is due and owing.

Section 8. University's Claim Under Section 1(d).

If the University claims that the conditions established in Section 1(d) have been met and the matter is not settled to the University's satisfaction by informal discussions, the University may forward a Notice of Claim as provided in Section 7 above. If the employee does not respond within ten days from the mailing of the Notice, the failure to respond will be taken as an expression by the employee that he or she does not wish to have internal procedures used and nothing further will be done under these procedures.

Section 9. Communications.

Communications prescribed by these procedures may be sent by ordinary U.S. mail, by certified U.S. mail, or by messenger. If circumstances warrant it, communication should also be made by publication in an appropriate newspaper.

Section 10. Computation of Time Periods.

In computing any period of time prescribed or allowed in this policy, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is not a regular University business day, in which event the period runs until the end of the next regular University business day. Communications by mail are deemed complete upon mailing.

Section 11. Right to Counsel.

In the hearings provided for by these regulations, the employee and the Administrator each may be represented by up to two persons -- legal counsel or other advisor -- of his or her own choosing.

Section 12. Proceedings Before Hearing Officer.

(a). As used in this section, the words "hearing officer" refer to an individual hearing officer in a case where a single person is sitting and to the chief of a three-member panel in a case where such a panel is sitting, the chief's authority being subject to a majority vote of the panel.

(b). Within seven days of having been appointed, the hearing officer shall notify the parties of the time, date, and place of the hearing. The hearing shall be scheduled no earlier than five days after the date such notice is mailed. The notice shall state the identity of the hearing officer, and other Panel members, if any, the names of witnesses who will be called by both parties, and a list of all other evidentiary items which will be submitted by the parties. The employee and the Administrator will supply such information to the hearing officer. Additions to these lists shall be made known to the parties at least

two days before the appearance of the witnesses or presentation of the evidence. The two-day rule does not apply to the witnesses or other evidentiary items used for rebuttal purposes. The hearing officer may waive the two-day rule where it appears that such waiver will not prejudice the other party. If any prejudice seems likely, the hearing shall be delayed for an appropriate period so that prejudice will be avoided.

(c). At the request of either party made prior to the commencement of the hearing, the hearing officer will exclude prospective witnesses who are not parties from the hearing room during the testimony of other witnesses.

(d). Unless one of the parties requests otherwise, hearings will be open. The party requesting that the hearings be closed shall notify the hearing officer of this desire at least forty-eight hours in advance of the hearing. After listening to arguments from the parties on the request to close the hearings, the hearing officer shall decide whether or not the hearings should be closed.

(e). The hearing officer shall preside over the hearings and shall rule on all questions regarding the conduct of the hearings, including the admissibility of evidence.

(f). The hearing officer shall have the power to have removed from the hearings any person who disrupts the proceeding. If a party, or the advisor or counsel of such party, or any or all of them, are ordered removed for actions disrupting the proceedings, all reasonable efforts shall be made to keep them informed about the proceedings. The hearing officer, in the absence of a request from either party, has the authority to close the hearings if in the judgment of the hearing officer it seems likely that the hearings, once disrupted, will again be disrupted. Parties, counsel, and advisors shall not be ordered removed unless they have disrupted the proceeding and, in the judgment of the hearing officer, it seems likely that such disruptions will continue.

(g). A tape recording or stenographic account shall be made of the hearing, except that on order of the hearing officer, procedural matters may be discussed off the record. The hearing officer shall retain the recording or stenographic account until the time for administrative review has elapsed.

(h). The party filing the Notice of Claim shall have the burden of proving the case and shall present evidence first. Such party's burden of proof shall be satisfied by a preponderance of evidence in the record considered as a whole.

(i). The parties may offer such evidence as they desire and shall produce such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute. The hearing officer shall be the judge of the relevance and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary. The hearing officer may require the production of relevant and material records or other exhibits if such records or other exhibits are not confidential under State or federal law.

(j). The parties and their legal counsel or advisors may present witnesses and examine them and cross-examine all witnesses called by the other party. The hearing officer may limit the number of witnesses to be heard where it is clear that additional witnesses will not add new information for the record.

(k). The hearing officer may receive and consider written statements of persons unable to appear as witnesses. Such statements may be given whatever weight appears appropriate, but before a written statement is given any consideration, the party not introducing it shall receive a copy of the statement and be given a reasonable opportunity to obtain answers to written interrogatories submitted to the person whose written statement is offered. If the written interrogatories are submitted and, in the judgment of the hearing officer, are not answered in a timely and satisfactory manner, the statement shall not be received in evidence.

(l). The hearing officer may grant adjournments and continuances upon the request of a party or upon the hearing officer's own initiative.

(m). The hearing officer may request or require that briefs be submitted and may set the final date for such submission.

Section 13. Decision.

Within thirty days of the conclusion of the hearing, or from the time set for the submission of briefs if later, the hearing officer shall render a decision. In extraordinary circumstances, the decision may be rendered after the thirty-day period but in no event shall the decision be rendered more than forty-five days after the conclusion of the hearing. A hearing officer's decision, in the form of a written report, shall include findings of fact and conclusions on the merits of the case submitted. The written report of the hearing officer shall be distributed to the employee and to the Administrator. The decision of the hearing officer shall be in the form of recommendations to the President.

Section 14. President's Review

Within thirty days following receipt of the hearing officer's report, the President shall indicate in a letter to the hearing officer and to the employee the actions that have been taken, are being, and will be taken in response to the recommendations of the hearing officer. If certain recommendations are rejected in whole or in part by the President, the President shall set forth the reasons for such rejection. The case is then closed, subject only to a decision by the Board of Regents to grant the employee's request for review.

Section 15. Review by the Board of Regents

The employee's request for review by the Board of Regents must be submitted within ten days of the time the President's decision is forwarded or the right to review will be deemed waived.

Section 16. Employee's Remedy

If a final decision is made in favor of an employee who has filed a Notice of Claim under the conditions set forth in Section 1(a) or Section 1(b), the University will take whatever administrative action is necessary to rectify the situation.

Section 17. University's Remedy

If a final decision is made in favor of the University in a case in which the University has filed a Notice of Claim under Section 1(c) or Section 1(d), and the University and the employee are unable to agree on a schedule of repayment, the University may withhold up to twenty percent of the employee's take-home pay until the entire amount held to be due is paid.

Section 18. Limitation of Withholding from Salary

Except (a) when an employee concedes in writing that he or she owes a debt to the University, (b) a final decision is made by the President that an employee owes a debt to the University, or (c) a judgment in favor of the University and against the employee is issued by a court, the University shall not withhold any funds from an employee's salary unless the employee has been discharged or has resigned, in which event the University may withhold the full amount due on the claimed debt from the last salary checks due the employee.

Section 19. Amendment

These regulations, having been adopted by the Board of Regents, may be amended only by action of the Board of Regents. The Board agrees not to make such an amendment prior to consultation with appropriate University units.

Professor Vernon stated that Section 1 (a) and Section 1 (b) may soon be outmoded because of recent court actions but requested the Board approve them despite that fact.

MOTION:

Mr. Wallace moved the Board approve the document entitled "Regulations Concerning Claims By and Against University Employees". Mrs. Collison seconded the motion.

Regent Perrin raised questions about the list of hearing officers in Section 5, stating that the degree of detail was perhaps unwarranted.

AMENDMENT TO MOTION:

Mr. Perrin moved that the Board strike from subsections c and e of Section 5 the requirement of membership in the University

community for the presiding officer and hearing officers. Mr. Shaw seconded the motion to amend, which passed with Wallace and Redeker voting nay.

VOTE ON MOTION AS AMENDED: The motion passed unanimously.

A Statement on Professional Ethics and Academic Responsibility. The Board was requested to approve the following document:

The basic functions of the university are the advancement and dissemination of knowledge, the development of critical intelligence, and the education of citizens and professional workers for the society of which the university is a part.

The indispensable condition for the successful discharge of these functions is an atmosphere of intellectual freedom. Unless he or she is free to pursue the quest for knowledge and understanding, wherever it may lead, and to report and discuss the findings, whatever they may be, the university faculty member cannot properly perform his or her work. As a participant in an enterprise that depends upon freedom for its health and integrity, the faculty member has a special interest in promoting conditions of free inquiry and furthering public understanding of academic freedom.

Freedom entails responsibilities. It is incumbent upon the faculty member to accept the responsibilities which are concomitant with the freedom he or she needs.

Those responsibilities are: (1) to students, (2) to scholarship, (3) to colleagues, (4) to the university, and (5) to the larger community which the university serves. To make these responsibilities operational, it is necessary that ethical and professional standards be adopted to guide faculty members in their conduct and that effective mechanisms be established to monitor and enforce compliance with these standards.

I

RESPONSIBILITIES TO STUDENTS

As a teacher, the faculty member has the responsibility for creating in his or her classroom or laboratory and in relations with students a climate that stimulates and encourages the student's endeavors to learn. To the best of his or her ability, the faculty member exemplifies high scholarly standards, and he or she respects and fosters the student's freedom to choose and pursue his own goals.

1. The faculty member has the obligation to make clear the objectives of the course or program, to establish requirements, to set standards of achievement, and to evaluate the student's performance.

2. The faculty member has the responsibility to meet classes as scheduled and, when circumstances prevent this, to arrange equivalent alternate instruction.
3. The faculty member has the responsibility to teach courses in a manner that is consistent with the course description and credit published in the catalogue and with the announced objectives of the course. He or she must not intentionally intrude into classes material or personal views that have no relation to the subject matter of the course.
4. On controversial issues within the scope of the course a reasonable range of opinion should be presented. When the faculty member presents his or her own views on such issues, they should always be identified as such. Wherever values, judgments, or speculative opinions constitute part of the subject matter, they should be identified as such and should not be offered as fact.
5. The faculty member owes to the student and the university a fair and impartial evaluation of the student's work. Such evaluation should be consistent with recognized standards and must not be influenced by irrelevancies such as religion, race, sex, or political views, or be based on the student's agreement with the teacher's opinions pertaining to matters of controversy within the discipline.
6. Every student is entitled to the same intellectual freedom which the faculty member enjoys. The faculty member must respect that freedom. Restraints must not be imposed upon the student's search for or consideration of diverse or contrary opinion. More positively, the faculty member has an obligation to protect the student's freedom to learn, especially when that freedom is threatened by repressive or disruptive action.
7. The faculty member has obligations as an intellectual guide and counselor to students. He or she has a responsibility to be available to students for private conferences. In advising students, every reasonable effort should be made to see that information given to them is accurate. The progress of students in achieving their academic goals should not be thwarted or retarded unreasonably because a faculty member has neglected his or her obligation as advisor and counselor.
8. The faculty member should conduct himself or herself at all times so as to demonstrate respect for the student. He or she should always respect the confidence deriving from the faculty-student relationship.
9. The faculty member must avoid exploitation of students for personal advantage. For example, in writings and oral presentations due acknowledgment of their contributions to the work should be made.

II.

RESPONSIBILITIES TO SCHOLARSHIP

The faculty member's responsibilities to scholarship derive from the university's commitment to truth and the advancement of knowledge. Furthermore, society has a vital stake in maintaining the university as an institution where knowledge can be sought and communicated regardless of its popularity, its political implications, or even its immediate usefulness. The faculty member has an ethical responsibility both to make full appropriate use of that freedom in his or her teaching and research and to guard it from abuse. More specifically:

1. A faculty member is committed to a lifetime of study. Although no one can know everything, even about a limited subject, he or she must constantly strive to keep abreast of progress in his or her field, to develop and improve his or her scholarly and teaching skills, and to devote part of his or her energies to the extension of knowledge in his or her area of competence.
2. The faculty member has the responsibility of being unfailingly honest in research and teaching. He or she must refrain from deliberate distortion or misrepresentation, and must take regular precautions against the common causes of error.
3. In order to maintain or increase effectiveness as a scholar, a faculty member may find it advantageous to assume certain obligations outside the university, such as consulting for government or industry, or holding office in scholarly or professional societies. Such activities are appropriate in so far as they contribute to his or her development as a scholar in his or her field, or at the very least, do not interfere with that development. On the other hand, acceptance of such obligations primarily for financial gain, especially when such activities may be incompatible with the faculty member's primary dedication as a scholar, cannot be condoned.

III.

RESPONSIBILITIES TO COLLEAGUES

As a colleague, the faculty member has obligations that derive from common membership in the community of scholars. He or she respects and defends the free inquiry of associates and avoids interference with their work. In the exchange of criticism and ideas, he or she shows due respect for the rights of others to their opinions. He or she refrains from personal vilification, and acknowledges contributions of others to his or her work. When asked to evaluate the professional performance of a colleague, the faculty member strives to be objective.

IV

RESPONSIBILITIES TO THE INSTITUTION

The faculty member's primary responsibility to his or her institution is to seek to realize his or her maximum potential as an effective scholar and teacher. In addition, the faculty member has a responsibility to participate in the day-to-day operation of the university. Among the faculty member's general responsibilities to the university, the following may be particularly noted:

1. When a faculty member acts or speaks as a private person, he or she should make clear that his actions and utterances are entirely his own and not those of the university.
2. The faculty member must never attempt to exploit his or her standing within the university for private or personal gain. The faculty member may, on appropriate occasions, cite his or her connection with the university, but only for purposes of personal identification. The faculty member must not permit the impression to prevail that the university in any way sponsors any of his or her activities.
3. University facilities, equipment, supplies, and other properties must never be used for personal or private business.
4. A faculty member has the duty to ensure that the regulations of the university are designed to achieve the university's goals as well as being in accord with the principles of academic freedom. Recognizing the importance of order within the institution, the faculty member observes the regulations of the university, but in no way abdicates his or her right to attempt to reform those regulations by any appropriate orderly means.
5. Effective faculty participation in the governance of the university promotes academic freedom and the goals of the institution. Each faculty member should take part in his institution's decision-making processes to the best of his or her ability and should accept a fair share of the faculty's responsibility for its day-to-day operation.
6. During periods of disturbance or high tension on campus, a faculty member should take reasonable steps to prevent acts of violence and to reduce tension.
7. Subject to the requirements of this statement and other institutional regulations, a faculty member determines the amount and character of the work and other outside activities he or she pursues with due regard to his or her paramount responsibilities within the university and primary loyalties to it.

V

RESPONSIBILITIES TO THE COMMUNITY

As a member of the community, the faculty member has the rights and obligations of any citizen. These include the right to organize and join political or other associations, convene and conduct public meetings and publicize his or her opinion on political and social issues. However, in exercising these rights, the faculty member must make it clear that he or she does not speak for the university, but simply as an individual. The faculty member does not use the classroom to solicit support for personal views and opinions.

Because academic freedom has traditionally included the faculty member's full freedom as a citizen, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions on the other. If such conflicts become acute, and the faculty member's attention to his or her obligations as a citizen and moral agent precludes the fulfillment of substantial academic obligations, the responsibility of that choice cannot be escaped, but the faculty member should either request a leave of absence or resign his or her academic position.

MOTION:

Mr. Shaw moved the Board accept the "Statement on Professional Ethics and Academic Responsibility" as complying with the Board's request of May, 1971. Mr. Baldrige seconded the motion.

Mr. Corrigan reported to the Board that this statement reflects a great deal of concern by the faculty. He said by word of mouth this document has spread across the country. He stated that at least eight times he has given his permission for this statement to be incorporated in faculty handbooks.

VOTE ON MOTION:

The motion carried.

Regulations Prescribing Procedures for Hearing Ethics, Unfitness, Grievance, Nonrenewal, Denial of Tenure and Failure to Promote Cases. The University of Iowa proposed the following regulations prescribing the procedures for hearing ethics, unfitness, grievance, nonrenewal, denial of tenure, and failure to promote cases:

Part A - General Provisions

A1. Scope of Rules and Definitions.

(a). Scope. These regulations establish procedures for resolving the following matters which affect a faculty member's status within the University:

- (1) Alleged violations of the University Statement on Professional Ethics and Academic Responsibility. (Part B)
- (2) Questions of unfitness. (Part C)
- (3) Grievances. (Part D)
- (4) Non-renewal. (Part E)
- (5) Denial of tenure. (Part E)
- (6) Failure to promote. (Part E)

(b). Definitions. As used in this document, each of the following words has the indicated meaning:

- (1) "Judicial Commission" means the faculty Judicial Commission established under procedures set forth in A2. below.
- (2) "Hearing officer" means a person designated to conduct hearings as provided in these regulations.
- (3) "Review panel" means five members of the Judicial Commission designated to review cases as provided in these regulations.
- (4) "Hearing panel" means five members of the Judicial Commission designated to conduct hearings as provided in these regulations.
- (5) "Faculty Mediator" means one of the faculty members, selected as provided in A4. below, to whom the presiding officer of the Judicial Commission may assign cases for mediation.
- (6) "Presiding officer" means the person designated to head the Judicial Commission. "Panel Chief" means the person designated by the presiding officer to chair formal meetings of a Panel.

Option 1 (Faculty)

- (7) "President" means the chief executive officer of the University.

Option 2 (President)

[(7) "President" means the chief executive officer of the University or any person designated by the President to perform certain functions on his or her behalf for purposes of these regulations. When these regulations call upon the President to review a case arising under Part B (Ethics and Responsibility) or Part C (Unfitness), the President personally shall make the decision, except that in his or her absence or incapacity, a person specifically designated by the President to act for this purpose in his or her stead shall make the decision.]

(8) "Academic Officer" means the chief academic officer of the University under the President or any person designated by such officer to perform certain functions on his or her behalf for purposes of these regulations.

(9) "Collegiate Dean" means the chief academic officer of the College in which the faculty member holds his or her principal appointment, or the Dean's designated representative.

(10) "Faculty member" means an individual holding an academic appointment with the rank of instructor, assistant professor, associate professor or full professor, and such other individuals, who may hold various titles, as may be defined as faculty members by action of the Faculty Senate, with the concurrence of the President.

(11) "Ethics Statement" means the University Statement on Professional Ethics and Academic Responsibility.

A2. The Judicial Commission

(a). Selection and Eligibility. The Judicial Commission shall consist of faculty members selected by the Faculty Senate. Those faculty members who are eligible for election to the Faculty Senate shall be eligible to serve as Judicial Commission members.

(b). Number and Terms-of-Office. There shall be twenty-one regular commissioners, and such additional special commissioners as the case load may require. Regular terms are for three years, except that seven of the initial appointments shall be for one-year terms, seven for two-year terms, and seven for three-year terms. Regular terms begin on February 1 and end on January 31. Special commissioners shall be appointed for specified terms no longer than three years. Any term shall automatically extend beyond the established ending date as may be necessary to permit a commissioner to participate until the conclusion of deliberations in a case.

(c). Interim Appointments and Reappointments. If a commissioner is unable to serve part of a term, a replacement, selected by the Faculty Senate, shall be appointed for the appropriate period of time. An individual who has served three consecutive years as a commissioner

under any combination of regular, special, or interim appointments, shall for one calendar year, be ineligible for reappointment. The individuals completing the initial one-year and two-year terms similarly shall for one year be ineligible for reappointment.

(d). Duties of Judicial Commission Members. Members of the Judicial Commission shall perform the following functions:

- (1) Serve as members of review panels.
- (2) Serve as members of hearing panels.
- (3) Serve as a faculty hearing officer.
- (4) Serve as members of Advisory Committees, responsible for complaints against faculty members for reviewing alleged violations of the Ethics Statement, and complaints by faculty members of alleged grievances.
- (5) Serve as members of Preliminary Investigating Committees, to make initial inquiry as to whether cause exists for formal proceedings in unfitness cases or for proceedings in cases in which a faculty member alleges that the denial of tenure, failure to reappoint, or failure to promote was improper.
- (6) Assist the presiding officer in formulating proposals for revision of principles and procedures related to matters covered in this document.

(e). Assignment of Panel Members. A panel member shall not be assigned to matters arising from the department or comparable administrative unit in which the panel member holds his or her principal appointment.

(f). Presiding Officer.

- (1) Selection. On or about February 15 each year, the Judicial Commission shall elect one of its members to serve as presiding officer for the ensuing year or until a successor has been elected.
- (2) Duties. The presiding officer, in addition to presiding over meetings of the Judicial Commission, shall be responsible for the following:
 - (i) Assignment of Faculty Mediators to cases calling for mediation.
 - (ii) By March 1st of each year, to appoint three panels of five members each to review and hear cases arising under these regulations and to designate one of the five to serve as panel chief of each of the panels. The panels shall be designated Panel 1, Panel 2, and Panel 3 and the panels will participate in cases in that order as they arise, with the first case being assigned to Panel 1, the next to Panel 2, and the next to Panel 3, with Panel 1 being assigned the fourth case and with the rotation continuing. Special commissioners will be assigned as standby members of the

panels and the order in which special commissioners will sit will be established at the time the panels are appointed.

(iii) By March 1st of each year designate six members of the Judicial Commission as faculty hearing officers. Special commissioners will be designated as standby hearing officers. The list of faculty hearing officers shall not fall below five.

(iv) Assignment of Judicial Commission members to one or more standing three-member Advisory Committees which may be involved in cases arising under A1(a)(1) and (3), such standing committees to be assigned to cases on a rotating basis as described in subsection (ii) at this subsection.

(v) Assignment of Judicial Commission members to serve on one or more standing three-member Preliminary Investigating Committees in cases arising under A1(a)(2), (4), (5), and (6), such standing committees to be assigned to cases on a rotating basis as described in (ii) of this subsection.

(vi) Forwarding reports to the appropriate individuals (see sections A9(p), (q).)

(vii) Maintenance of master files on all cases handled under these procedures.

(viii) Supervising the selection of hearing officers under the procedures set forth in A3.

(ix) Making periodic reports to the Faculty Council and to the Faculty Senate on the status and disposition of cases.

(x) Reviewing University regulations relating to faculty ethics, unfitness of faculty members, faculty grievances, nonrenewal, tenure, and promotions transmitting to the Faculty Senate any proposals for change.

(g). Technical Advisor. The presiding officer, a panel chief, or a faculty hearing officer may select a member of the faculty as his or her technical advisor in the performance of the Judicial Commission, panel, or faculty hearing officer functions under these regulations. While serving in such capacity, the technical advisor shall not serve as counsel or consultant to any party in any case under these rules.

(h). Removal. Judicial Commission members may be removed for cause by a majority vote of the Faculty Senate on recommendation by a majority of the Judicial Commission.

A3. Hearings, Hearing Officers, Hearing Panels.

(a). Faculty Member's Option. In cases in which a formal hearing is called for under these regulations, the faculty member who is charged in matters arising under A1(a)(1) and (2) and the faculty member who is the complainant in matters arising under A1(a)(3),

(4), (5), and (6) has the option of having the case heard by (1) a hearing panel, (2) a hearing officer from the list provided by the American Arbitration Association as provided in subsection (d) of this section, or (3) a faculty hearing officer. If the faculty member fails to indicate a choice within twenty-four hours of the presiding officer's inquiry concerning such choice, the presiding officer shall designate which of the three hearing tribunals will hear the case.

(b). Hearing Tribunal. As used in describing the hearing process under these regulations, the words "hearing tribunal" mean the person or panel designated to conduct the hearing. Powers lodged in the hearing tribunal vest in the individual hearing officer when one person is designated to hear a case and vest in the panel chief when a hearing panel is conducting the hearing, but a panel chief's decisions are subject to being overruled by majority vote of the hearing panel.

(c). Review. Recommendations of individual hearing officers shall be subject to review by review panels as provided in these regulations. Recommendations of hearing panels are not subject to review by review panels and shall be forwarded directly to the President for his or her review under the procedures established for Presidential review of panel recommendations.

(d). Arbitration Association List. The American Arbitration Association, or other neutral body, shall be asked to provide the presiding officer with the names of fifteen persons who are faculty members of institutions of higher learning other than the University of Iowa who have experience as hearing officers, arbitrators, or mediators, and have consented to serve the University by hearing cases arising under these regulations.

The presiding officer shall forward the list to the Faculty Senate and the Academic Officer. The Faculty Senate and Academic Officer each may strike from the list up to three of the persons named. The presiding officer shall be informed of the decision to strike within two weeks of the list being forwarded. Those whose names remain on the list after the two-week period shall constitute the A.A.A. hearing officer list.

If at any time membership on the A.A.A. hearing officer list falls below five persons who have not served as a hearing officer, the presiding officer will ask for a new list of fifteen qualified persons from the American Arbitration Association, or other neutral body, the selection process will be repeated, and the remaining names will be added to the existing list.

(e). Drawing and Challenges.

(1) When a case is to be heard by a hearing officer rather than a hearing panel, the presiding officer shall place the names of members of the appropriate hearing officer list, either the A.A.A. list or the faculty list, on separate slips and a drawing will be held, with the person whose name is drawn first being designated as hearing officer, subject

(i) to the person so designated expressing a willingness to serve and

(ii) to a peremptory challenge by either the faculty member or the Academic Officer.

If the hearing officer selected feels that he or she would not be able to conduct an unbiased hearing, such person shall disqualify himself or herself. A faculty hearing officer from the department or comparable administrative unit in which the faculty member involved holds his or her principal appointment will be automatically disqualified to serve as hearing officer. The faculty member and the Academic Officer each shall have one peremptory challenge which must be exercised by notifying the presiding officer within twenty-four hours of a name being presented that the challenge is being exercised.

(2) If the person selected expresses a willingness to serve, that person's name will be presented to the Academic Officer. If the Academic Officer does not exercise a peremptory challenge, his or her right to challenge shall be deemed waived, and the name will be presented to the person charged. If the faculty member does not exercise a peremptory challenge, the person selected will be the hearing officer. If the faculty member does exercise a peremptory challenge in such situation, a new drawing will take place and the first person whose name is drawn and who indicates a willingness to serve will be the academic officer.

(3) If when the name is presented to the Academic Officer, he or she exercises a peremptory challenge, a new name will be drawn, inquiry as to willingness to serve made, and the name of the person first drawn who expresses a willingness to serve will be presented to the faculty member. If the faculty member does not exercise a peremptory challenge, the person whose name was presented will be the hearing officer. If the faculty member does exercise a peremptory challenge, a new drawing will take place, and the first person whose name is drawn and who indicates a willingness to serve will be the hearing officer.

A4. Faculty Mediators.

(a). Selection and Eligibility. Faculty Mediators shall be faculty members selected by the Faculty Senate. Those faculty members who are eligible for election to the Faculty Senate shall be eligible to serve as Faculty Mediators.

(b). Number and Terms-of-Office. There shall be three regular Faculty Mediators, and such additional special mediators as the case load may require. Regular terms are for three years, except that one of the initial appointments shall be for a one-year term, one for a two-year term and one for a three-year term. Regular terms begin on October 1 and end on September 30. Special Mediators shall be appointed for specified terms no longer than three years. Any term shall automatically extend beyond the established ending date as may be necessary to permit a Faculty Mediator to conclude his or her efforts in a case.

(c). Interim Appointments and Reappointments. If a Faculty Mediator is unable to serve part of a term, a replacement, selected by the Faculty Senate, shall be appointed for the appropriate period of time. An individual who has served three consecutive years as a Faculty Mediator, under any combination of regular, special or interim appointments, shall for one calendar year, be ineligible for re-appointment. The individuals completing the initial one-year and two-year terms similarly shall for one year be ineligible for reappointment.

(d). Assignment of Cases. The presiding officer shall assign mediation cases to one of the Faculty Mediators. A Faculty Mediator shall not be assigned to matters arising from the department or comparable administrative unit in which the Faculty Mediator holds his or her principal appointment.

(e). Removal. Faculty Mediators may be removed for cause by a majority vote of the Faculty Senate, on recommendation by a majority of the Judicial Commission.

A5. Communications Under These Regulations -- Computations of Time Periods.

(a). Requirements for Communication to Faculty. Communications prescribed by these rules may be sent by ordinary United States mail, by certified United States mail, or by messenger. Methods in which evidence of receipt is obtained are preferred. Communications to a faculty member shall be sent to both the home address and the University office address as these appear in current official University records. If circumstances warrant it, communication also should be made by publication in an appropriate newspaper.

(b). Appraisal of Rights. A faculty member shall be fully apprised of his or her right to request review of actions taken or decisions rendered under these regulations. Attachment of a copy of these regulations to any communication shall satisfy this requirement.

(c). Computation of Time Periods. In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless general University offices are not open on that day, in which event the period runs until the end of the next day on which general University offices are open. Communications by mail are deemed complete upon mailing.

A6. Status of Faculty Member Pending Final Actions.

(a). Pending final action on charges brought under the provisions of these regulations, the status of a faculty member shall not be altered except as this may occur by actions of the President under emergency powers set forth in the Uniform Rules of Personal Conduct at Universities Under the Jurisdiction of the State Board of Regents or as directed by a court order.

Option 1 (Faculty)

A7. Counsel.

(a). Right to Counsel. A faculty member may be represented by legal counsel or other advisor of his or her own choosing in all proceedings provided for by these regulations. If in such a proceeding a faculty member desires the assistance of legal counsel or other advisor but has been unable to obtain it, he or she may so notify the presiding officer who shall attempt to secure a qualified person to assist the faculty member in the preparation and presentation of his or her case. The presiding officer is empowered to proceed in the absence of such an advisor if in his or her judgment possible advisors are being rejected by the faculty member without reasonable grounds. If after reasonable efforts counsel has not been obtained, the hearing shall proceed.

Option 2 (President)

A7. Counsel.

[(a). Right to Counsel. A faculty member may be represented by legal counsel or other advisor of his or her own choosing in all proceedings provided for by these regulations, except for proceedings involving informal discussions between the faculty member and administrative officers. If in a non-informal proceeding a faculty member desires the assistance of legal counsel or other advisor but has been unable to obtain it, he or she may so notify the presiding officer who shall attempt to secure a qualified person to assist the faculty member in the preparation and presentation of his or her case. The presiding officer is empowered to proceed in the absence of such an advisor if in his or her judgment possible advisors are being rejected by the faculty member without reasonable grounds. If after reasonable efforts counsel has not been obtained, the hearing shall proceed.]

A8. Rules for Informal Discussions and Mediation.

(a). Informal Discussion. Where these regulations call for informal discussion or conciliation, it is intended that all persons concerned make a good-faith effort to resolve their differences through an informal exchange of information and viewpoints. Information revealed and statements made in such informal discussions shall be treated with confidentiality by all parties. Because the success of informal conciliation of disputes is dependent upon a mutual desire to reach a resolution, whenever it appears such mutuality of interests in effecting an informal settlement is not present, the faculty member or the Academic Officer or other administrator involved may terminate or omit such an effort and seek a resolution through more formal means.

(b). Mediation. The purpose of mediation under these rules is to create an opportunity for the parties to reach a mutually acceptable solution to an issue affecting a faculty member's status. The function of the Faculty Mediator is to aid the parties in reaching such an agreement through the presentation of an objective view of the facts and the suggestion of alternative solutions. It is not the job of the

Faculty Mediator to decide disputes, but rather to create a climate of openness in which successful negotiation may take place.

A Faculty Mediator will endeavor to collect all relevant facts bearing on the issue through informal discussions with the parties. He or she may also receive and consider written statements. The Faculty Mediator shall determine what meetings are necessary and what parties are to be present at the meeting. Information received and statements made to a Faculty Mediator shall be treated with confidentiality.

(c). Settlements Formulated Through Informal Discussions With the Dean or Through Mediation. When settlement has been formulated through informal discussions, a memorandum summarizing the discussion and setting for the precise terms of the settlement shall be prepared by the parties and signed by the authorized University official and the faculty member. The agreement shall be forwarded to the Academic Officer with copies being given to the Collegiate Dean, the faculty member, and the presiding officer. If a settlement has been worked out through mediation, the Faculty Mediator shall prepare a memorandum indicating the terms of the settlement, have the faculty member and the administrator involved in the mediation sign the document, and forward it to the Academic Officer, with copies being given to the faculty member involved, the Collegiate Dean, the presiding officer, and the complainant if other than the Academic Officer.

A9. Hearing Structure.

(a). Hearing Tribunal. Hearings shall be conducted by a hearing tribunal. (See A3(b) above)

(b). Notice; List of Witnesses. Within seven days of having been appointed, the hearing tribunal shall notify the parties in writing of the time, date, and place of the hearing. The hearing shall be scheduled no earlier than five days after the date such notice is mailed. The hearing tribunal may require the parties to provide in advance of the hearing the names of witnesses who will be called by the parties and a list of all other items which will be submitted in evidence. If such information is required, it shall be made known to the other party at least two days before the appearance of the witnesses or the submission of the evidence. The two-day rule does not apply to witnesses who may be called for rebuttal purposes. In its discretion, the hearing tribunal may waive the two-day rule where it appears that such waiver will not prejudice the party not calling the witness or submitting the evidence. If any prejudice seems likely, the hearing shall be delayed for an appropriate period so that prejudice will be avoided.

(c). Attendance at Hearings. The hearing tribunal shall have the power to have removed from the hearing any person who disrupts the proceedings. If a party to the proceeding or the advisor or counsel of such party, or any or all of them, are ordered removed for actions disrupting the proceeding, all reasonable efforts shall be made to keep them informed about the proceedings. The hearing tribunal in its discretion and in the absence of a request from either party, has the authority to close the hearing if in the judgment of the hearing tribunal it seems likely that

the hearing, once disrupted, will again be disrupted. The individual hearing officer's decision to close the hearing to persons who are not parties, counsel, or advisors shall be in his or her discretion and shall not be subject to review. The decision of an individual hearing officer to order from the hearing persons who are parties, counsel, or advisors shall be subject to review and shall constitute reversible error if the records show that such individual hearing officer acted unreasonably in the circumstances.

(d). Failure to Appear. The failure of a faculty member to appear shall not be taken as indicative of guilt and shall not prejudice the faculty member's case in any way. The hearing tribunal may proceed in the absence of any party who, after due notice, fails to be present or who has been excluded from the hearing because of disruptive conduct.

(e). Conduct of Hearings. The hearing tribunal shall preside over the hearing and shall rule on all questions regarding the conduct of the hearing, including the admissibility of evidence.

(f). Record of Hearing. A tape recording or a stenographic account shall be made of the hearing, except that on order of the hearing tribunal, procedural matters may be discussed off the record. The recording or stenographic account shall be kept by the presiding officer for one year and shall be available under his or her supervision to all parties in the case. After the one-year period, the presiding officer shall deposit the entire record in the appropriate University repository.

(g). Burden of Proof. Where the University brings charges against a faculty member, the burden of proving the alleged violation is on the University and for this reason its evidence shall be presented first. Where the hearings concern a faculty member's grievance or complaint concerning non-renewal, denial of tenure, or failure to promote, the faculty member shall have the burden of proof and he or she shall present evidence first. Except as otherwise provided, the party having the burden of proof must prove the case by clear and convincing evidence in the record as a whole.

(h). Evidence. The parties may offer such evidence as they desire and shall produce such additional evidence as the hearing tribunal may deem necessary to an understanding and determination of the dispute. The hearing tribunal shall be the judge of the relevancy and materiality of the evidence offered and conformity to the legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all parties, except where a party is absent by default or excluded for cause. The hearing tribunal may require University officers and employees to produce records or other exhibits if such records or other exhibits are clearly relevant and material to the issues involved and if such records or other exhibits are not confidential by state law. Upon request, the hearing tribunal shall exclude evidence acquired in violation of the search and seizure provisions of the United States and Iowa constitutions if such evidence would be excluded in a criminal proceeding in federal or state court.

(i). Witnesses and Right to Examine. The faculty member and his or her counsel or advisor, if he or she is so represented, shall be entitled to present witnesses and to question and cross-examine witnesses who appear. The University's representative and the hearing tribunal may also address questions to any witness. The hearing tribunal may limit the number of witnesses to be heard where it is clear additional witnesses will not add new information for the record.

(j). Testimony by the Accused. A faculty member against whom charges have been brought shall be entitled to refuse to answer questions; but, if the faculty member elects to testify, the faculty member shall be subject to cross-examination.

(k). Written Statements. The hearing tribunal may receive and consider written statements of persons unable to appear as witnesses. Such statements may be given whatever weight appears appropriate, but before a written statement is given any consideration, the party not introducing it shall receive a copy of the statement and be given a reasonable opportunity to obtain answers to written interrogatories submitted to the person whose written statement is offered. If the written interrogatories are submitted and, in the judgment of the hearing tribunal, are not answered in a timely and satisfactory manner, the original written statement shall not be received in evidence.

(l). Adjournment and Continuances. The hearing tribunal may grant adjournment and continuances upon the request of a party or the tribunal's initiative.

(m). Termination of Hearings. The hearing tribunal shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard prior to ending a hearing. If briefs are to be filed, the hearings shall be declared ended as of the final date set by the hearing tribunal for the receipt of briefs.

(n). Decision. Within thirty days after the conclusion of the hearing, or from the time set for the submission of briefs if later, the hearing tribunal's decision shall be rendered.

(o). Written Reports. Decisions shall be reported to the presiding officer in writing. The report shall include:

- (1) findings of fact in the cases;
- (2) conclusions drawn from such findings;
- (3) recommended sanctions, if any;
- (4) recommended requirements or remedial actions, if any.

(p). Distribution of Report. The presiding officer shall be responsible for distributing the report of a hearing tribunal to the faculty member, the Academic Officer, the President, the Collegiate Dean, and if the case involves a complainant other than the Academic Officer, such complainant. Reports shall be forwarded under a cover letter indicating the appropriate action, if any, to be taken by the recipient.

(q). Release of Reports.

(1). Reports submitted to the President shall be held confidential by the presiding officer for thirty days.

(2) As soon as possible after the thirty-day period the presiding officer shall report to the Faculty Council in general terms on the nature of the case, findings of fact, and the recommendations contained in the report.

(i) Normally the subsequent minutes of the Faculty Council meeting will indicate that the report and the responses of the administration will be available at reasonable times and places, under supervision of the presiding officer, to interested members of the university community.

(ii) In particular cases the presiding officer may recommend to the Faculty Council that the report be held as confidential for a longer period of time. The Faculty Council, with the advice of the presiding officer, shall then designate the length of time the report and administrative responses shall be held confidential. These time periods shall be announced in Faculty Council minutes.

(3) In all instances, if the hearing has been open, or if a report has been made public by the faculty member involved or the President, the presiding officer may release the full report.

(r). Reopening of Hearings. At any time prior to the rendering of a recommended decision, a hearing may be reopened by the hearing tribunal on the motion of the faculty member or the Academic Officer and a showing of good cause. Such cause is limited to either the discovery of new evidence or the existence of substantially changed circumstances.

A10. Raising the Issue of Enforceability.

If a faculty member wishes to challenge the constitutionality or legality of any University regulation, rule, or policy upon which the charge is based, notice of this fact shall be given to the presiding officer prior to any hearing. The presiding officer will then set the case for argument before the entire Judicial Commission on this issue, and may request the parties to submit written briefs. If a majority of the Judicial Commission concludes that the University rule, regulation, or policy at issue is illegal or unconstitutional, the Judicial Commission shall make that known to the President, and request a determination of the issue by the President prior to remanding the case to a hearing tribunal for an adjudication on the facts. If the President decides that the regulation, rule, or policy is constitutional and legal, the tribunal and review panel will accept that decision and apply the regulation, rule, or policy as written.

All. Amendment of Regulations.

(a). Proposals to amend these regulations may be initiated by the Faculty Senate, the President, or the Board of Regents. The Board agrees that no changes shall be made by the Board without consultation with the Faculty Senate and the President.

Part B - Alleged Violations of the Ethics Statement

B1. Initial Steps.

(a). Complaints. A complaint that a faculty member has violated the Ethics Statement may be filed with the Academic Officer by any person, or a complaint may be initiated by the Academic Officer.

(b). Preliminary Actions by the Academic Officer. The Academic Officer shall make brief investigation as may be necessary to determine whether there is a reasonable basis for believing that the alleged misconduct has occurred. This investigation, to be conducted in such a manner as to avoid injury to the faculty member's reputation, ordinarily shall be completed within thirty days following receipt of the complaint.

(1) If, at this time or at any later time, the Academic Officer concludes that the charges are unfounded, he or she shall so notify the complainant. If the complainant, whether or not a faculty member, is dissatisfied with this decision, he or she may file a request for mediation with the presiding officer. If no such call is made within ten days, the matter is closed.

(2) If the Academic Officer concludes that probable cause exists to believe that a violation of the Ethics Statement has occurred, he or she shall forward a proposed Notice of Charges to the presiding officer.

(3) The Academic Officer shall ask the presiding officer to designate the appropriate Advisory Committee (A2(f)(2)(iv)) to look quickly into the complaint and render an opinion as to whether grounds exist for further proceedings. The Advisory Committee shall submit its report through the presiding officer to the Academic Officer within ten days of the matter being referred to it. The majority opinion and a minority opinion, if any, shall be included in the report. Within five days after receiving the Advisory Committee report, the Academic Officer shall inform the complainant of the Advisory Committee's advice and of the Academic Officer's decision either to close the case or to proceed with the Notice of Charges. The Committee's opinions and recommendations are not binding on the Academic Officer.

(c). Notice of Charges. The Notice of charges shall quote the provisions of the Ethics Statement asserted to have been violated and shall set forth in reasonable detail the reported circumstances of the alleged violation. Copies of the report, if any, from the Advisory Committee shall be attached to the Notice of Charges. The Notice of Charges shall be sent to the faculty member involved, to his or her departmental executive officer, to the appropriate Collegiate Dean, to the presiding officer, and to the complainant if other than the Academic Officer. The Notice of Charges shall describe the options available to the faculty member, as provided in B2. following.

B2. Options for Faculty Member.

(a). No Response. If the faculty member fails to respond in writing within ten days from the date of the Notice of Charges, the Academic Officer

shall refer the case to the presiding officer who shall arrange for a hearing before a hearing tribunal.

(b). Request Mediation. The faculty member, within ten days from the date of the Notice of Charges, may submit to the presiding officer a written request for mediation. Proceedings will then be suspended for a maximum of thirty days. The request for mediation may indicate the order of preference of the faculty member for mediation by his or her departmental executive officer, by his or her Collegiate Dean, or by a Faculty Mediator.

B3. Alternative Proceedings and Disposition of Cases.

(a). Mediation.

(1) Selection of Mediator.

(i) If a request for mediation has been made by the faculty member charged with a violation of the Ethics Statement, the presiding officer will make necessary arrangements with the mediator for whom the faculty member indicated first preference. If this individual declines to serve as mediator, the presiding officer will contact the person next in the order of the faculty member's stated preference.

(ii) If a request for mediation comes from a complainant, the presiding officer, in consultation with the complainant and the faculty member, shall identify a suitable mediator.

(iii) The presiding officer shall keep the Academic Officer informed at each step.

(2) Proceedings. Once the arrangements in (1) above have been made, the mediation will proceed under the general provisions of section A8. of these regulations. The results of any preliminary investigations by the Academic Officer shall be available to the mediator. The purpose of the mediation shall be to attempt to settle the matter to the mutual satisfaction of the complainant, the charged faculty member, and the Academic Officer. Mediation shall continue for up to thirty days and shall terminate in a report from the mediator to the faculty member, to the complainant, and to the Academic Officer summarizing the discussions and, if a settlement has been formulated, indicating the terms thereof.

(i) If the Academic Officer accepts the settlement he or she shall so indicate in a letter to the faculty member with a copy to the Faculty Mediator and the complainant. The faculty member shall have five days from the date of this letter to inform the Academic Officer in writing that he or she wishes the case to proceed to a formal hearing as provided in B3.(b) below. If this option is not chosen by the faculty member, the settlement worked out through the mediation will be implemented by the appropriate administrative officers and the case is closed.

(ii) If the Academic Officer does not accept the mediated settlement, or if the mediation reports that no

settlement has been agreed upon, the Academic Officer may at his discretion drop the charges or send the matter to the presiding officer so that a formal hearing may be arranged.

(b). Hearing by Hearing Tribunal.

(1) Whenever a case involving alleged violation of the Ethics Statement is to be heard, the Academic Officer shall notify the presiding officer. This notification shall include a summary of actions in the case which may have occurred since the Notice of Charges was formulated. The presiding officer shall take the necessary steps to convene the appropriate hearing tribunal. The procedures set forth in A9. shall be followed.

(2) As provided in A9.(o), the hearing tribunal's report shall set forth findings of fact, conclusions drawn from such findings and sanctions, if any are recommended, as listed in the next subsection. The report may also note rectifications or additional performances, if any, to be required of the faculty member.

(3) Any suitable combination of the following sanctions may be imposed:

- (i) Letter of warning or censure.
- (ii) Denial of specific privileges for specified periods.
- (iii) Adjustment in assigned duties or in compensation.
- (iv) Suspension for a specified period.
- (v) Dismissal from employment.

Option 1 (Faculty)

(4) A faculty member may request review by a review panel of a decision of an individual hearing officer. The review procedures described in B3.(c) will apply. If the faculty member does not request review by a review panel or if the decision is rendered by a hearing panel, the decision will be final, subject only to a review by the President at the request of the faculty member. If the President accepts such a request, he shall regard the findings and conclusions of the hearing tribunal as final, but may act to reduce the sanctions imposed and the rectifications or additional performances required. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

Option 2 (President)

[(4) A faculty member may request review by a review panel of a decision of an individual hearing officer. The review procedures described in B3.(c) will apply. If the faculty member does not request such a review or if the decision is rendered by a hearing panel, the decision will be forwarded to the President for review as provided in B3.(d).]

(c). Review by Review Panel. If the faculty member charged wishes a review of the decision of the individual hearing officer, the procedures in this subsection shall be followed.

(1) Request for Review. Within ten days from the date of the report of the individual hearing officer, the faculty member charged may submit a written request for review to the presiding officer. A copy of the request shall be sent by the presiding officer to the Academic Officer. For good cause shown, the presiding officer may grant a ten-day extension of the ten-day time limit. If he or she does so, the presiding officer shall inform the Academic Officer of the decision and the reasons for it. In the request for review, the faculty member should specify whether the request is for a review of the conclusion drawn by the individual hearing officer from the facts, or of the recommended sanctions, or both.

(2) Challenges. A faculty member charged or the Academic Officer may challenge any member of the review panel on the grounds of prejudice. The challenge shall be submitted to the presiding officer who shall examine the reasons for the challenge and rule on it finally. If the presiding officer is himself or herself the review panel member subject to challenge, the challenge shall be submitted to the Chairperson of the Faculty Senate, who shall examine the reasons and rule on it finally. A review panel member from the same department or comparable academic unit in which the faculty member whose case is to be reviewed holds his or her principal appointment shall be disqualified automatically.

(3) Request for Review. The faculty member shall in his or her request for review set forth the grounds for believing that the conclusions drawn from the facts are erroneous or the sanction unfair, or both. Whenever a suspension or dismissal has been recommended by the individual hearing officer, the request for review by the faculty member shall be granted automatically. In other cases, such requests shall be granted if two or more members of the review panel vote to accept the request.

(4) Additional Evidence. The review panel will review the case on the basis of the record of the hearing before the individual hearing officer. If the review panel deems the record of the proceedings before the individual hearing officer insufficient to permit it to review the case intelligently, the review panel may remand the case to him or her for further proceedings. The remand order shall state specifically what additional evidence should be taken. A case may be remanded only twice, and the rehearing by the individual hearing officer shall take place, where possible, within fifteen days of the remand.

(5) Record of Hearings. The taped record or transcript of the hearing before the individual hearing officer shall be made available to the parties and to the review panel.

(6) Disposition. The review panel generally will hear oral arguments in cases on review, but may elect to decide the case on the basis of the taped record or transcript of the hearing, the individual hearing officer's report, and written briefs. The review panel will be bound by the findings of fact made by the

individual hearing officer, but not by the conclusions drawn from the facts or the sanctions recommended by him or her. The Panel Chief will notify counsel and the parties of the date and place of the review panel hearing at least two days in advance of such hearing. The review panel may request written briefs, either before or after a hearing.

Option 1 (Faculty)

(7) Decision. The review panel shall render a written decision as soon as possible after the hearing, but at least within the twenty-five days of a case being referred to it.

Option 2 (President)

[(7) Decision. The review panel shall render a written decision as soon as possible after the hearing, but at least within twenty-five days of the case being referred to it. The review panel's decision shall be in the form of a recommendation to the President.]

Option 1 (Faculty)

(d). Review by President. The decision of the review panel shall be final, subject to request by the faculty member that the President review the case. If the President accepts such a request, he shall be bound by the conclusions of the review panel, but may act to reduce the sanctions imposed and the rectifications or additional performances required. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

Option 2 (President)

[(d). President's Review.

(1) The review panel report and recommendations, or the report and recommendations of the individual hearing officer if the case was not reviewed by a review panel, or the report and recommendations of a hearing panel if such panel acted as the hearing tribunal, and the record made in the case shall be forwarded to the President for review. After reviewing the record, the report, and recommendations, the President will determine what administrative response, if any, shall be taken. The President shall be bound by the burden of proof standard found in A9.(g). In making a decision, the President will give great weight to the recommendations made. There will be no oral argument before the President but either party may submit a brief in support of the party's position. Such briefs shall be submitted within five days of the case being referred to the President.

(2) If the President accepts the recommendations, appropriate administrative action shall be taken to implement the decision, and the case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

(3) If the President rejects the recommendations, the case shall be returned to the panel or tribunal from which it came, along with a written statement of the President's reasons for the action taken. Within seven days of receiving the case from the President, the panel or tribunal shall reconsider the matter and report the results of its reconsideration to the President. The President shall then make a final decision, giving great weight to the views expressed by the panel or tribunal, and have the decision implemented administratively. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.]

Part C - Questions of Unfitness

C1. Introduction.

(a). Scope. This part establishes procedures to be followed at the University level in actions to dismiss a faculty member during the term of his or her appointment on the grounds of unfitness.

(b). Assumptions.

(1) These procedures are designed for use after a determination has been made at the department or college level, following consultation with faculty colleagues in the department or academic unit in which the faculty member holds his or her principal appointment, that a faculty member is not meeting the standard of performance ordinarily expected of an individual in a position occupied by the faculty member.

(2) It is assumed that such a determination will be based on a thorough evaluation of the faculty member's overall performance, including evaluation by his or her peers. It is assumed that the responsible departmental executive officer or the Collegiate Dean will have fully informed the faculty member of the grounds for the contemplated dismissal action, and will have explored with the faculty member possible settlements which might preclude the necessity for formal University-level action.

(c). Alternative Conclusions. While the procedures set forth in this part are intended for cases in which dismissal for unfitness is contemplated, they may, by agreement of the parties, terminate short of dismissal in a change in the faculty member's assigned duties or in other adjustments in the terms of his or her employment.

C2. Initial Steps.

(a). Formal Notice by Academic Officer. University-level actions to dismiss a faculty member during the term of his or her appointment on grounds of unfitness shall be initiated by a letter from the Collegiate Dean to the Academic Officer setting forth in reasonable detail the grounds for the proposed action. The letter shall include a review of the efforts which have been made to resolve the matter within the established procedures of the college in question. On receipt of such a letter, the Academic Officer shall:

- (1) send a copy of the Collegiate Dean's letter to the presiding officer, together with a request that the letter be forwarded to the appropriate Preliminary Investigating Committee (A2(f)(2)(v));
- (2) send a copy of the Collegiate Dean's letter to the faculty member, together with a notice that the matter will be referred to a Preliminary Investigating Committee.

(b). Preliminary Investigation. When the Collegiate Dean's letter is forwarded to the Preliminary Investigating Committee, the committee shall

designate one of its members to preside and it shall inquire quickly and informally, but thoroughly, into the matter at issue and shall within ten days submit to the presiding officer a report indicating whether, in the committee's opinion, grounds exist for formal proceedings before a hearing tribunal. If the committee believes that grounds exist for formal proceedings but that further efforts to reach a settlement through mediation might prove useful, the committee shall so indicate in its report. The presiding officer will provide copies of the committee report to the Academic Officer, to the faculty member, and to the appropriate Collegiate Dean. The committee's opinions and recommendations are not binding on the Academic Officer.

C3. Alternative Proceedings and Disposition of Cases.

(a). Mediation. If on the basis of the report from the Preliminary Investigating Committee or in his or her own discretion, the Academic Officer wishes to pursue the case and feels that mediation might prove fruitful, he or she shall so notify the presiding officer. The presiding officer shall assign the case to one of the Faculty Mediators. Mediation shall continue for up to thirty days, and this period may be extended by mutual consent of the parties involved.

- (1) If a mutually acceptable settlement is worked out through mediation, the Faculty Mediator shall prepare a report setting forth the precise terms of the settlement. This report shall be signed by the faculty member and by the appropriate administrative officers and submitted through the presiding officer to the Academic Officer, with copies to each party. Appropriate administrative action is then taken and the case is closed.

- (2) If no settlement is reached through mediation, the Faculty Mediator shall report this fact in a memorandum which is submitted through the presiding officer to the Academic Officer, with copies to the parties involved.

(b). Hearing by Hearing Tribunal. If previous efforts in an unfitness case have failed to achieve resolution, the Academic Officer may call for a formal hearing before a hearing tribunal. This action is initiated by a letter from the Academic Officer to the presiding officer. The presiding officer shall take the necessary steps to convene the appropriate hearing tribunal. The procedures set forth in A9. shall be followed.

(1) The hearing tribunal's report shall include a finding regarding the question of unfitness and may make recommendations for appropriate action by administrative officers. The hearing tribunal's report shall be submitted to the presiding officer who shall forward it to the Academic Officer, to the faculty member, to the appropriate Collegiate Dean, and to the President.

Option 1 (Faculty)

(c). Hearing Tribunal Decision. A faculty member may request review by a review panel of a decision of an individual hearing officer under the procedures described in C3.(d). If the faculty member does not request review by a review panel or if the decision is rendered by a hearing panel, the decision will be final on the question of unfitness and the President shall implement the recommended actions or take such alternative actions as he deems appropriate. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

Option 2 (President)

[(c). Hearing Tribunal Decision. A faculty member may request review by a review panel of a decision of an individual hearing officer under the procedures described in C3.(d). If the faculty member does not request such a review or if the decision is rendered by a hearing panel, the decision will be forwarded to the President for review as provided in C3.(f).]

(d). Review by Panel. If the faculty member wishes a review by a review panel of the decision of the individual hearing officer, the procedures established in B3.(c) shall be followed.

Option 1 (Faculty)

(e). Panel Decision. The review panel shall make a finding regarding the question of unfitness and may make recommendations for appropriate action by administrative officers. The panel's conclusion regarding unfitness shall be final; its recommendations for action are advisory only. The panel report shall be distributed to the Academic Officer, to the faculty member, to the appropriate Collegiate Dean, and to the President. Upon receipt of the report of the review panel, the President shall implement the recommended actions or take such alternative actions as he deems appropriate. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

Option 1 (Faculty)

(f). Implementation of Alternative Actions. If the President decides not to accept the recommendations of a hearing tribunal or a review panel, he or she shall report this decision to the entity making the recommendations along with a written statement of the reasons for the action taken. Within seven days of receiving the case from the President, the hearing tribunal or review panel shall reconsider the matter and report the results of its reconsideration to the President. The President shall then make a final decision, giving great weight to the views expressed by the panel.

Option 2 (President)

[(e). Panel Recommendation. The review panel shall render a written decision as soon as possible after the hearing, but at least within twenty-five days of the case being referred to it. The review panel's decision shall be in the form of a recommendation to the President.]

Option 2 (President)

[(f). President's Review.

- (1) The review panel report and recommendations, or the report and recommendations of the individual hearing officer if the case was not reviewed by a review panel, or the report and recommendations of a hearing panel if such panel acted as the hearing tribunal, and the record made in the case shall be forwarded to the President for review. After reviewing the record, the report, and recommendations, the President will determine what administrative response, if any, shall be taken. The President shall be bound by the burden of proof standard found in A9.(g). In making a decision, the President will give great weight to the recommendations made. There will be no oral argument before the President but either party may submit a brief in support of the party's position. Such briefs shall be submitted within five days of the case being referred to the President.
- (2) If the President accepts the recommendations, appropriate administrative action shall be taken to implement the decision, and the case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.
- (3) If the President rejects the recommendations, the case shall be returned to the panel or tribunal from which it came along with a written statement of the President's reasons for the action taken. Within seven days of receiving the case from the President, the panel or tribunal shall reconsider the matter and report the results of its reconsiderations to the President. The President shall then make a final decision, giving great weight to the views expressed by the panel or tribunal, and have the decision implemented administratively. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.]

Part D - Grievance Procedures

D1. Introduction.

Option 1 (Faculty)

(a). Scope. This Part establishes procedures which a faculty member shall follow in seeking resolution of complaints by the faculty member concerning administrative action or non-action (i) which involves discrimination against the faculty member based on age, national origin, race, religion, or sex; (ii) which violates the faculty member's academic freedom or tenure rights; or (iii) which seriously impairs a faculty member's ability to perform his or her professional functions and is not based on reasonable educational needs or on criteria related to the faculty member's professional performance. All other faculty grievances will be dealt with by usual channels of administrative appeal. The procedures set forth in Part D are not available for any complaint regarding administrative actions affecting the faculty member, which actions are taken under (1) Parts B, C, or E of these regulations; (2) the regulations governing alleged violations of Regents Rules; (3) the regulations governing claims by and against University employees.

Option 2 (President)

[(a). Scope. This Part establishes procedures which a faculty member shall follow in seeking resolution of complaints by the faculty member concerning administrative action or non-action (i) which involves discrimination against the faculty member based on age, national origin, race, religion, or sex; (ii) which violates the faculty member's academic freedom or tenure rights; or (iii) taken for reasons unrelated to reasonable institutional needs or to the faculty member's professorial performance and which action or non-action seriously impairs a faculty member's ability to perform functions expected of a faculty member. All other faculty grievances will be dealt with by usual channels of administrative appeal. The procedures set forth in Part D are not available for any complaint regarding administrative actions affecting the faculty member, which actions are taken under (1) Parts B, C, or E of these regulations; (2) the regulations governing alleged violations of Regents Rules; (3) the regulations governing claims by and against University employees.]

(b). Intent. These procedures are intended to be used after a faculty member has made reasonable efforts to secure resolution of his or her grievance through informal conferences with appropriate administrative officers, e.g., departmental executive officer, Collegiate Dean, or Academic Officer.

D2. Initial Steps.

(a). Notice of Grievance. The faculty member shall initiate the procedure for resolution of a grievance through a letter to his or her Collegiate Dean with a copy to the Academic Officer setting forth in reasonable detail the grounds for complaint. This step provides a further opportunity for settlement of the matter within regular administrative channels.

(b). Informal Conference with Dean. The Collegiate Dean and faculty member will meet in a further effort to work out a mutually satisfactory settlement. If no settlement can be arranged, the faculty member is free to file his or her complaint with the presiding officer.

(c). Processing of Complaint by Presiding Officer. A faculty member seeking redress of an alleged grievance shall submit to the presiding officer a letter setting forth in reasonable detail the grounds for the complaint. The letter shall include a summary of the efforts the faculty member already has made to resolve the matter through discussions with appropriate administrative officers.

Option 1 (Faculty)

(1) The presiding officer will designate the appropriate Advisory Committee (A2(f)(2)(iv)) to review the complaint in order to determine whether the facts stated in the complaint, if proved, would constitute a grievance under the standards established in D1.(a) above. The Advisory Committee shall submit its report to the presiding officer within five days of the matter being referred to it. The majority opinion and a minority opinion, if any, shall be included in the report. Within five days after receiving the Advisory Committee's report, the presiding officer shall inform the faculty member and the Collegiate Dean of the Advisory Committee's decision. If the Advisory Committee determines that the complaint does not state a grievance under the standards established in D1.(a), the matter shall be deemed ended. If the Advisory Committee determines that the complaint comes within the standards established in D1.(a), the matter shall proceed as follows:

Option 2 (President)

[(1) The presiding officer will designate the appropriate Advisory Committee (A2(f)(2)(iv)) to review the complaint in order to determine whether the facts stated in the complaint, if proved, would constitute a grievance under the standards established in D1.(a), and upon a finding that the allegation, if proved, would constitute such a grievance, to inquire quickly and informally, but thoroughly into the matter to determine whether the allegations have sufficient substance in fact to warrant proceeding further under this Part. The Advisory Committee shall submit its report to the presiding officer within five days of the matter being referred to it. The majority opinion and a minority opinion, if any, shall be included in the report. Within five days after receiving the Advisory Committee's report, the presiding officer shall inform the faculty member and the Collegiate Dean of the Advisory Committee's decision. If the Advisory Committee determines that the complaint does not state a grievance under the standards established in D1.(a) or that it does, but the allegations do not have sufficient substance in fact to warrant proceeding further under this Part, the matter shall be deemed ended. If the Advisory Committee determines that the complaint comes within the standards established in D1.(a) and that the allegations have sufficient substance in fact to warrant proceeding further under this Part, the matter shall proceed as follows:]

(i) Within five days after receipt of the Advisory Committee report, the presiding officer shall meet with the faculty member and with the Collegiate Dean to determine whether mediation should be undertaken or whether the matter should go directly to a hearing tribunal.

(ii) If the faculty member and Collegiate Dean believe that mediation might prove useful the presiding officer shall assign the case to one of the Faculty Mediators. The case then proceeds as provided in D3.(a) below.

(iii) If the faculty member or Collegiate Dean believes that mediation will not prove fruitful, the presiding officer shall take the necessary steps to convene the appropriate hearing tribunal. The case will then proceed as provided in D3.(b) below.

D3. Alternative Proceedings and Disposition of Cases.

(a). Mediation. Mediation in grievance cases shall proceed under the general provisions of section A8. of these regulations, subject to the following modifications and conditions.

(1) Duration of Mediation. Mediation shall continue for up to **thirty days, ending sooner if the issue is resolved or if the Faculty Mediator notifies the parties in writing that he or she has determined that further attempts to reach a settlement will be fruitless.** The mediation period may be extended by mutual consent of the parties involved.

(2) Action if Mediation Succeeds. If a settlement is worked out through mediation the terms of the settlement shall be set forth in a memorandum prepared by the mediator and signed by the faculty member and by the responsible administrative officer(s). Appropriate administrative actions will then be taken and the case is closed.

(3) Action if Mediation Fails. If mediation has proved unsuccessful the Faculty Mediator shall so notify the presiding officer and the parties involved. At this point the faculty member may, at his or her discretion, notify the presiding officer in writing that he or she wishes the matter to be heard by a hearing tribunal. On receipt of such a request, the presiding officer shall take the necessary steps to convene the appropriate hearing tribunal and the case proceeds as provided in the next subsection.

(b). Hearing. Hearings on grievance cases shall be conducted in accordance with the general provisions of Section A9. of this document, subject to the following modifications and conditions:

(1) Statement of Administrative Position. The hearing tribunal may require appropriate administrative officers to submit written statements of their position regarding the faculty member's grievance.

(2) Burden of Proof. The faculty member has the burden of proof and must prove his or her case by a preponderance of the evidence.

(3) Attendance at Hearing. The hearings by the hearing tribunal shall be closed. At the request of either party, witnesses who are not parties shall be excluded from the hearing room during the testimony of other witnesses.

(4) Report. The hearing tribunal shall prepare a report setting forth findings of fact, conclusions drawn from these facts, its opinion regarding the merits of the grievance and its recommendations, if any, for curative actions by appropriate administrative officers. The report shall be submitted to the presiding officer, who shall provide copies to the faculty member, the Collegiate Dean, the Academic Officer, the President, and the person against whom the grievance was lodged, if any.

(c). Panel Review. If the faculty member wishes a review by a review panel of the decision of an individual hearing officer, he or she shall follow the procedures established in B3.(c) above except that a request for review shall be granted automatically. The review panel's report shall set forth its opinion regarding the merits of the grievance and recommendations, if any, for curative actions by appropriate administrative officers. The review panel's report shall be submitted to the presiding officer who shall distribute the report to the persons listed in D3.(b)(4).

(d). President's Review.

(1) The review panel report and recommendations, or the report and recommendations of the individual hearing officer if the case was not reviewed by a review panel, or the report and recommendations of a hearing panel if such panel acted as the hearing tribunal, and the record made in the case shall be forwarded to the President for review. After reviewing the record, the report and recommendations, the President will determine what administrative response, if any, shall be taken. The President shall be bound by the burden of proof standard found in subsection (b)(2) of this section. In making a decision, the President will give great weight to the recommendations made. There will be no oral argument before the President but either party may submit a brief in support of the party's position. Such briefs shall be submitted within five days of the case being referred to the President.

(2) If the President accepts the recommendations, appropriate administrative action shall be taken to implement the decision, and the case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

(3) If the President rejects the recommendations, the case shall be returned to the panel or tribunal from which it came along with a written statement of the President's reasons for the action taken. Within seven days of receiving the case from the President, the panel or tribunal shall reconsider the matter and report the results of its reconsideration to the President. The President shall then make a final decision, giving great weight to the views expressed by the panel or tribunal, and have the decision implemented administratively. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

Part E - Non-Renewal, Denial of Tenure, Failure to Promote

E1. Non-Renewal of Probationary Appointments, Denial of Tenure, and Failure To Promote.

(a). Scope. The procedures established in Part E shall be the exclusive remedy for a faculty member who wishes to challenge a decision by the University not to promote, or to deny reappointment or tenure to the faculty member.

(b). Improper Grounds. It shall be improper to deny tenure, to fail to reappoint, or to fail to promote a faculty member if the decision to deny tenure, to fail to reappoint, or to fail to promote is:

(1) based on the faculty member's age, national origin, race, religion, or sex;

(2) for reasons which violate the faculty member's academic freedom;

(3) made without reasonable consultation with appropriate faculty colleagues of the faculty member, or made in other ways which fail to follow established University procedures;

(4) made for reasons which are clearly inappropriate as a basis for decision or clearly without basis in fact; or

(5) made despite the faculty member's reasonable expectations based on representations in writing made to him or her by authorized University administrators that the faculty member would be reappointed, granted tenure, or promoted.

(c). Grounds for Complaint. While failure to promote, or denial of tenure or failure to reappoint a faculty member on a probationary appointment, is discretionary and while normally no opportunity for hearing is present in connection with a failure to promote, to re-

appoint, or to grant tenure, a hearing, as provided in Part E, shall be available in such cases if there are reasonable grounds to believe that the action was based on one or more of the grounds declared improper in Section E1.(b).

E2. Initial Steps.

(a). Informal Settlement. If it is alleged by a faculty member that promotion, reappointment, or tenure was denied for reasons designated as improper in E1.(b) above, an effort shall be made to settle the matter informally in the department and college involved. If that fails, the Academic Officer shall confer with the parties, together or separately, in an effort to reach a settlement.

E3. Preliminary Investigation.

(a). Request for Investigation. If the matter is not resolved to the satisfaction of the faculty member as the result of the informal discussions contemplated by E2.(a), the faculty member, within thirty days of receiving written notice of the decision not to promote, not to reappoint, or not to grant tenure, may file a written statement with the presiding officer requesting a preliminary investigation. The statement shall set forth in reasonable detail the alleged improprieties in connection with the failure to promote, non-reappointment or denial of tenure. The presiding officer shall forward copies of the faculty member's statement to the appropriate Collegiate Dean and to the Academic Officer.

(b). Preliminary Investigation. On receipt of the statement from the faculty member, the presiding officer shall designate the appropriate Preliminary Investigating Committee (A2(f)(2)(v)) which shall inquire quickly and informally, but thoroughly, into the allegations contained in the faculty member's statement in an effort to determine whether reasonable grounds exist to believe that promotion, reappointment or tenure was denied for reasons designated as improper in E1.(b).

(c). Reasonable Grounds Do Not Exist. If the Preliminary Investigating Committee finds that reasonable grounds for such belief do not exist, it shall, in writing, so notify the presiding officer, who, in turn, shall notify the faculty member, the Collegiate Dean, and the Academic Officer by forwarding a copy of the committee's report to each of those named. The matter shall then be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

(d). Reasonable Grounds Do Exist. If the Preliminary Investigating Committee finds that reasonable grounds for such belief do exist, it shall, in writing, so notify the presiding officer, who in turn shall forward the committee's report to the faculty member, the Collegiate Dean, and the Academic Officer. The parties will then make another attempt to settle the matter within the college. If the matter is not settled to the satisfaction of the faculty member, he or she may file a request for hearing with the presiding officer. Such request must be filed within fourteen days of the forwarding of the committee's report containing the finding that reasonable grounds exist to believe that the University's action was based on improper grounds as defined in E1.(b). A failure to

request a hearing within the fourteen days shall be deemed a waiver of the right to a hearing and a waiver of the right to request review by the Board of Regents. For good cause shown, the presiding officer may extend the fourteen-day period for an additional fourteen days. If such an extension is granted, the presiding officer shall notify the Academic Officer in a writing which sets forth the reasons for the granting of the extension.

E4. Hearing.

(a). Hearing Tribunal. Upon receipt of the faculty member's request for a hearing, the presiding officer shall take the necessary steps to convene the appropriate hearing tribunal to hear the faculty member's complaint and shall notify the Academic Officer and the Collegiate Dean of the faculty member's request.

(b). Documents. All documents submitted to the Preliminary Investigating Committee shall be turned over to the hearing tribunal, with copies being sent to the faculty member and the Academic Officer. The hearing shall proceed under the general provisions of Section A 9. above, subject to modifications set forth in this part.

(c). Burden of Proof. The faculty member shall present evidence first and shall have the burden of proving that the University's action was improper under the provisions of E1.(b). The faculty member's burden shall be satisfied only by clear and convincing evidence in the record considered as a whole. If the faculty member establishes a prima facie case of impropriety, the Academic Officer shall come forward with evidence in rebuttal, but the burden of proof remains on the faculty member.

(d). Panel's Report. The hearing tribunal shall prepare a written report containing findings of fact, conclusions drawn from such findings, and recommendations. The report shall be submitted to the presiding officer who, in turn, shall forward copies of it to the faculty member, the President, the Academic Officer, and the Collegiate Dean.

E5. Review.

(a). Review Panel. If the faculty member wishes a review by a review panel of the decision of an individual hearing officer, the procedures established in B3.(c) of these regulations shall be followed except that the request for review shall be granted automatically.

(b). Presidents Review.

(1) The review panel report and recommendations, or the report and recommendations of the individual hearing officer if the case was not reviewed by a review panel, or the report and recommendations of a hearing panel if such panel acted as the hearing tribunal, and the record made in the case shall be forwarded to the President for review. After reviewing the record, the report and recommendations, the President will determine what administrative response, if any, shall be taken. The President shall be bound by the burden of proof standard found in E4.(c). In making such decision, the President will give great weight to the recommendations made. There will be

no oral argument before the President but either party may submit a brief in support of the party's position. Such briefs shall be submitted within five days of the case being referred to the President.

(2) If the President accepts the recommendations, appropriate administrative action shall be taken to implement the decision, and the case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

(3) If the President rejects the recommendations, the case shall be returned to the panel or tribunal from which it came along with a written statement of the President's reasons for the action taken. Within seven days of receiving the case from the President, the panel or tribunal shall reconsider the matter and report the results of its reconsideration to the President. The President shall then make a final decision, giving great weight to the views expressed by the panel or tribunal, and have the decision implemented administratively. The case shall be deemed closed subject only to a decision by the Board of Regents to grant the faculty member's request for review.

E6. Limitation.

(a). These procedures shall not restrict the right of the University to make non-tenured appointments for fixed terms without any implication of probationary status, and such appointments need not be designated as "visiting" appointments. The terms and conditions of such an appointment shall be set forth in writing at the time of appointment.

Part F - Reports

(a). On or before June 1st and December 1st of each year, the Academic Officer shall submit a report to the presiding officer indicating the results of the steps taken during the preceding six months to implement final decisions made under these regulations (if any such decisions were made), or, if the implementation is not complete, the current status of the matter.

Part G - Review by the Board of Regents

(a). The faculty member's request for review by the Board of Regents must be made within ten days of a copy of the President's decision being sent to the faculty member.

The Board of Regents decided to discuss the proposal by individual part. Part B relating to Alleged Violations of the Ethics Statement was considered first.

Professor Vernon noted that both faculty and students agreed on the proposed policy except for the role of the president. The faculty proposal would authorize presidential review only at the request of the faculty member but his authority would be restricted to reduction of the sanctions imposed. The proposal by President Boyd requires the decision to be forwarded to the president for review. The review panel's decision would be in the form of a recommendation to the president.

Professor Vernon stated that any person can file a complaint against a faculty member for violating the ethics statement.

Regent Petersen stated she understood the viewpoint of the faculty in wanting to create the ethics and responsibility statement and desiring the responsibility to enforce because in reality the only law that anybody can enforce is the law people accept. She stated a grave error would be made in transferring the responsibility from the president to the faculty.

President Boyd responded to Regent Petersen by stating he would rather have the situation viewed in a different way. He stated he was not worried about the authority of the president being chiseled away but rather his concern centered on where, in the best interest of the institution, should the responsibility lie.

Professor Hines stated that two years ago the faculty was requested by the Board to develop a statement of ethics and responsibility and procedures for enforcement. He questioned why they were trustworthy to state the rules but not trustworthy enough to apply them.

Professor Vernon commented that the unfitness and ethics statements overlap. He also stated that he felt the president's proposal is the preferable one.

MOTION:

Mr. Baldrige moved the Board approve Part B of the document entitled "Regulations Prescribing Procedures for Hearing Ethics, Unfitness, Grievance, Nonrenewal, Denial of Tenure and Failure to Promote Cases" with the inclusion of Option 2 (President) in each case. The motion was seconded by Mr. Wallace. The motion passed with Mr. Bailey voting nay.

Part C. Questions of Unfitness. The Board was requested to approve the segment entitled "Questions of Unfitness".

MOTION:

Mr. Wallace moved the Board adopt the Part C entitled "Questions of Unfitness" with inclusion of Option 2 (President) in each case. Mrs. Collison seconded the motion and it passed unanimously.

Part D. Grievance Procedures. The Board was requested to approve the segment entitled "Grievance Procedures".

Professor Vernon reported a difference of opinion between the University administration and the faculty regarding this section. The proposal by the administration would include complaints by the faculty member concerning administrative action or non-action taken for reasons unrelated to reasonable institutional needs.

Professor Hines stated this was a relatively minor disagreement.

MOTION:

Mr. Bailey moved that the Board adopt Part D and Option 2 (President) in each case. Mr. Perrin seconded the motion, and it passed unanimously.

Part E. Nonrenewal, Denial of Tenure, Failure to Promote. The Board was requested to approve the segment entitled "Nonrenewal, Denial of Tenure, Failure to Promote".

Professor Vernon stated that there was no disagreement between the administration and the faculty on this section.

Regent Shaw pointed out that the provision relating to age should be clarified to insure that the retirement policy of the University is not affected.

MOTION:

Mr. Shaw moved the Board approve Part E with the addition of a line that age discrimination language does not affect the retirement policy of the University. Mrs. Collison seconded the motion, and it passed unanimously.

Part A. General Provisions. The Board was requested to approve the general provisions of the document.

Discussion centered on the right to counsel.

Mr. Corrigan stated that although the faculty feels legal counsel may be present at all meetings including informal discussions, he didn't think there was an overwhelming faculty senate feeling that there must be counsel at the first meeting.

MOTION:

Mr. Bailey moved the Board approve the President's Option 2 regarding right to counsel. Mrs. Petersen seconded the motion, and it passed unanimously.

The definition of the term "President" in Part A was discussed. Professor Vernon stated that the faculty feels the president himself should make all

decisions in judicial cases without being able to delegate authority to a subordinate officer.

Regent Bailey said the presidents should make all the final decisions. They should be able to check a matter over inside of 30 seconds and give their decision. President Boyd stated to Regent Bailey that this was not the case. President Boyd said that he does not simply rubber stamp matters just to say he had the final say on the issue. He stated that if he is expected to give the final decision he must spend a great deal of time studying the case.

Regent Baldrige stated that the president is the person held responsible for any given decision but he may delegate decision to others.

MOTION:

Mr. Baldrige moved the Board approve Part A, A1 (b)7 Option 2 (President) of "General Provisions". Mrs. Petersen seconded the motion, and it passed with Mr. Perrin voting nay.

MOTION:

Mrs. Petersen moved the Board approve the rest of Part A - General Provisions, all of Part F - Report and all of Part G - Review by the Board of Regents. Mr. Wallace seconded the motion, and it passed unanimously.

This completed action on the proposed documents.

President Redeker thanked all those who stayed for the discussion from the University of Iowa. Professor Corrigan stated that the set of regulations which have been decided upon are unequalled in the nation.

IOWA STATE UNIVERSITY

The following business pertaining to Iowa State University was transacted on Thursday, May 10, 1973.

ACADEMIC REVENUE BONDS - SALE OF BONDS. President Redeker called the meeting to order at 11:00 a.m., Central Daylight Time, May 10, 1973, and the roll being called, there were present Stanley F. Redeker, President, in the chair, and the following Board members: Bailey, Baldrige, Collison, Perrin, Petersen, Shaw, Wallace. Absent: Zumbach.

This being the time and place fixed by published nature, the Board took up for consideration the matter of bids for the purchase of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, of said Board.

President Redeker requested the filing of all sealed bids. He asked if there were any other sealed bids. He made a second, and then a third and final call for sealed bids. He then announced the closing of receipt of sealed bids.

Sealed bids for the purchase of the bonds were opened by Mr. R. Wayne Richey, Executive Secretary, and read by Mr. Paul D. Speer, President, Paul D. Speer and Associates, Inc., municipal finance consultants. Mr. Speer stated that the bids should be calculated prior to award. President Redeker directed Mr. Speer and Mr. McMurray to proceed with the calculation.

A complete list of the bids by managers is as follows:

<u>Bidder</u>	<u>Net Interest Rate</u>
John Nuveen & Co., Inc., & Associates	4.8818%
First National City Bank, New York & Donaldson, Lufkin & Jenrette, Inc.	4.888

Merrill Lynch, Pierce, Fenner & Smith, Inc., and Associates	4.9063%
White, Weld & Co. and Associates	4.9193
Northern Trust Co. - Chicago; Continental Illinois National Bank & Trust Co. of Chicago; The First National Bank of Chicago; Harris Trust and Savings Banks, Chicago - Joint Managers and Associates	4.92373
Halsey, Stuart & Co., Inc. and Associates	4.9575
Blyth Eastman Dillon & Co., Inc. and Associates	4.9622
Lehman Brothers	4.999
The First Boston Corporation and Associates	5.2391

Mr. Speer reported after calculation that the bid of John Nuveen & Company, Inc., and Associates at a net interest rate of 4.8818% was the best bid and in the interest of the Board he recommended that it be accepted.

MOTION:

Whereupon Member Perrin introduced and caused to be read a resolution entitled "A Resolution authorizing and providing for the issuance of securing the payment of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, for the purpose of defraying the cost of constructing and equipping Veterinary Medicine buildings and facilities on the Campus of the Iowa State University of Science and Technology" and moved that said resolution be adopted. Member Bailey seconded the motion and after due consideration by the Board the President put the question on the motion and upon the roll being called the following voted:

AYE: Bailey, Baldrige, Collison, Perrin,
Petersen, Shaw, Wallace, Redeker.

NAY: None.

Whereupon the President declared the motion duly carried and said resolution adopted.

A complete copy of the above-mentioned resolution is on file in the Board Office.

RESOLUTION PROVIDING FOR THE SALE AND AWARD OF \$6,185,000 ACADEMIC BUILDING REVENUE BONDS, SERIES I.S.U 1973. After all sealed bids had been opened, the results thereof were incorporated in a resolution entitled "Resolution

providing for the sale and award of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, and approving and authorizing the agreement of such sale and award", which was introduced and caused to be read.

MOTION:

Member Shaw moved that said resolution be adopted, seconded by Member Collison, and the roll being called the following voted:
AYE: Bailey, Baldrige, Collison, Perrin, Petersen, Shaw, Wallace, Redeker.

NAY: None.

Whereupon the President declared said resolution adopted and signed his approval thereto.

RESOLUTION providing for the sale and award of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, and approving and authorizing the agreement of such sale and award.

* * * *

WHEREAS notice of sale of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, of the State Board of Regents of the State of Iowa, has heretofore been given in strict compliance with the provisions of Chapter 262A of the Code of Iowa, 1971, by publication of notice at least once not less than seven (7) days prior to this date of sale in a newspaper published in the City of Des Moines, Iowa, and having a general circulation throughout the State of Iowa; and

WHEREAS all sealed bids which have been received have been opened, the substance of the best sealed bid being as follows: the bid submitted by John Nuveen & Co., Incorporated consisting of par and accrued interest plus a premium of \$ None, with the bonds to bear interest at the following rates:

<u>Year of Maturity</u>	<u>Rate</u>	<u>Year of Maturity</u>	<u>Rate</u>
1974	<u>5.50 %</u>	1985	<u>5.00 %</u>
1975	<u>5.00 %</u>	1986	<u>5.00 %</u>
1976	<u>5.50 %</u>	1987	<u>5.00 %</u>
1977	<u>5.50 %</u>	1988	<u>5.00 %</u>
1978	<u>5.00 %</u>	1989	<u>5.00 %</u>
1979	<u>5.00 %</u>	1990	<u>5.00 %</u>
1980	<u>5.00 %</u>	1991	<u>5.00 %</u>
1981	<u>5.00 %</u>	1992	<u>5.00 %</u>
1982	<u>5.00 %</u>	1993	<u>5.00 %</u>
1983	<u>5.00 %</u>	1994	<u>3.50 %</u>
1984	<u>5.00 %</u>		

NOW, THEREFORE, Be It Resolved by the State Board of Regents of the State of Iowa, as follows:

Section 1. That upon being advised in the premises it is hereby determined that the bid of John Nuveen & Co., Incorporated _____ for the purchase of \$6,185,000 Academic Building Revenue Bonds, Series I.S.U. 1973, as advertised, bearing interest at the rates specified in the preamble hereof, is the highest and best bid received, and that said bonds be and the same are hereby awarded to said John Nuveen & Co., Incorporated _____.

Section 2. That the form of agreement of sale of said bonds to John Nuveen & Co., Incorporated _____ be and the same is hereby approved and the President and Executive Secretary are hereby authorized to execute said agreement for and on behalf of the State Board of Regents.

Section 3. That said bonds shall bear interest at the rates specified in the preamble hereof and that the resolution referred to in the preamble hereof, as supplemented hereby, be and the same is hereby ratified and confirmed in all respects.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

Passed and approved May 10, 1973.

MOTION:

Mrs. Petersen moved that the certified checks submitted by all bidders except that submitted by John Nuveen & Co., Inc. and Associates be returned. The motion was seconded by Mr. Baldrige and passed unanimously.

MOTION:

Mrs. Petersen moved that McGladrey, Hansen, Dunn & Company, Des Moines, Iowa, be selected as bond auditors for the Academic Building Revenue Bonds, Series I.S.U. 1973. The motion was seconded by Mr. Shaw and was passed unanimously.

At the conclusion of the sale, Mr. Speer answered questions posed by Board members.

The following business pertaining to Iowa State University was transacted on Friday, May 11, 1973.

REGISTER OF PERSONNEL CHANGES. The actions reported in the Register of Personnel Changes for the period of April, 1973, were ratified.

APPOINTMENT OF UNIVERSITY ADMINISTRATOR. The Board was requested to approve the following appointment:

Wilbur L. Meier, Jr. (Professor and Chairman of the Department of Industrial Engineering, College of Engineering. The chairmanship to be effective for the period July 1, 1973, through June 30, 1978. Salary as budgeted, twelve months' basis, plus annuity).

In absence of any objection, President Redeker declared the above appointment approved.

1973-74 TRAFFIC AND PARKING REGULATIONS. The Board was requested to approve the 1973-74 Traffic and Parking Regulations for ISU and direct SUI and UNI to docket for Board approval any changes planned in their 1973-74 Traffic and Parking Regulations.

The University noted:

The 1972-73 Regulations for ISU have been revised and extensively reorganized. Some of the changes are the result of the experience gained after operation of the bikeway system and the restricted access street system for one year. A few sections have been rewritten for clarification without changing the intent.

The ISU Regulations will be submitted to the Departmental Rules Committee for final approval.

A complete copy of the 1973-74 Traffic and Parking Regulations for ISU is on file at the Board Office.

MOTION:

Mr. Wallace moved the Board approve the 1973-74 Traffic and Parking Regulations for ISU and direct SUI and UNI to docket for Board approval any changes planned in their 1973-74 Traffic and Parking Regulations. Mr. Baldrige seconded the motion, and it passed unanimously.

COMMISSIONING OF SPECIAL SECURITY OFFICERS. The Board Office reported:

The ISU Security Force consists of 16 persons. Of the current force, ten have previously been commissioned by the Board as permanent special security officers. The action recommended will put the other six members of the current force in either a permanent or temporary status. It is our belief that only the action recommended is necessary to clarify the situation.

Under Board policy, all three individuals under a) are fully qualified for permanent status. Under b), Officers Borlin and Davis can be brought back for permanent status upon successful completion of the academy course. Officer Hobson's status will expire upon retirement.

The Board Office recommended a) the commissioning of Richard Broekemeier, Ronald L. Jones and Emlyn E. Platter as permanent special security officers, each having fulfilled the necessary training requirements prior to such commissioning, and b) commissioning Craig Borlin, Byron H. Davis, Jr. and Henry L. Hobson as temporary special security officers, said status to expire within one year or upon commissioning by the Board as a permanent special security officer.

Broekemeier, Richard G., age 25, employed in ISU Security since January 1, 1971. Completed the Twenty-Second Basic Training Session held at the Iowa Law Enforcement Academy February 14 through March 10, 1972.

Jones, Ronald L., age 24, employed in ISU Security since August 15, 1969. Completed the Nineteenth Basic Training Session held at the Iowa Law Enforcement Academy September 13, 1971 through October 8, 1971.

Platter, Emlyn, age 42, employed in ISU Security since October 1, 1969. Completed the Twentieth Basic Training Session held at the Iowa Law Enforcement Academy October 11 through November 5, 1971.

Borlin, Craig H., age 21, employed in ISU Security since July 1, 1972. Was granted an Associate degree in Applied Science from Trinidad State Junior College, Trinidad, Colorado, May 29, 1972. The curriculum pursued was law enforcement. Mr. Borlin is scheduled to attend the Twenty-Eighth Basic Training Session at the Iowa Law Enforcement Academy to be held September 10 through October 19, 1973.

Davis, Byron H., Jr., age 23, employed in ISU Security since January 16, 1973. Received an AA degree from Boone Junior College in 1970, and a B.S. degree from Iowa State University in Political Science in 1972. Mr. Davis was employed as a deputy sheriff in Boone County from July 16, 1972 until December 31, 1972. He is scheduled to attend the Twenty-Eighth Basic Training Session at the Iowa Law Enforcement Academy to be held September 10 through October 19, 1973.

Hobson, Henry L., will retire in June 1973 and his temporary appointment will be canceled at that time.

MOTION:

Mr. Perrin moved the Board a) commission Richard Broekmeier, Ronald L. Jones and Emlyn E. Platter as permanent special security officers, each having fulfilled the necessary training requirements prior to such commissioning and b) commission Craig Borlin, Byron H. Davis, Jr. and Henry L. Hobson as temporary special security officers, said status to expire within one year or upon commissioning by the Board as a permanent special security officer.

APPROVAL OF REQUEST BY SECO FOR PAYROLL DEDUCTIONS FOR UNION DUES. The Board was requested to approve the deduction of membership union dues for the Staff Employees Collective Organization (SECO) at Iowa State University, using regular payroll withholding procedures.

The Iowa State University office of business and finance is prepared to make the arrangements for this service, effective with the June, 1973 payroll, under the policy regulations approved by the Board of Regents.

MOTION:

Mrs. Petersen moved the Board approve the deduction of membership union dues for the Staff Employees Collective Organization at Iowa State University, using regular payroll withholding procedures. Mr. Perrin

seconded the motion, and it passed
 unanimously.

President Redeker noted that it should be made clear that such approval in no way signifies Board approval of a group and that only a service is being provided to such group by the university and the Board.

REGISTER OF CAPITAL IMPROVEMENT BUSINESS TRANSACTIONS. Executive Secretary Richey reported the Register of Capital Improvement Business Transactions for the period April 13 through May 10, 1973, had been filed with him and was in order.

The following CONSTRUCTION CONTRACTS were recommended for approval:

<u>PROJECT</u>	<u>AWARDEE</u>	<u>TYPE OF CONTRACT ITEM</u>	<u>AMOUNT</u>
Library Roof Replacement & Related Work, Original Building	Nieman Roofing Company, New Prague, Minn.	General	\$15,300.00
General Remodeling - Dairy Industry Building Renovate Auditorium	Johnson Electric Co., Des Moines, Iowa.	Electrical	13,670.00
General Remodeling - Dairy Industry Building Renovate Auditorium	Proctor Plumbing & Heating, Des Moines.	Mechanical	22,890.00

The Board was requested to concur in Highway Commission contract awards on institutional road projects:

Widen Wallace Road from Lincoln Way to Union Drive	Hallett Const. Co., Boone, Iowa.	Reconstruction	\$187,915.83
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Note: On above award, funding is as follows:
 Institutional Road Funds \$182,330.51
 ISU Parking Permit Fees 2,792.66
 ISU Dormitory Improvement 2,792.66
 Funds

Widen Wallace Road from Moore & Jensen, Inc. Structures \$65,352.22
Lincoln Way to Union Drive Perry, Iowa.

The following PURCHASE ORDERS FOR EQUIPMENT funded by academic revenue bonds were recommended for approval:

Classroom and office building no. 3 equipment totaling \$33,534.60. Awards to 22 different vendors were recommended. Board was requested to ratify University placement of orders, none of which exceeded \$10,000 to a single vendor.

The following NEW PROJECTS were recommended for approval:

MARSTON HALL - INSTALL HEATING AND COOLING WATER MAINS
AND RELATED EQUIPMENT - FIRST FLOOR SOUTH

Description of Projects and Estimated Project Budgets

These projects entail the installation of hot water heating and chilled water cooling piping and related equipment to serve the south half of the first floor of Marston Hall. They will be carried on in conjunction with general remodeling in the same area.

In the course of remodeling and renovating this building, it will often be necessary to make extensive repairs and/or improvements to the existing outmoded mechanical and electrical systems. These improvements require either vacating the rooms involved or sequencing work over a relatively long period of time to accommodate the ongoing functions in the building. Due to the nature of this type of construction, it is impossible to predict with any accuracy the details and complications which could be encountered in the execution of the projects. These two factors taken together render it unfeasible to attempt to prepare plans and specifications that would describe the circumstances of the projects sufficiently to allow the taking of meaningful and economical bids. Consequently, the work will be performed by our own plant personnel.

Approval of these projects are recommended.

Estimated costs are as follows:

Project 1	\$9,000
Project 2	\$9,000
Project 3	\$9,000
Project 4	\$5,100

Source of Funds:

Project 1	R. R. & A.	\$9,000
Project 2	R. R. & A.	\$9,000
Project 3	R. R. & A.	\$9,000
Project 4	R. R. & A.	\$5,100

MOTION:

Mr. Perrin moved the Board approve the Register of Capital Improvement Business Transactions for the period April 13 through May 10, 1973 except for the two unusual circumstances handled separately below. Approval includes award of construction contracts as shown above; concurrence in Highway Commission contract awards; the purchase orders for equipment as shown above be ratified; the new projects as shown above be approved; the Executive Secretary be authorized to sign the necessary documents. The motion was seconded by Mrs. Petersen and passed unanimously.

The University reported that since only one bid was received on the general construction for the Dairy Industry-Renovate Auditorium project, it was unable to accurately evaluate that bid. The University has cost on this project and proposes within the next few days to do a more complete take-off estimate of the general construction required after which it will be able to make a recommendation regarding the bid received for the general construction.

The University recommended one of the two following:

1. To recommend that the Board accept the one bid received and go ahead with the project.
2. To recommend to the Board that the one bid received be rejected and that the general

portion of this construction project be accomplished by our Physical Plant Carpenter Shop.

Since this project is critically needed for the opening of fall quarter of 1973, it is proposed that approval of the Board for the eventual recommendation of the institution be solicited by telephone from the Board Office as soon as possible and that that action, plus the project budget for the entire project, will be provided at the next meeting of the Board of Regents for its ratification.

MOTION:

Mr. Wallace moved Board approval of the procedure outlined above leading to a decision on proceeding on the general construction portion of the Dairy Industry-Renovate Auditorium project. The motion was seconded by Mr. Baldrige and passed unanimously.

Mr. Moore noted that all bids (five in all) on the construction of a maintenance shed, Veenker Memorial Golf Course, greatly exceeded budget. He recommended rejection of all bids.

MOTION:

Mr. Bailey moved the Board reject all bids received May 8, 1973 on the Veenker Memorial Golf Course - Partial Relocation, Maintenance Shed. Motion was seconded by Mr. Perrin and passed unanimously.

UNIVERSITY OF NORTHERN IOWA

The following business pertaining to the University of Northern Iowa was transacted on Thursday, May 10, 1973.

RESOLUTION PROVIDING FOR NOTICE OF HEARING - STEAM SERVICE TO BIOLOGICAL RESEARCH AND SMALL ANIMAL BUILDING. The University presented for adoption a resolution setting a public hearing on steam service to Biological Research and Small Animal Building.

MOTION:

Member Perrin introduced and caused to be read the resolution hereinafter set out entitled, "Resolution providing for a notice of hearing on proposed plans, specifications and form of contract for Steam Service to Biological Research and Small Animal Building on the campus of the University of Northern Iowa and for a notice to contractors of bidding thereon". Member Perrin moved that said resolution be adopted, seconded by Member Wallace, and after due consideration thereof by the Board, the President put the question and, upon the roll being called, the following voted:

AYE: Bailey, Baldrige, Collison, Perrin, Petersen, Shaw, Wallace, Redeker.

ABSENT: Zumbach.

Whereupon, the President declared the resolution duly adopted.

RESOLUTION providing for a notice of hearing on proposed plans, specifications and form of contracts on Steam Service to Biological Research and Small Animal Building on the campus of the University of Northern Iowa and for a notice to contractors of bidding thereon.

* * * * *

WHEREAS, the State Board of Regents has heretofore found it necessary to construct an eight inch (8") high pressure steam line and pumped condensate return line from Heating Plant No. 1 to the new Biological Research and Small Animal Building, Phase I plus necessary alterations to the existing lines, all as contemplated by plans, specifications and detailed drawings therefore as prepared by Brown Healey Bock, Engineers, Cedar Rapids, Iowa, as the same are now on file in the Office of the Executive Secretary of the Board; and

WHEREAS, the estimated cost of said steam line is \$130,000; and

WHEREAS, it is necessary to fix a time and place of hearing on said proposed plans, specifications and form of contracts for Steam Service to Biological Research and Small Animal Building and to give notice thereof; and

WHEREAS, it is further necessary to set a time and place to receive bids on said proposed improvement and to advertise therefor;

NOW, THEREFORE, Be It and It Is Hereby Resolved by the State Board of Regents of the State of Iowa as follows:

Section 1. That the proposed plans, specifications and proposed form of contracts referred to in the preamble hereof be and the same are hereby adopted.

Section 2. That the 11th day of May, 1973, at 11:00 o'clock A. M., CDT, in the Board Room at the Iowa School for the Deaf in the City of Council Bluffs, Iowa, was fixed as the time and place of hearing on said proposed plans, specifications and form of contracts as referred to in the preamble hereof. Said action is hereby ratified and approved.

Section 3. That the Secretary of this Board gave notice of said hearing on said proposed plans, specifications and form of contracts by publication of such notice at least once in the "Cedar Falls Record", a legal newspaper published in the City of Cedar Falls, Iowa, and having a general circulation in said City, which publication was made at least ten (10) days prior to the time of said hearing, all in conformity with Section 23.2 of the Code of Iowa, 1971. Said action is hereby ratified and approved and was substantially in the following form:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the State Board of Regents of Iowa will meet in the Board Room at Iowa School for the Deaf in the City of Council Bluffs, Iowa on the 11th day of May, 1973, at 11:00 AM, CDT, at which time and place a hearing will be held on the proposed plans and specifications and proposed form of contract for Steam Service to the Biological Research and Small Animal Building on the Campus of the University of Northern Iowa, Cedar Falls, Iowa.

At this hearing interested persons may file objections to said proposed plans and specifications, to the form of contract or to the cost of such improvements. Any objections which may be filed, together with any evidence for or against the same, will be considered by the Board for disposition.

Signed R. Wayne Richey
Executive Secretary
Iowa State Board of Regents

May 1, 1973

Section 4. That the 12th day of June, 1973, at 2:00o'clock P. M., CDT, in the New Administration Building at the University of Northern Iowa, in the city of Cedar Falls, Iowa, was heretofore fixed as the time and place for opening bids on the proposed Steam Service to Biological Research and Small Animal Building, construction project referred to in the preamble hereof, and said time and place are hereby ratified and approved.

Section 5. That the Executive Secretary of the Board will advertise for bids for Steam Service to Biological Research and Small Animal Building, by publication of a notice in the Des Moines Register, a newspaper published in the City of Des Moines and having a general circulation over Iowa, in conformity with Section 262.34 of the Code of Iowa, 1973. Said action is hereby ratified and approved. Said notice will be substantially in the following form:

NOTICE TO BIDDERS

1. Sealed proposal for Steam Service to Biological Research & Small Animal Building, University of Northern Iowa, Cedar Falls, Iowa, will be received by the Iowa State Board of Regents at the office of the President, Administration Building, University of Northern Iowa, Cedar Falls, Iowa, until 2:00 p.m. CDT, Tuesday, June 12, 1973, and will then be publicly opened and read.
2. Bids shall include furnishing all materials, labor, transportation and equipment to complete installation of Steam Service to Biological Research & Small Animal Building, University of Northern Iowa, Cedar Falls, Iowa, according to plans and specifications prepared by BROWN.HEALEY.BOCK, Architects-Engineers-Planners, 3413 Mt. Vernon Road S.E., Cedar Rapids, Iowa 52403.
3. Copies of Plans and Specifications and other Contract Documents are on file and open to inspection to those interested, at the office of R. Wayne Richey, Secretary of the State Board of Regents, in Des Moines, Iowa, and the Physical Plant Department of the University of Northern Iowa, Cedar Falls, Iowa.

Plans and Specifications may be obtained from the office of BROWN.HEALEY.BOCK, Architects-Engineers-Planners, 3413 Mt. Vernon Road S.E., Cedar Rapids, Iowa 52403, on deposit of the sum of Twenty-five Dollars (\$25.00). This deposit will be refunded providing the contract documents are returned to BROWN.HEALEY.BOCK's office within seven (7) days after the bid opening.

4. Bid security will be required as described in the Instructions to Bidders. Each bid shall be accompanied by a cash deposit, bid bond or certified check in the amount of at least five per cent (5%) of the bid.
5. Bid security may be retained by the university as liquidation damages in the event the successful bidder should fail or neglect to furnish a satisfactory Contract Performance and Payment Bond, refuse to enter into contract on the basis of his bid, or fail to meet the requirements of this

notice and the specifications regulating the award. No bidder may withdraw his proposal for a period of forty (40) days after the date and hour of the opening of bids.

6. By virtue of statutory authority, a preference will be given to products and provisions grown, and coal produced, within the State of Iowa. Preference will be given to Iowa domestic labor.
7. The right is reserved to reject any or all bids and to waive irregularities in bids.

Section 6. That all orders or resolutions, or parts of orders or resolutions in conflict herewith be and the same are hereby repealed.

The following business pertaining to the University of Northern Iowa was transacted on Friday, May 11, 1973

STEAM SERVICE TO BIOLOGICAL RESEARCH AND SMALL ANIMAL BUILDING. President Redeker called the meeting to order at 11:00 a.m., C.D.T., May 11, 1973, and the roll being called, there were present Stanley F. Redeker, President, in the chair, and the following named Board members: Bailey, Baldrige, Collison, Ferrin, Petersen, Shaw, Wallace. Absent: Zumbach.

The President advised that this was the day, time and place set for a hearing on the proposed plans, specifications and proposed form of contract for Steam Service to the Biological Research and Small Animal Building on the campus of the University of Northern Iowa. President Redeker inquired whether there were any present who wished to register objections concerning either the proposed plans and specifications or proposed form of contract. No objectors were present.

The President then inquired whether the Executive Secretary had received any written objections to the service. The Executive Secretary stated that he had not received any such objections. There being no objections, the President declared the public hearing closed.

REGISTER OF PERSONNEL CHANGES. The actions reported in the Register of Personnel Changes for the month of April 1973 were ratified.

CURRICULUM ITEMS. The Board was requested to approve the curriculum recommendations of the University of Northern Iowa. A complete file of the curriculum recommendations is kept at the Board Office.

Background Information

The proposed curricular changes have been developed with careful attention to the limited resources of the university. All departmental recommendations were accompanied with cost data setting forth budget implications of the curricular changes. Approval was given at the college and university levels only for those programs and new courses that could be carried out with the limited funding available. A brief summary of the cost data is attached to this memorandum showing that the new costs requested for the proposed programs are at minimal levels.

No new degrees are proposed. There are two proposed graduate majors at the Master of Arts level. At the undergraduate level, three major programs and three minors for the B.A. degree are proposed. All of these programs are made up of courses utilized in the present programs of the university.

Master of Arts -- Major in Communications Media. This graduate major is proposed as a counterpart to the existing major in Educational Media for the Master of Arts in Education degree. Increasingly, a major in Communications Media is being sought by students who do not hold the necessary teaching certification required for the existing major and do intend to work in media production outside school settings, such as business, industry, government service, and religious organizations.

Master of Arts -- Major in German. Several years ago a comprehensive plan for graduate work at the M.A. level in the three major languages offered by the university, French, German, and Spanish, was submitted to the curricular committees. Those in French and Spanish have been approved and are currently being offered. The program in German was approved in principle, but the Graduate Council recommended that it be deferred until there were more members of the German staff on the Graduate Faculty. This condition has now been met and the program is proposed at this time. It is anticipated that the graduate students on this program will provide a source of assistance in the beginning undergraduate German courses resulting in savings to the university in the future.

Bachelor of Arts -- Major in Psychology, Teaching. In the last few years, the State Department of Public Instruction made available an approval area for teachers in the area of psychology. The major meets the preparation required for approval by the Department of Public Instruction and is proposed for those teachers who wish an approval in this area.

Bachelor of Arts -- Major in Russian Area Studies. The program is basically a humanities course of study concentrating in the area of Russian. We currently have such programs in Latin American Studies and Asian Studies. The proposed major is in keeping with the idea that foreign area studies should include the Soviet Union as well as India and China.

Bachelor of Arts -- for Registered Nurses. This program has been requested by and is designed to meet the needs of the hospitals and working nurses of northeast Iowa. It enables the working nurse to take the courses in social sciences, humanities, and other areas not in their previous training for nursing and thus complete a B.A. degree. It will increase their competence in areas in which they may have a special need, such as psychology, sociology, social work, business management. The program can help meet the need for supplemental social skills, for knowledge of abnormal psychology, for informed awareness of inter-city populations and problems, in order that they may function better as new nursing problems arise. It will not train new persons in nursing; indeed, they must have achieved R.N. certification to enter the program. It is not intended for those who wish to do graduate work in nursing or specialize in particular areas of nursing such as public health or psychiatric nursing.

Bachelor of Arts -- Minor in Educational Media. This undergraduate minor would be of interest mainly to students in teacher education programs. It has two main purposes: to increase employment opportunities, and to develop competencies of direct benefit to the improvement of teaching skills.

Bachelor of Arts -- Minor in Psychology, Teaching. The minor in Psychology for teachers is proposed for the same purpose as the major listed above. It meets approval requirements of the Department of Public Instruction.

Bachelor of Arts -- Minor in Dance, Teaching or Liberal Arts. The undergraduate minor in Dance is proposed to encourage the inclusion of sound dance experiences in public school programs. It is also intended for any student who wishes to pursue dance as a related area of interest and may be of particular interest to majors in drama, music, or art.

Motion:

Mrs. Petersen moved the Board refer the curriculum recommendations of the University of Northern Iowa to the Committee on Educational Coordination for its review and recommendation to the Board. Mrs. Collison seconded the motion, and it passed unanimously.

Regent Shaw stated he was surprised that the curriculum items indicated a reshuffling in traditional offerings but not many new programs. President Kamerick responded that new programs cannot be introduced until you are sure you have the staff.

APPOINTMENTS. The Board was requested to approve the following appointments:

Dr. Thomas L. Rueschling as Head of the Department of Business and Associate Professor of Marketing for 1973-74, as shown in the budget for that year.

Dr. Albert R. Gilgen as Head of the Department of Psychology and Professor of Psychology for 1973-74, as shown in the budget for that year.

Dr. Jerry D. Stockdale as Head of the Department of Sociology and Anthropology and Associate Professor of Sociology for 1973-74, as shown by the budget for that year.

In the absence of objection, President Redeker declared the above appointments approved.

Regent Collison stated to the Board that the surplus of teachers is to our advantage because by reading the backgrounds of the above-appointed she noted that they have very good backgrounds.

CONTRACT FOR ENGINEERING SERVICES. The Board was requested to approve a contract for engineering services of a general nature with Brice, Petrides & Associates, Inc., Waterloo, Iowa. The period of the contract would be June 30, 1973, to June 30, 1975. The Board Office noted that if approved, this would be the third such contract entered into with this firm. While the prior contracts only provided a schedule for compensation on "fixed hourly rates" basis, the requested contract provides for an "alternate method of compensation" for design services based on a sliding scale related to construction cost. The "hourly fee" compensation has substantially increased since 1969 although the "fees" quoted in the new contract are fixed until June 30, 1975. The "alternate method" is at the discretion of the University. A copy of the contract is on file in the Board Office.

MOTION:

Mr. Baldrige moved the Board approve a contract for engineering services of a general nature with Brice, Petrides & Associates, Inc., Waterloo, Iowa. The period of the contract would be June 30, 1973, to June 30, 1975. Mr. Bailey seconded the motion, and it passed unanimously.

PROPERTY PURCHASE. The University of Northern Iowa requested Board approval to purchase a building in Waterloo to house the UNI-CUE Program. Included is the building itself (11,293 square feet) and a black top parking area (23,895 square feet) at a total purchase price of \$50,000. First, the University had an appraisal made which indicated the appraised value was \$70,000. The University is able to secure the property for \$50,000. The Executive Council permitted a variance in its policy requiring two appraisals, for this instance only. Reasons for this action were both because of time considerations and cost involved in gaining a second appraisal.

The Board Office noted that the overriding question involves the current use of the program by the people in the area and the future of the program itself. An ancillary question revolves around the level of federal support for the program and whether or not loss of such support will have to be picked up by the State. Finally, the University should be queried as to the remodeling costs necessary to bring this property up to standard and to adequately house the program.

Location

This commercial property is located at 715 East 4th Street, Waterloo, Iowa.

Present Owner

Continental Illinois National Bank and Trust Co. of Chicago, Trustee.

Legal Description

The legal description to the property is: Cooley Addition to Waterloo, the North Fifty (50) feet of Lots Two (2), Three (3), and Four (4), Block 72; except the West Forty (40) feet of the North Fifteen (15) feet, and the east One Hundred Twenty (120) feet, Lot Five (5), Block 72, and the East Ten (10) feet, Vacated alley adjacent on the West.

General Description

The property is known as the former Del Farm Food Store, 715 East 4th Street, Waterloo, Iowa. The building, built in 1954, consists of a one story concrete block commercial store building with concrete floors covered with asphalt tile and no basement. Roof rafters are 2" x 12" - 16" o.c. supported by steel posts and steel beams. The ceiling is lath and plaster. Walls inside are concrete block plastered and painted. Roof is built up pitch and gravel and gutters are built in with galvanized downspouts. The building size is 11,293 Sq. ft. and the black top parking area is 23,895 Sq. ft., making a total area of 35,188 Sq. ft.

Purchase Price

The purchase price is \$50,000 (\$20,000 under the recent appraisal) payable on possession and delivery of a warranty deed and abstract of good merchantable title. Mr. Richey secured from the Executive Council, for this one instance, a waiver of the requirement of a second appraisal.

Availability of Funds

Funds for the purchase are available from Interest Earnings on Treasurer's Temporary Investments.

Need for Purchase

In 1969 the Board of Regents approved a proposal from the University of Northern Iowa to establish a Center for Minority Group Education on the east side of Waterloo. The site for what is known as UNI-CUE was leased from the Waterloo Community School District in August 1969 at a very modest monthly rental. It was known when the site was leased that the Center would have to be moved since redevelopment was taking place in the area under Urban Renewal. At the present time all but two buildings, one of which is the UNI-CUE Center, have been torn down in this area. Although the University has not received formal written notice from the Waterloo Community School District to vacate, it is anticipated that such notice will be forthcoming at an early date. The University has been searching since early 1972 for an alternate location.

Regent Baldrige questioned President Kamerick as to the cost of fixing the building. President Kamerick replied approximately \$50,000 will be spent to fix the building. He also stated that this is the last building in that area available and it would be a worthwhile investment to purchase the building now. Further,

Federal support only involves talent search and the University feels a responsibility to carry on this type of program at this time.

MOTION:

Mr. Perrin moved the Board approve the purchase of property in Waterloo at \$50,000 with terms as listed above. Mr. Baldrige seconded the motion. On roll call the vote was as follows:
AYE: Bailey, Baldrige, Collison, Perrin, Petersen, Shaw, Wallace, Redeker.
NAY: None.
ABSENT: Zumbach.
The motion carried.

AUDIT OF DORMITORY AND DINING SERVICES. The Board was requested to approve the following recommendation presented by the University of Northern Iowa.

The firm of Laventhol Krekstein Horwath and Horwath, Chicago, Illinois, have been making the audit of our Dormitory and Dining Services for a number of years. We have been satisfied with their service but feel it is good practice to occasionally have the viewpoint and recommendations of a different firm.

Therefore, we request that the Waterloo, Iowa, firm of Carney Alexander Marold be commissioned to do our audit for fiscal year 1972-73.

MOTION:

Mr. Bailey moved the Board approve the recommendation to commission the firm of Carney Alexander Marold to do the audit of dormitory and dining services at the University of Northern Iowa for fiscal year 1972-73. Mr. Perrin seconded the motion, and it passed unanimously.

REGISTER OF CAPITAL IMPROVEMENTS BUSINESS TRANSACTIONS. Executive Secretary reported the Register of Capital Improvement Business Transactions for the period April 12 - May 8, 1973, had been filed him, was in order.

The following construction contracts were recommended for approval:

<u>Project</u>	<u>Awardee</u>	<u>Type of Contract</u>	<u>Amount</u>
Storm Sewer Ext. - 1973	Gene Bond Plbg. & Htg., Cedar Falls, Iowa	General	\$49,279.70
Univ. Greenhouse - Ptg. & Reglazing	Winandy Greenhouse Constr. Inc., Richmond, Ind.	General	27,749.00

The following revised project budget was recommended for approval:

UNIVERSITY GREENHOUSE PAINTING & REGLAZING

<u>Expenditures</u>	<u>Original (3/73)</u>	<u>Revised (5/73)</u>
Contract	\$23,000	\$27,749
Contingencies	2,000	1,251
Total	<u>\$25,000</u>	<u>\$29,000</u>
Source of funds: 63rd G.A. Unallocated	\$25,000	\$29,000

Reason for Revision

The contract recommended provides, under an alternate, for complete replacement, with the exception of the tropical house, of the present exterior wood roof and wall framing members with aluminum and replacing all existing glass with new glass. The aluminum roof members will reduce maintenance costs. The alternate has the further advantage of providing the University with the future option of moving the greenhouse super-structure to new foundations at the Biological Research and Small Animal Building, in accordance with the comprehensive plans.

The Board Office also reported--

The University of Northern Iowa has two projects on which it is scheduled to take bids on June 12. These are the Campbell Hall Parking Lot and Steam Service to the Biological Research and Small Animal Building. Under UNI Docket Item B1 is the suggested course of action for handling the award of contract on the steam service project. The University feels it is important that it utilize the approximately two weeks from the bid opening to the regular June Board meeting for purposes of initiating these projects. In the case of the Campbell Hall Parking it probably would result that the parking lot could be opened with the start of school. On the steam service project it was suggested that the Executive Secretary be permitted to award the contract subject to there being no unusual circumstances surrounding the award. The Board then would be requested to ratify the action of the Executive Secretary at its June 28-29 meeting. In further discussion with the University on this recommendation it was pointed out that this procedure would

occur only if the award recommendation came within the budget as a revised budget does constitute an unusual circumstance.

It is Board Office suggestion that 1) the Executive Secretary award the contract on both Campbell Hall Parking Lot project and Steam Service project, if there are no unusual circumstances surrounding the award of either of these contracts, said action to be subject to Board ratification at its June 28-29 meeting; 2) if there are unusual circumstances surrounding either or both awards, the Board of Regents take action to award and to handle any unusual circumstances at its meeting scheduled for either June 15 or June 22 on the Pay Plan.

MOTION:

Mr. Wallace moved the Board approve the Register of Capital Improvement Business Transactions for the period April 12 - May 8, 1973, except for the two contract awards handled below; the construction contracts as shown above be awarded; the revised budget as shown above be approved, the procedure outlined by the Board Office for the two June 12 bid projects be approved, the Executive Secretary be authorized to sign all necessary documents. The motion was seconded by Mr. Perrin, and passed unanimously.

Mr. Jennings noted that the apparent low bidder on the Acoustical Ceiling Installation, Baker Hall was A. G. Strobel, Inc., Waterloo, Iowa, \$13,970.

He further noted that the regular form of bid was submitted unsigned but was accompanied by a signed proposal on the company's proposal form. In checking on this matter, the University is confident no error was intended and recommends the irregularity be waived and contract awarded.

MOTION:

Mr. Wallace moved that the irregularities present in the bid submitted by A. G. Strobel, Inc. on the above-named project be waived and contract awarded for \$13,970 and that the Executive Secretary be authorized to sign the necessary documents. The motion was seconded by Mrs. Petersen, and passed unanimously.

Mr. Jennings also noted that bids were opened May 7 on the Interior Painting of Hagemann Hall project. Three bids were read. A fourth bid contained im-

proper bid security and was not read. Question was raised by a local union as to whether the low bidder - Dutcher & Dutcher Painting, Cedar Falls, Iowa, \$19,718.00 - had prefilled the EEO forms five days before bid opening as required in the specifications.

In discussion, Mr. Richey explained the procedure has been not to sign contracts awarded by the Board prior to receipt of the EEO forms but that pre-filing had not been strictly enforced. He stated that he, personally, would examine the specification language at an early date and either enforce the language or change the language so as to insure enforceability. It was felt that it would be unfair to the low bidder on this project to enforce strict compliance.

MOTION:

Mr. Wallace moved the Board waive the technicality and enforce EEO specification language in the future and award the contract to the low bidder as shown above; the Executive Secretary be authorized to sign the necessary document. The motion was seconded by Mr. Perrin, and it passed unanimously.

EQUIPMENT PURCHASES. The Board was requested to approve equipment purchases funded by Academic Revenue Bonding. An itemized list of the purchases is on file in the Board Office. Purchases are divided into three categories with total purchase price listed below:

1. Education Building, Unit I	\$43,458.90
2. Education Building, Unit II	19,949.95
3. Addition to Library	8,960.00

Board members questioned what appeared to be an excessive number of single bid situations and requested the Purchasing Committee to review procedures.

MOTION:

Mr. Perrin moved the Board approve and ratify the purchases funded by Academic Revenue Bonding for the University of Northern Iowa at the totals listed above. Mr. Wallace seconded the motion and it passed unanimously.

IOWA SCHOOL FOR THE DEAF

The following business pertaining to the Iowa School for the Deaf was transacted on Friday, May 11, 1973.

REGISTER OF PERSONNEL CHANGES. The actions reported in the Register of Personnel Changes for the month of April 1973 were ratified.

CLARIFICATION OF THE DELAY IN ISSUING TEACHER CONTRACTS. At the March Board meeting the Board authorized Superintendent Giangreco to delay issuance of teacher contracts until the April meeting due to uncertainty in Federal Title I funds which support some of the teaching positions. Iowa School for the Deaf reported at this meeting that all teacher contracts have been issued subject to funding.

SUPPLEMENTAL TITLE I FUNDS. Superintendent Giangreco stated to the Board that because of lack of funds the summer program at the Iowa School for the Deaf will be eliminated this year. He stated that if at all possible he would like very much to see this program restored. Executive Secretary Richey explained that at one time all the funds were allocated to the institutions strictly on the basis of average daily attendance and each institution received its share according to the number of students. A few years ago only the initial allotment was put on that basis. Supplemental allotments were allotted by Board action on the basis of the attractiveness of the program proposed by the institution. Superintendent Giangreco stated he would like \$15,000-\$20,000 in supplemental funding for the summer program.

Executive Secretary Richey questioned whether there was a possibility that any of these funds could be used to solve potential fund loss for the next regular academic year. Superintendent Giangreco stated he felt funds could be carried

over if not used for the summer program.

Regent Bailey felt the Board was in the situation where it didn't have all the information needed. In the past the Board Office generally made the recommendation on funding for the Board to approve. Regent Bailey suggested the Board Office do the same this year and bring to the Board relative figures concerning funding.

Superintendent Giangreco stated he would like to go ahead and plan the summer program to get the people involved and if it didn't work the program could be terminated.

Executive Secretary advised the Board he would get information out to Board members within a week on how supplemental funds could be used. He stated he would get in touch with each Board member by telephone after he consulted further with Dr. Giangreco and other school heads. He said the final decision would be made at the next Board meeting.

REGISTER OF CAPITAL IMPROVEMENTS BUSINESS TRANSACTIONS. There were no items on the April Register.

IOWA BRAILLE AND SIGHT SAVING SCHOOL

The following business pertaining to the Iowa Braille and Sight Saving School was transacted on Friday, May 11, 1973.

REGISTER OF PERSONNEL CHANGES. The actions reported in the Register of Personnel Changes for the month of April 1973 were ratified.

REGISTER OF CAPITAL IMPROVEMENTS BUSINESS TRANSACTIONS. The Register for April 1973 contained the following Final Report:

CENTRAL HEATING PLANT IMPROVEMENTS

Project No. 1-72-9-400-001-3001

FINAL REPORT

INCOME

Control Account No. 1-72-9-400-001	\$ 43,985.51
Refund of Sales and Use Taxes	<u>571.60</u>
TOTAL INCOME	\$ 44,557.11

EXPENDITURES

Cedar Valley Daily Times	Advertising	\$ 6.22
Des Moines Register	Advertising	42.65
B. G. Brecke, Inc.	Contract	37,707.00
Stanley Consultants, Inc.	Engineer Fees	<u>7,001.24</u>
TOTAL EXPENDITURES		\$ 44,557.11

RECOMMENDATION: THAT THE UNDRAWN ALLOCATION OF \$ 10,331.49 BE RETURNED TO CONTROL ACCOUNT NO. 1-72-9-400-001 FOR REALLOCATION.

MOTION:

Mr. Wallace moved approval of the Register of Capital Improvement Business Transactions for April 1973 including the Final Report, shown above, and the recommendation for handling the undrawn allocation. The motion was seconded by Mrs. Collison and passed unanimously.

IOWA BRAILLE AND SIGHT SAVING SCHOOL
May 10-11, 1973

AMEND 1972-73 BUDGET. Superintendent Woodcock requested of the Board that due to increased receipts from sales and collections, the Iowa Braille and Sight-Saving School budget for fiscal year 1972-73 be increased by the amount of \$5,000 and that the amount be designated for the purchase of equipment. Mr. Woodcock stated that within the current budget they had projected the receipts from Other General Education Funds at \$6,160. He now estimated this amount to be \$11,160. The increase of \$5,000 results mainly from proceeds of the sale of obsolete equipment.

AMENDED BUDGET FOR FY 1972-73

Approved 72-73 Budget	\$942,160
ADD: Present Request	<u>5,000</u>
Total Revised Budget for FY 72-73	\$947,160

MOTION:

Mr. Perrin moved the Board approve an increase in the IBSSS budget for fiscal year 1973-74 of \$5,000 and that the amount be designated for the purchase of equipment. Mr. Wallace seconded the motion and it passed unanimously.

TITLE I NEW BUDGET. The Board was requested to approve an amended Title I budget for the Iowa Braille and Sight Saving School for 1972-73. Mr. Woodcock stated the proposed amended budget is simply a reallocation of funds. He stated that by transferring funds within the budget a five-week summer program could be funded this year.

MOTION:

Mr. Wallace moved the Board approve the amended budget shown below for the Iowa Braille and Sight Saving School for 1972-73. Mrs. Petersen seconded the motion, and it passed unanimously.

IOWA BRAILLE AND SIGHT SAVING SCHOOL
Amended Budget for 1972-73

FEDERAL FUNDS
P.L.89:313, Title I

Code	Expend. Account		Amended	Original		Amended	Original	Totals
200	Instruction	<u>\$25,938</u>			\$ 808			\$26,746
	Recreation Director			\$5,790	Films and Supplies	\$ 808	\$ 500	
	2 Recreation Aides	\$5,024		6,900				
	Primary Instructor	7,124		7,920				
	*Mobility Instructor			1,500				
	*Typing Instructor			1,000				
	*T.D. Living Instructor			1,000				
	*Language Arts Instructor			1,000				
	*Indus. Arts/Math. Instructor			1,000				
	*Music/Recreation Instr. (PT)			500				
	*Rec./Phys. Ed. Instructor (PT)			500				
	*2 Houseparents			1,500				
500	Transp.	<u>\$ 6,730</u>			<u>\$6,382</u>			13,112
	5 Drivers	4,913		5,750	Vehicle Maintenance,			
	5 Aides	1,817		2,150	Supplies & Support	6,387	8,573	
800	Fixed Charges				<u>\$3,374</u>			3,374
					FICA, IPERS, Ins.	3,374	2,550	
900	Food Serv.	<u>\$ 400</u>			<u>\$1,500</u>			1,900
	*Cook			400	*Food		1,500	
					GRAND TOTAL			<u>\$45,132</u>

* New items added to the budget.

IOWA BRAILLE AND SIGHT SAVING SCHOOL
May 10-11, 1973

ROGER PURDY SCHOLARSHIP. Mr. Woodcock, noting that Roger Purdy, former graduate of the Iowa Braille and Sight Saving School, is in a music program at the University of Northern Iowa and operating on an academic-year budget of \$1,350 granted to him by a scholarship from the Eudora F. McGregor Trust Fund, requested that Mr. Purdy be granted \$269 to attend the summer program. He stated Mr. Purdy is requesting the funds be given to him directly.

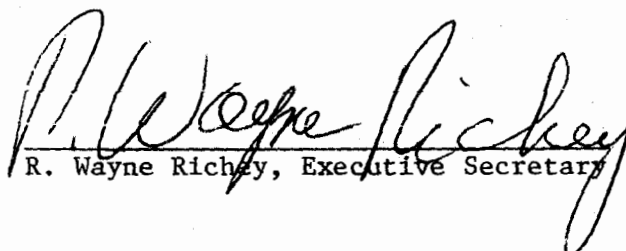
A member questioned the strictness of the trust and asked if it could be broadened. Executive Secretary Richey commented that effort in this direction had not been successful to date but would be renewed. He said very few students can meet the qualifications to apply for aid from the McGregor Trust Fund. He stated the fund is growing but not helping anyone.

Regent Petersen questioned whether Roger Purdy was the only one who has made use of the fund in recent years and Mr. Richey replied that he was.

MOTION:

Mrs. Petersen moved the Board instruct the University of Iowa to disperse \$269 to the Iowa Braille and Sight Saving School from the Eudora F. McGregor Trust Fund to be allocated to Roger Purdy to attend a summer program at the University of Northern Iowa. The motion was seconded by Mr. Perrin and passed unanimously.

COMMENCEMENT EXERCISES. Mr. Woodcock announced the commencement date for IBSSS was scheduled for May 25 at 11:00 a.m. He stated 18 students would be graduating - 15 to receive diplomas and three to receive certificates of completion.


R. Wayne Richey, Executive Secretary