

## CHAPTER 1 – THE BOARD OF REGENTS AND BOARD OF REGENTS OFFICE

The Board of Regents, State of Iowa, has broad statutory authority, as outlined in Iowa Code, to exercise all the powers necessary and convenient for the effective administration of its office and the institutions under its control. The governance provided includes but is not limited to the following: establishes the missions, adopts strategic plans, makes educational policy, appoints presidents and other institutional officials, reviews and approves budgets for submission to the Governor and General Assembly, establishes and oversees annual operating budgets and personnel policies, pursues public policy and budget priorities, reviews and approves academic programs, and adjudicates disputes.

The Board governs and coordinates the operations of the Regent institutions under all applicable Iowa Code and Iowa Administrative Rules provisions.

The intent of this policy manual is to augment the Iowa Code and Administrative Rules to provide additional detail and direction not specifically provided by Iowa Code and Administrative Rules.

### 1.1 Board Officers

- A. The officers of the Board of Regents shall consist of the president ([Iowa Code §262.9\(1\)](#)) and a president pro tem and the Executive Director. The president and the president pro tem may collectively be referred to as “Board Leadership” throughout this policy manual.

In April of even-numbered years, a president and a president pro tem shall be elected by the Board of Regents from its members for a two-year term to commence on May 1.

- B. The president of the Board shall preside at all meetings of the Board; shall appoint members of all committees; with the Executive Director of the Board, execute such instruments and contracts as may be required by law, policy, or Board action; and shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board.
- C. In the event of a vacancy in the office of president, the president pro tem shall serve as president until such time as a new president is elected by the Board to fill the unexpired term. If a vacancy occurs in the office of president pro tem, a successor shall be elected as soon as practicable.
- D. In the event of an emergency situation in which the institutional head of a Regent institution is judged by the President of the Board of Regents as being incapacitated and unable to perform normal duties of the office, the Board President, in consultation with the Executive Director, may name an “acting President/Superintendent” until such time as the Board is able to ratify the appointment of an “Interim President/Superintendent”
- E. The President of the Board of Regents is authorized to determine a state of emergency exists at one or more of the institutions under the jurisdiction of the Board of Regents

based upon circumstances that pose an imminent threat to the health or safety of persons or property at the affected institution(s). In the event of an emergency, the President is authorized to take such action as may be necessary to safeguard persons or property at the affected institution(s); including, but not limited to, suspension or waiver of all or any portion of the Board of Regents Policy Manual and administrative rules. The President shall seek Board of Regents ratification of any actions taken pursuant to this subsection at the earliest practical time, but in no event later than the next regularly scheduled meeting of the Board of Regents.

## **1.2 Board of Regents Committees**

### **A. Appointment and Authority of Committees and Subcommittees**

- i. The Board of Regents has standing committees, as identified in subsection D. Their purpose is to support the mission and goals of the Board. Standing committee appointments and designation of committee chairs are made by the Board President, subject to ratification by the Board of Regents.
- ii. The President of the Board or a majority of the Board members may establish a time-limited ad hoc committee or a task force to undertake a specific mission. Ad hoc committee or task force appointments and designation of chairs are made by the Board President, subject to ratification by the Board.
- iii. The President of the Board may establish subcommittees, make appointments to subcommittees and designate chairs. Subcommittees may be standing, ad hoc, or a task force, as determined by the Board President. Subcommittees shall report as determined by the Board President. All actions taken by the Board President with regard to the establishment of a subcommittee are subject to Board ratification.
- iv. Committees and subcommittees of the Board are considered advisory and/or working groups of the Board
- v. A member of the Board of Regents serving as Board President, President Pro Tem, or Chair of the Investment and Finance Committee shall not be eligible for appointment to the University of Iowa Strategic Initiatives Fund Board of Directors during the term of their appointment as President, President Pro Tem, or Chair of the Investment and Finance Committee.

### **B. General Committee and Subcommittee Responsibilities**

Each committee, within its designated area of jurisdiction, is responsible for the following activities:

- i. Preparing an annual committee plan that defines the scope of the committee work, establishes benchmarks, and identifies performance indicators of committee progress.
- ii. Gathering information on issues and policies pertinent to the committee's work, which may include directing the work and considering the reports of special and

inter-institutional committees of the Board of Regents.

- iii. Developing short-term and long-term recommendations to the Board of Regents or designated Standing Committee after thoughtful consideration of relevant issues and policies.
- iv. Regularly reporting to the Board of Regents or another entity or group as determined by the Board regarding the status of the Committee or Subcommittee's assignments and accomplishments.

#### C. Operation of Committees and Subcommittees

In order to conduct business, a quorum of the committee must be in attendance. A quorum of a committee consists of a majority of the committee members. Each committee of the Board of Regents shall follow Roberts Rules of Order.

#### D. Standing Committees of the Board of Regents

**Academic Affairs.** Primary responsibilities of this committee include the following:

- i. Providing oversight and policy recommendations for the universities and special schools related to:
  - a. academic affairs-and student achievement
  - b. intercollegiate athletics
  - c. faculty activities
  - d. university admissions standards and processes
  - e. new, revised, suspended or closed academic programs
  - f. academic and service delivery at the special schools
- ii. Monitoring and developing appropriate responses to state, regional and national policy initiatives regarding higher and special education
- iii. Establishing positive, collaborative relationships with other education sectors
- iv. Ensuring University, college, and department accreditation is in good standing
- v. Ensure innovative programs and program delivery to meet the needs of the state with excellence
- vi. Receiving progress updates and evaluation reports on delivery of academic programming and student success benchmarks
- vii. Addressing diversity and inclusion in academic policies, procedures and programs

**Audit/Compliance.** This committee is primarily responsible for:

- i. Receiving and reviewing information about internal and external audit functions related to the operation of all Regent institutions
- ii. Evaluating the annual audit plans proposed by internal auditors, with emphasis on financial control systems, mitigation of major risks, operational efficiencies, and compliance matters
- iii. Reviewing all reports prepared by internal auditors of the Regent institutions
- iv. Assuring continued evaluation, improvement, and adherence to all Board and institutional policies, procedures, and practices
- v. Facilitating an open avenue of communication among the independent auditors, state auditors, financial and senior management, internal auditors, the Committee, and the Board of Regents

**Campus and Student Affairs.** Primary responsibilities of this committee include the following:

- i. Providing oversight and policy recommendations for universities and special schools related to:
  - a. Student life and student development
  - b. Campus safety and security
  - c. Fraternity and sorority life
  - d. Student financial aid
  - e. Career development
- ii. Monitoring and reviewing campus safety and security reports
- iii. Encouraging and monitoring strategies to address student diversity and inclusion priorities
- iv. Monitoring and developing responses to state, regional and national trends in support of students outside the classroom

**Free Speech.** The committee is primarily responsible for:

- i. Receiving and reviewing complaints filed under Board Policy Manual Chapter 4.2 Freedom of Expression.
- ii. Annually reviewing all free speech policies and procedures of the Board and universities to assure cross-institutional consistency and compliance with the law.
- iii. Annually reviewing university First Amendment training to assure compliance with Board policy and identify areas for improvement.

- iv. Biannually surveying all university faculty, staff, and students on First Amendment matters.
- v. Monitoring state, regional, and national strategies and best practices for fostering free expression on college and university campuses, and providing guidance to the universities on implementing those strategies.

**Governance and Evaluation.** The committee is primarily responsible for:

- i. Create evaluation structure (Presidents, CEO, COO)
  - a. Strategic plan progress
  - b. Goals
  - c. Performance
  - d. Professional growth (aligned with goals and performance)
- ii. Plan professional development (Board, Presidents, CEO, COO)
- iii. Formulate strategic plan direction
- iv. Perform Board self-evaluation
- v. The Evaluation Committee meets monthly to assess strategic plan progress and monitor evaluation and professional development.

**Investment and Finance.** The committee is primarily responsible for:

- i. Ensuring the preservation of principal, sufficient liquidity for anticipated needs, and maintenance of purchasing power of investable assets
- ii. Monitoring institutional investment and treasury management practices and performance
- iii. Reviewing investment reports
- iv. Ensuring compliance with Board investment policy
- v. Developing the broad investment strategy to be followed and the general limitations on the discretion granted to internal and external investment managers
- vi. Making recommendations to the Regents on the hiring, retention, and
- vii. Review of investment advisors and managers
- viii. Appropriation Requests
- ix. Tuition proposals
- x. TIER/CQI
- xi. Budget Management

**Property and Facilities.** This committee is primarily responsible for:

- i. Receiving, reviewing and making recommendations to the Board regarding institutional requests for approval of:
  - a. The purchase and sale of property including any necessary financing
  - b. The disposal, transfer and sale of buildings; and
  - c. Leases and easements
  - d. Naming of campus facilities
- ii. Receiving, reviewing and commenting upon institutional long-range development plans for the campus in total or specific areas and master plans for specific campus enterprises, such as residence systems, student service facilities and utilities. Receiving and making recommendations to the Board on all institutional capital register items.
- viii. Receiving the Facilities Governance Report and the Institutional Roads program and special reports regarding property and facilities, including those on the status of major capital projects and annual capital plans, and Five Year Building Programs, including capital appropriations requests.
- ix. Monitoring institutional design guidelines and space standards and developing Board standards, as appropriate.
- x. Evaluating the financing for construction, and operation and maintenance of capital projects.
- xi. Examining current processes or bidding and award of construction contracts and possible alternative construction delivery systems.
- xii. Monitoring capital issues including fire and environmental safety and deferred maintenance deficiencies and energy conservation opportunities.
- xiii. Reviewing and making recommendations regarding the duties of the Board, Board Office and institutions for capital improvement projects.
- xiv. Fostering institutional cooperation and coordination among the institutions in facilities management.

**University of Iowa Hospitals and Clinics.** This committee is primarily responsible for:

- i. Providing strategic direction and focus to the UIHC
- ii. Fostering cooperation and coordination with open communication and input from multiple constituencies
- iii. Evaluating and providing an appropriate level of oversight of the UIHC

- iv. Monitoring planning, opportunities, and achievements
- v. Reviewing, monitoring, and recommending long-range capital plans
- vi. Assessing recommendations related to the UIHC

### 1.3 Conflict of Interest Policy – Duty of Loyalty

- A. The Board of Regents, State of Iowa ("Board"), recognizes that members of the Board, employees of the Board, and employees of institutions governed by the Board, are required to comply with Iowa Code § 68B.2A: Conflicts of Interest. To further enhance the credibility and accountability of the Board, the Board requires that all Regents and institutional officials promote at all times the best interests of the Board and its institutions consistent with policies, rules, regulations, and laws governing the Board, academic institutions, and academic freedom. The duty of loyalty requires Regents to exercise their powers and duties in the interests of the Board and its institutions and not in the Regent's own interest or in the interest of another person or organization.
- B. Regents and institutional officials must endeavor to remain free from the influence of, or appearance of, any conflicting interest in acting on behalf of the Board or a Regent institution. Actual or potential conflicts of interest for a Regent or institutional official may arise from the interests of the individual or the individual's spouse, significant other, or a family member. Such interests may include, but are not limited to, employment, ownership of, or service on the board of directors of an organization that has or may have relationships with the Board or a Regent institution.
- C. Each Regent shall disclose on an annual basis any interests that may create an actual or potential conflict of interest and shall supplement the disclosure as new interests may appear. Each Regent shall consult with the Board office on managing identified conflicts. For some interests, disclosure alone may be sufficient. Others may require recusal from participation on certain matters, or, in very unusual situations, divestiture of the interest or resignation from a conflicting position.
- D. When a Regent has an interest, direct or indirect, in an entity proposing to offer a product or service to the Board or an institution under its jurisdiction, the Regent shall not have access to any information regarding the proposed transaction or any competing entity that is not otherwise available to the public and/or all entities competing under the proposed transaction. In the event of any dispute concerning the foregoing, the matter shall be referred to the Office of the Board of Regents who may consult with Office of the Attorney General as necessary.
- E. Regent institutions shall have Conflict of Interest policies in place for institutional employees not subject to this policy. Such institutional policies shall not be inconsistent with this policy.
- F. By its requirement that there be a student member of the Board, the Legislature is deemed to have determined that a student's interest in Board determinations of tuition policy and the like do not constitute an impermissible conflict of interest.
- G. The following procedure shall be followed in the event a question arises within the Board of Regents regarding a conflict of interest:



- i. In all instances where a Regent has a question as to whether he or she may have a conflict of interest in a specific matter, such question shall be referred to the Board office for evaluation. The Board office will consult with the Office of the Attorney General of the State of Iowa as necessary and appropriate to determine whether a conflict of interest is present and the manner in which it should be managed. The Board member shall act in accordance with the determination of the Board office and/or Attorney General.
- ii. If a Regent has a question about whether another Regent has a conflict of interest on a specific matter, the procedure noted above shall be followed, and the Regent having the alleged conflict shall be notified about the question at the time it is referred to the Board office.

#### **1.4 Meetings ([Iowa Code § 262.8](#))**

##### **A. Regular Meetings**

- i. The Board shall meet at least four times a year.
- ii. Meetings shall be held at sites designated by the Board Office.

##### **B. Special Meetings**

Special meetings may be called by the Board, by the President of the Board, or by the Executive Director.

##### **C. Agendas**

The Executive Director, in conjunction with the Board President and President Pro Tem, shall be responsible for determining all matters to be brought before the Board. The Board Office, in consultation with the institutions, shall be responsible for preparing the agenda and gathering all necessary documentation and supporting material. The Board Office shall establish a schedule for submission of agenda items and materials. Each institution will prepare its own portion of the agenda and forward the same, with all supporting material, to the Executive Director in accordance with the schedule for submission.

- i. The agenda of Board meetings will be made available to students, faculty, staff, and the general public through the Board Office, its website, and the public information officer at each institution prior to the Board meeting at which the agenda is to be considered.
- ii. Legislators, the majority and minority leadership in both houses, the Governor's office, state department heads, and members of the press are provided notification

concerning the availability of agenda materials on the Regent website. This release of information is sent as soon as practicable and at least 24 hours prior to the Board meeting.

#### D. Conduct of Meetings

Six members of the Board shall constitute a quorum ([Iowa Code § 17A.2\(1\)](#)). The number of votes required to constitute a majority for a given purpose shall be a majority of those present, assuming a quorum. Except where otherwise required by statute, the Board shall conduct its meetings according to [Robert's Rules of Order](#).

The Board of Regents shall comply with [Iowa Code § 21](#) OFFICIAL MEETINGS OPEN TO PUBLIC.

#### E. Board Procedures for Holding a Closed Meeting

- i. The Board may hold a closed session as permitted by law. The procedure for calling a closed session will begin with the president of the Board determining whether a suggested topic is a proper one for a closed session.
- ii. The president will notify the Board in public session that such a request has been made and will identify by letter or topic the specific exemption for holding a closed session and then request a roll call vote which, in accordance with the law, will require an affirmative vote of two-thirds of the Board or all of the members present before the closed session can be approved.
- iii. At the beginning of the closed session, the president will inform the Board more specifically of the topic of the session. The minutes of the regular Board meeting will reflect the roll call vote for the closed session and the time at which the closed session began and ended.

#### F. Public Attendance at Board Meetings

- i. Members of the public are welcome to attend Board meetings. All sessions of the Board are open to the public except for those authorized by law to be conducted in closed session (see 1.7E of this Policy Manual for details).
- ii. Signs, placards and other display media may be permitted in the meeting room at the discretion of the President of the Board. For public safety reasons, signs shall not be mounted on sticks, posts or similar structures. Audience members may be asked to remove signs from the meeting room if they disrupt the meeting or interfere with the ability of others to observe the proceedings. Disruptive behavior will not be tolerated. Individuals who engage in disruptive behavior will be removed from the meeting.
  - a. Megaphones and sound amplifiers, other than systems provided at the request of the Board, are not permitted in the meeting room.

- b. The Board reserves the right to supplement these rules of conduct upon announcement at any meeting.

#### G. Presentations to the Board

- i. The business of the institutions shall be presented to the Board by the institutional executives. The university presidents are authorized and encouraged to utilize appropriate faculty, students, and staff representatives as institutional resource persons at each meeting when, in their judgment, it is desirable.
- ii. Any person (petitioner) may request to make a written or oral presentation to the Board. All such requests must be in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary. Requests may be submitted directly to the Executive Director at any time in advance of the Board meeting at which the petitioner requests to make a written or oral presentation. Requests must be accompanied by any supporting documentation or evidence that the petitioner wishes the Board to consider. The Executive Director shall cause the subject matter of the request to be investigated, including soliciting institutional comment as necessary. The Executive Director will determine, in his/her discretion, whether a request is to be granted and whether such a request for oral presentation is relevant to the business before the Board. The Executive Director may defer ruling on a request until the next regularly scheduled meeting of the Board if there is insufficient time to adequately investigate the matter and make a determination as to its appropriateness for Board consideration. If a request is granted, the Executive Director shall notify the petitioner of his/her tentative place on the Board's agenda, the prescribed manner of the presentation and what written materials, if any, the petitioner should provide for Board consideration. Priority may be given to requests from students, faculty, staff, or representatives of campus constituencies.

#### H. Public Comment

- i. A public comment period will be held at regularly scheduled, in-person meetings of the Board. There will not be public comment at telephonic meetings or special meetings called by the Board.
  - a. Students, faculty, parents, alumni and citizens have an opportunity to provide comments on any issue affecting the Board of Regents, with priority given to presenters with subjects that relate to agenda items for the current Board meeting.
  - b. The Board will allow for up to 30 minutes in total for public comment. An individual will be permitted up to three minutes to speak. This will be tracked by a timekeeper.
  - c. When the Board's docket for a regularly scheduled, in-person meeting is made public, all persons requesting to speak must register by completing an online form. A link to the sign-up portal will be available when the docket for that meeting is public.
  - d. Registered requests to present to the Board must be received no later than 48 hours prior to the meeting.

- e. Presenters will be organized by the Board Office, and confirmed speakers will be contacted via e-mail no later than 24 hours prior to the meeting.
- f. Handouts are allowed to be distributed to the Board. Presenters should bring 20 copies of materials for the Board to receive. Materials will be distributed to the Board during the speaker's comments.
- g. Public commenters are subject to the rules governing public attendance at Board meetings (Board Policy Manual 1.4.F).
- h. The public comment rules may be adjusted at the discretion of the Board President.

## **1.5 Record Retention Policy**

### **A. Definition and Identification of Records**

- i. Records are anything containing information which is made, produced, executed, or received in connection with the transactions and official activities of the Board of Regents or executed in the conduct of Board of Regents business. Examples include documents, books, paper, electronic records, photographs, videos, sound recordings, databases, and other data compilations that are used for multiple purposes, or other material, regardless of physical form or characteristics.
- ii. Records can be divided into two categories: 1) Official, and 2) Transitory/Convenience.

### **B. "Official records" are:**

- i. records having the legally recognized and judicially enforceable quality of establishing some fact, policy, or institutional position or decision.
- ii. the single official copy of a document maintained on file at the Board of Regents Office, but not always, the original.
- iii. subject to the records retention requirements included in the Board of Regents Records Retention Schedule.

C. "Transitory/convenience records" are:

- i. duplicate copies of official records.
- ii. extra copies of documents or records created or preserved for convenient access and/or for reference, including computer backups and duplicate computer files.
- iii. miscellaneous correspondence without official significance.
  - a. versions or drafts of reports, memos, word processing files, letters, messages, or communication (electronic or otherwise) that are used to develop a final official document.
  - b. records that do not carry a requirement for retention and should be destroyed when they cease to be useful (using secure destruction methods if they contain confidential information).

**Board of Regents Records Retention Schedule**

| <b>Official Record Category</b> | <b>Official Record Title</b>   | <b>Official Record Description</b>  | <b>Regent Retention Guideline (5 Years, 10 Years or Permanent)</b> | <b>Confidential* * (Yes/No)</b> | <b>Official Files Maintained By</b> |
|---------------------------------|--|---|--|---------------------------------|-------------------------------------|
| Administrative Records          | Board of Regents Meeting Docket/Agenda Materials and Annual Reports                              | Required information, annual reports and other reports of secretarial officers (as required by Iowa Code 262.25) provided by to the BOR office.   | 10 years   | No                              | Board of Regents Office             |
| Administrative Records          | Board of Regents Policy Manual, Institutional policies and related procedures, or policy manuals | Policies and related procedures (internal or external), etc. that are used in the administration and management of the Board Office and Institutions department should be memorialized. | 5 Years  | No                              | Board of Regents Office             |
| Administrative Records          | Personnel Files  | Materials provided and generated in the review of the Executive Director, Institutional Leadership and Staff.   | Permanent  | Yes                             | Board of Regents Office             |
| Administrative Records          | Litigation Files   | Materials provided and generated in response to litigation or administrative actions filed against or by the Board of Regents   | 5 Years  | Yes                             | Board of Regents Office             |
| Administrative Records          | Strategic Plan - Board of Regents  | The current and previous strategic plan of the Board of Regents.  | 10 Years   | No                              | Board of Regents Office             |
| Administrative Records          | Contracts  | Materials provided or generated regarding contracts   | 10 Years   | Yes                             | Board of Regents Office             |

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## 1.6 Fees and Charges

- A. The Board of Regents is responsible for establishing fees and charges at the Regent institutions, such as tuition, mandatory fees, miscellaneous charges, room and board rates for university residence systems, and parking rates. Certain exceptions do apply.
- B. Each proposed increase in student charges is generally presented to the Board twice — first for preliminary consideration and public notice requirements and second for final approval.
- C. State law ([Iowa Code § 262.9.19](#) and [681 IAC 9.6\(1\)](#)) requires the Board to:
- i. Notify the presiding officers of the student government organizations not less than thirty days prior to action to increase charges, including a copy of the related docket memorandum; and
  - ii. Make the final decision on tuition and mandatory fees for the next academic year at a regular meeting, which is to be held in one of the three university cities but not held during a university holiday or break.
- D. The Administrative Code ([681 IAC 9.6\(2\)](#)) requires, that if an increase is proposed from the initial amount to increase a tuition, fee, or charge is increased, the docket is to be resent to student leaders and an additional 30-day notice period is to be given prior to Board approval.
- E. The distribution of Board docket materials relating to the proposed increases shall be sent to the person identified by each institution as the student government president and mailed or emailed to the student government office listed in each university directory.
- F. Tuition
- i. Tuition Policy

Iowa law ([Iowa Code §262.9.24](#)) requires the Board to adopt a policy for establishment of tuition rates that provide some predictability for assessing and anticipating changes.
  - ii. Classifications of Residents and Nonresidents for Tuition

General

The rules for classification of a student as a resident or nonresident for tuition and fee purposes are found in The Administrative Code ([681 IAC 1.4](#)). Those rules include general residency guidelines, with specific discussion of military personnel, American Indians, refugees, and immigrants. The rules for classification are extended to be in full compliance with Section 702 of the Veterans Access, Choice, and Accountability Act of 2014 (Choice Act).

iii. Graduate Assistants and Spouses

- a. Nonresident students with graduate assistantships of 1/4-time or more retain their nonresidency classification, but are assessed Iowa resident tuition and fees as long as the graduate assistantship is continued.
- b. The spouse of a nonresident 1/4-time or more graduate assistant is eligible for Iowa resident tuition during the period of the assistantship appointment. Iowa residency is not granted. When the graduate assistantship ends, the resident tuition assessment for the spouse is terminated.

iv. Principles for Setting Tuition and Related Fees

The following principles will be used to set tuition and related fees at the three public universities governed by the Board:

Tuition Categories:

- a. Resident Undergraduate Students
  - b. Resident Graduate Students
  - c. Nonresident Undergraduate Students
  - d. Nonresident Graduate Students
  - e. Resident Professional Students
  - f. Nonresident Professional Students
- v. On an annual basis, the Board of Regents will consider tuition and fee proposals suggested by each university president for the following academic year at their university.
  - vi. Within each tuition category, each university president will have sufficient flexibility, with appropriate justification, to recommend differential levels of tuition and fees for all students at their university or for subcategories of students, consistent with Regent and institutional strategic goals, based on student classification level, program of study, or other relevant criteria.
  - vii. The Board will use, as a benchmark in evaluating university-proposed tuition and fee increases, an inflationary percentage range of the projected HEPI (Higher Education Price Index) as determined by the University of Iowa's Institute for Economic Research, in consultation with economists at Iowa State University and the University of Northern Iowa.



#### viii. University Tuition and Fee Proposals

Prior to submitting tuition and fee proposals to the Board Office for review and analysis, each university president must:

- a. Ensure that tuition and fee proposals are discussed on campus with the elected leadership of faculty, staff, and student organizations.
- b. Keep the other two university presidents fully informed throughout the development process of tuition and fee requests. Use the HEPI benchmark as a guide to Board expectations for rates increases, absent adverse changes in the overall fiscal environment for the university.
- c. Provide clear explanation and justification for all tuition and fee requests.
- d. Any mandatory fee proposal higher than the median of the HEPI range and earmarked for specific non-academic student benefits should also include the endorsement of students and identification of the specific uses and duration of the fee.
- e. Provide specific documentation of the university strategic goals and objectives related to the tuition and fee proposals.
- f. Tuition for nonresident undergraduate students should, at a minimum, cover the full cost of their education at each Regent university.
- g. Provide student financial aid to meet enrollment and tuition cost calculated as a minimum of 15% of tuition revenues.
- h. Prohibit the designation of a portion of the tuition moneys collected from resident undergraduate students by institutions of higher education governed by the board for use for student aid purposes. However, such institutions may designate that a portion of the tuition moneys collected from nonresident students be used for such purposes. Iowa Code § 262.9(19) (2013).
- i. All initial proposed tuition increases, changes in mandatory student fees, and tuition-related miscellaneous charges must be submitted and presented for the Board's consideration at the same Board meeting.

#### ix. Tuition for Students

- a. Undergraduate Part-Time Tuition -- Resident Rates
  - 1) A per credit charge for credits 1 through 11.
  - 2) A fixed amount for 12 credits per term and over as established by the Board of Regents. An additional tuition fee will not be charged for any overload credits taken by a full-time student at a Regent university.

- b. Undergraduate Part-Time Tuition -- Nonresident Rates
  - 1) Rates may range from the resident rates for 0 through 4 credits per term of each program up to the corresponding nonresident/international rates.
  - 2) Follow the above pattern for undergraduate resident rates for 5 credits per term and over as established by the Board of Regents.
  
- x. Graduate Part-Time Tuition
  - a. A per credit charge for credits 1 through 8.
  - b. A fixed amount for 9 credits per term and over as established by the Board of Regents.
  - c. Rates for nonresident students are to be identical to resident rates for 0 through 4 credits.
  
- xi. Guidelines for counting post-baccalaureate students as graduate students or special students
  - a. Count as graduate students only those students who meet the academic requirements (e.g., rank in class, grade point average, subject matter background, standardized test scores, etc.) and are admitted to the Graduate College (ISU, SUI). (See [c] for special conditions relative to UNI.)
  - b. Do not permit students to register for more than 15 credits per term for graduate degrees.
  - c. Establish a category of students called special student (or some appropriate equivalent) that includes students with a baccalaureate degree not admitted to the graduate college. This category does not include professional students (medicine, dentistry, law, nursing, pharmacy, veterinary medicine). At the University of Northern Iowa, all students with baccalaureate degrees are classified as graduate students upon admission and may be classified subsequently as degree candidates with departmental and graduate college approval.
  - d. Charge special students the same tuition as is charged undergraduate students.
  - e. Recognize that unusual situations may occur and allow deviations from the guidelines set forth above only under conditions as established by the academic vice presidents so that a level of excellence in all programs will be maintained.
  
- xii. Reciprocal Tuition Agreements

Institutions under the control of the Board of Regents may enter into reciprocal tuition agreements. Agreements require the approval of the Executive Director, who shall consult with Board Leadership prior to approval.

## G. Mandatory Fees

### i. General Policy

- a. Mandatory fees, charged to each student, provide a distinct resource to respond to specific needs of students. Each institution must seek Board approval for any new mandatory fees or changes in mandatory fees.
- b. For a new mandatory fee to be established, a university must:
  - 1) Disclose origination of proposed fee (i.e. by student request or a need identified by the university).
  - 2) Identify the basis for the fee (i.e. services to be provided by fee and related costs of those services).
  - 3) Consult with students regarding the proposed expenditures of the newly available revenues.
  - 4) Obtain documentation from the recognized student body governments indicating the extent of student support for new fee.
- c. For proposed increases in mandatory fees above inflation, a university must follow the steps outlined for a proposed new fee.
- d. Annually, during the discussion of tuition and mandatory fees, the universities must:
  - 1) Report to the Board on revenues and expenditures for all fees generated by the mandatory fees (including the disposition of unallocated funds);
  - 2) Unexpended funds from mandatory fees must be spent for the purposes for which the fee was originally implemented.
  - 3) Address the applicability of mandatory fees for part-time students, off-campus students, and summer session students.
- e. Each university must establish formal policies and procedures for assessing each mandatory fee and for granting exemptions.

### ii. Mandatory Fees for Part-Time Students

The institutions must submit any changes regarding assessment of mandatory fees to part-time students to the Board for approval during the annual discussion of tuition and mandatory fee

### iii. Exemptions

The universities may grant exemptions from mandatory fees to extension and study abroad students and other off-campus groups, such as student teachers, co-op students, internship students, and practicum students. University exemption policies should consider the student's access to campus services and physical proximity to campus. University policies should include definitions and criteria for judging access to institutional facilities and should be consistent with related bond covenants.

## H. Common and University/Program Specific

### i. Consistency Among Universities

- a. The three universities are to continue to work together to establish common titles and charges for common and university/program specific fees.
- b. Some differences in fee titles and charges may remain because of the unique nature of some programs and services at each institution.

### ii. Institutional or College-Wide Fees Board approval is required for:

- a. All new institutional or college-wide fees.
- b. All institutional or college-wide fees of over \$1 per semester and all departmental fees over \$10 per semester.

These fees do not include course fees for payment for materials used, fees that represent returnable deposits, fees assessed for damage or breakage by individual students, and fees assessed to pay for services external to the university.

### iii. Types of Fees

- a. Fees are categorized as either common or university/program specific. Students pay only the fees that apply to their programs, interests, or needs.
- b. Common and university/program specific fees are presented with the Board's annual discussion of tuition and mandatory fees. These fees may be brought to the Board for revision following initial adoption should the actual costs differ from the original estimates.

## I. Allocation of Mandatory Student Fees

### i. State law (Iowa Code 262.34B) provides procedures for changing allocations of student fees.

- a. A student fee committee at each university, composed of five students and five university employees, makes recommendations for the student fee allocations to the university president by April 15 for the subsequent academic year.

- b. The university president forwards the student fee committee recommendations and provides a recommendation to the Board for consideration.
  - c. The Board makes the final decision on changes to student fees.
- ii. Prior to the approval of changes in room and board rates, the universities are to provide the following to the Board:
  - a. Annual reports that provide detailed information on various aspects of the residence systems for the previous fiscal year and include the most current residence system information such as enrollments, occupancy, and financial and bonding data.
  - b. Five year plans that provide projected trends in total enrollment, housing design capacity, housing occupancy, and occupancy ratios, capital renewal plans, and financial forecasts for the next decade.
- iii. State law (Iowa Code §§[262.68-69](#)) allows the Board to make such rules as necessary to provide for traffic control and parking. Those rules are detailed in [681 IAC 4](#) and provide definitions, general traffic directives, vehicle registration information, parking facilities guidelines, parking privileges, and consequences for violations of parking rules.

## 1.7 Appeals to the Board

1. **Jurisdiction.** The Board of Regents, State of Iowa (Board) considers appeals from final actions or decisions of an institution under its jurisdiction. The Board considers appeals as follows:
  - A. Mandatory Appeals. The Board will consider, as a matter of right, the following:
    - i. An appeal from an employee disciplinary matter where dismissal or suspension without pay is the final institutional sanction.
    - ii. An appeal from a student disciplinary matter where expulsion is the final institutional sanction.
    - iii. An appeal from a denial of tenure as further defined and specified in section 10.04.A.
  - B. Appeals or Grievances Governed by Contract, Policy, Rule, or Statute. These appeal procedures shall not apply to a dispute that is governed by a separate appeal or grievance process established by a contract, policy, rule, or statute. Examples of such disputes include, but are not limited to, the following:

- i. An appeal arising out of a contested case proceeding, as that term is defined in Iowa Code Chapter 17A.
- ii. Matters that are covered by a collective bargaining agreement, except to the extent such agreement explicitly provides a right to appeal subject to this policy.
- iii. Regent Merit System appeals
- iv. An appeal from a decision to terminate a teacher contract that is subject to Iowa Code Chapter 279.
- v. An appeal of a Purchasing matter covered by Section 2.2.6.C(xii) of this Policy Manual.

C. Discretionary Appeals. All other matters will be considered discretionary and will be docketed for consideration by the Board only if a right of review is granted at the sole discretion of the Executive Director.

**2. General Provisions and Definitions.** The following shall apply to all matters appealed to the Board of Regents.

A. Standing. Any individual or entity who participated or had a right to participate as a party to a proceeding or action at an institution under the jurisdiction of the Board has standing to appeal the final institutional decision.

B. Burden of Proof. The Appellant shall have the burden of proof on appeal. The Appellant must show that the final institutional decision was:

- i. Not supported by substantial evidence in the record
- ii. Arbitrary and capricious; and/or
- iii. Unconstitutional or otherwise contrary to law, including procedural irregularities or deficiencies materially prejudicial to the Appellant.

C. Parties Defined. As used in these appeal procedures:

- i. "Appellant" shall mean each person or entity initiating the appeal
- ii. "Institution" shall mean the institution under the jurisdiction of the Board of Regents from which appeal is taken
- iii. "Respondent" shall mean each person or entity who participated or had a right to participate as a party during the institutional review process but is not the one initiating the appeal

- D. Representation by Counsel. Parties may be represented by legal counsel during the appeal process.
- E. Single Appeal. Only one appeal of the same or substantially similar subject matter and/or parties shall be considered by the Board. The Executive Director may, in his/her sole discretion, reject or consolidate appeals that arise out of the same subject matter. The Executive Director may, in his/her sole discretion, sever multiple claims brought as a single appeal.
- F. Counting Days. "Days" shall mean consecutive calendar days. If the last day of the counting period falls on a day when the Office of the Board of Regents is closed, the counting period shall be extended to the next business day.
- G. Time Limits. Unless otherwise approved in writing by the Executive Director, all time limits identified in this Chapter expire at the close of business for the Office of the Board of Regents. The time limits specified in this Chapter may be extended at the discretion of the Executive Director.
- H. Timeliness of Appeal. When a party fails to timely exercise the appeal rights under this policy, the party is deemed to have accepted the final institutional decision and to have waived the right to contest the matter further.
- I. Filing and Service. Documents may be filed with the Executive Director or such other person as designated by the Executive Director and simultaneously served on all parties using any of the following methods: personal delivery, United States mail, fax, electronic mail, or any other method approved by the Executive Director. A document is considered filed on the date and time when it is received by the Office of the Board of Regents.
- J. Prohibited (Ex Parte) Communications. Except for inquiries regarding procedural or scheduling matters, no party shall communicate with a member of the Board of Regents or an employee of the Office of the Board of Regents regarding an appeal without notice to all parties and an opportunity for all parties to participate.
- K. Written Transcripts. If a hearing was conducted and audio recorded, any party to an appeal may request that a written transcript be prepared. If a request is made, a written transcript will be prepared and copies will be provided to all parties and the Office of the Board of Regents. Expenses shall be the responsibility of the requesting party, unless otherwise ordered by the Executive Director. The Executive Director may request that a transcript be prepared at the expense of the institution.

### 3. Appeals Other Than Tenure Appeals

- A. Notice of Appeal. An appeal may be initiated by filing a written Notice of Appeal with the Executive Director within ten (10) days of the date of the final institutional action from which appeal is taken. The Executive Director shall promptly forward a copy of the Notice of Appeal to the Institution and all parties with a statement certifying the date the Notice of Appeal was filed.

The Notice of Appeal must include the following:

- i. Identification of the Appellant(s);
- ii. Identification of Counsel for Appellant(s), if any;
- iii. Identification of the Institution and all Respondents, if known;
- iv. The decision or action from which appeal is taken;
- v. If the appeal is discretionary, a statement as to why the appeal should be heard;
- vi. Identification of the basis or bases of appeal;
- vii. The specific relief or remedy requested;
- viii. If a stay or suspension of final institutional action is requested, the nature and reasons for such a request;
- ix. If consolidation or severance is requested, the reasons for such a request;
- x. A request for oral argument, if desired.

Failure to identify or raise any of the items listed in sections 3.A.i, 3.A.iii, and 3.A.iv may, in the sole discretion of the Executive Director, serve as grounds for dismissing the appeal. Failure to raise any of the items listed in sections 3.A.v through 3.A.x may, in the sole discretion of the Executive Director, serve as a waiver of the right to pursue that item or issue further.

- B. Filing of Written Responses to the Notice of Appeal. Within twenty (20) days of the date the Notice of Appeal is filed, the Institution and all Respondents may file a Response to the Notice of Appeal with the Executive Director, and shall serve a copy of the same on all parties. Failure to submit a Response to the Notice of Appeal by either the Institution or a Respondent shall not be deemed a waiver of the right to participate in the appeal or contest the matter further.



The Response shall include the following:

- i. Identification of the Institution or Respondent(s), as applicable;
  - ii. Identification of Counsel for the Institution or Respondent(s), if any;
  - iii. If the appeal is discretionary, a statement as to why it should or should not be heard;
  - iv. A brief response to Appellant's stay request, if any. The Executive Director may, in his/her sole discretion, request that a response to a request for stay be submitted separately and in advance of the deadline for filing the Response;
  - v. If consolidation or severance is requested, the reasons for or against such a request;
  - vi. A request for oral argument, if desired.
- C. Filing of the Record. Within twenty (20) days of the date the Notice of Appeal is filed, the Institution shall file a complete copy of the Record with the Executive Director, and serve a copy of the same on all parties.

The Record shall include the following:

- i. Copies of institutional policies and procedures directly relevant to the appeal;
  - ii. All official communications between the Institution and the Appellant and/or Respondent(s) regarding the appeal, including all official decisions and recommendations issued at each stage of institutional review;
  - iii. A statement of charges or complaint documents provided to Appellant, if applicable;
  - iv. An audio recording or written transcript of any hearings, if available;
  - v. Copies of all exhibits received by the hearing officer or reviewer at each stage of institutional review;
  - vi. All additional, non-privileged materials considered by the institutional reviewer or decision-maker at each stage of institutional review.
- D. Acceptance of Discretionary Appeal. If the matter is considered a Discretionary Appeal the Executive Director will issue a decision on whether the matter will be accepted for consideration by the Board within fourteen (14) days of the filing of the Record and all Responses to the Notice of Appeal. If accepted, the Appeal shall proceed under the procedures contained in sections 1.7.3.E through 1.7.3.H10.

- E. Ruling on Request for Stay, Consolidation or Severance. The Executive Director shall issue a ruling on any request for stay, consolidation or severance within fourteen (14) days from the date the Record and all Responses to the Notice of Appeal are filed. The Executive Director may, in his/her sole discretion, issue a ruling on a request for stay sooner if circumstances warrant.
- F. Objections and Requests to Supplement the Record. Within fourteen (14) days from the date the Record is filed, the Executive Director shall issue a schedule for filing objections to the Record and/or requests to supplement the Record.
- G. Schedule for filing Written Briefs. The Executive Director shall issue a schedule for filing written briefs. Written briefs shall be limited to twenty-five pages, unless an exception is granted in writing by the Executive Director.
  - i. The Appellant shall have twenty (20) days from the date of the Executive Director's scheduling order to file a written brief with the Executive Director, with a copy served on the Institution and all Respondents.
  - ii. The Institution and all Respondents shall have twenty (20) days from the date Appellant's brief is filed to file a responsive brief with the Executive Director, with a copy served on all parties.
  - iii. The parties may not raise factual or legal issues or arguments before the Board that were not previously raised during any stage of institutional review.
  - iv. No further written arguments will be accepted from any party unless requested or approved by the Executive Director.
- H. Docketing and Board Review. At the earliest practical time, the Executive Director shall notify the parties in writing of the tentative date and location of the Board meeting at which the appeal will be considered and whether any request for oral argument is granted. Following review of the appeal, the Board may affirm, modify, remand or reverse all or any part of the final institutional decision. The Board shall give due regard to the fact finder's opportunity to observe witnesses and the parties. The decision of the Board of Regents represents final agency action.

#### **4. Tenure Appeals**

- A. Tenure Appeal Defined. Tenure Appeals are faculty appeals related to the granting of tenure, non-renewal during the probationary period, promotion, and post-tenure review. The Board will accept as a Mandatory Appeal only: i) a final determination not to grant tenure arising out of a regularly scheduled tenure review that is required or mandated under institutional policies, and ii) a dismissal resulting from a post-tenure review. Early consideration for tenure and a review occurring after the granting of tenure, including, but not limited to, promotion decisions, are considered discretionary appeals.

- B. Notice of Appeal. An appeal may be initiated by filing a written Notice of Tenure Appeal with the Executive Director within ten (10) days of the date of the final institutional decision. The Executive Director shall promptly forward a copy of the Notice of Appeal to the institution with a statement certifying the date on which the Notice of Appeal was filed.

The Notice of Appeal must include the following:

- i. Identification of the Appellant;
- ii. Identification of Counsel for the Appellant, if any;
- iii. The decision or action from which appeal is taken;
- iv. Identification of the basis or bases of appeal
- v. The specific relief or remedy requested;
- vi. If the appeal is discretionary, a statement as to why the appeal should be heard;
- vii. If a stay or suspension of final institutional action is requested, the nature and reasons for such a request;
- viii. A request for oral argument, if desired.

- C. Filing of the Written Response and Record. Within twenty (20) days of the date the Notice of Appeal is filed, the Institution shall file a concise Response to the Notice of Appeal and the Record with Executive Director, and shall serve a copy on the Appellant subject to the requirement in section 1.7.4D.

The Response shall include the following:

- i. Identification of the Institution;
- ii. Identification of Counsel for the Institution, if any;
- iii. If the appeal is discretionary, a statement as to why it should or should not be heard;
- iv. A brief response to Appellant's stay request, if any. The Executive Director may, in his/her sole discretion, request that a response to a request for stay be submitted separately and in advance of the deadline for filing the Response;
- v. A request for oral argument, if desired.

The Record shall include the following:

- i. Copies of all institutional policies and procedures directly relevant to the appeal;
  - ii. Copies of all materials contained in the Appellant's tenure file;
  - iii. All recommendations or reviews that were part of the tenure decision;
  - iv. All official communications between the Institution and the Appellant regarding the tenure decision and appeal, including all official decisions and recommendations issued at each stage of institutional review;
  - v. Copies of all exhibits and documents received by the reviewer or institutional decision-maker at each stage of institutional review;
  - vi. An audio recording or written transcript of any hearings, if available.
- D. Confidential or Privileged Records. The Board recognizes that given the nature of tenure decisions, certain documents or materials contained in the Record may be considered confidential or privileged. The Institution must clearly identify records or documents, in whole or in part, for which a claim of privilege or confidentiality is made. The Institution may serve the Appellant with a copy of the Record from which confidential or privileged records or documents have been redacted or withheld. The Institution shall include with the Record a list of documents and records that have been redacted or withheld. The list must be written in a manner that provides Appellant with notice of the general nature of the documents or records for which a claim of confidentiality or privilege is made, while preserving the confidential nature of the documents or records.
- E. Acceptance of Discretionary Tenure Appeal. If the matter is considered a Discretionary Tenure Appeal, the Executive Director will issue a decision on whether the matter will be accepted for consideration by the Board within fourteen (14) days of the filing of the Record and the Response. If accepted, the appeal shall proceed under the procedures contained in sections 1.7.4.F through 1.7.4.H.
- F. Ruling on Request for Stay. The Executive Director shall issue a ruling on any request for stay within fourteen (14) days from the date the Record and all Responses to the Notice of Appeal are filed. The Executive Director may, in his/her sole discretion, issue a ruling on a request for stay sooner if circumstances warrant.
- G. Objections and Requests to Supplement the Record. Within fourteen (14) days of the date the Record is filed, the Executive Director shall issue a schedule for filing objections to the Record and/or requests to supplement the Record.
- H. Schedule for filing Written Briefs. The Executive Director shall issue a schedule for filing written briefs. Written briefs shall be limited to twenty-five pages, unless an exception is granted in writing by the Executive Director.

- i. The Appellant shall have twenty (20) days from the date of the Executive Director's scheduling order to file a written brief with the Executive Director, with a copy served on the Institution.
  - ii. The Institution shall have twenty (20) days from the date Appellant's brief is filed to file a responsive brief with the Executive Director, with a copy served on the Appellant.
  - iii. The parties may not raise legal or factual issues or arguments before the Board that were not previously raised during any stage of institutional review.
  - iv. No further written argument will be accepted from either party unless requested or approved by the Executive Director.
- I. Docketing and Board Review. At the earliest practical time, the Executive Director shall notify the parties in writing of the tentative date and location of the Board meeting at which the appeal will be considered and whether any request for oral argument is granted.

Following review of the appeal, the Board may affirm, modify, remand or reverse all or any part of the final institutional decision. The Board shall give due regard to the fact finder's opportunity to observe witnesses and the parties. The decision of the Board of Regents represents final agency action.

## **1.8 Board Office**

The Board of Regents office is the staff arm of the Board of Regents, State of Iowa, and is responsible for protecting the academic integrity and autonomy of the institutions, while maintaining institutional accountability. In executing its duties, the Board Office adopts and embraces the mission, vision, values, and culture expounded by the Board of Regents.

### **1. Board Office Statement of Mission**

- A. The Board Office provides administrative and professional support to the Board of Regents. The Board Office has diverse responsibilities, which include review, analysis, and policy recommendations on all matters coming before the Board. The Board Office coordinates the distribution of information to the Board of Regents. Representative responsibilities of the Board Office include the following:
  - i. Arranges for Board meetings, prepares Board agenda and materials;
  - ii. Monitors and interprets Board policy for the Regent institutions;

- iii. Maintains oversight on Regent enterprise-wide policy and operations priorities;
  - iv. Administers the Regent Merit System;
  - v. Coordinates collective bargaining;
  - vi. Conducts studies, either alone or in association with the institutions and/or other agencies, and reports findings and recommendations;
  - vii. Conducts special investigations as directed by the Board;
  - viii. Monitors institutional planning and analyses to support the Board's strategic planning efforts;
  - ix. Coordinates and advises the Board regarding enterprise-wide projects and initiatives;
  - x. Assists the Board in institutional head searches;
  - xi. Monitors and coordinates legislative matters and interactions with other state agencies;
  - xii. Coordinates public affairs activities;
  - xiii. Coordinates economic development efforts by the Regent institutions;
  - xiv. Coordinates communication activities and processes;
  - xv. Coordinates legal activities
  - xvi. Provides information analyses on key issues
  - xvii. Performs others duties as determined by the Board of Regents or the Executive Director.
- B. The Executive Director and the Board Office serve as an important extension of the Board Regents. The Board considers a request from the Board Office to the institutions to be a request from this Board and expects that such requests will be responded to accurately and in a timely manner. In addition, the Board expects to be kept informed of critical and important happenings at the institutions through timely reporting to the President of the Board and the Executive Director.
- C. These roles the Board has defined for itself and its Executive Director, Chief Academic Officer and Chief Operating Officer are the keystones for facilitating the Board's strategic plan and for achieving the Board's goal of being a national leader in the governance of public higher education.

## 2. Executive Director

The Executive Director is the Chief Executive Officer of the Board of Regents, State of Iowa. The Executive Director reports directly to the Board of Regents. The Executive Director is empowered to take all action reasonably necessary and proper in the performance of those functions customary to the role of Chief Executive Officer; including, but not limited to, the following:

- A. Perform all duties and functions necessary for the prompt and effective execution of all resolutions, policies, rules, regulations and actions adopted by the Board of Regents.
- B. Negotiate and execute all notes, bonds, deeds, contracts, leases, agreements and other documents of an official nature on behalf of the Board of Regents, unless otherwise prescribed by law, policy or Board action.
- C. Take those actions necessary for the proper administration of the Board office and its functions, as identified further in this Policy Manual.
- D. Act as the lawful custodian of the records of the Board of Regents.
- E. Delegate authority granted to the Executive Director to the Chief Operating Officer (COO), the Chief Academic Officer (CAO), or other Board office staff as necessary and appropriate.
- F. Hire, supervise, evaluate, and provide leadership for the COO and the CAO, and other Board Office staff as necessary.
- G. Develop strategic and collaborative relationships with the heads of the Regent institutions including regular contact and timely communication on key issues and actions.
- H. In collaboration with the COO and the CAO, work with Regents' legislative liaisons, Board of Regents leadership, the Governor, Legislators and other agencies in establishing institutional legislative priorities including the system budget.

## 3. Chief Operating Officer

The Chief Operating Officer shall be responsible for coordinating and implementing Board policies and managing board office staff in the areas of business, purchasing, facilities, human resources, information technology, state relations and other areas as may be assigned by the Executive Director. The Chief Operating Officer shall report directly to the Executive Director.

#### 4. Chief Academic Officer

The Chief Academic Officer shall be responsible for coordinating and implementing Board policies and managing board office staff in the areas of academics, student affairs and support, admissions, financial aid, faculty affairs, campus safety and other areas as may be assigned by the Executive Director. The Chief Academic Officer shall report directly to the Executive Director.

#### 5. Responsibilities of the Board Office

The Board Office shall provide the general staff work necessary to assist the Board in arriving at sound decisions on policies, procedures, and future plans. This includes, among other activities, the preparation of surveys, reports, recommendations and other necessary research. The Board Office shall perform all duties as directed by the Executive Director and the COO and CAO.

#### 6. State Relations

State Relations Officers are employees of the Board, reporting directly to the Executive Director/Chief Operating Officer. The Executive Director/ Chief Operating Officer will consult with the institution heads relating to the duties and responsibilities of the State Relations Officers. The State Relations Officers are responsible for transmitting and explaining policies of the Board of Regents and information from the institutions to the General Assembly and other state officials.

Only the Board of Regents, State of Iowa, can make legislative policy for the Regent institutions. In carrying out this responsibility, the Board will consult with the institution heads on policy setting responsibilities. The development of legislative strategy is the responsibility of the Board and the Board president in consultation with the Executive Director/ Chief Operating Officer, and the institution heads.

Each year prior to the beginning of the General Assembly the Executive Director, in consultation with the Board Leadership shall determine and the transmit the names of those who may lobby on behalf of the Board of Regents.

### **1.9. Sports Wagering**

1. Scope. This policy shall only apply to members of the Board of Regents during their term(s) on the Board, and employees of the Office of the Board of Regents during the term(s) of their employment.
2. Definitions. The following definitions apply to this Chapter 1.9 – Sports Wagering:
  - A. Bookmaking Activities – accepting the bets or wagers of others on the outcome of a contest.



- B. Regent Athletic Event – any practice, single-game competition, or tournament-level (single-game) competition in which a Regent NCAA Team is a participant.
  - C. Regent NCAA Team – any athletic team of a University under the jurisdiction of the Board of Regents for which eligibility requirements for participation by a student athlete are established by the National Collegiate Athletics Association or other national association that promotes or regulates collegiate athletics.
  - D. Wagering – any activity in which an individual pays money or another item of value to participate in a game of chance, with an uncertain outcome, which entitles the winner to money or another item of value.
3. Policy. Members of the Board of Regents and employees of the Office of the Board of Regents are prohibited from all of the following:
- a. Wagering on any Regent Athletic Event, Regent NCAA Team, or Regent NCAA Team’s coach(es) or student-athlete(s) at any casino, pari-mutuel racetrack enclosure, excursion gambling boat, gambling structure, or other entity licensed by either (i) the Iowa Racing and Gaming Commission or (ii) the applicable regulatory body or commission of a State outside of Iowa.
  - b. Wagering on any Regent Athletic Event, Regent NCAA Team, or Regent NCAA Team’s coach(es) or student-athlete(s) at any casino, pari-mutuel racetrack enclosure, excursion gambling boat, gambling structure, or other entity operating pursuant to the Indian Gaming Regulatory Act.
  - c. Wagering on any Regent Athletic Event, Regent NCAA Team, or Regent NCAA Team’s coach(es) or student-athlete(s) on any internet site, mobile application, or similar electronic platform sponsored, owned or operated by an entity licensed as provided in subsections 3.A and B of this policy.
  - d. Providing information about a Regent NCAA Team or a Regent NCAA Team’s coach(es) or student-athlete(s) which is not otherwise generally available to the public to individual(s) or entities involved in Wagering or Bookmaking activities.
4. Exceptions. Subsections 3.A – C of this policy shall not apply to a “fantasy sports contest” or “internet fantasy sports contest” as those terms are defined in Iowa Code Chapter 99E.
5. Any employee of the Office of the Board of Regents found to be in violation of this policy may be subject to appropriate discipline.

## CHAPTER 2 – OPERATIONS

### 2.1 Human Resources

#### 1. Appointments

##### A. Appointment of President, Superintendent and Executive Director

- i. The Board of Regents, State of Iowa, is responsible under [Iowa Code § 262](#) for the election and review of institutional heads and selection of the Executive Director. The following guidelines describe the general process to conduct searches for institutional heads and for the Executive Director, as well as their appointment. The specific procedures to be used in a given search will be determined by the Board and will reflect the unique environment of the institution or the Board Office.
- ii. All rules, procedures, and policies regarding the search, including, but not limited to, the role, composition, and appointment of a search committee, the time schedule for the search, and the use of consultants shall be established by the Board of Regents, State of Iowa. The election of an institution head or the Executive Director shall be the sole responsibility of the Board of Regents, State of Iowa. [Iowa Code § 262.9\(2\)](#) and [Iowa Code § 262.9\(13\)](#). The process shall provide for:
  - a. Confidentiality of the candidates to the fullest extent possible pursuant to law.
  - b. Participation by institutional constituencies, specifically including the faculty, with respect to the criteria to be used in the selection process and in review of the final candidate for institution head. The process for the selection of an Executive Director shall be determined by the Board.
  - c. The process shall be one that can be accomplished within a reasonable period of time set by the Board.
  - d. Affirmative action/equal employment opportunity procedures shall be fully utilized.

##### B. Special Assignment, Institutional Heads

The Board of Regents may, in its discretion, place an institution head on special assignment for up to one semester with full pay and benefits. An institution head who has served in that capacity for the Board of Regents for at least five years is eligible to apply for such an assignment. The assignment may be for the purpose of advanced study, for research, for creative work, and for other worthwhile projects. Such assignment must be requested in writing to the Board of Regents with a copy to the Executive Director and will be placed on the agenda for formal Board approval.

### C. Other Board Appointments Recommended by Institution Heads

- i. Annually in accordance with [Iowa Code section 262.9.2](#), the Board shall appoint a secretary and treasurer for each Regent institution with consideration given to nominations made by the institutional heads.
- ii. Provosts, vice presidents, and directors of major units and comparable positions at the special schools shall be nominated by the institutional head for appointment by the Board. Appointments to these positions become effective on the date designated by the Board.
  - a. In a separate section of the monthly register, the appointments of Associate Vice Presidents, Assistant Vice Presidents, Deans and Associate Directors of major administrative units shall be reported and be effective at the time designated by the Board.
  - b. The institutional head shall inform the Board through the Executive Director of an impending vacancy in any of these positions listed above and plans for a search for a successor. The Board through the Executive Director shall be kept fully informed of the progress of the search, and the institutional head shall inform the Board through the Executive Director of the finalists before a nomination is made. If the compensation or duties of the successful candidate are to be substantially different from those of the previous person in the position, the Board through the Executive Director shall be informed prior to an offer being extended.
- iii. A current chart showing the organizational structure of the institution shall be kept on file in the Board's office. Changes proposed in the organizational structure of an institution shall be presented to the Board for its approval, if they are significant. Other changes may be presented for the information of the Board at the discretion of the institutional head.

### D. Appointment to Positions with Tenure and Other Personnel

- i. Recommendations for appointments or promotions to positions with tenure and those not covered in Section 2.1.C shall be made by the institution heads.
- ii. All personnel appointments and promotions made under the authority of this section shall be reported to the Board in the monthly Register of Personnel Changes for Board approval.
- iii. Faculty promotion and tenure shall be submitted annually to the Board for consideration.

## E. Teacher Contracts (Special Schools)

- i. Contracts with teachers must be in writing and state the number of contract days and the compensation to be paid.
- ii. Contracts shall remain in effect for the period stated in the contract. Following a period of three consecutive years (Pursuant to [Iowa Code § 279.19](#)), the contract shall be automatically in effect for annual periods except as modified or terminated by mutual agreement of the superintendent and the teacher or by termination as stated in item iv, item vi or for just cause (Pursuant to [Iowa Code § 279.27](#)).
- iii. Changes in compensation for teachers under continuing contract shall be made through modification of contract forms prepared either after appropriations are known or budgets have been approved by the Board of Regents.
- iv. Resignations are to be submitted to the superintendent no later than April 15 of the year in which the resignation is effective.
- v. The superintendent is to use discretion in the hiring and retention of non-certified teachers. In addition, non-certified teachers employed continuously for three years shall be subject to the certification requirements in the standard contract.
- vi. Reduction in Force Policy. A Reduction In Force (RIF), including a reduction of contract days worked by a faculty member, may be proposed by the superintendent of the school to the Board of Regents whenever there is a lack of work, lack of funds, a reorganization, or a change in enrollment.
  - a. Procedures will be developed pursuant to this policy that will guarantee the due process rights of faculty members in accordance with provisions in the [Iowa Code § 279.15](#) Notice of Termination — request for hearing relating to teacher contract notification/re-notification.
  - b. The superintendent shall notify affected faculty members in writing, not later than April 30, that the superintendent will recommend in writing to the Board at a regular or special meeting of the Board, held not later than May 15, that the faculty member will be laid off or receive a reduction in contract days effective at the end of the current school year. Reasons for the action will be included in the written notice.
  - c. Whenever possible, the superintendent shall meet requirements of the statutory process in such a way as to allow the Board to conduct hearings at its regularly scheduled meetings.

## F. Register of Personnel Changes

- i. Each institution shall maintain a list of all personnel changes excluding the appointment of student employees but including the appointment of graduate and teaching assistants made in the preceding month by the institutional executives. This list of personnel changes shall be known as the "Register of Personnel Changes." Each institutional executive shall certify that the personnel changes are in accordance with state law and Board regulations and provide the register to the Board upon request.
- ii. The Executive Director of the Board shall place on the Board agenda those transactions affecting positions identified in Section 2.1.A, B and C for consideration. Institutions may request positions identified in 2.1.D and E be presented to the Board for its information when requested.

## 2. Wages and Benefits

### A. Wages

- i. Salary changes for new budget year
  - a. A listing detailing the current year salary, the proposed salary for coming year and the percentage increase of the incumbents in the positions covered by 2.1A and C shall be submitted to the Executive Director by July 1 of each fiscal year
  - b. Salary increases for faculty and staff covered by Section 2.1 Da and E shall be made by institutional heads in accordance with Board approved salary policies
- ii. Salary changes during budget year
  - a. Changes in salaries of provosts, vice presidents and directors of major units and comparable positions at the special schools as described in Section 2.1.A and C.  
  
Recommendations for salary changes for incumbents in positions covered by Section 2.1.A and C shall be made to the Board President and the Executive Director prior to effecting the salary increase.
  - b. Changes in salaries of budgeted personnel covered by Section 2.1 D and E may be made by the institutional heads as follows:
    - 1) Changes to salaries of budgeted positions at a level less than the amount provided in the final approved budget shall be reported in the Register of Personnel Changes.

- 2) Changes that would increase salaries to amounts greater than those in the final approved budget may be made by the institutional heads if such increases will not increase the overall budget of the department, college, or other unit involved. Such changes and/or appointments may be effected by the institutional head and reported in the Register of Personnel Changes.

iii. Salaries of part-time and student employees

The institutional heads are authorized to approve part-time and student employees within the limits of departmental budgets. The names and hourly wage rates of these employees shall be reported in the Register of Personnel Changes. Undergraduate student employees need not be reported in the Register of Personnel Changes.

iv. Compensation for correspondence and extension class work

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

v. Pay for Exceptional Performance

- a. The institutions are authorized to develop procedures for approval by the Executive Director to recognize exceptional performance by faculty, professional and scientific and merit staff.
- b. If an institution chooses to institute such an award program, the number and amount of awards given, gender and ethnic breakdown of recipients as compared to all the eligible staff and examples of achievements recognized will be reported annually as a part of the Human Resources Comprehensive Report.

B. Insurance

Changes in benefits, contributions, and providers for all insurance benefits provided by the Board require Board approval. To facilitate changes in benefits, contributions, and providers, the Executive Director is authorized to determine if such changes should be placed on the agenda for Board approval. The Executive Director is authorized to approve changes in benefits, contributions, and providers on behalf of the Board unless the changes involve new programs, major changes in policies, or unusual circumstances. Changes approved by the Executive Director on behalf of the Board shall be reported to the Board president and shall be contained in the Board's annual fringe benefit report.

### C. Vacations

- i. Regent Merit System employees earn vacation consistent with [Iowa Code § 70A.1](#) or applicable bargaining agreements.
- ii. Professional and Scientific employees of the State University of Iowa, Iowa State University, the University of Northern Iowa, Iowa School for the Deaf, Iowa Braille and Sight Saving School, and the Board Office who are employed full time shall accrue vacation at the rate of one month or 22 working days per year, except where a difference occurs under a collective bargaining agreement.

### D. Sick Leave

- i. Pursuant to [Iowa Code § 70A.1](#) and applicable collective bargaining agreements, full-time and permanent part-time employees accrue and can use sick leave.
- ii. Sick leave may be converted to annual leave pursuant to [Iowa Code § 70A.1](#). At retirement, payment for accrued sick leave may be paid pursuant to [Iowa Code § 70A.23](#).

### E. Family Medical Leave

It is the policy of the Board of Regents that employees of Regent institutions be given family medical leave in accordance with the federal Family Medical Leave Act (FMLA).

### F. Holidays

The following holidays are granted annually to employees:

- i. New Year's Day
- ii. Martin Luther King, Jr. Day or other holiday designated by institutional head and approved by the Board
- iii. Memorial Day
- iv. Independence Day
- v. Labor Day
- vi. Veterans' Day or other holiday designated by institutional head and approved by the Board
- vii. Thanksgiving Day
- viii. Friday after Thanksgiving

- ix. Christmas Day
- x. Two days to be accrued as vacation.

#### G. Retirement Programs

- i. Permanent employees of the Regent Institutions (except students, House Staff, fellows and adjunct faculty) and the Board Office have the option to select either the Iowa Public Employees' Retirement System (IPERS), the Teachers Insurance and Annuity Association (TIAA), or in a substitute program approved by the Board [[IAC 495-5.2\(32\)](#)]. Participation in a retirement program is required. Each Regent institution and the Board Office will set its own eligibility requirements for participation in its retirement program with TIAA or an approved substitute program. The TIAA contribution for permanent employees of the Iowa School for the Deaf and Iowa Braille and Sight Saving School will be set at the current IPERS.

#### H. Phased and Early Retirement

- i. Phased Retirement Policy
  - a. Eligibility: Faculty or staff of Regent universities, the special schools, and Board Office who have attained the age of 57 with at least 15 years of service with the Board of Regents are eligible for participation in the phased retirement program.
  - b. Approval: The phased retirement agreement and the phasing schedule will be developed between the employee and the department. Approval of the agreement and phasing schedule will occur at various levels within the institution, and no right to enter into a phased retirement agreement without approval by all officials as designated by the institutions is conferred by this policy. The Board of Regents will ratify entries into the phased retirement program as a part of the monthly Register of Personnel Changes.
  - c. Schedule of Phasing: A staff member may reduce from full-time to no less than a half-time appointment either directly or via a stepped schedule. The maximum phasing period will be two years with full retirement required at the end of the specified phasing period. If a two year phasing period is agreed upon an employee may not hold greater than a 65 percent appointment in the first year. For phasing periods of one year or less, or after the completion of the first year of a two year phasing period, the appointment cannot exceed 50%. The phasing period will be set by agreement between the institution and the individual with full retirement required at the end of the specified phasing period. Once phased retirement is initiated, employees may not return to full-time.
  - d. Compensation: In the first year of a two year phasing period, the salary received will reflect the reduced responsibilities plus, at the discretion of the institution, up to an additional 10 percent of the budgeted salary, had the person worked full time. In the only or last year following the initiation of phased retirement, the staff



member's appointment will be no greater than fifty percent, and the salary will be proportional to the budgeted salary had the person worked full-time.

- e. Benefits: Up to and including the last year of the phasing period, institution and staff member contributions will continue for life insurance, health and dental insurance, and disability insurance at the same levels that would have prevailed had the staff member continued at a full-time appointment. Retirement contributions to TIAA will be based on the salary which would have been obtained had the individual continued a full-time appointment. As mandated by law, FICA contributions will be based on the staff member's actual salary during the partial or pre-retirement period. The same is true for retirement contributions for those participating in the Iowa Public Employees Retirement System or Federal Civil Service System. Accrual of vacation and sick leave will be based on percentage of appointment. During the phasing period individuals may exercise their rights to access funds in their TIAA (or substitute plans) retirement accounts in any manner permitted either by the retirement carrier or by Board policy but not to exceed 99% of their account balances.
- f. Duration of Program: Subject to annual review, the program will expire on June 30, 2022, unless renewed by the Board prior to expiration.
- g. Reporting Requirements: Annual report to the Board of Regents. Individual participants will be reported to the Board on the monthly Register of Personnel Transactions.

ii. Early Retirement Program

The Board may approve early retirement programs for employees to meet specific institutional needs.

I. Deferred Compensation and Tax Sheltered Annuities Program

Each Regent institution, including the Board Office, is authorized to implement a deferred compensation program and a tax sheltered annuity program pursuant to state and federal law. Contributions to such programs shall be provided only from employee contributions, unless otherwise authorized by the Board.

### 3. Administration

#### A. Evaluation

- i. The Board shall conduct, at minimum, annual performance evaluations of the Presidents, Superintendent, and Executive Director, by processes determined by the Board.
- ii. Evaluation of Institution Officials and Other Administrators
  - a. The institution head is responsible for ensuring that all institutional officials and other administrators who report to the institution head receive, at minimum, an annual written evaluation that reflects the individual's accomplishments relative to the goals and mission of the institution as related to the individual's areas of responsibility. Other evaluations of an individual may be conducted at the discretion of the institution head.
  - b. All other administrators who do not report directly to the institution head shall receive, at minimum, an annual written evaluation by the administrator to whom each reports.
- iii. All faculty shall be evaluated pursuant to each institution's policy, applicable collective bargaining agreement, and Iowa Code Section 284.4.1d for the Special Schools.
- iv. All other employees of the Board of Regents, State of Iowa will receive, at minimum, a written evaluation annually from their supervisor or the person to whom they report.

#### B. Meetings with Employees and Organizations

Each institution should seek input using means it believes will provide the best responses regarding institutional operations and other matters of mutual interest from individual employees and representatives of employee groups who are and are not represented by a certified employee organization pursuant to the applicable law.

#### C. Professional and Scientific Staff Policies

The Regent institutions and the Board Office shall develop policies for Professional and Scientific employees addressing terms and conditions of employment.

#### D. Professional and Scientific

##### i. Classification System

Proposed revisions to the institutional professional and scientific classification systems, including addition of new classifications, deletion of classifications and pay grade and title changes to existing classifications, shall be submitted to the Board Office for review and action. Submissions shall include the proposed description, rationale for the proposal and the methodology used to determine pay grade assignments in accordance with the state law on comparable worth. In order to facilitate the process, the Executive Director or designee is authorized to approve such revisions.

##### ii. Pay Plans

Changes in pay plans shall be approved by the Board.

#### E. Regent Merit System of Personnel Administration

- i. The Regent Merit System, pursuant to [Iowa Code Section 8A.412\(5\)](#), shall apply to all employees of the Regent institutions except the following:

All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the Board of Regents, State of Iowa.

- ii. The Board of Regents, State of Iowa, shall adopt rules and regulations for the Regent Merit System as provided by law.
- iii. A “disclaimer statement” reading as follows shall be inserted on all class descriptions for the Regents Merit System:

The tasks listed under the heading of Characteristic Duties and Responsibilities are examples of the variety and general nature of the duties that are performed by employees in positions allocated to the class. The list is descriptive only and should be used for no other purpose. It is not intended that any position include every duty listed, nor is it intended that related duties cannot be required.

#### F. Resignations

- i. Resignations of personnel covered by Section 2.1.C shall be submitted to the Board by the institutional heads for acceptance.
- ii. Resignations of personnel covered by Section 2.3 may be accepted by the institutional heads and reported in the Register of Personnel Changes.
- iii. Each institution head will submit a summary report of resignations for faculty to the Board in the format prescribed by the Board Office.

## G. Span of Control

- i. As required by [Iowa Code Subsection 262.9C](#), the target aggregate ratio of supervisory employees to other employees at institutions governed by the Board of Regents shall be one to fifteen.
- ii. Exempted from the target aggregate span of control ratio are employees involved with direct patient care, faculty and employees in other areas of the institutions that must maintain different span of control ratios due to federal or state regulations.
- iii. Departments within the Board of Regents enterprise with 28 or fewer full-time equivalent employees may also be granted an exception to this policy by specific approval of the Board of Regents. The request for an exception shall be brought forward by the institutional human resources offices as a recommendation to the Board.
- iv. On or before April 1 of each year, a report shall be filed with the Governor and the General Assembly detailing the effects of this policy on the composition of the workforce, cost savings, efficiencies and outcomes. The report shall also identify any department granted an exception by the Board to the policy. The report shall be compiled using payroll data as of October 1 of each year and shall be submitted to the Board for its approval prior to submission to the Governor and General Assembly.

## 4. Policies

### A. Catastrophic Illness

- i. Definitions. The following definitions apply to this section 2.1.4.A (Catastrophic Illness):
  - a. “Catastrophic Illness or Injury” – An illness or injury resulting in a medical condition for which a health care provider has certified the condition is likely to result in a loss of thirty (30) or more work days.
  - b. “Eligible Employee” – any member of the faculty or staff (including merit and professional and scientific staff) who meet all of the following:
    - i. Are a regular employee;
    - ii. Have an appointment that is 50% or greater; and
    - iii. Receive either vacation or sick leave benefits.

- ii. Policy. Each Regent Institution shall develop a process by which Eligible Employees may receive contributions for a Catastrophic Illness or Injury. The process shall provide for the following:
  - a. Regent faculty and staff who accrue vacation may donate accrued vacation leave to an Eligible Employee for use as sick leave during Catastrophic Illness or Injury, but only in the following circumstances;
    - i. When the Eligible Employee has not yet satisfied the waiting period for long-term disability benefits; or
    - ii. During any period of an Eligible Employee's maternity leave medical recovery period.
  - b. Any contribution under section 2.1.4.A.ii.a shall be converted to sick leave and used for Catastrophic Illness or Injury only after an Eligible Employee has exhausted all other sick leave, vacation leave, converted sick leave and other compensatory time to which that Eligible Employee is otherwise entitled.
  - c. An Eligible Employee who has exhausted all available paid leave, but is receiving supplemental payments for long-term disability is not eligible to receive contributions for Catastrophic Illness or Injury.
  - d. An Eligible Employee shall not receive contributions for Catastrophic Illness or Injury in excess of the amounts necessary to cover the amount of leave permitted under this policy for the Catastrophic Illness or Injury.
- iii. Exception. A Regent institution may adopt an alternative or supplemental program or program requirements addressing paid leave for Catastrophic Illness or Injury for all or certain groups of employees. Any alternative or supplemental program or program requirements adopted under this subsection 2.1.4.A.iii requires the written approval of the Executive Director or designee prior to implementation.

#### B. Relationship to Policy under Collective Bargaining Agreements

Non-organized faculty and staff covered by this policy are able to contribute vacation to and to receive vacation from those covered by collective bargaining agreements, which contain reciprocal catastrophic illness policies.

- i. Leave can only be transferred between employees in the same Regent institution.
- ii. Leave shall be donated in increments of one hour or more.
- iii. Leave shall be calculated and distributed in actual hourly dollars.
- iv. The total leave donations received by an employee shall not exceed the amount necessary to cover the long-term disability waiting period.

- v. Each Regent institution will develop a process by which eligible faculty and staff members may make the contributions provided in this policy.

#### C. Committee Membership

Unless negotiated in a collective bargaining agreement, employees in organized bargaining units shall not serve as members of institutional committees that participate in the governance of the institutions and which deal with mandatory subjects of bargaining, in whole or in part.

#### D. Regent Employees Serving on State Committees as Regent Employees

- i. All requests for employees of the Board of Regents institutions to serve on any external (non-Regent) agencies and organizations, as Regent employees, must be approved by, and coordinated through, the Board Office. Furthermore, all such Regent employees who are appointed shall provide a brief summary of each meeting attended and each major activity undertaken. In addition, the Board Office shall be notified of all major issues in which a position on behalf of the Regents is being advocated. Regent employees who have been appointed to organizations as a result of their position in a Regent institution must understand that they do not represent the Board of Regents or the Regent enterprise as a whole and must refrain from stating a position on its behalf.
- ii. Persons serving on organizations as Regent employees should make an effort to keep their counterparts (if any) in the other Regent institutions informed of important aspects of their representation and consult with them as needed. If assistance is needed in this communication and consultation process, the Board Office may be of assistance.
- iii. It is understood that many Regent employees serve in a personal/professional or institutional capacity on various groups and organizations and speak for themselves as experts or as representatives of their institution. This policy does not cover such individuals; however, it must be clearly understood that they are not serving in this capacity as representatives of the Board or the Regent enterprise and that opinions expressed are not necessarily those of the Board.

#### E. Regent Employees Representing the Board of Regents and the Regent Enterprise

Only the members and officers of the Board of Regents represent and speak on behalf of the Board and the Regent enterprise as a whole.

#### F. Conflict of Interest of Public Officer and Employees – Gifts (See [Iowa Code Section 68B](#))

- i. Policy

- a. Members of the Board of Regents, employees of the Board, and the immediate family members of each shall not, directly or indirectly, solicit, accept, or receive from any one donor, a gift as defined in [Iowa Code § 68B.22](#).
  - b. Members of the Board of Regents, employees of the Board, and immediate family members of each shall not, directly or indirectly, offer or make a gift as defined in [Iowa Code § 68B.22](#) to an official, employee, local official, local employee, member of the General Assembly, candidate, or legislative employee.
- ii. Financial Disclosure

Certain officials are required to file financial disclosure. Financial disclosure involves reporting all sources of income and the nature of business for each source as well as all investments in which an individual holds more than a five percent interest.

iii. Guidelines for Regent Institutions

The Board of Regents has developed guidelines for certain situations likely to be encountered by faculty and staff as follows:

- a. Honoraria for scholarly presentations are permitted but cannot be sought or accepted from individuals or groups seeking to do business with or regulated by the institution.
- b. Tickets to concerts and athletic events can be distributed to legislators, Board members, and officials on the same basis as tickets made available to the general public.
- c. Informational materials can be provided to legislators or Board members because these do not constitute a gift.
- d. Meals, travel, and accommodations for Regents in conjunction with meetings are generally not permissible. The host institutions can provide refreshments within the three dollar limit.
- e. Complimentary textbooks and software are not gifts because they are informational materials relevant to faculty and staff performance of official functions.
- f. Gift exchanges among employees are permissible under certain circumstances. If the donee has the ability to set salaries, approve expenditures, and hire and promote an individual, such gifts would be prohibited unless they are food and drink worth less than \$3.00 per day. Gifts to subordinates are permissible.
- g. Travel and accommodations for product evaluation would constitute a gift if provided by a prospective seller of the product and if the recipients of the travel

and accommodations are in a position to evaluate or recommend the purchase of the product.

- h. Institution heads can accept gifts only on behalf of the institutions and then direct them appropriately to a charitable organization such as a museum.
- iv. Applicable Law

Notwithstanding the guidance provided by this policy, members of the Board of Regents, lobbyists, and other employees of the Board are required to comply with [Iowa Code Chapter 68B](#), to which they should refer for further information.

#### G. Drug-Free Environment and Controlled Substances

- i. It is the policy of the Board of Regents, State of Iowa, to provide a drug-free workplace and learning environment for students and employees of Regent institutions and the Board Office. The unlawful possession, use or distribution of controlled substances by students and employees on property owned or leased by a Regent institution or in conjunction with a sponsored activity of an institution governed by the Board is strictly prohibited.
- ii. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at any institution under the governance of the Board of Regents, State of Iowa, or at any activity sponsored by a Regent institution is prohibited. Violations of this policy shall result in sanctions pursuant to appropriate institutional procedures for employees or students.
- iii. The Board of Regents recognizes that the abuse of controlled substances, including alcohol, can interfere with the ability to perform important functions physically, mentally and socially. All employees are expected and required to report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent any impairment because of use of controlled substances and alcohol. Failure to comply by the employee with this expectation may result in serious disciplinary sanctions, up to and including the termination of an individual's employment. In cases in which an institution has probable cause to believe an employee's ability to perform the employee's duties is impaired due to the use of alcohol or controlled substances, the institution should confront the employee and require testing and/or treatment, to the extent permitted by law. Failure to comply by the employee would be the basis for serious disciplinary action. Dependency upon controlled substances and/or alcohol is also recognized as an illness that poses a major health problem as well as presenting other serious safety and welfare implications for employees and students on the campus.
- iv. Institutions governed by the Board shall make available to students and staff educational programs directed toward the elimination of substance abuse. Employees with drug or alcohol problems are encouraged to use employee



assistance programs or other community-based assistance programs as appropriate. Students are encouraged to seek assistance via appropriate counseling programs.

- v. Pursuant to the Drug-Free Workplace Act of 1988, employees must report any conviction under a criminal drug statute for violations occurring while conducting official business on or off Regent premises. Such a report must be made within five days following the date of conviction.
- vi. The State University of Iowa, Iowa State University of Science and Technology, University of Northern Iowa, Iowa School for the Deaf, and the Iowa Braille and Sight Saving School shall develop institutional policies consistent with the Board policy. Such institutional policies shall be disseminated to employees and students.
- vii. Pursuant to the U.S. Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991, employees in safety sensitive aviation, motor carrier, or mass transit positions in Board of Regents institutions will be required to submit to mandated alcohol and drug testing, consistent with regulations.

#### H. Employment and Supervision of Immediate Family Members

- i. No employee of a Regent institution or the Board Office may participate in the decision to hire, retain, promote, grant tenure to or determine the salary of an immediate family member.
- ii. For purposes of this policy, an “immediate family member” has one of the following relationships:
  - a. By blood or adoption: parent, child, sibling, first cousin, uncle, aunt, nephew, or niece;
  - b. By marriage; current or former spouse, brother or sister-in-law; father or mother-in-law, son or daughter-in-law, step-parent, or step-child;
  - c. “Domestic partners” as defined by institutional policy. A “Domestic Partner” shall be treated as a spouse for purposes of this policy.
- iii. Each institution shall implement this policy with appropriate disclosure requirements and management plans for situations in which an immediate family member would be in a supervisory role or otherwise expected to participate in major employment decisions.
- iv. Where the management plan involves an institution head or a position, described in Section 2.4.G, the plan must be approved by the Board or its designee.

#### I. Educational Tuition Assistance Principles

- i. Eligibility: Non-temporary/permanent employee with continuous appointment for one year or longer.
- ii. Coursework: Work related with approval of the supervisor unless the employee is pursuing an undergraduate degree.
- iii. Reimbursement: At the same rate as the institution's resident tuition with no predetermined credit hour minimum or maximum. This assumes satisfactory performance and the budgetary capacity to support the stipulated educational pursuits of the employee.
- iv. Reimbursement priority: Regent institutions, institutions of higher education with a partnership agreement with Regent institutions, external accredited institutions.
- v. Under these proposed principles, a supervisor and an employee could discuss the employee's need for tuition assistance and only restrictions would be satisfactory performance and available budget.

J. Educational Assistance (Board Office)

Educational assistance includes reimbursement for tuition, fees, books, or other expenses incurred by a Board Office employee in taking coursework for credit at an educational institution. The employee is expected to maintain everyday job responsibilities while taking this coursework.

- i. Eligibility/Criteria
  - a. Any regular employee of the Board Office who has completed the equivalent of one year of full-time continuous service is entitled to consideration for the benefits provided under this program. (For example, an employee budgeted one-half time would be required to have been employed for at least two years in order to be eligible for the program.)
  - b. An employee receiving other financial assistance, such as scholarship aid, GI funds, etc., will be eligible to receive educational assistance to the extent that the sum total of all methods of reimbursement does not exceed 100 percent of tuition and fees.
  - c. Employees are required to first seek enrollment into evening and Saturday classes; tuition reimbursement may be granted for a maximum of four credit hours at one time.
  - d. If the necessary courses are not available during evenings and Saturdays, flex time and tuition reimbursement may be granted for a maximum of four credit hours at any one time.
  - e. When flex time is granted, the individual's work schedule will be modified to the extent feasible to accommodate class hours. However, merit staff employees

may be expected to make up the time missed from work, and professional employees are expected to meet project deadlines.

ii. Acceptable Courses of Study

- a. This program is exclusively designed for school-related courses of study. Any course of study must be in an area that has a relationship to the tasks accomplished within the office, the requirements of the position the individual currently holds and/or requirements for the learning of skills for which the office has need.
- b. The course must be taken from an accredited institution approved by the U.S. Department of Education. Short courses, workshops, CEU courses, etc., will not qualify unless they carry credit toward a degree or certificate.

iii. Educational Institutions

A staff member may, under this program, attend any institution of higher learning within the state that is accredited by an organization approved by the United States Department of Education. In the statement, "accreditation" refers to a specific program of study that is approved or accredited by the profession, if any.

iv. Reimbursement

- a. An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.
- b. Prior to reimbursement, the employee must provide proof of successful completion of the course.
- c. Successful completion of undergraduate course shall require attainment of at least a "C" grade, a "complete" or a "pass".
- d. Successful completion of a graduate course shall require attainment of at least a "B" grade or "pass".
- e. Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate.

v. Termination of Employment

Any staff member who receives reimbursement for tuition shall agree to remain in the active employment of the Board Office after the receipt of such benefit for a period of one month for every unit of credit earned or to repay to the state of Iowa such compensation as the staff member shall have received. Months shall be counted

beginning with the first full month of active employment following the official semester closing date of the institution wherein the employee is enrolled.

K. Educational Assistance Program (IBSSS and ISD)

- i. The educational assistance program is designed to accomplish the following objectives:
  - a. To provide for institutional needs in relation to areas of staff development which will aid the schools in better accomplishing their objectives.
  - b. To fulfill each school's mission and accomplish goals and objectives to provide staff members who have knowledge and skill to fill needed critical positions for which there is a scarcity of qualified applicants.
  - c. To stimulate interest in and provide incentive to staff members who have special abilities in critical areas to increase their knowledge and skill so they may have the opportunity to achieve their potential in their current positions.
  - d. To provide added incentive to supervisory personnel to maximize their management potential. For purposes of this program supervisory personnel are those positions excluded from bargaining units due to their supervisory or management responsibilities.
- ii. Eligibility
  - a. Any permanent employee of the Iowa Braille and Sight Saving School and the Iowa School for the Deaf is eligible for consideration for the benefits provided under this program.
  - b. An employee receiving other financial assistance, such as scholarship aid, GI funds, etc., will be eligible to receive educational assistance to the extent that the sum total of all methods of reimbursement does not exceed 100 percent of tuition.
- iii. Acceptable Courses of Study
  - a. This program is exclusively designed for school-related courses of study. Any course of study must be in an area which has a relationship to the tasks accomplished within the institution, the requirements of the position the individual currently holds and/or requirements for the learning of skills for which the institution has need.
  - b. Each individual school shall work out a curriculum for basic courses and degrees needed by the agency in order to fulfill its missions.

- iv. A staff member may, under this program, attend any accredited institution of higher learning. In this statement, “accreditation” refers to accreditation as an educational institution and a specific program of study that is approved or accredited by the profession as meeting the standards of the “state of arts”.
- v. Tuition Reimbursements for Acceptable Courses of Study (IBSSS and ISD)
  - a. Employees are required to first seek enrollment into evening and Saturday classes; tuition reimbursement may be granted for a maximum of six credit hours at one time.
  - b. If the necessary courses are not available during evenings and Saturdays, leave and tuition reimbursement may be granted for a maximum of six credit hours at any one time.
  - c. When leave is granted, the individual’s work schedule will be modified to the extent feasible to accommodate class hours. However, as much as possible, the individual will be expected to make up the time.
  - d. An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.
  - e. Prior to reimbursement, the employee must provide proof of successful completion of the course.
    - 1) Successful completion of undergraduate course shall require attainment of at least a “C” grade.
    - 2) Successful completion of a graduate course shall require attainment of at least a “B” grade.
    - 3) Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate or diploma.
- vi. Educational Leave
  - a. Without Pay: At the discretion of the superintendent and with the approval of the Board of Regents, a permanent employee may be granted educational leave without pay to attend an accredited institution for courses that are school related. While all educational expenses are covered by the employee, the employee will have the right to return to the position at the same level with the same classification.
  - b. With Stipends: The school may, subject to the availability of funds, grant a tuition reimbursement (full or partial) or a stipend for an individual who is on leave without pay to attend an accredited educational institution for school-related

courses. Stipend is defined as a specific sum of money sufficient to cover all or part of the cost of tuition, books, and other course-related materials.

- c. With Pay: The school may, at the discretion of the superintendent and with the approval of the Board of Regents, State of Iowa, approve applications for educational assistance programs with pay, as determined by the superintendent, for a limited number of employees based on institutional needs and the availability of funds.
- d. Full-time educational leave may be granted for a period of one academic year, but may be extended upon request of the applicant, subject to the discretion of the superintendent and the Board of Regents, and based upon institutional needs, availability of institutional funds, and academic performance. Leave may be granted for one academic year at one-half pay, or the equivalent of one-half of an academic year at full pay.

#### vii. Selection of Applicants

While the selection of applicants is at the sole discretion of the superintendent, it is the express policy of the Board of Regents to offer all qualified applicants an equal opportunity to participate in the educational assistance program within the limitations imposed by the availability of funds and agency staffing requirements. The schools will also encourage continued education by allowing employees flexible work schedules and unpaid leaves of absence whenever possible, consistent with the efficient administration of the institution.

#### viii. Reporting of Educational Assistance Programs Participation

- a. Requests for educational leaves may be granted by the superintendent and reported in the Register of Personnel Changes, except that full-time educational assistance programs shall be submitted for approval to the Board by the superintendent. Each request for a full-time educational assistance program shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all leaves.
- b. Each institution shall submit a yearly evaluation and report or discussion and costs regarding educational assistance programs.

#### ix. School Employment Requirements

- a. Any staff member who receives reimbursement for tuition shall agree to remain in the active employment of the school for a period of one month for every unit of credit earned or to repay to the State of Iowa such compensation as [the staff member] received. Months shall be counted beginning with the first full month of active employment following the official semester closing date of the institution wherein the employee is enrolled.

- b. Any staff member granted participation in educational assistance programs shall agree either to return to the, institution granting such participation for a period of not less than two years or to repay the State of Iowa such compensation as [the staff member] received during such participation. ([Iowa Code § 262.9\(12\)](#)).

L. Grievance Investigations

- i. In conjunction with [IAC 681-3.129](#) an employee representative may be allowed the following:
  - a. An employee's representative may be present at every stage of the grievance procedure, including the first, oral stage.
  - b. If deemed necessary by the grievant, the grievant may request released time from work for a representative to investigate a grievance at any time following the oral stage of Step I of the grievance procedure.
  - c. Such a request is to be made in writing to the representative's supervisor, with a copy to the resident director, and should contain an indication of the reason released time is necessary.
  - d. The representative's supervisor, with the approval of the resident director when required by the institution, shall provide a reasonable amount of released time for the investigation, such time being scheduled as soon as reasonably possible and preferably within the same work day, consistent with the normal functioning of the employee's department.
- ii. Furthermore, it will be a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant representative in accordance with this procedure.
- iii. On the other hand, an employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and will conduct business with dispatch. If such a representative's use of regular working hours for consultation with employees or supervisors interferes unduly with the proper performance of official duties as an employee, the matter will be objectively discussed with the employee in order to find a satisfactory solution.

## M. Harassment

### i. Sexual Harassment

It is the policy of the Board of Regents, State of Iowa, to provide a campus environment for students, faculty, and staff that is free from sexual harassment; to provide appropriate institutional complaint and appeal processes to ensure thorough and prompt investigation of allegations of sexual harassment; and to apply appropriate disciplinary sanctions to those who engage in sexual harassment.

- a. No employee or student may engage in sexual harassment as defined by federal and state law, including rules adopted by the Equal Employment Opportunity Commission, the United States Department of Education and the Iowa Civil Rights Commission. Nor may any employee or student engage in sexually inappropriate conduct contributing to a sexually hostile environment. This rule shall not be interpreted so as to restrict the right of free expression and academic freedom consistent with the educational mission of the Regent institutions.
- b. Regent institutions shall adopt internal guidelines and policies to inform employees and students of the kinds of behavior that will result in disciplinary actions. The Regent institutions shall also adopt procedures for filing complaints or grievances of sexual harassment, for investigation of allegations of harassment, for appeals relating to the findings of such investigations and for the application of appropriate sanctions when they determine harassment has occurred.
- c. This policy and institutional policies and procedures established to implement it, including rights of appeal, are to be communicated to students, faculty, and staff. The policies shall be explained to all new faculty and staff during their employment interviews or at the onset of their employment. Orientation sessions for new students will include an explanation of institutional policies on sexual harassment. The institutions shall provide education and training as necessary to effectuate the policy of the Board.

### ii. Policy on Harassment and Violence

- a. The Board of Regents, State of Iowa, is committed to the ideal of educational institutions as forums for the free exchange of ideas. Diversity of people and ideas is a goal of these institutions and tolerant, civil discourse is their trademark. The faculty, staff and students of institutions under the governance of the Board of Regents, State of Iowa, comprise communities whose common commitment is to learning. This commitment requires that the highest value be placed on the use of reason and that harassment and violence involving Regent institutions be renounced as inimical to their goals. Although some views may be unpopular and shocking to members in an educational community, as well as to visitors, the right to express those views within legal limits is protected by the first amendment to the United States Constitution.



- b. It is the policy of the Board of Regents to provide campus environments for students, faculty and staff that are free from conduct which constitutes illegal discriminatory harassment based on individual characteristics of race, ethnic or national origin, gender, color, disability, creed, religion, affectional or associational preference, age or any other basis protected by law or policy.
- c. Regent institutions shall take appropriate action when any act or misconduct in violation of this policy occurs in one of the following circumstances:
  - 1) The act is committed on the campus or at an institution-sponsored activity.
  - 2) The act is committed by an institutional community member while acting in an official capacity or while conducting institutional business.
- d. The following acts, when committed under one of the circumstances which follow, may trigger institutional action:
  - 1) Any acts prohibited by the Iowa Criminal Code
  - 2) Any conduct, which has the purpose or reasonably foreseeable effect of unreasonably interfering with an individual's academic efforts, employment, participation in institutional-sponsored extracurricular activities, or personal health, safety and security.
- e. The following examples are illustrative of the acts proscribed by this policy, but are not meant to be exclusive:
  - 1) Physical assault or abuse.
  - 2) Sexual assault or abuse.
  - 3) Stalking.
  - 4) Threats with a weapon (display of a weapon accompanied by statements or actions which cause justifiable fear or apprehension).
  - 5) Verbal or other threats of physical or sexual assault.
  - 6) Damage or destruction of another's private property for the purpose of demeaning the owner or owners.
  - 7) Intimidation by threat of violence.
- f. Regent institutions will have in place appropriate institutional appeal procedures to ensure thorough and prompt investigations of allegations of harassment and violent conduct under this policy and shall apply appropriate disciplinary sanctions to those who engage in such conduct.

- g. This policy and institutional policies and procedures utilized to implement it, including rights of appeal, are to be communicated to students, faculty and staff. The institutions shall provide education and training as necessary to effectuate this policy.

#### N. Inclement Weather

The Board of Regents recognizes that inclement weather may create emergency conditions that make it difficult or unreasonable to conduct normal business and educational activities at the Regent institutions. Therefore, the Board delegates decisions on temporary closings, cancellations or curtailing of normal institutional functions due to inclement weather to the institution head and central administration of each Regent institution, according to their individual policies. The Executive Director and/or the Board Office should be notified immediately whenever such decisions are made.

#### O. Interinstitutional Staff Sharing

From time to time various emergency and other situations may occur at one or more of the Regent institutions requiring additional, temporary, assistance from outside the campus. The institution heads are hereby authorized and encouraged, to provide assistance to the extent possible and to send and receive volunteer employees and resources from other Regent institution(s) under such circumstances. It is understood that the receiving institution will reimburse the sending institution(s) for the cost of such assistance or other arrangements as agreed to by the parties.

#### P. Loss of License, Registration, or Certificate Required as a Condition of Employment by a Regent Institution Employee

##### i. Policy

Since the Regent institutions have numerous job classifications and positions that require employees to be licensed to practice their professions or to drive Regent and/or state vehicles, this policy addressing the loss of license, registration or certificate was developed. The policy complies with [Iowa Code §§ 321J](#) (Operating a motor vehicle while intoxicated) and [252J](#) (Child Support — Sanctions).

- a. Employees whose job classification or position REQUIRES the possession and maintenance of a license, permit, certificate, registration, or approval in order to perform the essential functions of that position's assigned duties and who subsequently have that license, permit, certificate, registration, or approval revoked, rescinded, suspended, or renewal denied may be, after the exhaustion of all administrative contested case proceedings before the licensing agency, terminated from employment for failure to maintain the necessary qualifications required for that position.

“Requires the possession and maintenance of” means as stated in the minimum qualifications or selective certification provisions for the job class or positions.  
NOTE: This definition requires that the specific license, permit, certificate, registration or approval cited must be documented in the class description and/or position description questionnaire.

- b. Employees whose job classification or position occasionally require the employee to use a vehicle for the conduct of Regent institution business, and who subsequently have their driving privileges suspended, revoked, or barred either for violations of statutes relating to Operating While Intoxicated, habitual violations, or failure to satisfy court ordered child support payments shall, for the period of suspension, revocation, or bar, not operate any Regent institution or state vehicles.
- c. If the job requires the employee to travel, employees whose driving privileges are restricted by a temporary driving permit that requires the installation of an ignition interlock device will either use a personal vehicle or arrange alternate transportation. An ignition interlock device may NOT be installed on any vehicle owned by Regent institutions or the state.

#### ii. Definition of License

The term “license” shall be defined as a license, certification, registration, permit, approval, renewal, or other similar authorization issued by a licensing authority which evidences the admission to, or granting of authority to engage in a profession, occupation, business, or industry, or to operate or register a motor vehicle.

#### Q. Moving Expenses

- i. Regent institutions and the Board Office may pay reasonable moving expenses in accordance with state and/or institutional policies for packing and moving of a person’s household goods and other personal effects for full-time employees, including faculty and institutional officials, professional and scientific staff, and other full-time employees who are comparable in rank to assistant professor or above.
- ii. Packing and moving expenses for full-time employees not defined above may be granted by specific approval of the appropriate dean/director or their designee.
- iii. Reimbursement for moving expenses shall not include reimbursement for the expense of moving animals.

#### R. Professional Development Assignments

- a. The Board shall grant professional development assignments with full or partial compensation to staff members to undertake approved programs of study, research, or other professional activity that, in the judgment of the Board, will contribute to the improvement of the institutions. Any staff member granted such assignment shall agree either to return to the institution granting such assignment for a period of not

less than two years or to repay to the State of Iowa such compensation as [the staff member] shall have received during such assignment. ([Iowa Code § 262.9\(14\)](#))

- b. Requests for professional development assignments for personnel covered by Section 2.1.3.E shall be submitted to the Board by the institutional executives for approval.
- c. Requests for professional development assignments for personnel covered by Section 2.1.1D, including retired and emeritus faculty and staff, may be granted by the institutional heads and shall be submitted by the institutional heads in the format prescribed by the Board Office for final action by the Board.
- d. Each request for a professional development assignment shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all assignments.
- e. Each institution shall submit a yearly evaluation and report or discussion and costs regarding research assignments and professional development assignments.

## 2.2 Business Procedures

Authority, Code of Business and Fiduciary Conduct, General Policies

Below are the provisions of the current Authority, Code of Business and Fiduciary Conduct, and General Policies and the proposed policies for these areas.

### 1. Authority

A business office shall be maintained at each of the institutions of higher learning, with such organizations, powers, and duties as the Board may prescribe and delegate. ([Iowa Code §262.20](#))

### 2. Code of Business and Fiduciary Conduct

#### A. Purpose

All employees of the Board of Regents and its institutions play a role in ensuring that the resources entrusted are protected, preserved, and enhanced. This is the Board of Regents' statement of the underlying principles by which it expects those with business and fiduciary responsibilities to carry out their duties.

#### i. Fairness, integrity, respect

The Regents value fairness, integrity, and respect, and strive to integrate these values into their business practices. All faculty, staff, students, and administrators are expected to act at all times with fairness, integrity, and respect for others.

#### ii. Accountability

Employment by the Board of Regents and its institutions requires a commitment to work in a manner that promotes and protects the institution's best interests, including the treatment of confidential information as well as full, fair, accurate, timely, and understandable reporting. Employees should not use their positions to advance their own personal interests.

#### iii. Compliance with law

a. Persons acting on behalf of the Board of Regents and its institutions are individually accountable for their own actions and, as members of the Regent community, are collectively accountable for upholding these standards of behavior and for compliance with all applicable laws and policies.

- b. Employees should take no action to influence, coerce, manipulate or mislead an auditor engaged in the performance of an audit for the purpose of rendering the institution's financial statements materially misleading.

## B. Senior Management

By virtue of their leadership status, members of senior management shall be responsible for complying with this Code of Business and Fiduciary Conduct as well as "setting the tone" for the Board of Regents and its institutions. This ethical responsibility requires senior management to:

- i. Provide leadership and vision and serve as role models and stewards of the institution's finances, assets, resources and business processes
- ii. Avoid actual or apparent conflicts of interest involving personal and professional relationships
- iii. Work to promote, by personal example, ethical behavior among employees
- iv. Create realistic expectations and clearly indicate that integrity is not to be compromised to achieve results
- v. Create an environment encouraging employees and others to report policy and law violations promptly, and protects them from retaliation.

## 3. General Policies

### A. Regent Fiscal Policy

Sound fiscal policy serves to provide transparency, promote public accountability, demonstrate support for strategic priorities, delegate fiscal responsibilities, and identify parameters for stewardship of resources.

The Board emphasizes that maximizing available resources is imperative to providing high quality public education for Iowans; cutting-edge research and creative activities to enhance the quality of life; and needed public services that help fuel the state's economy in the best interest of all Iowans.

Higher education in Iowa is a partnership among students and their parents, Iowa taxpayers, Iowa public policy makers, the Board of Regents, and the Regent universities. Education and independent living skills are provided at no cost to Iowa students at the two special schools

- i. Institutional Funding
  - a. Board reviews institutional requests for state appropriations and takes action annually to authorize state appropriations requests in compliance with [Iowa Code §8.23](#).
  - b. For higher education institutions:
    - 1) Board sets tuition rates annually to provide operational revenues (See Section 1.6 of this Policy Manual),
    - 2) Board annually establishes mandatory fees, residence and dining rates, parking fees, building fees, etc. (See Section 1.6 of this Policy Manual),
  - c. As allowed by [Iowa Code §262.9\(18\)](#), Regent universities may utilize non-tuition components of the general university funds first. Accordingly, general university funds remaining at the close of the fiscal year are comprised solely of student fees and charges.
  - d. Budget Approvals – All institutional budgets are to be approved by the Board on an annual basis.
  - e. Comprehensive Fiscal Report – An annual report is completed each fiscal year, for Board review and receipt, comparing actual revenues and expenditures with the Board-approved budget that identifies significant variances and accomplishments.

#### B. Collection of Delinquent Accounts

- i. [Iowa Code §262.15](#) provides that the Board shall have charge of the foreclosure of all mortgages and of all collections from delinquent debtors for the use and benefit of the appropriate institution.
- ii. A collection policy shall be established at the Regent institutions to ensure responsible fiscal management of receivables in accordance with state and federal law. The objectives of the collection policy are to combine both internal and external collection resources in a manner consistent with best practices of each institution.

#### C. Indirect Cost Rate

- i. The policy of the Board of Regents is to provide services to federal agencies, nonprofit foundations/organizations, other state agencies, and other sponsoring agents based on grant or contract agreements that include clearly specified tasks related to the missions of the institutions and established payment for both direct and indirect costs.

- ii. For federal programs, the provisions of Office of Management and Budget (OMB) Administrative Requirements, Cost Principles, and Audit Requirements ([2 CFR 200](#)) will be followed which requires the use of the institutions Federally negotiated indirect cost rate unless restricted by Federal statute or regulation.

#### D. Accounting Issues

- i. The Board shall direct the expenditure of all appropriations made to the institutions and any other moneys belonging thereto ([Iowa Code §262.9\(10\)](#))
- ii. [Iowa Code §262.23](#) requires a number of specific items for compliance by the treasurer of each Regent institution. The chief business officer of each institution shall maintain accounting records and supporting documentation in accordance with accepted business standards for accountability and auditability and shall prepare reports as required, including an annual financial report.

#### E. Payroll Withholding

- i. Payroll withholding programs are permitted according to the following guidelines:
  - a. Withholdings authorized by federal or state laws.
  - b. Withholdings in connection with employee retirement and insurance plans approved by the Board of Regents.
  - c. Withholdings authorized by individual employees for institution-wide contributive programs of direct benefit.
  - d. Withholdings authorized by individual employees for United States savings bonds.
  - e. Withholdings for amounts due the institution from and authorized by its employees.
  - f. Withholdings for amounts authorized by individual employees for dues for the convenience of organizations which relate to employment conditions, such as union organizations or university-wide professional organizations. Payroll withholding programs in this category shall not be initiated without 100 participants at Iowa State University and the State University of Iowa, 50 participants at the University of Northern Iowa, and 25 participants at Iowa School for the Deaf and Iowa Braille and Sight Saving School, unless justification exists for fewer participants; payroll programs in this category may be discontinued if the number of participants falls below 25.
  - g. Insurance deductions in accordance with [681 IAC 8.7](#).



- ii. Each Regent institution shall require the employee or eligible organization to submit written authorization for payroll withholding for each withholding program, including the assent of the spouse of the employee, as required.

F. Reimbursement of Travel Expenses for Employees of Regent Institutions

- i. It is the intent of the Board of Regents that employees of Regent institutions be reimbursed for reasonable expenses associated with work-related travel following policies set forth by the IRS.
- ii. It is the further intent of the Board that the Regent institutions adopt cost effective or as otherwise deemed appropriate institutional policies consistent with this statement, along with any other provisions relating to travel reimbursements which are more specific or restrictive.
- iii. Some travel reimbursements may be taxable. Travel advances must be substantiated with receipts and travel reimbursements completed within a "reasonable time frame" as defined by IRS policy or the amounts are reportable as taxable income in accordance with reimbursement guidelines. As an example, meal reimbursement when not associated with overnight travel is reported as taxable income.
- iv. Travel expenses should be submitted promptly on return from the trip. Reimbursement for mileage, lodging, and meals will be based on the following:
  - a. The use of institution provided vehicles is encouraged. However, transportation reimbursement for official travel by private automobile when the use of a personal car is authorized by the appropriate institutional official, per this policy, reimbursement shall be paid at no more than:
    - 1) At the standard mileage rate for business use as established by the U.S. Internal Revenue Service, for travel when a motor pool vehicle is not available and the employee must use his/her personal vehicle or an employee is traveling less than 100 miles round trip or when the travel is to/from local airports or when travel is to/from airports designated by each Regent institution and the lower airfare cost justifies use of a designated airport.
    - 2) At 50% of the rate in 1) above for travel if a motor pool vehicle is available, but the employee chooses to use his/her own vehicle. The 50% is formula-based to promote optimal use of institution provided vehicles.
    - 3) At a rate to be determined by the appropriate institutional official on a case-by-case basis when an individual must use a substantially modified or specially equipped privately owned vehicle.

- b. Air or rail transportation should be by common carriers. Use of university or chartered aircraft is permitted when it is justifiable.
- c. Each institution must develop clearly delineated travel policies for meals and incidentals. Such policies may be based on actual and reasonable costs for reimbursement, or on full or partial per diem rates, or on some combination of these. The maximum daily meal and incidental rates may not exceed the U.S. published per diem rates (General Services Administration for domestic rates, the Department of Defense for Hawaii, Alaska and other US territories and possessions; and the State Department rates for foreign destinations).
- d. The individual amounts for each meal would apply only in the case of persons in travel mode for partial days. Otherwise, the total amounts for each day would apply, thus allowing some discretion in adjusting meal allowances within the day. In the case of a partial day, meal allowance will be distributed:
 

|           |     |
|-----------|-----|
| Breakfast | 20% |
| Lunch     | 30% |
| Dinner    | 50% |
- e. Exceptions to these meal and incidental standards in advance of travel must be approved by senior institutional officials (e.g., vice presidents, business officers, collegiate deans, and major directors of administrative units).
- f. Lodging reimbursement is limited to the actual/reasonable cost for a standard single room. Lodging rates set by Federal agencies will be used as a guide.

G. Awards to Private Agencies

[Iowa Code §11.24](#) allows the Auditor of the State, at the request of the Board of Regents, to review working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the Board of Regents to any other entity to determine if the receipt and expenditure of those funds by the entity is in substantial compliance with the laws, rules, regulations, and contractual agreements governing those funds. If an entity has not been audited by a certified public accountant, the Auditor of State may, at the request of the Board of Regents review the records covering the receipt and expenditure of state and federal funds to determine the same.

H. Inventory

- i. Pursuant to [Iowa Code §7A.30](#), a written, detailed inventory is required to be maintained. All equipment valued at \$5,000 or more and held for one year or more shall be included in the institution's equipment inventory.
- ii. Each institution and the Board Office shall adopt appropriate surplus property disposal procedures.

iii. See Chapter 2.3 of the Policy Manual for disposal, transfer, or sale of buildings.

I. University of Iowa Hospitals and Clinics

Rate schedules will be presented to the Board annually for approval prior to submission of final budgets.

#### 4. Investment Policy

A. Introduction

- i. The State of Iowa delegates to the Board of Regents (Board) the authority to govern the University of Iowa, Iowa State University, University of Northern Iowa, Iowa Braille & Sight Saving School, and Iowa School for the Deaf. In carrying out this responsibility, the Board establishes a framework for the investment management of all institutional funds.
- ii. The Board delegates to its Investment and Finance Committee (hereafter the Investment Committee) the authority for monitoring institutional investment activities and recommending investment policy. The Board delegates management and oversight authority for investment program activities to the universities. The Board appoints the treasurers for each institution who are delegated authority to manage the investment and treasury activities of the institution within the policies defined by the Board of Regents.

B. General Policy Statement

In accordance with [Iowa Code §262.14\(3\)](#), the Board's objective is to preserve principal, ensure liquidity sufficient for anticipated needs, and maintain purchasing power of investable assets while obtaining a reasonable return for a prudent level of risk. The institutions, and any designated investment advisor or investment manager shall exercise the judgment and care which persons of prudence, discretion and intelligence exercise in accordance with applicable state law.

C. Roles and Responsibilities

i. Board of Regents

The Board shall exercise its investment responsibilities through its Investment Committee. In consultation with the Investment Committee, the Board shall:

- a. approve investment policies, investment objectives, and asset allocations for the institutional investment programs.

- b. appoint investment advisors.
  - c. receive periodic reports on investment performance results.
- ii. Investment Committee

The Board delegates to its Investment Committee the responsibility of reviewing this investment policy as deemed necessary. The Investment Committee shall keep the Board informed regarding investment activities. The Committee shall:

- a. monitor and evaluate performance of investment managers, and each institutional investment pool on a regular basis.
  - b. maintain sufficient knowledge about the investment program and the individual investment managers so as to be reasonably assured of investment manager compliance with Board investment policy.
  - c. submit periodic investment performance reports to the Board.
  - d. periodically review and recommend to the Board for approval investment policies, investment objectives, and asset allocations for institutional investment programs.
  - e. select investment advisor and individual investment managers as necessary.
  - f. consider other investment related matters.
- iii. Investment Advisor

The investment advisor shall regularly communicate with the universities and Investment Committee and advise on:

- a. Investment policy and investment opportunities and strategies that include:
  - 1) periodic review and evaluation of investment objectives and asset allocation of institutional investment pools and specific recommendations with regard to maintaining or modifying investment strategies and rebalancing of investment pools.
  - 2) recommendations and advice on matters regarding investment manager selection, retention, and termination.
  - 3) development of written investment guidelines specific to each investment manager including the use of derivatives for a particular manager and mandate where applicable.

- 4) recommend performance benchmarks for individual investment managers and for institution investment pools.

b. Investment performance that includes:

- 1) on-going reports on the performance of the institutional fund investment pools and performance of individual investment managers.
- 2) periodic evaluation of investment manager ability to exceed the established benchmark over a full market cycle in comparison with investment markets and other investment managers.
- 3) evaluation of investment manager adherence to the terms and conditions of the investment manager agreement, including compliance with Board policy and the guidelines provided to each investment manager.
- 4) monitoring of investment manager soft dollar policies and practices to ensure an appropriate relationship to the management of the Board's investment account.
- 5) reviewing of investment and management fees and report on reasonableness.

c. The investment advisor shall provide immediate notification to the universities and Investment Committee of any major change in its confidence in a particular asset class or individual managers or funds. Responsibilities include:

- 1) notice of any regulatory actions against the investment manager firms, its principals, owners or employees.
- 2) Recommendations of corrective action to avoid imminent losses, to prevent further losses, or to correct a substantial policy violation.

iv. External Investment Managers

Each external investment manager (including each comingled vehicle, mutual fund, and exchange traded fund) is authorized to execute investment transactions within established investment guidelines, subject to any restrictions established by the Board. External investment managers shall exercise the judgment and care which persons of prudence, discretion, and intelligence exercise in accordance with applicable state law. Investment managers are directed to:

- a. adhere to stated objectives, guidelines and restrictions.
- b. seek best price/execution when purchasing or selling securities at all times.

- c. provide monthly and quarterly reports on performance and other appropriate matters including:
  - 1) the investment manager's current outlook for the economy and capital markets and how the firm intends to adapt to these expectations.
  - 2) investment portfolio structure, past investment manager performance, and the appropriateness of the present investment portfolio given these expectations and the Board's investment policies.
  - 3) recommended changes to investment guidelines.
  - 4) any substantive changes expected in the portfolio or in the organization.
- d. meet with the Investment Committee upon request
  - 1) Investment manager use of soft dollar trades to acquire products or services to be used in the administration of the fund are permissible only if the trade provides best execution and price. Investment managers shall report soft dollar policies and practices to the Board's investment advisor.
  - 2) Investment managers shall provide immediate written notification to the universities and investment advisor of any extraordinary losses or conditions which could reasonably be expected to lead to an extraordinary loss or substantial violation of the Board's investment policies or any of the following circumstances:
    - a) any material change in the investment outlook, strategy, portfolio structure, and ownership or senior personnel.
    - b) any noncompliance with any provision of the Board investment policy and investment guidelines, or the terms and conditions established in its contract with the Board, and a recommended plan of action and timetable to correct any violations.
    - c) any regulatory authority's citation of the existence of a material weakness in internal control structure, or regulatory orders or sanctions against the investment entity or investment professional, with regard to the type of services being performed under the contracts or agreements.

v. University Treasurers

- a. Under the direction of the Investment Committee, the Board delegates to the individual institution treasurers, the responsibility for the general management of investment activities and the investment program and oversight of the investment advisor in accordance with Board policy. General investment management activities include execution of investment transactions, on-going collaboration with the investment advisor and investment managers, investment portfolio account reconciliation, and policy compliance.
- b. In collaboration with the investment advisor, the treasurers shall regularly communicate with the Investment Committee and advise the Investment Committee on institutional fund investment activities and investment program matters. The treasurers shall:
  - 1) monitor and review investment advisor and investment manager reports, the actions of the investment managers, and the status of the institution's investment strategies and investment pools.
  - 2) notify the Investment Committee of investment manager terminations.
  - 3) appoint knowledgeable and capable staff to carryout the investment, trust and custody, banking and cash management functions of the institution.
  - 4) execute and monitor contracts with approved investment managers
  - 5) receive audit reports from the Auditor of State and the Regents Chief Audit Executive and inform the Investment Committee of any material events or non-compliance with the investment policy.
  - 6) maintain systems of internal control to prevent losses.
- c. In consultation with the investment advisor, the treasurers shall:
  - 1) make recommendations concerning investment policies, objectives, and strategies.
  - 2) rebalance investment pools as deemed appropriate to stay within the asset allocation parameters of the investment pool asset allocations.

vi. Nature of Assets for Investment

Institutional funds include non-endowment funds and endowment funds, both restricted and unrestricted. Restricted funds are defined as those funds existing within both the non- endowment and endowment funds which are restricted for investment and spending purposes as imposed by contractual or legal requirements, such as bond indentures, loan or grant agreements, or donor instructions.

- a. Non-endowment funds include state appropriations, student tuition, fees, university sales and services, patient care sales and services, government and other sponsored research grants, federal appropriations, bond issue proceeds, gifts, and other income sources.
  - 1) Short-term operating funds have investment restrictions that limit effective weighted average life maturities to 63 months or less.
  - 2) Quasi-endowment funds are longer-term in nature but have no externally imposed restriction that the principal remain intact in perpetuity.
- b. Endowment funds are primarily donor gifts and other funds received for specific purposes. The purpose of endowment funds is to provide intergenerational equity of income in perpetuity. These endowment funds are to provide a stable income sufficient to meet the reasonable spending needs of the component endowments by keeping pace with inflation and not degrading the real value of the corpus over time. Endowment funds are synonymous with the term “institutional funds” as defined by Iowa Code section 540A.

#### vii. Asset Classes

Individual asset class performance will be measured against appropriate benchmarks as determined by the Investment Committee in consultation with the investment advisor and the vice presidents for finance/treasurer.

##### a. Fixed Income

Fixed income assets provide stability, generate income, and diversify the market risk of an investment portfolio.

##### b. U.S. Equities

The purpose of equity investments is primarily to provide capital appreciation. This asset class consists of marketable equity securities of primarily U.S.-based companies. These may include equity securities of non-U.S. based companies which are traded as “American depository receipts (“ADR’s”) on U.S. stock exchanges.

##### c. International Equities (excluding U.S. Equities)

International equities earn an equity risk premium and diversify the equity exposure within the investment portfolio. This asset class includes both developed and emerging markets. Currency hedging transactions are allowable for investment and not speculative purposes, and intended only to protect expected earnings.



d. Private Equity

Private equities enhance the investment portfolio return through long-term capital appreciation. This asset class utilizes private equity investments that are typically long duration investments with substantial illiquidity such as venture capital, leveraged buyouts and mezzanine debt. The primary strategic role for private equity is to increase the expected investment return of an institutional investment fund. Private markets typically provide higher returns than traditional asset classes, such as stocks and bonds, due to the market inefficiencies and the premium paid for illiquidity. The key factors to be considered in managing the risk and return characteristics of the private equity portfolio are partnership selection, diversification and illiquidity. Investments in private equity may be made through a fund of funds vehicle and will be diversified over time (i.e., vintage years).

e. Real Assets

The Board invests in real assets to generate a rate of return that exceeds the rate of inflation. Real assets offer diversification since they tend to perform better than traditional asset classes such as fixed income and equities during periods of high unexpected inflation. Most real assets are physical assets having intrinsic value and have potential to generate returns with some degree of correlation to inflation, thereby serving as an inflation hedge. Types of real assets may include TIPS (Treasury Inflation Protected Securities), commodities, REITs (Real Estate Investment Trusts), equities (natural resource and infrastructure), private real estate, timberland, farmland, infrastructure, and oil and gas investments. Investments shall be in limited liability investment vehicles, such as limited partnerships, limited liability corporations, private REITs and other pooled investment vehicles including fund of funds. Investment shall be primarily equity oriented, but may also include debt instruments secured by real assets with equity like returns.

viii. Permitted Investments

- 1) It is the intent of the Board that all investment pools be broadly diversified among asset classes as much as possible. Diversification by the number of individual securities, industry, economic sector, and within governmental issues is viewed as desirable. Iowa Code Sections 12B.10 and 2B10A.5d provide a framework of permitted investments that provides for investments in assets of every kind of property and investment which persons of prudence, discretion, and intelligence acquire or retain for their own account. However, short-term operating funds consisting of cash which is needed to meet underlying cash requirements of the institutions have investment restrictions that limit effective maturities (weighted average life) to 63 months.

- 2) Certain derivative instruments can be useful tools in managing portfolio risk and in efficiently replicating cash market positions. A derivative instrument (derivative) is defined as a financial instrument with a return or value that is obtained from the return or value of another underlying financial instrument. Mortgage-backed securities and asset-backed securities are not considered derivatives for the purposes of this policy. However, derivatives can introduce unique risks into the portfolio that must be controlled. The following guidelines shall apply to the use of derivatives by investment managers, and are designed to provide general risk controls that apply to all managers. The investment advisor shall establish specific guidelines in each manager's contract to control the various risks associated with the use of derivatives for a particular manager and mandate.
  - a) Under no circumstances shall a manager use derivatives for the purpose of leveraging its portfolio.
  - b) Prior to utilizing any derivative, a manager shall take all steps necessary to fully understand the instrument, its potential risks and rewards, and the impact adverse market conditions could have on the instrument and the overall portfolio, and to ensure that it has all of the operational and risk management capabilities required to prudently monitor and manage the derivative.
  - c) Institutional staff are prohibited from directly investing in futures or option contracts

#### ix. Other Provisions

##### a. Financial Reporting of Investments

To appropriately reflect the Board's overall investment strategy and as outlined in the relevant accounting standards (GASB Statement 9, section 11), the Board sets forth that all funds held by external investment managers, as defined in section 2.4.C.iv of the Board's investment policy, shall be reported on the audited financial statements of the Regent institutions as investments.

Investments purchased by the institutions through Board-authorized brokerage firms that meet the definition of cash equivalents, investments with original purchase dates to maturity of three months or less shall be reported on the audited financial statements of the Regent institutions as cash equivalents.

##### b. Fees

The institutions may charge a reasonable fee to offset management and donor development related expenses.

c. Applicable State Laws/Regulations

Iowa Code

|                                     |  |
|-------------------------------------|--|
| <a href="#">12C.10, 10A, 14, 15</a> | Public Funds Investment Standards                        |
| <a href="#">12B.10A.6d</a>          | Public Investment Maturity and Procedural                |
| <a href="#">12C</a>                 | Deposit of Public Funds                                  |
| <a href="#">12F</a>                 | Restrictions on Sudan Related Investments                |
| <a href="#">12H</a>                 | Restrictions on Iran Related Investments                 |
| <a href="#">12J</a>                 | Restrictions Regarding Companies<br>Boycotting Isreal    |
| <a href="#">262.14</a>              | Loans, Conditions, Other Investments                     |
| <a href="#">540A.101-109</a>        | Uniform Prudent Management of Institutional<br>Funds Act |
| <a href="#">633A.4301-4309</a>      | Uniform Prudent Management of Institutional<br>Funds Act |
| <a href="#">97B.7A</a>              | Investment Management of Retirement Fund<br>Standards    |
| <a href="#">11.2</a>                | Annual Settlements (Auditor of State)                    |
| <a href="#">I.A.C. 681-8.1(1)</a>   | Procurement Policy                                       |

**5. Financing**

A. Mortgages and Loans

- i. The Board of Regents may invest funds belonging to the institutions under its jurisdiction, subject to [Iowa Code §§262.14](#) and [633A.4301-4309](#), the State's Uniform Prudent Investor Act and the investment policies adopted by the Board through the use of mortgages and loans.
- ii. The Board shall have charge of the foreclosure, release, deeds, and recovery of all mortgages and loans issued in accord with [Iowa Code §§262.15-19](#).

B. Lease Financing of Equipment and Facilities

- i. Upon the recommendation of the chief business officer of an institution the Executive Director may execute lease agreements on behalf of the institution with a third-party leasing agent with which the Board has approved master lease documents.
  - a. Master lease drawdowns shall be reported to the Board at its next meeting following the drawdown.
- ii. Vendor installment purchase agreements may be executed by the chief business officer of an institution under the delegated purchasing authority as outlined in Section 2.2.6, Purchasing. All vendor installment purchase agreements of \$50,000 or more shall be reported to the legislative fiscal committee as required by [Iowa Code §8.46](#).

#### C. Parietal Rules and Dormitories

- i. Students may choose to live in university residence halls, university apartments, fraternities, sororities, or off-campus housing.
- ii. When and if a requirement for a parietal rule requiring students to live in university housing is needed, in the university's judgment, to carry out the responsibility of the Board under its bond covenants to assure maximum occupancy of the dormitories, the university shall first present a recommendation to the Board.
- iii. If the above parietal rule for any of the three Regent universities is to be invoked, the Board will publish notice before any enforcement of the parietal rule.
- iv. The Board encourages the directors of student housing and dining services to meet regularly to exchange information and to discuss policies, practices, and procedures and for the three universities to prepare appropriate information that will enable analysis trends in occupancy by class, sex, and age.

The Board covenants and agrees that, so long as any of the dormitory bonds remain outstanding, it will continuously operate and maintain the system; will adopt such rules and regulations for occupancy, including parietal rules, as will assure maximum occupancy of the buildings; and will fix, maintain, and adjust periodically such rates, rents, fees, and charges for the use of the system that will provide revenues sufficient at all times to pay the reasonable cost of operating and maintaining the system and to provide and maintain the "Dormitory Revenue Bond Sinking Fund" and the required reserve fund. It will collect and account for and apply the rents, profits, income, and revenues in accordance with its bond resolutions.

#### D. Selection of Agents Utilized in the Issuance of Bonds or Notes ([Iowa Code §262.9\(18\)](#) and [681 IAC 8.8](#))

- i. The IAC provides specific guidelines for the open selection process of municipal advisors and bond counsel necessary to carry out the issuance of bonds or notes by

- the Board. Agreements are to provide for annual renewals during a period not to exceed five years.
- ii. Requests for proposals (RFP) for these will be made available to all qualified firms.
  - iii. Representatives of the Board Office and the universities will review the submissions received in response to each of the RFP's, and recommend finalist firms to be interviewed by a selection committee. The selection committee will be comprised of representatives of the Board Office and the universities.
  - iv. The Board will make the final selection of service providers.

## 6. Purchasing

The Regents affirm that the best interests of the State of Iowa and the Regent institutions are served through implementation of a fully competitive purchasing system.

### A. Authority

- i. The Board of Regents is authorized by statute to contract for goods, services, and capital improvements. ([Iowa Code Chapter 262](#) and §§[8A.122](#) and [8A.302](#); capital improvements are addressed in Chapter 2.3 of this Policy Manual.)
- ii. The Board delegates authority to approve agreements and contracts for all goods and services purchased by the institutions, except for capital improvements, fire protection, legal services, and engineers. ([681 IAC 8.2\(3\)](#))
- iii. Remedies for breach of contract shall be in accordance with [Iowa Code Chapter 554](#).

### B. Organization

- i. The Board Office and institutions shall meet regularly to ensure coordination of purchasing policies and procedures.
- ii. The Regents Chief Operations Officer (COO) position will be responsible for setting the direction and prioritization of sourcing initiatives across the five Regents.
- iii. Each institution shall appoint a designee from the Purchasing Department to be a member of the Procurement Council.
- iv. The COO along with Procurement Council will be responsible for ensuring the coordination of regent strategic sourcing activities as well as the monitoring of compliance with campus utilization of the resulting master agreements.

- v. Goods and services are purchased through the institutional purchasing designee, on the basis of competitive procedures and vendor negotiations. Such purchases need not be reported to or approved by the Board of Regents, provided that the Director of Purchasing/Manager of Purchasing has determined that there is no unusual circumstance which requires the special attention of the Board and provided the purchase does not involve a lease which must be approved or reported.

Policies related to capital projects, including bidding, bid security, selection of architects/engineers for Regent institutions are in Chapter 2.3 of this Policy Manual.

### C. Policies and Procedures

- i. **Competitive Bid Thresholds:** Each Regent institution, through an institutional purchasing department, shall be responsible for purchasing goods and services in compliance with all applicable state and federal laws and regulations. Institutions may delegate purchasing responsibility to departments. Low dollar procurement authority may also be delegated to institutional units through the use of credit cards or other appropriate procurement instruments, consistent with prudent, contemporary business and audit practices.
  - a. Regent Master Agreements shall be used whenever possible. Exceptions to the use of such agreements must be supported with sufficient justification – ie. Lower price, emergency need, etc.
  - b. Iowa State University will process purchases of \$15,000 or more for the special schools.
  - c. Purchases less than or equal to twenty five thousand dollars (\$25,000) may be delegated to individual department purchasers.
  - d. Purchases of goods and services between twenty five thousand and one (\$25,001) and fifty thousand (\$50,000) per transaction, may be purchased through an informal competitive bid with an adequate number of vendors.
  - e. Purchases of goods and services over fifty thousand dollars and above, shall be purchased through a formal competitive bid process.
- ii. **Equipment Procurement:**

Equipment purchases, except those included in a capital project, are subject to the following review procedures prior to the issuance of a purchase order or any other purchase commitment by the institution.

- a. Equipment with a unit cost of less than \$1,000,000, will be purchased by the Director of Purchasing of each institution, acting through the purchasing agent, as outlined in section C of this chapter.

- b. Equipment with a unit cost greater than \$1,000,000 and less than \$2,000,000 will be submitted to the COO for approval.
  - c. Equipment costing more than \$2,000,000 will be submitted to the COO for approval. At the discretion of the COO, the equipment purchase may be submitted to the Board for approval.
  - d. The COO will provide a summary of all equipment purchases of \$1,000,000 or more to the Board on a quarterly basis.
- iii. Purchases Exempt From Competition: Purchases exempt from competition may be subject to other Board or institutional procurement policies and processes.
- a. Emergency Purchase - An emergency includes but is not limited to one of these conditions:
    - 1) In which an immediate or emergency need exists for the item or service because of events and circumstances not reasonably foreseeable.
    - 2) Critical to sustaining patient care or human life, maintaining critical equipment or services, or similar.
    - 3) In which there is a need to protect the health, safety, or welfare of persons occupying or visiting a public property.
    - 4) In which an institution must act to preserve critical services or programs.
    - 5) Purchases that are considered time sensitive and would result in increased costs due to delay or the inability to continue to provide necessary services to patients, students, public, etc.
    - 6) Each institution will submit a quarterly summary of emergency purchases over \$50,000 to the COO.
  - b. Sole Source Purchase - In some instances equipment, supplies or services may be required which are obtainable only from a sole source. Sole source purchases must be documented and reviewed/approved by the institutional purchasing designee.
  - c. Negotiation - Competitive and non-competitive negotiation may replace competitive bidding when in the best interest of the institutions. Justification for such use must be documented and available upon request.
  - d. Legal and Related Services - Contracts for legal and related services include, but are not limited to, engagements for external: lawyers for all matters related to institutional operations (including, but not limited to, regulatory and transactional matters), adjudicators, investigators, mediators, and consultant or service

agreements that are directly related to any of the foregoing. The engagement of lawyers shall be submitted to the Executive Director or designee for approval.

iv. Evaluation and Award Process

- a. Each institution will evaluate and award based on pre-defined criteria.
  - b. Scoring and assignment of points will be done in a consistent and defensible manner to ensure the integrity of the process. Both objective and subjective criteria may be used.
  - c. The names of the bidders and the amounts bid shall be supplied once the evaluation of the bids is completed and the award is made via a formal request for information. Information will not be released in situations in which the release would provide a competitive advantage to any of the bidders.
  - d. Nothing contained in these conditions shall be construed to mean that the lowest priced goods or inferior or substandard goods must be purchased. The Regent institutions are to purchase goods at the lowest cost consistent with the quality and service required.
  - e. Should a buyer recommend an award to other than the low compliant and responsible bidder, a review of the recommendation shall be conducted by the institutional purchasing director or designee including a documented rationale for the recommendation. It shall be the responsibility of the chief business officer or his/her designee to monitor the low bid rejections.
- v. **Withdrawal of Bids.** Bids may be withdrawn prior to the time set for receipt of bids. Bids shall not be withdrawn after that time, except as noted herein, without penalty. Only in the event of an obvious and documented error where it would be a manifest injustice to require the vendor to perform, can a vendor withdraw a bid after the time set for receipt of bids. Such withdrawal of bids can be done only upon the recommendation of the institution under procedures approved by the CPO/COO.
- vi. **Bid Security.** Regent institutions have discretion to use bid security as an incentive to vendors to enter into contractual requirements.
- vii. **Iowa Prison Industries.** Regent institutions are encouraged to include Iowa Prison Industries in competing for Regent's business.
- viii. **Iowa Products.** All state agencies shall use those products produced within the State of Iowa when they are of a quality reasonably suited to the purpose intended and can be secured without additional cost over foreign products or products of other states. ([I.C. §73.1](#))
- ix. **Targeted Small Business.** It is the policy of the Board of Regents, State of Iowa to provide contract opportunities to targeted small businesses. All laws and rules



pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to targeted small businesses. ([681 IAC7.7](#))

- x. Professional Service Contracts.
  - a. "Professional service agreements" are contracts for unique, technical and/or infrequent functions performed by an independent contractor qualified by education, experience and/or technical ability to provide services. In most cases these services are of a specific project nature, and are not a continuing, on-going responsibility of the institution. The services rendered are predominately intellectual in character even though the contractor may not be required to be licensed. Professional service agreements may be with partnerships, firms or corporations as well as with individuals.
  - b. Selection of a Provider. Professional service agreements for greater than \$50,000 must be selected through a competitive Request for Proposal (RFP) process unless the service is a sole source purchase that is appropriately documented and approved by the COO. The \$50,000 threshold is not based on a one-time cost, but rather on a cumulative cost for on-going services under the terms of the project engagement or extension of the project engagement. Professional service agreements, which are less than \$50,000 over the course of service, may be entered into without using the required competitive bidding process. Total payment to a professional services provider for services provided to any one university department may not exceed \$50,000 in a fiscal year, unless subject to competitive bidding or review and approval by the institutional purchasing department and COO. Selection of a professional service provider shall be based on a variety of criteria including, but not limited to, demonstrated competence, knowledge, references and unique qualifications to perform the services, in addition to offering a fair and reasonable price that is consistent with current market conditions. Additional criteria may be used as appropriate to the circumstances.
  - c. Provider Accountability. Work requirements should clearly define all performance objectives, work expectations, project milestones, and specific final deliverables and hold the contractor accountable for successful completion of the resultant agreement. Requirements may include, but not be limited to, reports, training sessions, assessments, evaluations or other tangible services.
  - d. Provisions of Professional Service Agreements. The following terms and conditions must be addressed:
  - e. Performance Requirements. Performance requirements should be precise and written in such a way that it can easily be determined if and when the contractor has successfully fulfilled his/her obligations under the Agreement. Consequences for noncompliance such as non-payment and/or termination of the contract must also be defined. Scheduled due dates that specify milestone targets must be clearly identified and may include, but not be limited to, regular meetings scheduled to evaluate progress, identification of problem areas to determine actions to be taken to resolve any concerns, dates for formal written reports, required oral progress reports, and contract monitoring requirements.

- f. **Period of Performance.** The resultant agreement must specify a start date and a completion date. While there may be exceptions, in most circumstances an end date to the agreement will be required. If an end date cannot be determined, a maximum time limit or maximum number of hours must be stated. Agreements with organizations are typically written for a specific term of successive years. In some instances, these agreements are annually renewable. Other provisions of an agreement may include a renewal clause beyond the original term of the agreement. Extended term agreements for individuals are discouraged.
  - g. **Compensation and Payment.** Compensation and payment terms include elements relating to cost and payment, such as maximum cost, (i.e. not to exceed cost), cost per deliverable, hourly rates for individuals providing services, number of hours required, allowable expenses and total authorized for expenses, payment and invoicing procedures. Compensation and payment terms should also include a statement as to whether the Regent institution will pay expenses incurred by the contractor and if so, which ones. Such expenses may include, but not be limited to, airfare (economy or coach class), lodging and subsistence necessary during periods of required travel; expenses incurred during travel for telephone, copying and postage, and private vehicle mileage. If other types of expenses are allowed, they must be clearly defined.
  - h. **Performance Monitoring.** The institution shall monitor the compliance with the terms and conditions of the agreement and applicable laws and regulations.
  - i. **Provision of Liability.** The provider may be required to show proof of insurance coverage and workers compensation in compliance with statutory requirements, in the form specified by the institution.
- xi. **Qualified Vendors of Goods and Services**
- a. Each institutional purchasing department shall maintain an electronic master list of prospective suppliers. Any person, agency, or firm wishing to supply goods or services may request to be added to the institutional master vendor list. The name is added to the institutional master list if, in the professional judgment of the Purchasing agent, the addition would aid in fostering a competitive situation. The Purchasing agent may require the requesting party to furnish information on qualifications to supply the item(s) indicated and financial responsibility prior to determining whether to add a vendor's name to the institution's master list.
  - b. **Exceptions to Policy:** Third party bid subscription services, who themselves do not supply goods or services utilized by Regent institutions, are not approved vendors.

- c. Nonresponsive and Nonresponsible Vendors - Once a supplier is added to the master list, the name shall not be removed from the list by an institution except for good and sufficient reasons. Removal for cause is not to exceed three years, except upon specific authorization of the COO. Each institutional purchasing designee shall report such vendors to the COO. Reinstatement requires application to the institution. Such reasons shall include, but not be limited to, the following:
  - 1) Delivery of goods and services that do not comply with specifications;
  - 2) Refusal to deliver after submitting a quotation, bid, or proposal and after receiving an order;
  - 3) Withdrawal of quotations, bids, or proposals prior to the placing of an order;
  - 4) Failure to comply with state and federal laws and regulations;
  - 5) Illegal purchasing practices;
  - 6) Consistent failure to respond bid opportunities requested in the last consecutive two-year period;
  - 7) Failure to timely cure contract compliance issues;
  - 8) Removal from an institutional master list of another Regent institution.

#### xii. Vendor Appeal Procedures

The following procedures shall be used by any Vendor who wishes to file a complaint regarding a Purchasing action made pursuant to Chapter 2 of this policy manual, with the exception of disputes involving the terms, conditions, obligations and interpretations of executed contracts or purchase orders; including, but not limited to, change orders. If an executed contract or purchase order contains a dispute resolution clause, that clause shall apply and not the procedure outlined in this section. The filing of a complaint shall not delay the award process if it is determined to be in the best interest of the institution. Failure to raise a timely complaint in accordance with the following procedure shall be deemed a waiver of the right to contest the matter further.

- a. Informal Dispute Resolution with the University Department  
A Vendor who has a concern with a decision made by a Purchasing Agent shall contact the Purchasing Agent within five (5) working days of when the Vendor became aware, or reasonably should have become aware, of the decision or action which forms the basis of the concern. The Purchasing Agent shall discuss the issue(s) with the Vendor in an attempt to resolve the dispute.
- b. Initiation of Complaint to University Administration

- 1) Within five (5) working days of discussing the matter with the Purchasing Agent, a Vendor (hereinafter "Complainant") shall outline the concern in writing to the institutional Purchasing Director or Purchasing Designee.
  - 2) The complaint shall be in writing and shall include the following information:
    - a) Name, address, and contact information of the Complainant;
    - b) Identification of the purchasing action complained of, including the RFQ/RFP number if available;
    - c) A detailed statement of the legal and factual grounds of the complaint, including copies of relevant documents;
    - d) The specific relief requested; and
    - e) Signature of the Complainant
  - 3) Upon receipt of the complaint, the Purchasing Director or Purchasing Designee shall conduct a review of the complaint and render a decision within ten (10) working days. Where information needed for the decision must be obtained from sources outside the Purchasing Department, the university's response may be delayed up to ten (10) additional working days.
  - 4) The Purchasing Director's or Purchasing Designee decision shall be in writing and shall contain the name and contact information of the individual to whom the decision may be appealed.
  - 5) The decision of the Purchasing Director or Purchasing Designee is final unless written appeal is filed with the individual identified in the written decision to receive the appeal. The appeal must be filed within five (5) working days of receipt of the Purchasing Director's or Purchasing Designee written decision, and shall contain the specific grounds upon which appeal is made.
- c. Appeal to University Administration
- 1) Upon receipt of the appeal, the institution's Business Vice President, or his/her designee, shall conduct a review of the written record of the complaint and render a decision in writing within ten (10) working days.
  - 2) Copies of the decision of the institution's Business Vice President, or his/her designee, shall be provided to the Complainant and the institution's Purchasing Director.

- 3) The written decision of the institution's Business Vice President shall be final unless written appeal is filed with the General Counsel for the Board of Regents.
- 4) Should the complaint be affirmed at any stage of institutional review, the institutional representative responsible for reviewing the complaint may, in his/her discretion, grant the requested relief or fashion an alternate remedy as deemed appropriate. The issuance of a specific remedy shall not be subject to appeal under this procedure.
- 5) Copies of any written complaint received by the institution and any decision rendered pursuant to this procedure shall be forwarded to the Office of the Board of Regents.

d. Appeal to the Board of Regents

- 1) Written appeal to the Board of Regents must be filed with the General Counsel for the Board of Regents within five (5) working days of receipt of the final decision of the institution's Business Vice President. The appeal must state the specific grounds on which appeal is made and include copies of all relevant documents and written institutional decisions.
- 2) Upon receipt of an appeal to the Board of Regents, the COO, or his/her designee, shall take steps to assist the Complainant and the Institution in resolving the issue(s)
- 3) If the issue(s) remain unresolved, and in the opinion of the COO the complaint involves serious questions of law or allegations of procedural error having a material impact on the award process, the appeal maybe reviewed by the Executive Director. The Executive Director shall notify the parties in writing of the date on which the appeal will be heard.
- 4) If a right of review is granted, the parties may submit additional written argument for review by the Executive Director. The Executive Director shall notify the parties of the deadline for submission of additional written materials. Oral argument before the Executive Director shall not be permitted.
- 5) Following review and determination by the Executive Director and in consultation with the COO, the appeal may be docketed for the next regularly scheduled Board Meeting. The Board, if docketed, may affirm, reverse, modify or remand all or any part of the final institutional decision. The decision of the Board of Regents is considered final agency action.

### xiii. Cooperative Purchasing

- a. Regent institutions are encouraged to participate in interagency cooperative purchasing agreements. It is the Regents' intent that such cooperative purchasing continue to provide the lowest competitive price consistent with quality and service requirements of Regent institutions.
- b. Regent institutions may purchase from state central purchasing contracts if it is in the best interest of the institution.
- c. State agencies, by prior agreement, may purchase items through Regent institutions providing that such purchases shall not jeopardize educational discounts accruing to Regent institutions.
- d. Regent institutions are encouraged to participate in interinstitutional cooperatives with other universities, health care organizations, and similar affinity groups to gain better prices and choices.

### xiv. Reporting

An annual report on purchasing shall be submitted by each institution to the COO.

## 7. Risk Management

- A. Risk Management is responsible for minimizing the risk of loss to the Board of Regents and its institutions through the identification and analysis of risk, implementation of loss control programs and contractual transfer or other risk reduction and financing techniques.
  - i. Each institution shall develop its own policies and procedures with respect to risks of loss to:
    - a. Protect the institutions' resources
    - b. Minimize the total cost of risk
  - ii. When risks of a catastrophic nature exist, they will be eliminated or reduced to the extent practical. Funding will be arranged when the potential loss is large. Funding will be obtained from:
    - a. Commercial Insurance, or
    - b. Self-insurance

c. State General Fund

- iii. Risks that do not present a significant loss potential will not be insured unless the purchase is indicated by other factors, such as a need required by contract, bond or statute.
- iv. The Regent institutions shall work with the Board Office to develop appropriate protocols to implement Regent-wide risk management programs, in accordance with the Board's policies and procedures.

B. Liability

- i. [Iowa Code Chapter 669](#), also known as the "Iowa Tort Claims Act" provides for the defense and indemnification of state employees, volunteers and agents for monetary claims for property damage, personal injury or wrongful death, caused by the negligent or wrongful act or omission of the covered individuals while acting within the scope of their authorized responsibilities.
- ii. Under the provisions of an interagency 28E Agreement for Settlement of Small Tort Liability Claims, the Regent Institutions are authorized to settle small tort liability claims, including motor vehicle claims.
- iii. Motor Vehicles  
The Board has established a self-insurance program for automobile liability, including expanded coverage for comprehensive and collision for vehicles owned by the institutions.

C. Property

- i. Auxiliary and Self-Supporting Property  
The Regent institutions shall self-insure or purchase insurance for auxiliary and self-supporting operations consistent with applicable bond covenants.
- ii. General Fund Supported Property
  - a. Each Regent institution shall purchase catastrophic property insurance with a single incident deductible for general fund property of up to \$5 million for each university and \$1 million for each special school.
  - b. A Regent institution may seek reimbursement of General Fund property losses over \$5,000 from the State of Iowa under the provisions of [Iowa Code §29C.20](#).



c. General Fund - State Property Loss Program

- 1) Losses in excess of \$5,000 shall be promptly reported to the Board Office under procedures established administratively. Such notification shall occur within the time frame established for Executive Council notice following the loss.
- 2) The institution should prepare a preliminary loss report including cost estimates, and submit to the Board Office within five working days of the loss. Within 45 days of the loss, the institution should submit a formal loss report including proposed plans and specifications for repairs or replacement of equipment, and buildings
- 3) The Executive Council of Iowa prescribes the protocol for written notice and request for allocation of Disaster Aid Contingent funds (Iowa Code §29C.20), required documentation for review by the State Auditor, the process for approval, payment, resolution of differences, and appeal.

iii. Type of Coverage and Valuation Basis

To the extent practical and when available at a reasonable cost, property shall be insured for:

- a. 'All risk' or perils of fire; windstorm; lightning; earthquake and flood and extended coverage including theft, vandalism, and malicious mischief.
- b. Replacement cost or on a 90 percent coinsurance basis.

D. Purchase of Insurance

Purchasing terms and bid requirements are provided in [681 IAC 8.4](#).

## 8. Compliance and Reporting

A. Financial Reports

- i. The business officers for each institution shall report to the Board in such detail and form as it may prescribe, funds available for capital projects, income, expenses, human resources, enrollment, and account balances as described in [Iowa Code §262.25](#).

- ii. The Board shall, at the time provided by law, report to the Governor and the Legislature facts, observations, and conclusions that in the judgment of the Board, should be considered by the Legislature. The report shall contain the receipts and expenditures of the Board, and shall submit budgets for appropriations deemed necessary for the support of the institutions in accord with [Iowa Code §262.26](#).

#### B. Claims Activity Reports

- i. Each Regent institution shall prepare and submit periodically to the Executive Director a Claims Activity Report of pending and resolved litigation, tort and contract claims; administrative agency complaints; workers' compensation claims, Faculty and Professional and Scientific staff grievances and disciplinary cases, including formal ethical complaints and investigations; and internal grievances/claims and investigations of merit employees.
- ii. Each Regent institution shall also report promptly to the Executive Director on the receipt, initiation, change in status and settlement of all significant litigation; tort and contract claims; administrative agency complaints; internal discrimination claims; Faculty and Professional and Scientific staff grievances and disciplinary cases, including formal ethical complaints and investigations; and internal grievances and investigations of merit employees.

#### C. Gifts and Grants

- i. The Board shall accept and administer trusts and may authorize nonprofit foundations acting solely for the support of institutions governed by the Board to accept and administer trusts deemed by the Board to be beneficial. Notwithstanding the provisions of [Iowa Code §633.63](#), the Board and such nonprofit foundations may act as trustee in such instances. ([Iowa Code § 262.9\(9\)](#))
- ii. The chief executive officer of each institution is authorized to accept and approve all gifts, grants, and service contracts except gifts of real estate. Gifts, grants, and service contracts are to be accepted only if supportive of the mission of the institution.
- iii. Each institution, on or before the 15th day of each month, shall send the report of gifts and grants that was received during the preceding month to the Executive Director for transmittal to the director of the Department of Management and the director of the Legislative Services Agency. The members of the Board of Regents shall receive an annual report detailing amounts, sources, and purposes of these gifts and grants. The Board Office shall retain an electronic copy of each report. The institution will make this report in the form currently used to comply with Iowa Code §8.44.

- iv. Each university, on or before the last day of the month following the end of the quarter, shall send, electronically to the Board Office, the detail of gifts and grants for the quarter for transmittal to the designated individual of the Legislative Services Agency. The Board Office shall retain an electronic copy of each report.

#### D. Competition with Private Enterprise

- i. [681 IAC 9.4](#) implements [Iowa Code Chapter 23A](#), which restricts government entities from competing with private enterprise, unless specifically authorized by statute, rule, ordinance, or regulation.
- ii. Regent institutions shall not engage in competition with private enterprise unless the activity will assist in the education, research, extension, or service mission of the institutions.
- iii. To fulfill their missions effectively, institutions under the control of the Board occasionally provide goods and services which enhance, promote, or support the instructional, research, public service, and other functions to meet the needs of students, faculty, staff, patients, visitors, and members of the public participating in institutional events.
- iv. Each institution has established written policies regarding competition with private enterprise. These policies ensure that:
  - a. Activities provided by the institutions are consistent with Board policy.
  - b. Processes are identified to handle inquiries about activities carried out by the institution.
  - c. There is a means for community businesses to interact with the institutions including discussion of complaints.
- v. Annually, a report will be provided to the Board of institutional activities which may compete with private enterprises, including any formal complaints related to competition with private enterprise, during the past calendar year.

#### E. Traffic and Parking Regulations

- i. [Iowa Code §262.68](#) authorizes the Board to establish speed limits for all vehicles on the institutional roads and streets.
- ii. [Iowa Code §262.69](#) authorizes the Board to make rules for the policing, control, and regulation of traffic and parking of vehicles and bicycles on the property of any institution under its control.
- iii. All traffic and parking regulations shall be subject to Board approval prior to enforcement. Changes in existing regulations, general or specific, shall be brought to the Board annually for approval.

- iv. If any change in traffic and parking regulations include an increase in monetary sanctions, notification of students is to be consistent with Chapter 1.8 of this Policy Manual.
- v. General traffic and parking regulations for each university shall be filed in accordance with [Iowa Code Chapter 17A](#), Iowa Administrative Procedure Act. (Regulations are in [681 IAC 4](#))

#### F. Records Management and Examination of Public Records

##### i. Records Management

[Iowa Code §305.15](#) requires the Board of Regents to adopt rules for their employees, agencies, and institutions for records management. The Board's rules are in [681 IAC 10](#). Records are the property of the state and shall not be mutilated, destroyed, removed, or disposed of, except as provided by law, rule, or policy. Records should be archived or disposed of in accordance with University or Board Office disposal requirements after the retention period, subject to the exceptions stated in this policy regarding retention for audit and litigation purposes.

##### ii. Examination of Public Records

Every person shall have the right to examine and copy public records and to publish or otherwise disseminate public records or the information contained therein as provided by law in [Iowa Code Chapter 22](#). The administrative rules adopted by the Board related to the examination of public records are provided in [681 IAC 17](#).

#### G. Administrative Procedure Act

- i. The Board of Regents operates in compliance with the Iowa Administrative Procedure Act, pursuant to [Iowa Code Chapter 17A](#).
- ii. Each Regent institution establishes institutional procedures to administer rules established in [681 IAC 19](#) and adopted by the Board in accordance with Iowa [Code Chapter 17A](#), subject to Board approval as necessary.
- iii. When a timely request for making an oral presentation in regard to a rule is presented to the Board as provided by [Iowa Code §17A.4](#), the Executive Director will set a time and place for the presentation. The time will be not less than 20 days after notice is published in the [Iowa Administrative Bulletin](#). The notice will state whom the Executive Director has designated to conduct the presentation, the subject matter, and the location.
  - a. In accordance with the rules adopted by the Board in [681 IAC 19](#), the presiding officer has the authority to take any reasonable action necessary to conduct an orderly meeting as provided in [681 IAC 19.5\(3d.4\)](#).

## H. Deposit of Public Funds

- i. Demand deposit accounts and other similar accounts can only be established at banks approved pursuant to [Iowa Code Chapter 12C](#) and previously approved by the Board. Proposed changes in the Investment relationships shall be reviewed by the Investment and Finance Committee and approved by the Board. ([Iowa Code §12C.2](#))
  - ii. A deposit of public funds in a depository pursuant to this chapter shall be secured as follows ([Iowa Code §12C.1.3](#)):
    - a. If a depository is a credit union, then public deposits in the credit union shall be secured pursuant to [Iowa Code §§ 12C.16 through 12C.19 and 12C.23 and 12C.24](#).
    - b. If a depository is a bank, public deposits in the bank shall be secured pursuant to [Iowa Code §§12C.23A and 12C.24](#).
- I. Post-Issuance and Continuing Disclosure Compliance Policies for Tax-Exempt Obligations
- i. General Policy
    - a. The Board's objective is to ensure that tax-exempt obligations retain tax-exempt status pursuant to post-issuance requirements which include the following:
      - Tracking proceeds of a debt issuance to ensure dollars are spent on qualified tax-exempt purposes.
      - Maintaining detailed records of all expenditures and investments related to tax-exempt funds.
      - Monitoring that the financed project is used in a manner consistent with applicable legal requirements.
      - Providing required disclosure information on an annual basis.
    - b. Each university shall adopt specific internal policies and procedures (copies of which shall be filed with the Board Office) for post-issuance and continuing disclosure compliance.
  - ii. Compliance Coordinator
    - a. The business officer at each university shall identify the coordinator of post-issuance and continuing disclosure compliance for tax-exempt obligations (the "Coordinator") who shall be accountable for post-issuance compliance at his/her particular university.
    - b. The Coordinator will ensure such records are maintained as necessary to meet the requirements of this policy.

- c. The Coordinator will consult with the Regents bond counsel, rebate consultant, municipal advisor, IRS publications and other resources as necessary to understand and meet the requirements of this policy.
- d. With the assistance of bond counsel, the Coordinator will monitor that training and information is obtained to adequately update all pertinent university staff regarding new developments and/or requirements for tax-exempt obligations.

## 9. Audit Activities

- A. The Board of Regents, through its Audit and Compliance Committee, expects to enhance accountability and fulfill its audit oversight responsibility by:
  - i. Reviewing all external financial, bond-specific, and other audit reports conducted on the Regents office and any part of its institutions and Regent- associated regional study centers.
  - ii. Reviewing the annual audit plans proposed by the Board's Chief Audit Executive.
  - iii. Reviewing all reports prepared by internal auditors of the Regent institutions.
  - iv. Encouraging continued evaluation, improvement, and adherence to all Board and institutional policies, procedures, and practices at all levels.
  - v. Encouraging an open avenue of communication among the independent auditors, financial and senior management, internal auditors, Committee, and Board of Regents.
  - vi. Reporting to the Board of Regents regularly regarding the execution of the Committee's duties and responsibilities.

### B. External Audits

#### i. State Audits

- a. As established by law, the auditor of state shall annually make a complete audit of the books and accounts of every department of the state, the educational institutions, and audit testing of the Board's investments. ([Iowa Code §11.2](#))

Each department and institution of the state shall keep its records and accounts in such form and by such methods as to be able to exhibit in its reports the matters required by the auditor of state, unless otherwise specifically prescribed by law. ([Iowa Code §11.5](#))

- b. The institutions will send all draft state audit comments, recommendations, and responses to the Board Office for approval before they are submitted to the State Auditor's Office.
  - c. A copy of all state audits related to a Regent institution shall be, upon completion, sent to the Board Office for docketing on the Audit and Compliance Committee agenda.
  - d. The Regent institutions and/or Board Office shall immediately notify the Auditor of State regarding any suspected embezzlement or significant financial irregularities in accord with [Iowa Code §11.2\(2\)](#).
  - e. The State Auditor's Office or the Audit and Compliance Committee may request a discussion of financial and audit related issues.
- ii. General Provisions
- a. For audit services other than statutorily required from the Auditor of State, the institutions are to select external auditors through a competitive Request for Proposal (RFP) process in accordance with the Board's policies on professional services contracts in the Purchasing section of this Chapter. Competitive RFP process shall occur every five years.
  - b. All external audit firms must be currently and appropriately licensed and have a current permit to practice as a Certified Public Accounting firm in the state of Iowa.
  - c. Audit managers for each engagement must be rotated at least every five years.
  - d. Institutions must comply with all state, Board, and institutional conflict of interest policies.
  - e. External auditors for an institution are restricted from providing any of the following services for that institution:
    - 1) Bookkeeping or other services related to the accounting records or financial statements of the institution
    - 2) Financial information systems design and implementation
    - 3) Appraisal or valuation services, fairness opinions, or contribution-in-kind reports
    - 4) Actuarial services
    - 5) Internal auditing outsourcing services

- 6) Management functions or human resources
  - 7) Broker or dealer, investment advisor, or investment banking services
  - 8) Legal services and expert services unrelated to the audit
  - 9) Any other service that the Board determines is impermissible
- f. Any exceptions to the restrictions above must be approved by the Audit and Compliance Committee prior to the performance of the proposed services, unless the aggregate amount of all such non-audit services provided to the institution constitutes less than 5 percent of the total amount paid by the institution to its auditor during the fiscal year in which the non-audit services are provided. Each institution is responsible for notifying the Board Office of all such non-audit services received under this exception.
  - g. Institutions should carefully consider and document the benefits and risks of employing an individual who has worked for the auditing firm within the previous year and consider how the position may relate to the institution's external audit.

### iii. Hospital Audits

- a. The University of Iowa Hospitals and Clinics will arrange for an annual external audit of hospital accounts, in accordance with the general provisions of subsection 2 and shall submit, upon completion, a copy of the audit and management letter to be docketed on the Audit and Compliance Committee agenda.
- b. The UIHC external auditor may request to discuss financial and audit related issues with the Audit and Compliance Committee
- c. The Audit and Compliance Committee may request the UIHC external auditor to discuss financial and audit related issues with the Committee.

### iv. Other External Audits

- a. Copies of all external audits conducted on a Regent institution or regional study center shall be submitted, upon completion, to the Board Office for docketing on the Audit and Compliance Committee's agenda.
- b. External auditors or the Audit and Compliance Committee may request a discussion of financial and audit related issues.



v. Internal Audits

- a. Objective and Scope. The objective of internal auditing is to assist the Board of Regents and institutional administrators in the effective discharge of their responsibilities by furnishing them with analyses, appraisals, recommendations and pertinent comments concerning the activities reviewed. The attainment of this objective involves such activities as:
  - 1) Reviewing and appraising the soundness, adequacy and application of accounting, administrative and other operating controls, and promoting effective control at reasonable cost.
  - 2) Ascertaining the extent of compliance with established policies, plans and procedures.
  - 3) Ascertaining the extent to which assets are accounted for and safeguarded from losses of all kinds. Ascertaining the reliability of management data developed within the organization.
  - 4) Conducting special examinations and reviews at the request of the Audit and Compliance Committee, the Board of Regents or institutional heads.
  - 5) Evaluating the economy and efficiency with which resources are employed and recommending improvements in operations, including reviews of administrative and support services with the objective of reducing operating costs.
- b. Authority. The internal audit staffs are authorized by the Board of Regents to conduct a comprehensive program of internal auditing. To accomplish their objectives, the internal auditors are authorized to have unrestricted access to university functions, records, properties and personnel.
- c. Reporting. Audit activities related to the offices of President and Superintendent are to be reported directly to the President of the Board of Regents. The ultimate reporting responsibility of internal auditors is to the Audit and Compliance Committee.
- d. Annual Report. Each year, the Board's Chief Audit Executive will develop and execute a comprehensive audit plan to be conducted in accordance with applicable professional auditing standards. A comprehensive report on the internal audit function will be made to the Board through the Audit and Compliance Committee each year and will include:
  - 1) An annual audit plan containing:
    - Methods for audit focuses, including internal control evaluation and risk assessment.
    - High-risk areas routinely included in the internal audit cycle.
    - Administrative and support services review.
    - Cooperative plans among Regent University internal audit departments.
    - Internal audits planned for the special schools

- 2) Review of all previous fiscal year audits completed and in progress, including any follow-up reviews;
  - 3) Any audits which were scheduled but not completed; and
  - 4) A list of all audits completed within the last three fiscal years.
- e. A copy of each internal audit report and follow-up review, upon its completion, will be sent to the Board Office for docketing on the Audit and Compliance Committee agenda.
  - f. Any activity which is illegal or the legality of which is questioned by the audit staff (e.g. conflict of interest, embezzlement or theft) shall be reported to the appropriate institutional administrator or President of the Board immediately upon discovery by audit staff. The Auditor of State and other appropriate authorities should also be notified.
  - g. In the performance of their functions, internal audit staff will have neither direct responsibility for, nor authority over, any of the activities and operations reviewed.
  - h. Internal auditors may request to discuss financial and audit related issues with the Audit and Compliance Committee.
  - i. The Audit and Compliance Committee may request the internal auditors to discuss financial and audit related issues with the Committee.

## 2.3 Property and Facilities

### 1. Capital Plans, Requests and Reports

#### A. Duties and Responsibilities of the Board of Regents include:

- i. Review of campus master plans.
- ii. Approval of the Annual Facilities Report, which includes the:
  - Five-Year Capital Plans for State Funds
  - Facilities Governance Report
  - Institutional Roads Program
- iii. Approval of financing of capital projects.
- iv. Review of facility stewardship.

#### B. Campus Master Plans

- i. Each university shall present an updated campus master plan to the Property and Facilities Committee or the Board as requested. The plan should indicate past, present, and anticipated development and note any significant changes from plans previously presented to the Board or Committee.
- ii. The campus master plan should relate directly to the university's mission and strategic plans.

#### C. Annual Facilities Report

Submitted annually to the Board for approval, the Annual Facilities Report is a comprehensive summary of Board of Regents' facilities that is presented to the Property and Facilities Committee

- i. Five-Year Capital Plans, include three sections:
  - State-Funded Five-Year Capital Plan, including the next fiscal year's capital appropriation requests,
  - University of Iowa Hospitals and Clinics Five-Year Capital Plan and the
  - Other Funds Five-Year Capital Plan.
- a. State-Funded Five-Year Capital Plan

Annually, the State-Funded Five-Year Capital Plan shall be submitted to the Board Office and presented to the Board. It includes all projects to be funded by state appropriations.

After Board approval, the Board Office submits it to the Department of Management, who subsequently submits it to the General Assembly for their consideration.

b. University of Iowa Hospitals and Clinics Five-Year Capital Plan

Annually, the University of Iowa Five-Year Capital Plan shall be submitted to the Board Office. It includes projects to be funded by the University of Iowa Hospitals and Clinics.

c. Other-Funds Five-Year Capital Plan

Annually, the Other-Funds Five-Year Capital Plan shall be submitted to the Board. It includes projects to be funded by sources other than state funds and University of Iowa Hospitals and Clinics funds.

ii. Facilities Governance Report

Annually, the institutions shall prepare a facilities governance report in a format provided by the Board Office. The report include information size, age, all funds spent on facilities, facility replacement values, fire and environmental safety and deferred maintenance.

a. Size, Age and Value of Facilities

Institutions shall report on their facilities in a format provided by the Board Office.

b. All Funds Spent

Institutions shall report on all funds used in project budgets over \$250,000 in a format provided by the Board Office.

c. Classroom Utilization

Institutions shall report on updates to classroom and instructional technology improvements in a format provided by the Board Office.

d. Interinstitutional Collaboration

Institutions shall report on interinstitutional collaboration in a format provided by the Board Office.

e. Fire and Environmental Safety

Institutions shall report on fire and environmental safety projects/improvements in a format provided by the Board Office. These needs should be integrated into the annual Five-Year Capital Plans.

1) Each year the institutions shall submit reports to the Board Office indicating the results of the latest State Fire Marshal's inspection, the results of environmental safety inspections, and programs completed or underway to correct deficiencies. The report shall indicate the financial resources needed to correct outstanding deficiencies.

2) Institutions should immediately notify the Board Office, if any facilities within their jurisdictions have been cited for violations of federal, state or

local laws or regulations or have been decertified or notified of the threat of decertification from compliance with any state, federal or other nationally recognized certification or accreditation agency or organization.

f. Deferred Maintenance

Institutions shall report on deferred maintenance projects/improvements in a format provided by the Board Office. These needs should be integrated into the annual Five-Year Capital Plans.

iii. Institutional Roads Program

Annually, the institutions shall prepare their Institutional Road Program report in a format provided by the Board Office.

- a. Projects administered by the Iowa Department of Transportation (DOT) will proceed according to DOT rules and regulations, after a Project Description and Budget have been approved by the institution, Board Office or Board according to requirements of this chapter. Projects administered by the Board of Regents institutions will follow Board policies as outlined in this chapter.
- b. On certain projects a university may be responsible for the preliminary engineering, design, administration, contract letting, construction engineering, and inspection of a programmed institutional road construction project. The DOT shall be informed, consulted and concur in the various phases of the project as determined by a formal agreement between the Board and the DOT. The DOT shall reimburse the university for the actual design and construction costs of the project, as detailed in the formal agreement.
- c. The DOT shall enter into maintenance agreements with the Regent institutions. Agreements shall set institutional road mileage to be maintained by each institution and specify the routine maintenance categories for which each institution shall be reimbursed.

D. Energy Conservation

- i. The institutions shall develop energy conservation plans.
- ii. Design Professionals should emphasize energy conservation and life cycle costs in new construction and remodeling projects, consistent with Iowa Code.

E. Facility Stewardship

- i. Institutional capital campaigns for private contributions are to include donor options for supporting annual operating costs and future capital renewal, as well as program initiatives that, when funded with private support, enable the university more readily to meet its educational mission by protecting the general fund and the core costs of facility stewardship, including operating costs and capital renewal.
- ii. Annual operating costs of all major additions and new buildings shall include:
  - a. Definitions and cost benchmarks established.

- b. Preliminary cost and source of funds identified with the Permission to Proceed with Project Planning stage of Board consideration.
  - c. Revenue sources for annual operating cost support linked directly to uses of the facility and identified in the Board's budgeting process.
- iii. Future annual maintenance and life cycle repairs for each new major addition or building project for which the project budget has not yet been approved by the Board.
- a. Annual amount to be 1.5% of a facility's replacement value to meet future maintenance and life cycle repairs.
  - b. Amount and sources of funds for maintenance and life cycle repair funds to be included with other annual operating costs, such as custodial services and utilities, in the project description and budget presented to the Board. For example.
    - For a bonded enterprise, future funding for renewal could be obtained either through incremental increases in the "improvement funds" for the enterprise or through planned additional debt capital to be issued as the need arises.
    - For General Fund supported facilities, increments to the overall General Education Fund "building renewal (repair)" budget may be necessary to reflect the additional square footage (net of any facilities being taken off line or razed) within this category.
    - For historic or iconic facilities, private resources may be a source of future capital renewal either through a current or a future capital campaign.

## **2. Real Property**

- A. Duties and Responsibilities of the Board of Regents include:
- i. Approval of the sale and purchase of property.
  - ii. Approval of the disposal, transfer and sale of property and facilities.
  - iii. Approval of leases and easements.
- B. Control, acquisition, and disposition.
- i. The Board is responsible for management and control of real and personal property of the institutions under its control pursuant to Iowa Code.
  - ii. All acts relating to the management, purchase, disposition, or use of lands and other property of the institutions are to be approved via roll call vote pursuant to

Iowa Code.

C. Sales and Purchases

- i. The Board shall acquire real estate for the use of the Regent institutions, and dispose of real estate belonging to the institutions when not necessary for their purposes as delineated in Iowa Code.
- ii. Acquisition includes the procurement of real property by purchase, gift grant or other method.
- iii. Disposal includes the transfer of real property to another entity by sale, gift, grant or other method.
  - a. Real estate should be conveyed for monetary consideration based on appraisal; in all cases in which monetary consideration is waived by the Board, the alternative consideration shall be approved by the Board.
  - b. Property purchased shall be purchased at no more than the high appraisal or not more than 5 percent above the average of two appraisals, whichever is less. This policy is not intended to limit negotiation for a price lower than the appraised value.
  - c. All requests for Board approval of the sale or purchase of property shall be in a format with necessary documentation as delineated by the Board Office.

D. Disposal, Transfer or Sale of Facilities

- i. Disposal, transfer or sale of facilities with an estimated fair market value of over \$100,000 shall be approved by the Board.
- ii. Disposal, transfer or sale of facilities with an estimated fair market value under \$100,000 shall be approved by the Board Office.

E. Leases

- i. Iowa Code provides the Board with authority to lease properties and facilities, either as lessor or lessee, for the proper use and benefit of the institutions. The Board may, at its discretion, delegate authority to the universities to approve leases as detailed in Iowa Code. All leases requiring Board approval must be approved by roll call vote in accordance with Iowa Code.
- ii. Authority for approval of leases for the special schools is delegated to the Director of Business Operations of the special schools in consultation with the Board Office, following the parameters outlined below.
- iii. Approval of tenant property rental rates is delegated to the institutions.
- iv. Lease approval delegations to the institutions include:
  - a. Those with the Board as both lessee and lessor as further outlined in this

section, including individual subleases within the SUI Research Park, ISU Research Park and farm leases;

- b. Leases under 10,000 gross square feet, with less than \$150,000 in annual base rent or for less than five years duration. Leases over 10,000 gross square feet, more than \$150,000 in annual base rent or more than five years duration require Board approval.

The annual base rent does not include any other costs, including taxes, common area maintenance (CAM) fees, insurance or utilities. The Board Office may annually increase the \$150,000 threshold for annual base rent by the Consumer Price Index – All Urban Consumers (CPI-U).

- c. Lease addenda increasing the amount of leased space, as long as the lease and addenda in total fall within the parameters listed above;
  - d. Lease addenda decreasing the amount of leased space; and
  - e. Lease renewals where there are no substantial changes in terms from the original lease or previous renewal, and the lease percentage rate increase (from the original lease or previous renewal) does not exceed the CPI-U.
- v. Each institution will report annually on the new leases, new renewals (excluding renewal periods provided for in the original lease) and property rental rates that the institution entered into over the last fiscal year.
  - vi. Institutions will identify one institutional office with authority to approve leases, and inform the Board Office and institutional community of the same.
  - vii. Lease arrangements to be approved by the Board or the institutions will use a form as provided by the Board Office. Deviations from this form for university-approved leases will require the Board Office and institutional general counsel approval.
  - viii. Institutions may opt to submit a lease for Board approval, even if it falls within their authority to approve.
  - ix. All leases which include an option to purchase, a right of first refusal to purchase, or other right or option to purchase the improvements or the land on which the improvements are located, require Board approval.
  - x. Land leases, excluding farm leases, require Board approval.
  - xi. For purposes of implementing Iowa Code, a lease is defined as the right to the sole use and occupation of property in exchange for consideration, usually rent.
  - xii. The institutions will notify the Board Office when a lease agreement has been terminated prior to the end of the lease term, or when a lease agreement has expired (i.e., when either a renewal option or monthly extension is not exercised).
  - xiii. When the Board is the landlord in a farm lease, the lease shall terminate consistent with the provisions of Iowa Code; notification of termination shall be in accordance with Iowa Code.



#### F. Easements

- i. The Board is authorized to grant easements pursuant to Iowa Code.
- ii. The institution will prepare an exhibit for all easements being presented for Board approval.

#### G. Payments in Lieu of Taxes

- i. Payments in lieu of taxes (PILOTs) are defined as payments negotiated voluntarily by officials of a tax-exempt entity and officials of the community where it is located as a substitute for property taxes. They do not include payments made under service agreements specifically provided by Iowa Code.
- ii. Prior to beginning any negotiations with a political subdivision on a PILOT, the institution shall notify the Executive Director of its intent to negotiate such an agreement.
- iii. Agreements resulting in payments in lieu of taxes (PILOTs) between institutions under the control of the Board of Regents and a political subdivision shall be approved by the Board. The request for approval shall include a detailed explanation of the need for the PILOT, the manner in which it was calculated, and concurrence from the applicable public entity assessor(s) as to the assessment calculation for establishing the amount of the PILOT. The negotiated PILOT shall include a sunset / termination date and shall ensure, to the extent permitted by law, that the PILOT is dispersed to the applicable taxing entities (county, city, school district, etc.).

### **3. Capital Improvement Projects – Definitions, Duties and Responsibilities**

#### A. Definition of Capital Improvement Project, New Construction and Renovation

- i. A capital improvement project is one, which provides for the construction, repair, or improvement of buildings including utilities, grounds, razings, mechanical/electrical system upgrades, restroom modifications, roof replacements, exterior envelope repairs and equipment installation projects where the equipment cost is 50% or more of the total construction budget. Evaluation Criteria is not required.
- ii. A major capital improvement project is defined as any new building, major addition or renovation project with an estimated project budget of \$2 million or more. Evaluation Criteria is required.
- iii. New construction is an entirely new structure or a major addition to an existing structure and/or systems.

- iv. A renovation is an upgrade to an existing building and/or systems, improving it to new or like new condition.

B. Special School Capital Project Requirements

The capital procedures/policies for the universities apply to the special schools, with the following exception:

Iowa State University shall be responsible for the administration of capital projects at the Iowa School for the Deaf (ISD) and Iowa Braille and Sight Saving School (IBSSS). In conjunction with the Board Office, ISU shall plan the specific responsibilities for ISD, IBSSS and ISU in order to develop docket items for Board meetings, Project Descriptions and Budgets, selection of Alternative Delivery Methods and all other Board of Regents capital project procedures. Specific responsibilities may change depending on the project.

C. Duties and Responsibilities

i. Duties and Responsibilities of the Board

Whenever a capital improvement project is proposed or undertaken at any institution under the control of the Board of Regents, the Board may, as provided for in this chapter:

- a. Approve Permissions to Proceed with Project Planning.
- b. Approve Alternative Delivery Methods.
- c. Approve Schematic Designs.
- d. Approve Project Descriptions and Budgets and a Revised Project Budgets.
- e. Delegate responsibility to the Executive Director, Board Office, or the institution as provided for in this chapter.

ii. Duties and Responsibilities of the Executive Director and Board Office

Whenever a capital improvement project is undertaken at any institution under the control of the Board, the Executive Director and the Board Office, the Board Office is authorized and directed to carry out provisions of this chapter, including:

- a. Negotiate financing arrangements other than appropriations as directed by the Board of Regents.
- b. Receive certification from the institution's chief business officer or designee that the nature and scope of a project is substantially the same as approved by the Board.
- c. Approve:
  - Alternative Delivery Methods

- Program Statements
  - Design Professional Selections, Agreements and Amendments
  - Design Build Bridging, Feasibility Study and Ancillary Consultant Agreements
  - Project Descriptions and Budgets and Revised Budgets
  - Construction Contract Awards, Construction Contracts, Payment and Performance Bonds and change orders as provided for in this chapter.
- d. When it is determined to be in the best interest of the Regent enterprise, reject all bids and/or determine alternative procedures.
  - e. Advise the Board on actions requested by the institutions on capital projects.
  - f. Refer capital project actions requested of the Board Office to the Board at the discretion of the Board Office.
  - g. Act on behalf of the Board on capital project actions, subject to Board ratification, when failure to take immediate action would have an adverse impact on institutional programs, cause unnecessary project delays, result in increased costs, or when it is otherwise in the public interest. The Board shall be asked to ratify such actions at the next Board meeting.
  - h. Advise the Board regarding institutional plans for fundraising for capital projects.
  - i. Provide reports to the Board as needed.
- iii. Duties and Responsibilities of the Institutions

The institutions under the control of the Board of Regents are authorized to carry out on behalf of the Board duties as provided for in this chapter including:

- a. Survey needs, recommend capital projects and capital project actions to the Board.
- b. Utilize members of its staff to act as architect, engineer or associate architect or engineer when it is in the institution's best interest, rather than acquire the services of a private sector consultant(s).
- c. Act as project manager.
- d. Certify to the Executive Director or Board Office that the final plans and specifications have been completed in conformance with the scope of the project approved by the Board or Board Office.
- e. Make all reports available and secure approvals as required by other governmental agencies.
- f. With the approval of the chief business officer or designee of the institution and consistent with policies outlined elsewhere in this chapter, conduct projects, including approval of project descriptions and budgets, revised budgets, Design Professional agreements and amendments, contract awards or rejection of

bids, and change orders.

- g. Approve:
  - Design Professional Selections, Agreements and Amendments
  - Design Build Bridging, Feasibility Study and Ancillary Consultant Agreements
  - Project Descriptions and Budgets and Revised Budgets
  - Construction Contract Awards, Construction Contracts, Payment and Performance Bonds and change orders as provided for in this chapter.
- h. Notify the Board Office whenever it is determined that a contractor or consultant is not performing satisfactorily, and when consideration is being given to removing the contractor or consultant.
- i. Submit to the Board Office a semi-annual report for all ongoing project budgets over \$250,000 occurring January 1 – June 30 or July 1 - December 31 of each year, within 45 days of the end of each period. The content and format of the semi-annual report will be provided by the Board Office.
- j. Notify the Board Office prior to solicitation of private and/or federal funds for major capital projects by an affiliated organization or the institution.
- k. The Board Office and institutions shall meet regularly to: a) discuss issues related to capital projects; b) ensure coordination of capital project policies and procedures; and c) provide advice on capital project policies and procedures, and d) discuss any capital project issues.

#### D. Capital Project Evaluation Criteria

The institutions shall submit information to address the Board's Capital Project Evaluation Criteria for major capital improvement projects (new building, major additions or renovation projects with estimated project budgets of \$2 million or more), when Permission to Proceed with Project Planning is requested or when approval of the Schematic Design and Project Description and Budget are required.

Evaluation Criteria is not required for utilities, grounds, razings, mechanical/electrical system upgrades, restroom modifications, roof replacements, exterior envelope repairs and equipment installation projects, where the equipment cost is 50% or more of the total construction budget.

The criteria are outlined below:

- i. How does this project help fulfill the institution's mission and strategic plan in the following areas:
  - a. Faculty needs in areas strategic to the university?
  - b. Program accreditation?
  - c. Student demand?

- d. Other strategic plan-related criteria?
- e. Environmental health and safety?
- ii. What other alternatives were explored, why were they rejected and why is the proposed project the best way to meet the identified need?
- iii. When this project is completed, what facilities and total square footage will be abandoned, transferred or demolished and how does this compare to the new or renovated square footage?
- iv. What financial resources are available to build/remodel/renovate the proposed capital project including:
  - a. Source(s) of funding?
  - b. Availability of funds?
  - c. Income stream to provide debt service on bonds, if they are to be issued?
  - d. Calculation of financial return on investment, when applicable?
- v. What resources are available to operate and maintain (O&M) the proposed capital project without compromising current programs and operations:
  - a. Preliminary costs and sources of O&M funds, e.g., general fund, self-supporting, endowment, etc.?
  - b. Effect on existing programs/operations if O&M support comes from general fund?
- vi. Identification of any compelling external forces that justify approval of this capital project:
  - a. Federal and/or state mandate?
  - b. Compliance with health/safety/welfare laws?
  - c. Federal/foundation grant or other external funding opportunities?
  - d. State policy direction consistent with institutional mission?
- vii. Amount and intended sources of future capital renewal funding to be included when the project budget is submitted for approval.

#### **4. Register of Capital Improvement Business Transactions**

- A. Each institutional submission shall carry a single agenda item for its Capital Improvement Business Transactions, as defined in this section.

- B. Capital actions, for which approval of the Board is requested at its next meeting, shall be by means of the "Register of Capital Improvement Business Transactions" (hereafter referred to as the "Register"). For easy reference, the Register should be divided into subheadings, as needed, for: Permission to Proceed with Project Planning; Consultant Agreements and Amendments; Program Statements, Schematic Design Documents; Project Descriptions and Budgets; Construction Contracts and Change Orders. Policies related to the subheadings are included in separate sections.
- C. The chief business officer or designee of each institution shall certify the Register and send it to the Board Office with agenda materials.

## **5. Permission to Proceed with Project Planning**

- A. Institutions shall seek the approval of the Board prior to initiating formal planning for any project estimated to cost \$5,000,000 or more. Permission shall be requested in an exhibit in the Register, which shall include a description of the need or identification of the program to be accommodated by the project; a narrative description of the project, if known; and of alternatives, if any, to the proposed course of action. The estimated cost of the project expressed as a range and the probable source of funds should be provided. (Cost estimates provided at this time are tentative and are subject to later revision. Permission may be sought at this time to seek the assistance of a Design Professional or the use of a project delivery method other than the traditional design-bid-build process, including the services of a construction manager.) The institution must submit, at this time, information to respond to the Board's Evaluation Criteria for new buildings, major additions and renovation projects (see "Capital Project Evaluation Criteria" above).

## **6. Alternative Delivery Methods (ADMs)**

- A. To utilize alternative delivery methods, follow the "Alternative Delivery Method Guidelines" on the Regent's website.
- B. For project budgets under \$5,000,000 using an ADM, submit a request to the Board Office to use the ADM before or with the request for approval of the Design Professional, Design Build Bridging Consultant or Construction Manager Selections and Agreements. Include three ADM advantages over the traditional Design Bid Build method.
- C. For project budgets over \$5,000,000 using an ADM, submit a request to the Board to use the ADM with the request for Permission to Proceed. Include three ADM advantages over the traditional Design Bid Build method.

## **7. Design Consultant (Design Professional) and Construction Manager Selection, Agreements and Amendments**

- A. Definition

Design consultant agreements include but are not limited to agreements for architectural, engineering, other design professional, and construction management services.

i. Design Consultant, Construction Management Services and Design Build Firm Selection

a. Iowa Preference

Preference shall be given in accordance with Iowa Code to the selection of design consultant, construction management services firms or design build firms either based in Iowa or with permanent offices in Iowa. If a firm which is neither Iowa-based nor with a permanent office in Iowa is selected, reasons shall be reported to the Board Office.

For design build firms, it is the design build firm's choice whether the design firm or the build firm (or both) are based in Iowa or with permanent offices in Iowa.

B. Design Consultant and Construction Management Selection Process

i. Projects budgets less than \$1,000,000, selection and approved shall be by the institutions.

Approval of the negotiated agreement by the institution (as detailed in this Chapter) shall constitute selection of the firm.

ii. Projects budgets more than \$1,000,000, selection shall be by an institutional committee and approved by the Board Office.

a. The committee shall be established for the purpose of selecting a firm for the specific project; the committee shall be comprised of appropriate institutional personnel depending upon the consultant services to be provided.

b. The institution shall advertise its need for design services for the project. The institution shall notify the Iowa Chapter of American Institute of Architects (AIA), if the institution's intention is to secure architectural services.

c. The institution shall notify the Board Office when the institution will evaluate the proposals received to determine a short list of firms to be interviewed and when the committee will meet to interview firms. A representative of the Board Office may elect to participate in the selection process as a member of the selection committee.

d. The committee shall evaluate the proposals received utilizing appropriate criteria, and select the firms it believes are the most qualified for the project for interviews with the committee.

- e. Based on the committee's interviews with the firms, the committee shall recommend a firm and forward its selection, with justification, to the university chief business officer or designee for authorization to negotiate an agreement with the firm.
- f. The selection committee's summary report shall be combined with the agreement and forwarded to the Board Office for approval.
- g. If Board approval is required, the selected firm, and/or the negotiated agreement, shall be included on the Register of Capital Improvement Business Transactions for Board approval.
- h. With appropriate detailed justification, an institution may request of the Board or Board Office (depending upon the size of the project) a waiver of the selection process and the utilization of a specific design consultant or construction manager rather than the utilization of a selection committee.
- i. The requirements of this section do not apply to the selection of ancillary design consultants such as commissioning agents, quality control, material testing, equipment consultant, testing and balancing, move planning, and move execution. The institutions shall use their discretion to determine the best method to select ancillary design consultants, and shall document the method used.  
  
Agreements for ancillary services require approval of the Board Office only when the negotiated fee is \$200,000 or greater.

#### C. Construction Manager Services Selection Process

- i. When the institution proposes to use construction management services in lieu of a single stipulated sum prime construction contractor, the institution shall obtain approval from the Board or the Board Office.
- ii. The selection process for Construction Manager - Agent should follow those outlined above for design consultants.
- iii. Just as the contract award and contract approval are two separate Board Office approvals when using the Design-Bid-Build delivery method, the contract award and the contract approval should be two separate Board Office approvals, when using the Construction Manager at Risk or Design-Build delivery methods.

#### D. Design Consultant or Construction Management Services Agreements

- i. Projects budgets less than \$1,000,000 shall be reviewed and approved by the institutions.
- ii. Projects budgets more than \$1,000,000 shall be reviewed and approved by the Board Office.



#### E. Design Consultant or Construction Manager Services Amendments

- i. Projects budgets less than \$1,000,000, amendments to design consultant or construction management services agreements shall be approved by the institution's chief business officer or designee.
- ii. Projects budgets more than \$1,000,000, amendments shall be approved by the institution unless a single amendment exceeds 5 percent or \$100,000 (whichever is less [with a minimum of \$50,000]) and/or the sum of the cumulative amendments exceeds 20 percent of the original agreement. If the amount of the amendment(s) exceeds this threshold, the amendment(s) shall be approved by the Board Office, but may be referred for Board action at the discretion of the Board Office.

#### F. Design Consultant or Construction Manager Fees

- i. Payments to the design consultant or construction manager for services shall be based on a fee negotiated with the institution and approved by the institution, Board Office, or Board as provided for in this Chapter.
- ii. To expedite the start of design, an institution may request a design professional to include their Schematic Design fee with their regular RFP proposal at the time of the final interviews. The fee would be set by the institution and clearly stated in the RFP.

After a design professional is selected by the institution, the institution and the design professional would enter into a Schematic Design agreement based on the Schematic Design fee. As Schematic Design nears completion, all remaining design professional services are negotiated and added to the Schematic Design agreement as Amendment #1. The new agreement amount is defined as the sum of the Schematic Design agreement and Amendment #1.

#### G. Disputes with Design Consultants and Construction Managers

Disputes between the design consultants or construction managers and the university will be handled in accordance with procedures outlined in the Board of Regents consultant's or construction manager's agreement.

#### H. Design Build Bridging, Feasibility Study and Ancillary Consultant Agreements

Institutions are authorized to use Design Build Bridging, Feasibility Study and Ancillary Consultant Agreements.

- i. Feasibility Study Agreements may involve strategic planning or master planning services related to university facilities for the purposes of establishing the feasibility, concept or scope for capital projects.

- ii. Ancillary Consultant Agreements may include, but are not limited to, services for building commissioning, quality control, material testing, equipment consultant, testing and balancing, move planning and move execution.
- iii. For Design Build Bridging, Feasibility Study or Ancillary Consultant Agreements with a total anticipated cost less than \$200,000, including reimbursables, the institution shall determine the process for selection of the consultant or negotiate with the consultant. The institution's chief business officer or designee shall approve the selection and Agreement.
- iv. For Design Build Bridging, Feasibility Study or Ancillary Consultant Agreements with a total anticipated cost of \$200,000 or more, including reimbursables, the institution shall formally advertise for services, form a Selection Committee, evaluate submittals, short list firms for interviews, interview those firms and make a final selection. The Board Office shall approve the selection and Agreement.

## **8. Program Statements**

The Program Statement describes the facility, which is to be constructed in terms of purpose and scope. It may be prepared prior to hiring a Design Professional or with the assistance of the Design Professional. Once prepared and approved, the Program Statement provides a basis for agreement between the project user, the institution, and the Design Professional.

- A. Program Statements for new buildings, major additions and renovation projects with estimated project costs of \$2,000,000 or more shall be submitted for Board Office approval.
- B. Program Statements are not required for utilities, grounds, razings, mechanical/electrical system upgrades, restroom modifications, roof replacements, exterior envelope repairs and equipment installations, where the equipment cost is 50% or more of the total construction budget.
- C. The Program Statements may be forwarded for Board action at the discretion of the Board Office. The Program Statement may include a review of the design concepts and projected measures of efficiency, including net to gross square feet, construction cost per gross square foot and projected utility and maintenance costs.

## **9. Schematic Design Documents**

Approval of Schematic Design follows approval of the Program Statement.

- A. Schematic Designs shall be submitted for Board approval for new building, major additions and renovation projects with an estimated project cost of \$2,000,000 or more. The Schematic Designs should reflect the Program Statement approved by the Board Office or the Board.

- B. Schematic Designs are not required for utilities, grounds, razings, mechanical/electrical system upgrades, restroom modifications, roof replacements, exterior envelope repairs and equipment installations, where the equipment cost is 50% or more of the total construction budget.
- C. The institutional exhibit should include a comparison to the building program, information on the net to gross square footage ratio, estimated construction cost per gross square foot, exterior materials and relationship of exterior design and materials to the campus context (for new construction or addition), operating and maintenance costs, project schedule, and any additional information requested by the Board or Board Office.
- D. Institutional requests for Board approval of a Project Description and Budget (including funding sources) are to be presented no later than the time at which the Schematic Design is presented.
- E. Board approvals of both the Schematic Design and Project Description and Budget will constitute Regents final project approval and authorization to proceed with construction.
- F. Material changes in program, design or cost subsequent to the Board's final approval must be returned to the Board for further approval.

## **10. Project Descriptions and Budgets**

### **A. Definitions**

The Project Description and Budget shall include a brief history of the project, the justification or need for the project, the purpose to be served, a description of the project scope, the approximate net and/or gross square feet, how the project would impact future campus space utilization, an initial budget, and any additional information requested by the Board Office or the Board. The source of funds should be as specific as possible.

- i. The initial budget shall contain lines for major expenditure items and identify source(s) of fund(s).
  - ii. A revised project budget increases or decreases the total budget from the amount approved in the initial budget.
  - iii. An amended project budget changes the line items and/or source(s) of fund(s) from those approved in the initial budget only, and does not need Board Office approval.
- B. Project Budgets less than \$1,000,000 shall be reviewed and approved by the institutions. Any project budget for the official state-owned residence of an institutional head of \$100,000 or more shall be reviewed and approved by the Board Office.

- C. Project Budgets of \$1,000,000 to \$2,000,000 shall be reviewed and approved by the Board Office.
- D. Projects Budgets of \$2,000,000 or more shall be reviewed and approved by the Board.
- E. Revised / Amended Project Budgets

Significant changes to the project description may require resubmission to the Board Office or Board.

- i. Revised Project Budgets less than \$1,000,000 Shall be reviewed and approved by the institutions. Please include all revised budgets in the semi-annual report to the Board Office.
- ii. Revised Project Budgets \$1,000,000 to \$2,000,000 shall be reviewed and approved by the Board Office.
- iii. Revised Project Budgets more than \$2,000,000 Shall be reviewed and approved by the Board. Revised project budgets less than \$750,000 above the last approved budget, shall be approved by the Board Office.

## **11. Preparation of Plans and Specifications**

### **A. Preparation of Plans and Specifications**

- i. Plans and specifications will be prepared in compliance with good practice, state and federal law, and Board policy.
- ii. Final plans and specifications shall comply with the project approved by the Board and the chief business officer or designee shall so certify to the Board Office.

### **B. Liquidated Damages and Performance Based Incentives**

Liquidated damages clauses are to be used on those capital projects that are of extreme urgency to a university function or for a project involving income generation.

Performance based incentive clauses may be used under limited circumstances with specific rationale. Provisions for liquidated damages and performance-based incentives shall be consistent with Iowa Code.

### **C. Requirement for Holding Bids**

Universities shall provide in their instructions to bidders that all bids be held for at least 45 days.

## **12. Bidding of Construction Contracts**

The policies of the Board of Regents, State of Iowa, for the bidding of construction contracts comply with the requirements of the Iowa Code and Iowa Administrative Code.

### **A. Public Competitive Bidding**

- i. The university, in the name of the Board, shall advertise and competitively bid the contemplated capital improvement or construction consistent with provisions of Iowa Code.
- ii. Targeted Small Businesses Construction Contracts

All laws and rules pertaining to solicitations, bid evaluation, contract awards, and other procurement matters apply to targeted small business targets to the extent there is no conflict. If Iowa Code related to targeted small businesses conflicts with other laws or rules, then Iowa Code related to targeted small business shall govern.

### **B. Bid Security**

- i. Bid security shall be as provided in Iowa Administrative Code. Bids accompanied and secured by any other form of bid security or for which no bid security is provided shall automatically be disqualified.
- ii. As permitted by Iowa Code, on a project total bid of \$50,000 or less, Certified Targeted Small Businesses may either provide a bid bond OR a bond waiver from the Department of Inspections and Appeals. The waiver applies only to a prime contract where the total, individual transaction does not exceed \$50,000.
- iii. Other provisions related to the requirements for and provisions of bid security are detailed in Iowa Administrative Code.

## **13. Bid Openings, Receipt of Construction Bids and Award of Construction Contracts**

### **A. Notification of Bid Openings**

The universities shall notify the Board Office immediately, when a bid opening for a project budget of \$500,000 or more is scheduled.

### **B. Receipt of Construction Bids**

- i. All construction bids shall be received as detailed in the advertisement for bids and "the instructions to bidders" after which such bids will promptly be publicly opened and read aloud by the chief business officer or designee.

- ii. No bid shall be received after the designated time for receipt of bids.
- iii. Upon electronic receipt, bids will be secured by a university representative.
- iv. The place where bids are to be opened publicly and read aloud shall be posted by the university in the advertisement for bids.
- v. Any bidder who submitted a timely bid and has concerns related to the bidding of a construction contract under this chapter shall contact the university Associate Vice President of Facilities or equivalent position, or his/her designated representative, within two university business days following public opening of the bids.
- vi. The Associate Vice President of Facilities or equivalent position, or his/her designated representative, shall discuss the issue(s) with the bidder in an effort to resolve the dispute. If an acceptable resolution is not achieved, the Associate Vice President or equivalent position or his/her designated representative, shall document the bidder's concerns in writing and forward them to the appropriate decision-maker along with the recommendation to award the contract. Once a contract has been awarded in accordance with this chapter, the decision is final.
- vii. With appropriate detailed justification such as the receipt of no bids or under emergency circumstances, an institution may request from the Board Office a waiver of the bidding process and permission to negotiate a contract with a specific contractor.

## **14. Construction Contracts and Change Orders**

### **A. Construction Contracts**

A Regent construction contract shall be let consistent with Iowa Code to the lowest responsible bidder. However, if in the judgment of the Board, bids received are not acceptable, the Board may reject all bids and proceed with the construction, repair, or improvement by a method as the Board may determine as provided by Iowa Code.

### **B. Reports and Awarding of Contracts**

- i. For projects with approved budgets less than \$500,000, the construction contract shall be awarded by the institution.
- ii. On projects budgets of \$500,000 or more, the universities shall forward to the Board Office a copy of the bid tabulation within 24 hours of the bid opening. The bid tabulation shall include the construction cost estimate(s) for the Base Bid and any alternates.
- iii. For projects with approved budgets between \$500,000 and \$1,000,000, the construction contract shall be awarded by the institution unless there are unusual circumstances, other than a minor irregularity, in which case the award shall be referred to the Board Office for action. (When the contract is awarded

by the institution, a copy of the bid tab and Notice of Award shall be provided to the Board Office.)

- iv. For projects with approved budgets of \$1,000,000 or more, the construction contract shall be awarded by the Board Office, but may be referred for Board action at the discretion of the Board Office.
  - a. The chief business officer or designee shall furnish to the Board Office a signed recommendation for award of the construction contract, which will include the bid tabulation with construction cost estimate(s), a report of the bid opening and any bidding irregularities, as well as a written statement indicating whether award of the contract to the low responsible bidder will allow the project to proceed within the last approved project budget.
  - b. The award recommendation should include copies of any targeted small business documentation provided with the bid, if applicable.
  - c. If the chief business officer or designee determines that any unusual circumstances exist, which require special attention of the Board, the report of the bid opening and the award recommendation shall include such a statement.
  - d. The Board Office shall notify each university formally by letter of action taken on each award of a contract. The contract shall not be considered to be awarded, until the university receives a formal letter from the Board Office. Upon approval to award the contract by the Board Office, the university may proceed to issue a "Notice of Award" to the contractor with a copy to the Board Office.
- v. Regardless of other provisions of this Manual, for all project budgets exceeding \$500,000 for which there are unusual circumstances other than a minor bidding irregularity, the construction contract shall be awarded by the Board Office.

#### C. Construction Contract Change Orders

- i. The university may authorize or submit to the Board Office for approval change orders to the construction contract.
- ii. All change orders shall be accompanied by an explanation of the reason for the change.
- iii. For projects budgets less than \$1,000,000, change orders shall be approved by the institution.
- iv. For projects budgets of \$1,000,000 or more, change orders shall be approved by the institution, unless a single change order exceeds 5% of the contract amount or \$100,000 whichever is less [with a minimum of \$50,000] and/or the sum of the cumulative change orders exceeds 20 percent of the original construction contract amount. If the amount of the change order(s) exceeds this threshold, the change order shall be approved by the Board Office. Information on all approved change orders for projects of \$1,000,000 or more shall be reported to the Board as needed.

#### D. Retention from Payments on Contracts

- i. Retention from payments to construction contractors is governed by provisions of Iowa Code.
  - ii. Iowa Code provides for prompt payment by the contractor to its subcontractors.
- E. Iowa State Sales Tax on Construction Projects
- i. The services and materials furnished as part of Regent construction projects are generally exempt from state sales tax.
  - ii. Iowa Code provides two options to deal with Iowa state sales tax on Board of Regents construction projects.
    - a. Regent universities may issue exemption certificates to contractors and subcontractors allowing them to purchase, or withdraw from inventory, building materials for the contract free from Iowa sales tax following Department of Revenue procedures, or
    - b. The contractor pays Iowa sales tax on all building materials and includes that cost in the bid; the contractor then submits Department of Revenue forms to the Regent university to document the amount of Iowa sales tax paid on the construction materials incorporated into the real property. The Regent university would then apply for a refund of the Iowa sales tax following Department of Revenue procedures.
    - c. The Conditions of the Contract for all Regent construction projects shall identify whether exemption certificates will be issued.

## **15. Acceptance of Completed Construction Contracts**

- A. The chief business officer or designee, is authorized to accept contract work as complete and authorize final payments on behalf of the Board of Regents and in accordance with Iowa Code. The waiting period, required by Iowa Code, shall commence on the date of such acceptance and authorization.
- B. The contract performance bond shall provide coverage for at least one year following contract acceptance by the institution and permit the Board recourse to remedy contractor deficiencies without prejudice due to prior acceptance of the contract by the institution.
- C. All construction contracts within project budgets of \$500,000 or more, which have been accepted as complete by the chief business officer, shall be reported to the Board Office.

## **16. Final Reports**

Final reports for completed capital projects budgets of \$500,000 or more shall be sent to the Board Office in a timely manner. The final report document shall show in summary form the last approved project budget, expenditures, balance or overdraft in



the project account. For any surplus project funds, describe where those funds would be allocated. For any overdraft of project funds, provide an explanation.

## 17. Naming

- A. All proposed honorary names of facilities, properties, or university Major Units and not “Minor Units” as defined below, owned or operated by the Regent institutions, including the Board of Regents, State of Iowa or UIHC must have specific Board approval prior to naming.
  - i. “Major Units” are entire buildings, wings of buildings, colleges, programs and large sections of campus.
  - ii. “Minor Units” are campus areas or sections of facilities such as rooms, labs, open spaces, streets, structures and physical features. Naming of Minor Units or functional names of Major Units such as “Physics Building” or “Chemistry Building” may be approved by the institutional head, and do not require Board approval.
- B. Before proceeding with any naming, all circumstances surrounding the naming must be carefully considered, including the overall benefit to the institution, whether the name is and will continue to be a positive reflection on the institution, and whether the name comports with the purpose and mission of the Board of Regents and its institutions.
- C. The Board may name facilities, properties or university units in honor of persons (living or deceased) or, entities such as a business or foundation. Examples of the categories of persons and entities eligible include:
  - i. Alumni with close ties to the institution.
  - ii. Distinguished Iowans.
  - iii. Persons who have made an outstanding contribution to a field of study, discipline, university, the State of Iowa, the nation or world.
  - iv. Donors who have made significant contributions to the institution generally, to a college or major unit, or to a related program.
  - v. Donors who have made significant contributions toward construction, renovation and/or the critical programmatic, annual operating, or future capital renewal costs of new, renovated, or other existing facilities.
  - vi. Employees (presidents, superintendents, faculty staff) – no earlier than two years following the end of employment/appointment or upon death. No unit may be named for a current Regent employee.
  - vii. Combinations of the above.
- D. Corporate Naming

Corporate namings require a thorough degree of due diligence to avoid commercial influence or conflict of interest.

E. Institutional Responsibilities

- i. Each institutional head shall regularly inform the President and President Pro Tem of the Board of Regents and the Executive Director of developments relating to any possible naming of a Major Unit.
  - ii. The institution shall:
    - a. Ensure that individuals wishing to pursue a gift-based naming opportunity for a Major Unit obtain the permission of the institutional head before any prospective donor is approached;
    - b. Consult and coordinate, as needed, appropriate members of the institution's community and with the appropriate officials of the applicable fundraising arm of the institution to provide the benefit of the collective institutional memory and perspective with regard to the potential naming;
    - c. Develop guidelines/rationale to determine the appropriate recognition of a donor, including the contribution threshold for the naming of a Major Unit.
    - d. Conduct a thorough "due diligence" review of each donor and the person/entity (if different than the donor) in whose honor the naming is to be made and the implications of the naming for the institution. A thorough due diligence would include, at a minimum:
      1. Review of any potential conflict of interest issues affecting any Regent institution;
      2. Review of potential impact upon the academic and research autonomy of the institution;
      3. Evaluation of the impact on future giving by the donor or others;
      4. Consultation with the Board's bond counsel to determine whether the naming of the Major Unit could adversely affect existing or future tax-exempt bonds, and if so to what extent; and
      5. Consultation with institutional counsel and, to the extent appropriate, counsel for the applicable fundraising arm of the institution to ensure compliance with applicable laws and regulations.
- F. Utilize a written gift agreement with each donor when the naming of a Major Unit may result (unless this provision is waived by the Board); the agreement must stipulate that, among other items, recognition is subject to the prior approval by the Board of Regents, that it remains subject to applicable policies of the Board, and to subsequent reconsideration by the Board. Reconsideration by the Board may occur in extraordinary circumstances if the prior approved naming may be damaging to the reputation of the Board or the institution; or contradictory to applicable law or to

the policies, procedures or strategic objectives of the Board or institution.

## 2.4 Information Technology

Information Technology (IT) provides essential services to Iowa Regent's universities and special schools. It is critically important that these services be used to 1) support the mission of the Regents, 2) appropriately secured the systems, facilities, and information that is created, accessed, handled, and stored by them and 3) provide equal access to IT resources. Universities and Schools shall maintain complementary IT policies and procedures, which are consistent with this policy manual and any other applicable technology use policies of the Regents.

### 1. Acceptable Use

Unless otherwise specified in this policy manual, or other Regents policies, use of Regents information technology resources are restricted to purposes related to the Regents mission. Eligible individuals are provided access to IT resources in order to support their studies, instruction, research, duties as employees, and official business with the Regents, and other Regents-sanctioned activities. Universities and Schools will have policies that define additional details of acceptable and prohibited uses, privacy principles, and enforcement, that augment the following basic requirements for acceptable use:

- A. Individuals may not share or transfer to others their Regents accounts including network IDs, passwords, access codes that allow them to access Regents information technology resources.
- B. Incidental personal use of information technology resources must adhere to all applicable Regents policies.
- C. Uses may not involve violations of the law, interfere with the fulfillment of an employee's Regents responsibilities, or adversely impact or conflict with activities supporting the mission of the Regents.

#### A. Security

Universities and Special Schools must have policies that address:

- i. Authentication to systems, including
  - a. Password length, complexity and renewal requirements
  - b. Requirements for use of multi-factor authentication
  - c. Account life cycles
- ii. Security classification of institutional data and the protections to be applied to the different categories of data
- iii. IT facility access controls and services required to protect critical and sensitive IT equipment areas
- iv. Minimum IT security requirements for all equipment that utilizes campus networks
- v. IT security event reporting and incident handling

- vi. Appropriate IT security controls to achieve compliance with all applicable local, state, and federal laws, industry standards, and regulations. These may include but are not limited to:
  - a. Health Insurance Portability and Accountability Act (HIPAA)
  - b. Family Education Rights and Privacy Act (FERPA)
  - c. Federal Information Security Management Act (FISMA)
  - d. Human Subjects Research (45 CFR 46; 21 CFR 56)
  - e. Export Controls (EAR; ITAR)
  - f. Gramm-Leach Bliley Act (GLBA)
  - g. Payment Card Industry Data Security Standards (PCIDSS)

B. Accessibility

To ensure equal access, as well as compliance with applicable local, state, and federal laws, the Regents universities and schools shall have policies and guidelines that demonstrate and support our commitment to electronic and information technology accessibility, including but not limited to, the following:

- i. Guidelines for the procurement (e.g., Request for Proposal, contractual language), design and development, management, and use of accessible electronic and information technologies
- ii. Establishment of technical standards for accessible on-site and online learning and work environments
- iii. Accessible web sites (e.g., Web Content Accessibility Guidelines)
- iv. Accessible document and media types
- v. Campus awareness programs and support services

## CHAPTER 3 – ACADEMIC POLICIES AND PROCEDURES

### 3.1 Non-Discrimination

- A. It is the policy of the Board of Regents to provide equal opportunity to all students at all Regent institutions. It is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, color, age, sex, sexual orientation, gender identity, genetic information, national origin, marital status, religion, disability, protected veteran status, or any other class protected by law in any program or activity. Such discriminatory practices shall include but not be limited to the following practices:
- i. Exclusion of a person or persons from participation in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training, or other program or activity except athletic programs;
  - ii. Denial of comparable opportunity in intramural and interscholastic athletic programs;
  - iii. Discrimination among persons in employment and the conditions of employment;
  - iv. On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification.
- B. For the purpose of this section, "educational institution" includes any preschool, elementary, secondary, or community college, area education agency, or postsecondary college or university and their governing boards. This section does not prohibit an educational institution from maintaining separate toilet facilities, locker rooms or living facilities for the different sexes so long as comparable facilities are provided. ([Iowa Code section 216.9](#))

### 3.2 Admission Requirements Common to the Three State Universities

- A. The Board shall make rules for admission to and for the government of the institutions under its control, consistent with law. ([Iowa Code § 262.9\(3\)](#))
- B. The Board of Regents, State of Iowa, has adopted the following requirements governing admission of students to the three state universities.
- i. Each university shall describe in its catalog the requirements and other information necessary to make the admission process operate within the framework of these requirements.
  - ii. Amendments and changes in these requirements are proposed by the universities to

the Board Office, which examines the proposals and makes specific recommendations through the Council of Provosts to the Board of Regents, State of Iowa, which is empowered by law to establish the admission requirements.

a. Admission of undergraduate students directly from high school. Students desiring admission must meet the requirements in this section and also any special requirements for the program, school, or college of their choice.

- 1) Applicants must submit a formal application for admission, together with the appropriate application fees for U.S. citizens or permanent residents, to the State University of Iowa, Iowa State University, or the University of Northern Iowa. All three universities have a separate application fee for international students.
- 2) Transcripts of students' academic records, including credits and grades, rank in class (if available), high school grade point average, courses completed, and certification of graduation, shall be provided by the appropriate secondary schools.

Applicants must also submit SAT or ACT scores. Applicants whose primary language is not English must also meet an English proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

3) The primary Regent Admission Index (RAI) is calculated using the following formula:

a) Regent Admission Index = (2 x ACT composite score) + (1 x high school rank) + (20 x high school grade point average) + (5 x number of high school courses completed in the core subject areas)<sup>1</sup>.

b) The alternative Regent Admission Index which will be used for Iowa students from high schools that do not provide high school class rank is calculated using the following formula: Regent Admission Index = (3 x ACT composite score) + (30 x high school grade point average) + (5 x number of high school courses completed in the core subject areas).

4) Graduates of accredited high schools in other states may be held to higher academic standards, but must meet at least the same requirements as graduates of Iowa high schools. The options for conditional admission or summer tryout enrollment may not necessarily be offered to these students.

5) Applicants who are graduates of non-accredited high schools will be considered for admission in a manner similar to applicants from accredited high schools, but additional emphasis shall be given to scores obtained on standardized examinations.

6) Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. They shall be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations that demonstrate that they are adequately

prepared for academic study.

- 7) Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during summers prior to high school graduation.
- 8) In rare situations, exceptional students may be admitted as full-time students to a Regent university before completing high school. Early admission to a Regent university is provided to serve persons whose academic achievement and personal and intellectual maturity suggests readiness for collegiate level study. Each university shall specify requirements and conditions for early admission.

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<sup>1</sup> For purposes of calculating the Regent Admission Index, ACT composite score has top value of 36 (SAT scores will be converted to ACT composite equivalents); high school rank is expressed as a percentile with 99% as the top value; high school GPA is expressed on a 4-point scale; and number of high school courses completed in the core subject area is expressed in terms of years or fractions of years of study.



- b. Admission of undergraduate students by transfer from other colleges. Students desiring admission must meet the requirements in this section and also any special requirements for the curriculum, school, or college of their choice.
- 1) Applicants must submit a formal application for admission, together with the appropriate application fee for U.S. citizens or permanent residents, to the State University of Iowa, Iowa State University, or the University of Northern Iowa. All three universities have a separate application fee for international students. Applicants must request that each college they have attended send an official transcript of record to the Admissions Office. High school academic records and standardized test results may also be required. Applicants whose primary language is not English must also meet an English proficiency requirement specified by each university.
  - 2) Transfer applicants with a minimum of 24 semester hours of grades acceptable for transfer credit from regionally accredited colleges or universities who have achieved the grade point required by each university for specific programs for all college work previously attempted, will be admitted, subject to the limitations of b4. Higher academic standards may be required of students who are not residents of Iowa.  
  
Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records and at the discretion of the admissions officers: (1) be admitted unconditionally, (2) be admitted conditionally, (3) be required to enroll for a tryout period during a preceding summer session, or (4) be denied admission.
  - 3) Admission of students with fewer than 24 semester hours of college credit will be based on high school academic and standardized test records in addition to review of the college record.
  - 4) Transfer applicants under disciplinary suspension shall not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances shall be admitted on probation.
  - 5) Transfer applicants from colleges and universities not regionally accredited may be considered for admission on an individual basis, taking into account all available academic information. This rule is intended to implement [Iowa Code § 262.9\(3\)](#).
- c. *Transfer Credit Practices.* The Regent universities endorse the *Joint Statement on Transfer and Award of Academic Credit* approved in 1978 by the American Council on Education (ACE) and the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The current issue of *Transfer Credit Practices of Selected Educational Institutions*, published by AACRAO, and the ACE publications are examples of references used by the universities in determining transfer credit. The acceptance and use of transfer credit is subject to limitations in accordance with educational policies at each university.

- 1) Students from regionally accredited colleges and universities.
  - a) Credit earned at regionally accredited colleges and universities is acceptable for transfer, except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature, or credit in courses or programs in which the institution granting the credit is not directly involved, may be accepted to a limited extent.
  - b) Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a Regent university.
- 2) Students from colleges and universities that have candidate status with a regional accrediting agency.
  - a) Credit earned at colleges and universities that have become candidates for accreditation by a regional accrediting association is acceptable for transfer in a manner similar to that from regionally accredited colleges and universities if the credit is applicable to the bachelor's degree at the receiving university.
  - b) Credit earned at the junior and senior classification from an accredited two-year college that has received approval by a regional accrediting association for change to a four-year college may be accepted by a Regent university.
- 3) Students from colleges and universities not regionally accredited:
  - a) Credit earned at colleges and universities not regionally accredited shall be validated by satisfactory academic study in residence or by examination. Each university shall specify the amount of the transfer credit and the terms of the validation process at the time of admission.
  - b) In determining the acceptability of transfer credit from colleges that are not regionally accredited in states other than Iowa, acceptance practices indicated in the current issue of *Transfer Credit Practices of Selected Educational Institutions* shall be used as a guide. For institutions not listed in the publication, guidance is requested from the designated reporting institution of the appropriate state.
- 4) Students from foreign colleges and universities.

Transfer credit from foreign educational institutions may be granted after a determination of the type of institution involved and its recognition by the educational authorities of the foreign country and after an evaluation of the content, level, and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses, but is frequently assigned to general areas of study. Extensive use is made of professional journals and references that describe the educational systems and programs of individual countries.

### 3.3 Consideration of Prior Misconduct in Admission

When a student wishes to transfer from one of the universities governed by the Board of Regents, State of Iowa, to another Regent institution and such student is currently charged with, or has been found to have engaged in, a violation of the Regent Rules of Personal Conduct, or a serious violation of the institutions' disciplinary rules, information concerning such charges shall be made available to the receiving Regent institution. Each Regent institution shall develop and maintain its own internal rules governing confidentiality of student records.

- A. Requests for Information on Misconduct. Regent institutions shall require prospective or re-entering students to disclose whether they have been arrested or convicted of a crime as part of the process for admission or readmission. They shall also require disclosures of the disciplinary record at other educational institutions. The existence of a criminal or disciplinary record shall not automatically result in refusal of admission, but may be the basis for refusal to admit or for placement of conditions on admission.
- B. Transfers to Regent universities are described in [681 IAC 9.2](#).

### 3.4 Strategic Planning

- A. Strategic planning shall occur both at the Regent and institutional levels. The Board shall undertake an evolving, issues-oriented planning process, where it scans the environment for important issues and provides necessary strategic responses on an ongoing basis. At the institutional level, the Board shall help establish institutional direction, monitor and evaluate progress toward achieving planned initiatives, and review and approve annual plans and budgets that reflect the realization of institutional mission and goals. The Board shall develop a strategic plan which covers a period of five years and shall define performance indicators which help the Board to monitor its strategic plan.
- B. Each Regent institution shall develop a strategic plan which covers a period of five years and is consistent with the Board of Regents' overall strategic planning process and strategic plan.
- C. The Board shall be consulted about and subscribe to the overall direction established by each Regent institution, particularly as it relates to the mission, general goals and areas of focus articulated by the institutions. Plans and budgets shall reflect the overall mission, goals, and priorities of the institution, and show in clear terms how the institution intends to accomplish its strategies, specifically within the context of limited resources.
- D. Annual progress reports including any proposed revision of goals, strategies, action steps, mission, vision, values or culture statements shall be presented to the Board.

- i. Each of the Regent institutions shall develop, maintain, and update a Board-approved strategic plan that describes its mission, vision, values, culture, and performance indicators and is consistent with the Board's strategic plan and performance indicators.
- ii. Each of the Regent institutions shall prepare and present to the Board an annual report that includes progress on its institutional performance indicators according to the annual Governance Report schedule.
- iii. Each of the Regent institutions shall include its current Board-approved strategic plan on its institutional website.
- iv. The special schools shall develop comprehensive school improvement plans in addition to a strategic plan. The performance measure for student achievement shall come from the schools' improvement plans.

### **3.5 Academic Program Planning Approval**

#### **A. New Program Approval**

- i. No action shall be taken by the institution on any proposed programs until the new program is approved by the Board of Regents. This includes hiring new faculty, securing facilities, developing curriculum, or advertising the program.
- ii. The Board Office shall maintain a program planning list that includes the name and educational level of proposed programs that are currently undergoing an institutional review and are likely to be submitted for program approval by the Board of Regents within the year. Proposed programs shall be on the program planning list for at least six months prior to the submission of [Form A](#) to the Board Office.
- iii. The Council of Provosts shall review the proposed program planning list at each meeting.
- iv. An institution planning a new or expanded academic program shall first submit the program proposal to the Board Office using the format developed by the Board Office ([Form A](#)), including accreditation requirements and viability; and verified practicum, internship, or similar sites.
- v. Following review of [Form A](#) by the Board Office, an institution planning a new or expanded academic program shall submit the appropriate information to the Iowa Coordinating Council for Post High School Education (ICCPHSE) using the prescribed format. All proposals submitted to the Board Office shall include the action taken by the ICCPHSE.
- vi. The Board Office will ensure that the program proposal is on the agenda for the next appropriate meeting of the Council of Provosts. The proposal shall be reviewed by the Council of Provosts considering the following key criteria:

- a. Need/demand in Iowa for the proposed offering;
  - b. Duplication/unnecessary duplication resulting from implementing the proposed offering;
  - c. Costs, reallocations, long-term resource needs of the proposed offering;
  - d. Appropriate facilities and equipment;
  - e. Projected sustainability;
  - f. Quality of the proposed offering; and
  - g. Alignment with the university's mission and the Board's and the institution's strategic plans of the proposed offering.
- vii. After reviewing the program proposal, the Council of Provosts shall take action regarding the program proposal.
  - viii. With a favorable recommendation from the Board Office and the Council of Provosts, the Board Office will place the program proposal on the agenda for the next appropriate meeting of the Board of Regents' Academic Affairs Committee. The Committee shall review the proposal and recommend action by the Board of Regents or take other action as it deems appropriate.
  - ix. The institution will implement the proposed program consistent with the approved authorization.

#### B. Principles and Standards for Program Duplication

- i. The Board of Regents, State of Iowa, recognizes that program overlap or duplication cannot be evaluated in absolute terms. Some duplication is desirable, appropriate, and essential. Other duplication is inappropriate.
- ii. Policy decisions concerning the appropriateness of new programs or the expansion of existing programs that appear to duplicate activities in other institutions shall be based on such considerations as the following:
  - a. Personnel, facilities, and equipment adequate to establish and maintain a high-quality program;
  - b. Current and future student demand;
  - c. Adequate employment opportunities for graduates;
  - d. Evidence of collaboration with another Regent university already offering the same program;
  - e. Enhancement of other programs already in place at the university;
  - f. Consistency with the institutional mission;

- g. Location/delivery mode of proposed program;
- h. Similar offering(s) at other colleges in Iowa.

C. Academic Program and Academic Department Name Change

Requests to change the name of an academic program or an academic department shall be submitted to the Board Office for review ([Form G](#)). The request shall include justification for the proposed change, including information relating to similar programs or departments and the effect of change on existing students. Following review by the Board Office and approval by the Council of Provosts of a university's request to change the name of an academic program or an academic department, the Board Office shall place the request on the agenda for the next appropriate meeting of the Board of Regents' Academic Affairs Committee. The Committee shall review the request and recommend action by the Board of Regents or take other action as it deems appropriate. The institution shall not announce the name change until it has been approved by the Board of Regents.

D. Academic Program Reduced Admissions and Termination

Requests to limit<sup>[2]</sup>, suspend, substantially reduce admission, or terminate a program shall be submitted to the Board Office with justification for such a request before any action is implemented at the institution ([Form J](#)). Information submitted on [Form J](#) shall include a teach-out plan that covers existing students. Following review by the Board Office and approval by the Council of Provosts, the request shall be placed on the agenda for the next appropriate meeting of the Board of Regents' Academic Affairs Committee by the Board Office. The Committee shall review the proposal and recommend action by the Board of Regents or take other action as it deems appropriate. The program shall not be terminated until after the last student has completed the requirements of the program. Requests to reopen admissions shall be submitted on [Form A](#). Board approval shall be required to reopen admissions.

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<sup>[2]</sup> The term "limit" in this policy refers to the formal restriction of admission to a program of a Regent university by establishing a numerical enrollment maximum. It does not include limits placed on admissions to graduate programs, the routine reduction in the number of classes or sections offered due to staffing problems, other changes in curriculum, prerequisite changes, or changes in grade point requirements for retention or graduation.

### **3.6 Academic Program Review**

- A. The institutions shall conduct a review of all academic programs on a seven-year cycle and shall provide the Board Office with an annual list of programs reviewed. Newly initiated programs will need to demonstrate that the program has met the goals and objectives for the program at the time that it was initially proposed. A report on each program reviewed shall be provided to the Board Office in a format developed by the Board Office ([Form B](#)).
- B. The Board Office shall prepare an annual report to the Board with emphasis on exemplary or particularly noteworthy features of the academic program review.
- C. The Board Office shall periodically and selectively identify programs from the reports submitted by the institutions to be audited on-site. The following are examples of programs that might be audited: (a) newly initiated programs, (b) programs with negative review recommendations and (c) those with significant enrollment declines. The Board Office shall determine if any matters resulting from the audits need Board action and place them on the agenda of the Board of Regents' Academic Affairs Committee.

### **3.7 Approval and Closing of New Centers and Institutes**

- A. Centers, institutes, and similar organizational units can make a major contribution to a university. Such units shall be well-organized, adequately funded, and appropriately integrated into the university, to support the mission of the university, particularly in the areas of research and public service. However, a center or institute can detract from the teaching commitment of the institution by siphoning off faculty resources or by otherwise diverting attention and money from more appropriate purposes. Furthermore, such units are often easier to create than to discontinue, particularly when an ongoing commitment of internal financial and facility resources are involved.
- B. Proposals to create new centers or institutes at the universities shall be submitted to the Board Office. Following review by the Board Office and the Council of Provosts, the Board Office shall place the request on the agenda for the next appropriate meeting of the Board of Regents' Academic Affairs Committee. The Committee shall review the proposal and recommend action by the Board of Regents or take other action as it deems appropriate.

In general, the type of center or institute that requires Board approval shall be the one that focuses on faculty-driven research and that is expected to leverage individual research grants into larger institutional projects.

- C. The proposals shall be submitted in a format developed by the Board Office ([Form C](#)).

- D. The institutions shall conduct a review of Board-approved centers and institutes on a seven-year cycle and shall provide the Board Office with an annual list of centers and institutes that have been reviewed. A report on each center or institute reviewed shall be provided to the Board Office in a format developed by the Board Office ([Form D](#)).
- E. The Board Office shall periodically and selectively identify centers and institutes from the reports submitted by the institution to be audited on-site. The Board Office shall determine if any matters resulting from the audits need Board action and place them on the agenda of the Board of Regents' Academic Affairs Committee.
- F. The name of a proposed center or institute typically follows the function of the unit. However, the university may desire to honor an individual by naming a center or institute for that individual. All proposed honorary names of centers and institutes at the Regent universities, including UIHC, shall obtain specific Board of Regents approval prior to naming.
- i. Before proceeding with any naming, all circumstances surrounding the naming must be carefully considered, including the overall benefit to the institution, whether the name is and will continue to be a positive reflection on the institution, and whether the name is consistent with the purpose and mission of the Board of Regents and its institutions.
  - ii. The Board may name centers and institutes in honor of persons (living or deceased) or entities, such as a business or foundation. The following are examples of the categories of persons and entities eligible for naming:
    - a. Alumni with close ties to the institution.
    - b. Distinguished Iowans.
    - c. Persons who have made an outstanding contribution to a field of study, discipline, university, the State of Iowa, the nation, or the world.
    - d. Donors who have made significant contributions to the institution, especially to the college that houses the center or institute or to the center or institute.
    - e. Employees (president, superintendents, faculty, staff). However, no center or institute may be named for a current Regent or Regent employee. Naming cannot occur earlier than two years following the end of employment/appointment or upon death.
  - iii. A center or institute cannot be named for an elected official until that individual is no longer in office.
  - iv. The request to name the center or institute shall be submitted to the Board Office in the manner specified by the Board Office ([Form L](#)).
- G. Requests to close a center or institute shall be reported to the Board Office on [Form H](#). After reviewing the request, the Board Office shall place the proposal on the agenda of the Academic Affairs Committee.



- H. Institutional responsibilities regarding due diligence concerning the proposed naming are described in Chapter 2.3.19 in the Board of Regents Policy Manual.

### **3.8 Accreditation Reporting**

- A. All accreditation reports on a program, department, college, or the institution, shall be submitted on [Form E](#) to the Board Office, which will review and summarize the documents for the information of the Board of Regents.
- B. Accreditation reports shall be sent to the Board Office no later than three months after final agency action; include required institutional response(s). The institutions shall submit complete documentation of the accreditation process, specific program(s) accredited, accreditation standards, site team report including strengths, concerns, weaknesses, and recommendations, institutional responses to the team's recommendations, and the final letter of approval or reaccreditation. The Board Office shall schedule the accreditation report on the agenda of the Board of Regents' Academic Affairs Committee after completion of its review.

### **3.9 Academic Freedom**

- A. University teachers shall be entitled to academic freedom in the classroom in discussing the teachers' course subject, but shall not introduce into the teaching controversial matters that have no relation to the subject.
- B. Universities shall uphold the principle of academic freedom in their research and creative endeavors and support full freedom, within the law, of expressions in research investigation and dissemination of results through presentation, performance, and publication.
- C. University faculty members shall be entitled to academic freedom to pursue an area of research, to conduct and publish their work. They shall not violate professional ethics and shall follow guidelines set forth by their institution regarding health, safety, and privacy of individuals.
- D. University faculty are also citizens. When they speak or write as citizens, they shall be free from institutional censorship or discipline. They shall remember that the public may judge their institution by their public utterance. Thus, they shall make every effort to indicate that they are not speaking for the institution.
- E. Regent universities shall not be or become an instrument of partisan political action. The expression of partisan political opinions and viewpoints shall be those of individuals, not of institutions, because the official adoption of any political position, whether favored by majority or minority, tends to substitute biased information that hinders the continuing search for truth.

### **3.10 Academic Calendars**

- A. Academic calendars for all Regent institutions shall be submitted to the Board Office for review. The Board of Regents shall delegate approval of academic calendars to the Executive Director. In addition, major proposed calendar changes and the consequences of such changes shall be submitted with recommendations to the Board Office for approval by the Executive Director. Substantive changes approved by the Executive Director on behalf of the Board shall be reported to the Board president and at the Board president's discretion may be reported to the Board.
- B. Institutional heads may cancel classes or close the institution temporarily because of an emergency situation such as extreme weather conditions or an epidemic. Such action shall be reported promptly to the Board Office for notification to the Board.

### **3.11 Credit-by-Examination**

The Board shall be informed in the event any of the institutions contemplate any major expansion of the credit-by-examination program.

### **3.12 Extension/Continuing/ Distance education/e-Learning Services**

#### **A. Extension**

Extension constitutes the engagement and outreach activities of the universities by which they interact with constituent groups of the state of Iowa and throughout the country and the world. Extension also describes any of the following activities:

- i. the activities of "cooperative extension"; these are state and federally-funded research and services provided by land-grant institutions including Iowa State University;
- ii. "university extension" activities which are educational programs offered to participants not enrolled as regular on-campus degree-seeking students. "University extension" may include for-credit courses and degree programs, noncredit courses and programs, and conferences and other professional education programs.

The universities shall provide efficient and affordable extension services. The three universities shall seek to cooperate and collaborate in providing extension services.

#### **B. Continuing Education Services**

- i. Continuing education services are those activities by which the instruction, research, and service functions of an institution are provided to participants statewide,

throughout the nation and the world. Continuing education is generally not for academic degree- program credit. Continuing education includes professional education programs, workshops, other non-credit education, and may also describe such things as conferences, off-campus lectures, consultant services, surveys, publications, and radio and television broadcasts.

- ii. The universities shall provide efficient and affordable continuing education services. The three universities shall seek to cooperate and collaborate in providing continuing education services.

#### C. Distance education/e-Learning

- i. Distance education/e-Learning is a formal educational process in which instruction occurs (1) when student and instructor are not in the same location, or (2) when in-person instruction is provided at off-campus locations. Distance education/e-Learning may employ guided independent study, or audio, video, or computer technologies. Instruction may be synchronous or asynchronous.
- ii. Distance education/e-Learning initiatives are included within the missions of the Regent institutions and shall be undertaken to the extent that resources allow. The Regent institutions shall seek to anticipate and respond to educational needs, especially those of individuals who may not be able to attend classes on campus.
- iii. Programs offered by the Regent universities shall be of high quality regardless of where offered and the methodology or technology used. Similarly, the Regent universities shall seek to undertake high-quality cooperative and collaborative efforts with both Regent and non-Regent institutions of higher education where such cooperation will benefit citizens.

#### D. Annual Distance education/e-Learning Report

The institutions shall submit an annual Distance education/e-Learning report to the Board Office in a format developed by the Board Office. The report shall be due to the Board Office according to the annual Governance Report schedule and placed on the agenda of the Academic Affairs Committee meeting.

### **3.13 Faculty Activity Analysis**

- A. A Faculty Activities Report shall be prepared for submission to the Board of Regents biennially in odd-numbered years.
- B. The report format will be developed by the Board Office and will focus on responses to the following questions:
  - i. How are faculty responsibilities defined and how do expectations differ across the Regent universities?

- ii. What are faculty responsibilities and what do those activities contribute to students, the universities, the state, and society at large?
- iii. How do faculty members spend their work time?
- iv. Who teaches the students?
- v. How do we know faculty are doing a good job?
- vi. How do we know our universities are meeting the mission of academic excellence, productive research, and economic development?

### **3.14 Tenure Reports**

Each university shall submit annual reports on the operation of tenure policies that include methods of evaluation of teaching performance and post-tenure review. The format for such reports shall be developed by the Board Office. The Board Office shall place the annual tenure report on the agenda for the Academic Affairs Committee meeting of the Board of Regents in accordance with the annual Governance Report schedule.

### **3.15 Withholding Student Transcripts ([681 IAC 1.5](#))**

- A. A person may not be permitted to register for a course(s) at a Regent institution until delinquent accounts owed by the person to a Regent institution or an affiliated organization for which an institution acts as fiscal agent have been paid.
- B. Except as provided by bankruptcy law, a Regent institution may withhold official transcripts of the academic record of a person until delinquent accounts owed by the person to a Regent institution or to an affiliated organization for which an institution acts as fiscal agent have been paid.

### **3.16 Distribution of Information**

- A. The institutions governed by the Board of Regents, State of Iowa, shall inform students, prospective students, and the general public of the opportunities that exist for on- and off-campus study and for participation in the programs and events open to them with or without charge.
- B. To convey such information to the public, the institutions shall employ a variety of channels open to them for dissemination, including traditional and digital media. The cost of distribution of information is an important criterion.

### **3.17 Iowa Coordinating Council for Post-High School Education Intra- and Intersector Cooperation in Program Planning**

The constituent agencies, associations, and institutions of post-high school education represented on the Iowa Coordinating Council for Post-High School Education (ICCPHSE), recognizing both the importance of conserving limited resources and the necessity to provide needed educational services to the citizens of Iowa, hereby agree to:

- A. Enter into discussions with any institution currently serving a geographical region with programs in the same subject matter area prior to initiating a potentially duplicative new program.
  - i. The purpose of these discussions shall be to ascertain:
    - a. The possibility of cooperative offerings;
    - b. The possibility of alternative offerings;
    - c. The desirability of proceeding with development of the proposed program;
    - d. Articulation opportunities.
  - ii. For purposes of ascertaining the programs offered in a given area, a current listing of programs offered in the State of Iowa listed on the Board of Regents website shall be consulted.
- B. The parties to this collaboration commit themselves to work cooperatively to minimize duplication of education programs offered in a given geographical region. As a general principle of good practice, an institution shall not offer courses or programs (as herein defined) that duplicate an offering already provided and until such time as communication has existed between the affected institutions.
  - i. It is recognized that this collaboration does not cover courses or programs offered prior to the approval of this voluntary agreement. It is hoped, however, that where duplicate offerings already exist, the institutions involved will discuss the possibility of cooperative efforts.
  - ii. Definition: For the purposes of this collaboration, a program is defined as a series of learning experiences leading to a degree, diploma, or certificate. A course is defined as a unit of learning offered by an institution of higher learning for credit that could lead to a degree, diploma, or certificate.

### 3.18 Interinstitutional Cooperation/Research

All centers, institutes, and major research facilities shall establish and maintain mechanisms for interinstitutional cooperation and collaboration whenever an overlap in research interests exists. These mechanisms shall include provisions to inform persons at other Regent institutions of research being undertaken, to promote collaboration, and to stimulate the shared use of research equipment. Depending on the institute's or center's governing structure, representation on advisory/controlling bodies shall be tendered to persons in the other Regent institutions if research overlap exists. Faculty members doing research in related areas at other Regent institutions may be offered adjunct appointments or associate memberships in the center or institute.

### 3.19 College-Bound/IMAGES Program ([Iowa Code § 262.92/681 –1.6\(262\)](#))

- A. The Iowa Minority Academic Grants for Economic Success (IMAGES) program was established to encourage resident minority students to attend a Regent university and to ensure that a limited family income will not be a barrier for a minority person to pursue a postsecondary education.
- B. The College Bound Program was established to ensure that the Regent universities become involved early in a student's life by promoting and informing students about the opportunities in higher education, so that lack of adequate person resources is not a barrier to attending college for young Iowans.
- C. Description of the College-Bound/IMAGES Program is contained in [Iowa Code §262.92](#) and [§261.101](#) and [681 IAC 1.6\(262\)](#).

### 3.20 Notification of Students on Class Content

For sound pedagogical reasons, a faculty member may decide to use course materials that students find objectionable. In order for students to make knowledgeable choices about whether to take a particular course, it is the faculty member's responsibility to inform students on the first day of class of the goals and objectives of the course, the course content, and list of readings and/or other anticipated course materials. Learning involves students in free and open discussion of all content and issues relevant to the course. While faculty shall respect reasonable decisions by students not to attend part or all of a particular class session, students are responsible for learning class material and completing course requirements, as well as required courses for the completion of the major. If a student chooses not to view the presentation(s) and the faculty member determines that alternative assignment(s) are not feasible, the student shall be permitted to drop the course without penalty (as an administrative drop) within seven calendar days of the class being so informed.

**3.21 English Language Proficiency (Oral Communication Competence) ([Iowa Code § 262.9\(24\)](#))**

- A. All persons who provide instruction to students attending Regent universities shall demonstrate competence in oral communication. Oral communication competence is the ability to communicate appropriately in the language of instruction to students attending Regent universities.
- B. This policy shall apply to all faculty and teaching assistants employed by Regent universities who provide instruction to students in courses taught during the relevant academic period. Faculty are defined as those persons with instructional appointments on a tenured, probationary, or non-tenure track.
- C. Each faculty member and teaching assistant shall be evaluated for oral communication competence by the end of each academic period in which he or she has sufficient direct contact with students to render such evaluation meaningful. This policy does not mandate evaluation for persons whose instructional responsibilities do not involve enough direct oral communication with students to provide a basis for meaningful evaluation of oral communication competence. The nature and scope of the evaluation of oral communication competence may vary with the discipline, instructional setting, and material being communicated. In all cases, however, the evaluation procedure shall incorporate a mechanism for evaluation by students.
- D. Each university's provost shall implement this policy and, in particular, ensure that adequate standards of oral communication competence are maintained.
- E. However, a university may discontinue annual evaluations of a specific person providing instruction. The criteria for discontinuation of annual evaluations shall include receipt by the institution of two consecutive positive annual evaluations from the majority of students evaluating the person.

## CHAPTER 4 – REGENT INSTITUTIONS

### 4.1 Mission and Scope

#### A. Universities

- i. Universities under the control of the Board of Regents, State of Iowa, shall offer diversified and high quality programs of undergraduate, graduate, professional and post-graduate study at reasonable cost to those seeking post-secondary education in this state. Educational programs shall be designed to allow the student a wide range of subject selection and the greatest latitude in pursuit of knowledge and in preparation for a role in society.
- ii. The Regent universities are the primary Iowa training grounds for the professions, including medical doctors, dentists, pharmacists, nurses, accountants, lawyers, veterinarians, educators, architects, agriculturalists, engineers, and others who will achieve advanced degrees in various fields of the arts and sciences. The State University of Iowa, Iowa State University, and the University of Northern Iowa are committed to research and education that expand knowledge and benefit society. They shall make educational programs and the results of research available through outreach and extension services and shall offer services to the public appropriate to the mission of each University.
- iii. Within this framework and the availability of funds, the State University of Iowa, Iowa State University, and the University of Northern Iowa shall seek different areas of specialty and emphasis compatible with their distinct missions in the state system of higher education.
- iv. The Board of Regents, State of Iowa, shall approve the missions of the universities under its control in the framework of higher education in Iowa, which includes private colleges and universities, along with community colleges. Continuing efforts are made to cooperate with these other sectors of higher education to effect useful coordination, to avoid needless duplication, and to foster good will. This effort is illustrated by the list of questions to which the Board requires satisfactory answers before proposed new or expanded programs are adopted. (See Section 3.5)
- v. Decisions concerning future academic programs shall be based on the continuing assessment of existing programs and developing needs. Programs shall be curtailed, suspended, or eliminated when the assessment of need and resources indicates that resources should be devoted to other programs. The universities shall continue to approach the addition of new programs with caution. Generally, new programs shall be fashioned out of existing programs in response to developing needs. If the University is to remain vital, it is necessary that it consider at appropriate times the development of new programs that fall within its general mission and that meet the needs of students and society.
- vi. The universities shall maintain diverse and multicultural campuses to educate students and scholars to participate in the broader world and to strengthen the State of Iowa's connections with other states and countries.
- vii. The State University of Iowa Mission
  - a. The University is a comprehensive AAU research university with particular distinction in the arts, humanities, and sciences, and a wide array of exceptional professional programs. In carrying out its threefold mission of teaching, research, and public service, the University seeks to advance scholarly and creative endeavor through leading-edge



research and artistic production; to use this research and creativity to enhance undergraduate, graduate, and professional education, health care, and other services provided to the people of Iowa, the nation, and the world; and to educate students for success and personal fulfillment in an increasingly diverse and global environment.

b. The State University of Iowa is a comprehensive public university with the mission to provide the highest quality undergraduate, professional, graduate, and continuing education and patient care. To fulfill this mission, the university engages in teaching; research; professional, public, and clinical services; and appropriate extension.

c. Scope

- 1) As an AAU institution, the State University of Iowa is recognized as having a broad scope of programs, including graduate and professional colleges. As essential components of a distinguished state university, such programs shall include the full complement of undergraduate liberal arts and sciences courses, graduate and professional programs in law, medicine, dentistry, pharmacy, nursing, public health, engineering, and allied fields related to those professional disciplines, as well as social work, business administration, journalism, education, library science, and urban and regional planning. However, the State University of Iowa shall offer no major programs in agriculture, architecture, forestry, industrial arts, veterinary medicine, agricultural, aeronautical or ceramic engineering.
- 2) Graduate programs shall be made available in areas for which there is sufficient demand and resources and shall build on the University's strengths in the arts and humanities, life sciences, law, medicine, and international programs.

viii. Iowa State University Mission

- a. The mission of Iowa State University is defined by the institution's status as the State of Iowa's land-grant University, its status as an AAU research university, and by its relationship to other institutions of higher education within Iowa. Iowa State University is a leading higher education institution with institutional emphasis on programs in science and technology.
- 1) Iowa State University shall provide a full range of high quality educational opportunities and shall have a statewide system for extension education and information dissemination.
  - 2) Consistent with its historic mission, Iowa State University shall contribute to the economic development of the State of Iowa by attracting public and private organizations seeking proximity to leading authorities in particular fields, by participating in technology transfer, and by assisting efforts to strengthen and diversify the economic base of Iowa.
  - 3) Iowa State University shall assume responsibility for helping to protect, maintain and improve Iowa's natural resources through the discovery and diffusion of knowledge and technology.

b. Scope

- 1) Iowa State University of Science and Technology shall have sufficient scope and depth in its instruction, research, and extension and professional service functions to enable it to be a distinguished land-grant research University. In addition to its undergraduate and graduate work in engineering, agriculture, and the physical, biological, mathematical and social sciences, it shall maintain and develop strong undergraduate programs in the arts and humanities, and offer such master's and doctoral programs in this area as are justified to meet the needs of the State of Iowa and to maintain the overall strength and desirable balance of the university as a whole.
- 2) At Iowa State University, principal emphasis shall be given to the development and maintenance of strong programs in the sciences, agriculture, engineering, veterinary medicine, design, education, business, and human sciences. Interdisciplinary programs shall seek to combine the perspectives and methods of more than one discipline to address the questions and problems confronting Iowa, the nation and the world more effectively.
- 3) Iowa State University shall offer no major undergraduate or graduate programs in law, library science, human medicine, dentistry, pharmacy, hospital administration, occupational therapy, physical therapy, and speech pathology.

ix. University of Northern Iowa Mission

a. The University of Northern Iowa is a comprehensive university whose mission is to provide high-quality undergraduate programs founded on a strong liberal arts curriculum and selected graduate programs that meet the educational career needs of the students it serves. In fulfilling its tripartite mission of teaching, research/creative activity, and service, the university provides an educational environment with personalized learning experiences for students and a broad range of services designed to enhance the lives and livelihoods of Iowans.

- 1) Consistent with its historic purpose, the University of Northern Iowa shall provide early childhood, elementary and secondary teacher preparation and educational leadership programs that prepare pre-K-12 teachers and educational leaders for service throughout Iowa and around the world.
- 2) The university shall provide a broad range of undergraduate programs and selected graduate programs consistent with its missions as a comprehensive university.
- 3) The university shall serve the ongoing needs of communities throughout Iowa by contributing to the provision of an educated citizenry and by providing opportunities for students, faculty, and staff to provide services to Iowa communities as part of their academic, co-curricular, and extra-curricular activities.

b. Scope

- 1) Undergraduate degree offerings shall reflect the university's purpose as a distinguished arts and sciences university with outstanding professional programs in education, business, social work, and speech pathology, and athletic/physical training. University offerings shall extend to baccalaureate education in the applied sciences, except in specific technical fields traditionally associated with other Regent universities.

- 2) The institution shall offer master's degrees in areas in which undergraduate instruction is offered, where there is sufficient demand and institutional resources. The university may offer a select number of practitioner-oriented doctoral programs in areas of strength where there is demonstrated need. Given its historical role in and commitment to educator preparation, the University shall have a comprehensive graduate program in advanced educator preparation.
- x. Iowa School for the Deaf Mission
- a. The educational programs of the Iowa School for the Deaf shall be consistent with the philosophy reflected in federal and state legislation that children with and without disabilities be educated together to the greatest extent possible and that a continuum of services must be available to children with disabilities. Thus, ISD shall provide an education for those deaf or hard of hearing students, including those with additional disabilities, for whom the comprehensive educational programs at the school are most appropriate.
  - b. The educational programs of the Iowa School for the Deaf shall be based on the premise that the school exists to serve its students by providing a learning environment which, to the greatest extent possible, maximizes each child's potential to become a contributing member of society and by enhancing the development of language and communication, knowledge, self-realization, human relationships, economic independence, and a sense of civic and social responsibility. The child-centered programs shall include learning activities and experiences that appropriately and specifically meet the needs of each child.
  - c. Scope
    - 1) The scope of the educational program shall include services from infancy through secondary education for students who are deaf or hard of hearing. Program formats shall include full-time day school, regional day school, dormitory, summer, and other short-term programs to meet specific needs, vocational, on and off-campus individual assessment, and evaluation services. For dormitory students, activities and experiences on a twenty-four hour basis are an integral part of the program.
    - 2) The Iowa School for the Deaf shall also serve as a state resource and dissemination center for education of students who are deaf or hard of hearing. The school shall have a central and vital role in the statewide education of students who are deaf or hard of hearing and shall provide a resource center for educators, related field professionals, parents, the deaf community, and all interested citizens. Such a role affords the opportunity for the community-at-large to draw upon the specialized programs and services available at the Iowa School for the Deaf.
    - 3) The Iowa School for the Deaf shall make its special resources available to Regent universities, area education agencies, local education agencies, and other public and private agencies. Resource services provide support in such activities as: (1) assessment and educational planning for students who are deaf or hard of hearing; (2) programs for development of specialized communications skills; (3) parent education; (4) extended educational programming for young adults who are deaf or hard of hearing and are still eligible under state and federal statutes for ISD's services (up through age 21); (5) research; (6) preservice and continuing education of teachers and related professionals; (7) curriculum development and evaluation; and (8) development and dissemination of instructional materials and technology.

- 4) Within the scope of the school's mission, future programs shall be determined by the ongoing evaluation of existing programs and an analysis of developing needs. Programs shall be added, curtailed, discontinued, or eliminated based on assessment of need and the most effective use of resources. The school shall remain flexible to respond quickly and effectively to the needs of Iowa students who are deaf or hard of hearing.

xi. Iowa Braille and Sight Saving School Mission

- a. The mission of the Iowa Braille and Sight Saving School shall be to provide direct and indirect educational services in collaboration with other service providers to the children and youth of the State of Iowa who are blind or visually impaired, including those with additional disabilities. The school shall provide leadership and resources statewide to meet the needs of children who are blind or visually impaired. This mission shall be carried out through cooperative efforts with appropriate state agencies, area education agencies (AEAs), and local education agencies (LEAs).
- b. The purpose of the Iowa Braille and Sight Saving School shall be to enable Iowa's students who are blind or visually impaired to function as independently as possible in all aspects of life by providing appropriate education opportunities, resources, and support services.
- c. The educational programs of the Iowa Braille and Sight Saving School shall be consistent with the philosophy, reflected in federal and state legislation, that children and youth with disabilities will be educated together with non-disabled peers, to the greatest extent possible and that a continuum of services must be available to children with disabilities. All programs and services provided by the Iowa Braille and Sight Saving School shall support the need for instruction for children who are blind or visually impaired in the following expanded core curriculum skill areas: compensatory skills, orientation and mobility, social interaction skills, independent living skills, recreation and leisure skills, career education, use of assistive technology, visual efficiency skills, acquisition of knowledge-building information and self-determination.
- d. Scope
  - 1) The scope of the educational program shall include provisions for serving children from early childhood through age twenty-one. Options available for students to receive services regionally include, but are not limited to, direct services in the local school; regional day school, consultative services in local schools; summer school opportunities, extended school year services, and short-term programs to meet transition needs. Other resources available to children who are blind or visually impaired shall include, but not be limited to, such services as Low Vision Clinics; instructional materials production and loan; library services; assistive device technology loans; and Braille production.
  - 2) The Iowa Braille and Sight Saving School shall provide leadership in the field of vision in the State of Iowa through collaborative efforts with the state Department of Education, Bureau of Children, Family, and Community Services, the AEAs, LEAs, the Iowa Department for the Blind, and other related service providers. Through these collaborative efforts, professional development, curriculum development, parent and family services, and other services to professionals and paraprofessionals shall be provided.

- 3) Future programs of the Iowa Braille and Sight Saving School shall be determined collaboratively and by analysis of the developing needs of students, families, and professionals throughout the state. Programs shall be developed, implemented, evaluated, modified, continued, suspended, or eliminated based on the assessed needs of students and the effective and efficient use of resources. The programs and services of the school shall remain flexible and will respond quickly to meet the needs of the children and youth of the State of Iowa who are blind or visually impaired.

## 4.2 Campus Speakers and Programs

### A. Policy Statement

The Board of Regents is committed to the principles of free expression embodied in the First Amendment to the United States Constitution and Article 1, Section 7 of the Constitution of the State of Iowa. The Board recognizes that the primary mission of the institutions of higher education under its jurisdiction is the promotion of teaching, research, and scholarship. In support of this mission, the institutions of higher education under the jurisdiction of the Board of Regents must provide ample opportunity for members of the campus community to engage in the free exchange of ideas.

The Board's fundamental commitment is to the principle that debate or deliberation must not be suppressed merely because the viewpoints presented are considered by some or even most members of the campus community to be unwelcome, disagreeable, or offensive. In order to maintain an environment that fosters the free exchange of ideas, the universities must not restrict the expression of viewpoints in violation of the First Amendment to the United States Constitution. It is not the responsibility of the universities to shield individual members of the campus community from viewpoints they may find unwelcome, disagreeable, or offensive. Rather, it is the responsibility of individual members of the campus community to make these determinations for themselves and to respond, not by seeking to suppress speech, but to openly and vigorously debate those viewpoints that they oppose.

### B. Guiding Principles

- i. The primary function of the Regent universities is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the universities must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the First Amendment to the Constitution of the United States.
- ii. It is not the proper role of the Regent universities to shield individuals from speech protected by the First Amendment to the Constitution of the United States, which may include ideas and opinions the individual finds unwelcome, disagreeable, or even offensive.
- iii. It is the proper role of the Regent universities to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the First Amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of First Amendment rights.
- iv. Students, faculty, and staff have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the First Amendment to the Constitution of the United States,

and subject to reasonable time, place, and manner restrictions that are consistent with established First Amendment principles.

### C. Definitions

- i. Campus Community - students, administrators, faculty, and staff at a Regent university and guests invited to a Regent university by the university's students, administrators, faculty, or staff.
- ii. Outdoor Areas of Campus - the generally accessible outside areas of campus where students, administrators, faculty, and staff at a Regent university are commonly allowed. The term "outdoor areas of campus" does not include areas outside health care facilities including both stand-alone facilities and mixed-use facilities that are embedded within another facility, veterinary medicine facilities, a facility or outdoor area used by an athletics program or teams, or other outdoor areas where access is restricted to a majority of the campus community.
- iii. University – as used in this section 4.2 "university" shall include all colleges, departments, administrative units, and employees acting in their official capacity or within the scope of their employment.

D. The University shall not discriminate against or deny educational benefits to any member of the campus community because of the member's viewpoint or expression of that viewpoint as protected by the First Amendment of the Constitution of the United States.

### E. Use of University Grounds and Facilities.

- i. The outdoor areas of campus are public forums, open on the same terms to any member of the campus community subject to reasonable time, place, and manner restrictions that are consistent with established principles of the First Amendment to the Constitution of the United States.
- ii. Members of the campus community may engage in non-commercial expressive activity in any outdoor area of campus in accordance with the provisions of Iowa Code Chapter 261H and published university policies governing time, place, and manner restrictions. No area of campus shall be designated as a free speech zone, nor will the universities create policies that restrict expressive activity to a particular outdoor area.
- iii. Each university shall develop viewpoint-neutral time, place and manner policies identifying outdoor areas of campus and governing use by members of the campus community that are consistent with this Chapter 4.2 and Iowa Code Chapter 261H. These policies shall be published on the university's website in a location that is readily accessible to the public.
- iv. University policies may permit reservation of university grounds or facilities, including the outdoor areas of campus, provided any system of reservation is applied in a viewpoint-neutral manner. The use of outdoor areas of campus or other university grounds and facilities for non-commercial expressive activity may be conditioned upon the payment of reasonable expenses to be incurred by the university in accommodating a speaker or event. Expenses must reasonably reflect the actual costs estimated to be incurred by the university, and under no circumstances shall costs be based on the viewpoint of any speaker.
- v. For the purposes of this subsection 4.2.4.E, "chalking" is defined as the marking of a

sidewalk surface with water-soluble chalk (commonly referred to as sidewalk chalk). Members of the campus community shall be permitted to engage in non-commercial chalking in the outdoor areas of campus. The Universities may establish reasonable time, place, and manner restrictions on chalking in the outdoor areas of campus provided such policies are content neutral. The Universities may prohibit chalking in designated portions of the outdoor areas of campus provided that members of the campus community are afforded ample alternative areas to engage in non-commercial chalking.

- F. **Campus Speakers and Programs.** The universities shall encourage students and staff to hear diverse points of view from speakers and programs sponsored by the university and/or recognized student, faculty, and employee organizations.
- i. **Restrictions.** In sponsoring campus speakers and programs, recognized faculty, student, and employee organizations shall comply with institutional rules on the advance reservation of rooms, the posting of notices, and the payment of rental charges when applicable and such other rules as the institution prescribes for the use of its buildings to avoid any interference with the regular program of the institution.
  - ii. **Sponsorship of Meeting.** To encourage the presentation of diverse points of view on any issue, the president of a Regent university or a campus committee may at any particular meeting, or from time to time, sponsor, or encourage recognized campus groups to sponsor, additional speakers or programs that will contribute to the full and frank discussion of such issue.
- G. **Student Organizations –**
- i. The universities shall not deny benefits or privileges available to student organizations based on the viewpoint of a student organization or the expression of the viewpoint by the student organization or its members, as protected by the First Amendment to the Constitution of the United States.
  - ii. The universities shall not deny any benefit or privilege to a student organization based on the student organization's requirement that the leaders of the student organization agree to and support its beliefs, as those beliefs are interpreted and applied by the student organization, and to further its mission.
  - iii. Student organizations may, but are not required to, limit leadership positions to students who, upon individual inquiry, affirm that they support the student organization's beliefs and agree to further the student organization's mission.
- H. Nothing in this policy shall be interpreted as prohibiting the Regent universities from regulating or restricting expressive activity that is not protected by the First Amendment.
- I. **University Statements on Matters of Public Concern.** The University's proper role is in supporting and encouraging freedom of inquiry by fostering opportunities for the expression of differing views regarding many issues in multiple areas of study, research, and debate, including current political, social, and public policy issues. The Universities shall not take action in such a way as to require or unduly pressure members of the campus community, in their personal capacities, to express or adopt a particular viewpoint on a political, social or public policy matter. The University may speak, as an institution, on political, social, or public policy matters when such matters are central to the mission or critical operations of the University as reasonably

determined by the University. In all instances, University statements on political, social, or public policy matters must be consistent with any stated position of the Board of Regents.

J. Complaints to the Board of Regents.

- i. Any member of the campus community aggrieved by a violation of this policy may file a complaint with the Executive Director of the Board of Regents.
- ii. Complaints must be filed within one year of the date when the alleged violation occurred or when the member of the campus community should have been reasonably aware of the alleged violation.
- iii. The Executive Director may (i) forward the complaint to the Free Speech Committee for review, (ii) may direct the matter to the applicable university for initial review, (iii) or take other action as determined by the Executive Director to resolve the complaint.
- iv. Any complaint directed to the university for initial review may be appealed to the Board of Regents pursuant to Chapter 1.7 of this policy manual.
- v. The universities shall develop internal procedures for reviewing complaints involving a violation of any university policy addressing freedom of expression under the First Amendment of the Constitution of the United States, including penalties for violating any university or board policy addressing freedom of expression. University complaint procedures shall be in addition to the procedures contained in this subsection 4.2.J. The Executive Director or the Free Speech Committee may decline to consider any matter that is pending or has been adjudicated through a university procedure.

- K. The Universities shall publish the Board of Regents Freedom of Expression Policy and all University policies and procedures regarding freedom of expression in a prominent place on the University website. The Universities shall also provide all students, faculty, and staff with training on the First Amendment matters on, at a minimum, an annual basis.

**4.3 Patents and Copyrights ([Iowa Code § 262.9\(11\)](#))**

- A. The Board shall, with consent of the inventor and in the discretion of the Board, secure letters patent or copyright on inventions of students, instructors, and officials, or take assignment of such letters patent or copyright and may make all necessary expenditures in regard thereto. The letters patent or copyright on inventions when so secured shall be the property of the state, and the royalties and earnings thereon shall be credited to the funds of the institution in which such patent or copyright originated.
- B. The Board strongly encourages faculty, students, and employees of Regent institutions to seek to retain intellectual property rights to the articles and reports that they publish in scholarly journals and equivalent types of publications where feasible and appropriate without detriment to publishing agreements. Doing so on a systematic basis will ensure the widest possible dissemination at the lowest cost. Each institution shall be responsible for providing information, advice, and assistance to faculty, students, and employees to achieve this aim.

**4.4 Hygienic Laboratory ([Iowa Code § 263](#))**



- A. The Hygienic Laboratory shall be a permanent part of the State University of Iowa. It shall conduct/require microbiological and chemical examinations and other necessary investigations by both laboratory and field work in the determination of causes of disease, shall suggest methods of overcoming and preventing the recurrence of disease, and shall evaluate environmental effects and other scientific needs, whenever requested to do so by any state agency, state institution, or local Board of health when the investigation or evaluation same is necessary in the interest of environmental quality and public health and for the purpose of preventing epidemics of disease. (Iowa Code § 263.7).
- B. Description of the State Hygienic Laboratory is contained in [Iowa Code §263.7](#), [§263.8](#), and [§135.11](#) as well as [681 IAC 5](#).

#### **4.5 Oakdale Campus ([Iowa Code § 271](#))**

- A. The Oakdale Campus shall be primarily devoted to health-related research, education, and service programs, including experimental health-care delivery models. To the extent that Oakdale Campus resources are not required to meet the primary purposes, its resources shall be devoted to meeting other related needs of the State University of Iowa.
- B. Description of the Oakdale Campus is contained in Iowa Code 271.

#### **4.6 Admission Requirements for the Special Schools**

- A. Iowa School for the Deaf

Any resident of the state under 21 years of age who has educational needs as a result of deafness or hearing loss may be referred by the IEP team to ISD for evaluation and consideration for placement in compliance with [Iowa Code 256B.2](#). Non-residents also may be admitted to the Iowa School for the Deaf if their presence would not be prejudicial to the interests of Iowa residents upon such terms as may be determined by the Board of Regents ([Iowa Code § 270.3](#))

- B. Iowa Braille and Sight Saving School

Any resident of the state under 21 years of age who has educational needs as a result of a visual disability may be referred by the IEP team for evaluation and services of Iowa Braille and Sight Saving School in compliance with [Iowa Code 256B.2](#). Non-residents may receive services provided by the programs of the Iowa Braille and Sight Saving School if their presence would not be prejudicial to the interests of Iowa residents upon such terms as may be fixed by the Board of Regents. ([Iowa Code § 269.1](#))

## 4.7 Abuse Policy at the Special Schools

### A. Philosophy and Legal Foundations

Child and dependent adult abuse is inconsistent with the educational and philosophical aims of the special schools, and the schools shall take all reasonable measures to prevent such actions. All cases where there is reasonable suspicion that a child or dependent adult who is a student at the Iowa School for the Deaf or receives services from the Iowa Braille and Sight Saving School has been the victim of abuse shall be reported according to [281 IAC 102](#) and/or [Iowa Code §232.68-70](#).

### B. Identifying, Reporting and Investigating Allegations of Abuse of Students by School Employees or Volunteers

- i. School employees (anyone who works for pay) or volunteers, shall not commit acts of physical or sexual abuse, including inappropriate and intentional sexual behavior, toward students. Any school employee who commits such acts is subject to disciplinary sanctions up to and including discharge. Any employee (or volunteer) who has a reasonable suspicion or who receives a report that a student or dependent adult (who is a student) has been abused physically or sexually by a school employee (or volunteer) shall report that abuse pursuant to this policy, and according to [281 IAC 102](#) and/or [Iowa Code §232.68-70](#).
- ii. Mandatory and permissive reporters are defined according to [Iowa Code 232.69](#) and [235B.3\(2\)](#). Any employee who has reasonable belief that a child under the age of 18 or a dependent adult has been abused by a person responsible for the care of the child or dependent adult, as defined by law, shall report the suspected abuse verbally to the Department of Human Services (DHS) within 24 hours and follow the verbal report with a written report with 48 hours on appropriate forms.

### C. Child Abuse Reporting to the Board Office

Allegations of abuse of students at the special schools shall be reported to the Executive Director on a timely basis. The Executive Director shall be kept informed during the investigation of allegations of abuse of students at the special schools. The Executive Director shall be informed of the disposition of the investigation. The Executive Director shall keep the Board of Regents informed as appropriate.

### D. Child Abuse Identification and Reporting Training

All special school employees and volunteers shall be provided with training regarding their responsibilities in compliance with [Iowa Code 232.69](#).

### E. Child Abuse Identification and Reporting Requirements for Employee Handbook

Employee handbooks at the special schools shall include information about identifying, reporting, and investigating allegations of abuse of students at the special schools.

#### 4.8 Student Wellness Policy for the Special Schools

- A. The link between nutrition, physical activity, and learning is well documented. Healthy eating and activity patterns are essential for students to achieve their full academic potential, full physical and mental growth, and lifelong health and well-being. Healthy eating and physical activity are also linked to reduced risk for many chronic diseases. Schools have a responsibility to help students learn, establish, and maintain lifelong, healthy eating and activity patterns. Well-planned and effectively implemented school nutrition and fitness programs have been shown to enhance students' overall health, as well as their behavior and academic achievement in school. Staff wellness also is an integral part of a healthy school environment, because school staff can be daily role models for healthy behaviors.
- B. All students at the Iowa School for the Deaf and the programs under the administration of the Iowa Braille and Sight Saving School shall possess the knowledge and skills, to the best of their ability, necessary to make nutritious food choices and enjoyable physical activity choices for a lifetime. All staff members at the special schools are encouraged to model healthful eating and physical activity as a valuable part of daily life.

To meet this goal, the Iowa School for the Deaf and the Iowa Braille and Sight Saving School shall adopt this student wellness policy with the following commitments to nutrition, physical activity, comprehensive health education, and implementation. This policy is designed to utilize school and community resources effectively and to serve the needs and interests of all students and staff equitably, taking into consideration differences in culture.

- i. The Iowa School for the Deaf and the Iowa Braille and Sight Saving School shall engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing school-wide nutrition and physical activity procedures.
  - ii. All students in grades K-12 shall have opportunities, support, and encouragement to be physically active on a regular basis.
  - iii. Foods and beverages sold or served at the special schools shall meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans published jointly by the Department of Health and Human Services and the Department of Agriculture.
  - iv. Qualified child nutrition professionals shall assist food service personnel with providing students access to a variety of nutritious and appealing foods that meet the health and nutrition needs of students; shall accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and shall provide clean, safe, and pleasant settings and adequate time for students to eat.
  - v. The Iowa School for the Deaf and the Iowa Braille and Sight Saving School shall provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and shall establish linkages between health education and school meal programs and related community services.
- C. Each school shall develop a student wellness implementation procedures that addresses the Student Wellness Policy and all of the requirements of the federal legislation.

#### 4.9 Anti-Bullying/Harassment at the Special Schools

- A. Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the Board. The Board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect.
- B. Harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:
  - i. Places the student in reasonable fear of harm to the student's person or property;
  - ii. Has a substantially detrimental effect on the student's physical or mental health;
  - iii. Has the effect of substantially interfering with the student's academic performance; or
  - iv. Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- C. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, social media pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- i. Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- ii. Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- iii. Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- iv. Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- v. Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.
- vi. Cyberbullying is the use of the Internet or any form of electronic communication to harm other people, in a deliberate, repeated, and hostile manner. Cyberbullying includes but is not limited to the following misuses of technology: Harassing, bullying, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, text messages, digital pictures or images, social media sites, or web-site postings, including blogs.

- D. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
- i. Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
  - ii. Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student; or
  - iii. The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.
- E. In situations between students and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:
- i. Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school programs or activities; and/or
  - ii. Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.
  - iii. The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment, including a hostile environment created/sustained by adults.
- F. The Board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students will not be tolerated in the school.
- G. The Board prohibits harassment, bullying, hazing, or any other victimization, of students, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon race, color, creed, sex, sexual orientation, national origin, religion, age or disability is also prohibited.
- H. This policy is in effect while students or employees are on property within the jurisdiction of the Board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school.
- I. If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion in accordance with [281-41.530](#), [281-41.536\(256B, 34CFR300\)](#). If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to, and including, exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

- J. Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.
- K. Retaliation against any person, because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.
- L. The school will promptly and reasonably investigate allegations of bullying or harassment. The superintendent or designee will be responsible for handling all complaints by students alleging bullying or harassment. The superintendent or designee will be responsible for handling all complaints by employees alleging bullying or harassment. Individuals may also be referred to law enforcement officials.
- M. It also is the responsibility of the superintendent, in conjunction with the investigator and program administrators, to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the Board. The superintendent shall report to the Board on the progress of reducing bullying and harassment in the Board.
- N. The Board shall annually publish this policy. The policy may be publicized by the following means:
  - i. Inclusion in the student handbook,
  - ii. Inclusion in the employee handbook
  - iii. Inclusion in the registration materials
  - iv. Inclusion on the school's or Board's web site,
  - v. Provision of a copy to any person at the central administrative offices at the following addresses:
    - a. Iowa School for the Deaf (3501 Harry Langdon Blvd.; Council Bluffs, IA. 51503)
    - b. Iowa Braille and Sight Saving School (1002 G Avenue; Vinton, IA 52349)

#### **4.10 Illegal Items at the Special Schools or in a Student's Possession ([Iowa Code §280.21B](#))**

- A. Students are prohibited from distributing, dispensing, manufacturing, possessing, using, or being under the influence of alcohol, drug paraphernalia, drugs, or look-alike substances; and possessing or using tobacco, tobacco products, nicotine, or look-alike substances on school grounds, in school facilities, or at school activities at home or away and shall be subject to disciplinary action including suspension or expulsion in accordance with [281-41.530\(256B, 34CFR300\)](#).
- B. Weapons are not allowed on school grounds, in school facilities, or at school activities at home or away with the exception of weapons in the control of law enforcement officials or those being used for educational purposes and approved by the administration. Items specifically defined as weapons include, but are not limited to: (1) firearms, whether loaded or unloaded including, but not limited to, pistols, rifles, zip guns; (2) shot guns, BB or pellet guns, explosives, explosive propellant, matches, any explosive or flammable materials, fireworks or firecrackers; (3) destructive devices or ammunition; (4) knives, including but not limited to, switch blades, pen, pocket or hunting knives; (5) razor blades, ice picks, dirks or other sharp instruments; (6) nunchuks, brass knuckles, pipes, Chinese stars, or billy clubs or other items intended to be used as weapons. Students bringing firearms or weapons (knife, club, look-alike weapons and/or dangerous objects, etc.) to school or possessing either at school or school-sponsored activities shall be subject to disciplinary action including suspension or expulsion in accordance with [281-41.530\(256B, 34CFR300\)](#).
- C. Parents of students found to possess a weapon, other dangerous objects, or look-alikes on school property shall be notified of the incident. Confiscation of weapons, other dangerous objects or look-alikes shall be reported to law enforcement officials, and the student shall be subject to disciplinary action including suspension or expulsion.
- D. A student who is determined to have brought a firearm to school or knowingly possessed a firearm at school shall be expelled for not less than 12 months. The superintendent shall have the authority to recommend this expulsion requirement be modified for a student on a case-by-case basis. For purposes of this portion of the policy, the term "firearm" includes any weapon that is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary, or poison gas.

#### **4.11 Athletics**

##### **A. Policy**

Integrity in the administration of intercollegiate athletic programs is one of the highest priorities of the Board of Regents, State of Iowa. In July 1991, the Board of Regents adopted the "one plus three" concept of intercollegiate athletics that asserts presidential control of athletics at all of the institutions, as well as academic integrity, financial integrity and accountability. The Board now provides additional policy emphasis on integrity in athletics by clarifying the Board's position on the consequences for serious infractions of the rules and regulations of the NCAA, athletic conference or institution and adopting a reporting procedure. All violations of NCAA, conference or institutional rules that could result in punitive, corrective or disciplinary action shall be reported to the Board Office. Sanctions, including but not limited to, reprimand, suspension, and/or termination of employment (following due process) shall be given in response to significant violations.

## B. Procedure

### i. Notification of Possible Violation

The Board Office shall be notified of all violations that could result in corrective, punitive or disciplinary action by the NCAA, athletic conference or institution. The form of the notification shall be as follows:

- a. If the NCAA has initiated an investigation, a copy of the letter from the NCAA, and a letter of explanation shall be forwarded to the Board Office.
- b. If the institution is self-reporting an alleged violation to the NCAA, a copy of the letter shall be forwarded to the Board Office.
- c. If conference or institutional rules are at issue, the Board shall be notified as soon as a factual basis for the rule violation is known.

The Board Office shall be notified of the nature of the alleged violation; the NCAA, conference, or the institutional rule involved; and the plan for investigating the allegation.

### ii. Notification of Status of Investigation

The institution president is responsible for appropriately and regularly updating the Board office of the status of investigations.

### iii. Notification of Outcome of the University Investigation

The Board Office shall be notified of the outcome of the university's investigation, including its factual conclusions and sanctions (if any) by the institution president. A summary of reports and documents submitted to NCAA, athletic conference or institutional officials shall be provided to the Board Office.

### iv. Notification of Outcome of NCAA, Athletic Conference or Institutional Investigation

The Board Office shall be notified of the results of any investigation undertaken by NCAA, athletic conference or institutional officials. This notification shall include the conclusions and sanctions (if any).

### v. Annual NCAA report to Board Office

In July of each year, the Regent universities shall submit an annual report of NCAA violations and resolutions for the prior fiscal year.

## C. Additional Actions

- i. Clauses shall be included in all coaches and athletic administrators contracts that shall provide that significant violations of NCAA, conference or institutional rules will result in sanctions including, but not be limited to, reprimand, suspension, and/or termination of employment (subject to the Board of Regents procedures in due process).
- ii. In cases where this policy is not followed, the institutional president shall request an executive session with the Board of Regents to discuss the situation.



#### D. Statement of Principles

The Board of Regents is committed to a philosophy of firm institutional control of athletics, to the unquestioned academic and financial integrity of the athletics programs, and to the accountability of the athletics departments to the values and goals befitting higher education. In support of that commitment, the Board has adopted the following general as a guide to participation in intercollegiate athletics:

- i. The educational values, practices and missions of the institutions determine the standards by which intercollegiate athletics programs are conducted.
- ii. The responsibility and authority for the administration of the athletics departments, including all basic policies, personnel and finances, are vested in the presidents.
- iii. The welfare, health and safety of student-athletes are primary concerns of athletics administration on the campuses. The institutions shall provide student-athletes with the opportunity for academic experiences as close as possible to the experiences of their non-athlete classmates.
- iv. Every student-athlete shall receive equitable and fair treatment.
- v. The admission of student-athletes – including community college transfers – shall be based on their showing reasonable promise of being successful in a course of study leading to an academic degree. That judgment shall be made by admissions officials.
- vi. Continuing eligibility to participate in intercollegiate athletics shall be based on students being able to demonstrate each academic term that they will graduate within five years of their enrolling.
- vii. An institution shall strive to have its student-athletes in each sport graduate at the same proportion as the general student population at that institution.
- viii. All funds raised and spent in connection with intercollegiate athletics programs shall be channeled through the institutions' general treasury, and comply with the annual NCAA-mandated Agreed Upon Procedures performed by external auditors. The athletics department budgets shall be developed and monitored in accordance with general budgeting procedures on the campuses.
- ix. All athletics-related income from non-University sources for coaches and athletics administrators shall be reviewed and approved by the universities. In cases where the income involves the University's functions, facilities or name, contracts shall be negotiated with the institution.
- x. Annual academic and fiscal audits of the athletics programs shall be conducted. The institutions shall promptly correct any deficiencies.

#### E. Principles for Recruitment of Prospective Student-Athletes

- i. Iowa Regent universities have a heritage of being some of the most prestigious and acclaimed institutions of higher education in the country. Recruiting visits should provide prospective students with an opportunity to explore the academic, athletic and social opportunities our institutions provide.

- ii. In light of recent national incidents of excessive entertainment in the recruitment of prospective student-athletes, the following overriding principles have been developed for Iowa Regent universities. The purpose of these principles is to ensure that all Regent universities operate their recruiting activities within applicable NCAA, conference and institutional guidelines.
- iii. Recruiting Principles:
  - a. Each Regent institution will implement recruiting guidelines pursuant to NCAA guidelines.
  - b. Each Regent institution's recruiting activities will occur in a regulated environment governed by Board of Regents, NCAA, conference and institution rules.
  - c. Each Regent institution will establish and administer policies addressing entertainment of prospective student-athletes which will make clear that any use of gambling, drugs, alcohol or sex-related activities as a recruiting device is prohibited.
  - d. Each Regent institution will establish a method of pre-communicating recruiting guidelines to prospective student-athletes, parents or legal guardians.
  - e. Each institution will ensure that head coaches understand and abide by the principles of head coach responsibility per NCAA legislation.
  - f. Each Regent institution will educate all student-athlete hosts that they are official representatives of the institution and that the hosting of prospective student-athletes must be conducted in a manner consistent with the institution's recruiting guidelines.
  - g. Each Regent institution will provide an opportunity for the prospective student to experience the educational offerings of the institution.
  - h. Each Regent institution will develop a system of regular auditing and enforcement of its recruiting practices.

F. Iowa Regent Institutions Philosophy for Recruitment of Prospective Student-Athletes

The State of Iowa and the Iowa Regent Institutions are committed to recruiting in an appropriate and ethical manner. The goal of the Iowa Regent Institutions is to provide a safe and healthy environment for prospective students. A prospective student's visit should provide that prospect an opportunity to see our universities as institutions where they can develop their individual talents and reach their full potential as student-athletes and citizens. A visit to our University campuses is a chance for prospects to focus on the academic and athletic missions and culture of the respective institution. These visits are also tremendous opportunities for the institutions to evaluate the potential academic and social success of the prospect, thus enabling all parties to make a clear and informed decision.

**4.12 Statewide Plan for Public Radio**

- A. Iowa Public Radio was established in December 2004 by the Board of Regents to oversee public radio operations at the three Regent universities.

- B. In February 2006, Iowa Public Radio, Inc. was incorporated as a non-profit corporation whose primary purpose is to support and promote the welfare and growth of the network of public radio stations owned by and licensed to the Board of Regents. Iowa Public Radio, Inc. is governed by a Board of Directors whose composition and terms of appointment shall be determined by its bylaws. Iowa Public Radio, Inc. shall operate the Regent universities' public radio stations on behalf of the Board of Regents under the terms of a public service operating agreement between the Board of Regents and Iowa Public Radio, Inc.

#### **4.13 Comprehensive Campus Safety and Security Policy**

##### **A. Authority**

The Board of Regents has broad authority to implement policies to protect life and property on its campuses, and, as expressly identified in law, to allow any institution under its control to employ peace officers. ([Iowa Code §262.9](#) and [262.13](#))

##### **B. Policy Purpose**

- i. The Board is committed to establishing and maintaining the safest possible campus environments for its students, faculty, staff, and visitors as well as safeguarding physical property.
- ii. It is the policy of the Board that each Regent campus develops and maintains comprehensive plans to assure appropriate guidance and direction in promoting a safe and secure campus environment. The Board delegates authority to each institution head to implement comprehensive campus safety and security policies and procedures consistent with this chapter.

##### **C. Definitions**

- i. **Crime Prevention Through Environmental Design (CPTED):** A multi-disciplinary approach to deterring criminal behavior. Strategies rely upon the ability to influence offender decisions that precede criminal acts and emphasize enhancing the perceived risk of detection and apprehension. Most implementations of CPTED are based solely upon the theory that the proper design and effective use of the built environment can reduce crime, reduce the fear of crime, and improve the quality of life. Implementations of CPTED seek to dissuade offenders from committing crimes by manipulating the environment in which those crimes proceed from or occur. The three most common strategies are natural surveillance, natural access control, and natural territorial reinforcement.
- ii. **Critical Infrastructures and Key Assets:** The basic facilities, services, and installations needed for the functioning of an institutional community, to include areas such as: power and utility substations; special event venues; schools; child care centers; residence complexes; food preparation and storage facilities; classrooms and laboratories; mass transit organizations; water pumping or storage locations; information technology sites; hospitals; clinics; and fuel and chemical storage sites.
- iii. **Incident Command System:** A standardized on-scene emergency management construct, specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries.

- iv. Iowa Law Enforcement Academy: The official state-sponsored agency created by the Iowa legislature, [Iowa Code chapter 80B](#). The general purposes for which the academy and its governing council were established include: to maximize training opportunities for law enforcement officers; to officially certify peace officers; to coordinate training records; and to set state standards for law enforcement service.
- v. Mutual Aid: A cooperative written agreement for the exchange of services, personnel, and/or equipment among participating parties on an emergency or routine basis to more effectively and efficiently serve the interests of affected agencies and the public.
- vi. National Incident Management System: A system that provides a consistent nationwide approach for federal, state, and local governments, private-sector groups, and nongovernmental organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.
- vii. Peace Officer: Also referred to as a police officer or a law enforcement officer. A duly sworn employee who is certified by the Iowa Law Enforcement Academy as having successfully completed the required course of instruction for a peace officer and who is currently employed as such by a Regent campus. Related duties include: enforcing criminal laws; arresting violators; responding to dispatched calls for a variety of services; investigating crimes and traffic accidents; processing documents such as citations, complaints, affidavits and warrants; collecting evidence; authoring incident reports; performing rescue functions at accidents, emergencies and disasters; and testifying in court. University peace officers are authorized to routinely carry firearms in the course of their duties.
- viii. Peace Officer Certification: The issuance of a certificate by the Iowa Law Enforcement Academy to a law enforcement officer upon documentation that the officer has been trained in compliance with established standards.
- ix. Security Guard: A civilian public safety employee who, under direct supervision, patrols assigned areas to help protect students, faculty, staff and visitors, as well as property and equipment. Related duties include: locking and unlocking doors based on schedules and requests; reporting disorderly or suspicious behavior; monitoring safety devices; responding to questions from community members; performing safety escorts; and assisting with traffic control and other public safety-related duties. Such employees have no powers of arrest and are not authorized to carry firearms in the course of their duties.
- x. Student Security Personnel: Part-time student public safety employees who, under direct supervision, patrol assigned areas to enhance the safety of persons using the campus. Related duties include: securing University buildings and the property contained therein; observing and reporting criminal activity; detecting and reporting security concerns, lighting problems, and other maintenance problems or concerns; performing safety escorts; and assisting with traffic control and other public safety-related duties. Such employees have no powers of arrest and are not authorized to carry firearms in the course of their duties.

#### D. General Guidelines

- i. Each institution is to develop and maintain comprehensive plans to assure appropriate guidance and direction in promoting a safe and secure campus environment.
- ii. Each institution shall have methods for providing timely notification and ongoing communication to campus community members, the Board Office, and Board members regarding pertinent emergency information.

- iii. Each institution shall have processes, procedures, staffing, and training in threat assessment and management to facilitate early identification and intervention of individuals who may pose a threat to themselves or others.
- iv. Each institution shall have processes and procedures to evaluate and implement appropriate measures to address personal safety and physical security.
- v. Each university shall maintain appropriately trained public safety personnel on campus that includes police officers as well as security personnel.
- vi. Each university shall annually submit to the Board of Regents its Jeanne Clery Campus Safety and Fire Report. In addition, each institution shall annually report on the status of safety and security, to include: safety and security goals, student involvement in campus safety initiatives, and use of force.

#### E. Public Safety Unit

- i. Each institution shall designate a unit on its campus that shall work cooperatively with institutional administrators, campus constituencies, and other entities to develop and implement overall safety and security-related protocols for its campus.
- ii. All unit members must embrace the importance of, and be responsive to, a vibrant and diverse academic community.

#### F. Emergency Communications

One of the keys to increasing campus safety is providing timely, clear, and concise communication to community members. The following provides a summary of protocols and actions that each institution shall implement, as appropriate, to facilitate emergency communication:

- i. Designate personnel who are authorized to initiate campus-wide emergency communications.
- ii. Maintain voice-capable outdoor warning systems.
- iii. Institute a broad-based communications system that will permit timely notification to students, faculty, and staff using combinations of voice and text messaging technologies.
- iv. Provide web-based information pertaining to a variety of critical incidents.
- v. Evaluate emergency communication needs and systems on a continuing basis.
- vi. Assess available and emerging communication technology and delivery systems on a continuing basis.

#### G. Threat Assessment and Management

It is essential that campuses regularly and centrally work to identify faculty, staff, and students who may be suffering from mental health and/or behavioral problems that may pose safety risks. The following provides a summary of protocols and actions that each institution shall implement, as appropriate, to facilitate early identification, assessment, and management of individuals who may pose a threat to themselves or others:

- i. Provide informational sessions to faculty, staff, and students regarding the identification and reporting of individuals who may pose a risk. Related training should be provided by personnel representing a variety of disciplines, to include: human resources; counseling services; public safety; and legal counsel.
- ii. Utilize staff members who are specially trained in threat assessment and management as well as faculty whose research and teaching interests coincide with this area.
- iii. Employ public safety, counseling, and employee assistance staff as identified by institutional needs.
- iv. Utilize a multidisciplinary (e.g., academic, law enforcement, mental health) team to share and review information about individuals who may pose a threat. The team should work collaboratively to develop intervention strategies for individuals who potentially pose a risk to themselves or others.
- v. Continue to develop and provide prevention programs to improve campus safety.

#### H. Personal Safety and Physical Security

Institutions must have a comprehensive set of programs, procedures, systems, and operations that balance the requirements of an open campus with the safety and security needs of its students, faculty, staff, and visitors. Additionally, such institutions must develop a strategy for the protection of critical infrastructures and key assets on their respective campuses. The following provides a summary of protocols and actions that each institution shall implement, as appropriate, to enhance personal safety and security of property of all community members:

- i. Maintain a list of current critical infrastructures and key assets for the prioritization of future safety and security enhancements.
- ii. Continually review safety and security measures to determine needs and to create an enhanced level of security.
- iii. Prioritize and evaluate the implementation of electronic and mechanical access control measures for new construction and existing structures.
- iv. Incorporate Crime Prevention Through Environmental Design (CPTED) principles for existing and new construction. The application of CPTED shall include: reviewing architectural drawings; consulting with design and construction staff; examining lighting needs; and identifying safety concerns.
- v. Evaluate and assess critical assets and areas where video technology may enhance physical security and personal safety.
- vi. Evaluate the needs and protocols associated with campus safety, such as safety escort services, sexual assault response, and emergency telephones.
- vii. Ensure a system is in place for the timely reporting and repair of malfunctioning locking mechanisms and lighting devices.
- viii. Provide educational programming materials to faculty, staff, and students addressing personal safety and physical security.

## I. Response to Critical Incidents

- i. Each institution shall maintain an all-hazard plan for responding to critical incidents such as: natural and human-made disasters; public health emergencies; civil disturbances; mass arrests; bomb threats; hostage/barricaded person situations; acts of terrorism; and other unusual occurrences. The plan shall follow Incident Command System (ICS) protocols and include provisions for: command; operations; planning; logistics; and finance/administration.
- ii. Response to campus critical incidents shall be in compliance with National Incident Management Systems (NIMS) standards.
- iii. Multi-jurisdictional exercises shall be held at least annually to evaluate response and management capabilities.
- iv. Each institution shall notify affected entities of critical incidents as appropriate. Major criminal cases requiring specialized expertise may result in assistance being requested from outside law enforcement agencies.

## J. Mutual Aid Agreements and Other Agreements

- i. Each institution shall establish written mutual aid agreements with their respective local law enforcement agencies to ensure that cooperative working relationships are developed and maintained for the mutual benefit of all concerned parties in accordance with institutional policies. Any established mutual aid agreements shall be in accordance with [Chapter 28E](#) of the Code of Iowa.
- ii. Memoranda of Understanding as well as other agreements may be established as deemed necessary.

## K. University Public Safety Entity

The size and scope of each Regent university dictate the need for a focused and dedicated public safety entity to work cooperatively with institutional administrators, campus constituencies, and other entities to develop and implement overall safety and security protocols.

Each university is to establish a police department and a security unit in promoting safe and secure campus environments. Designated personnel, as defined below, must be appropriately trained and properly equipped to perform their assigned responsibilities.

### i. Police Department

- a. Each university shall ensure its police department meets or exceeds professionally recognized standards pertaining to selection, training, equipment, and staffing.
- b. Professional organizations include: International Association of Campus Law Enforcement Administrators (IACLEA); International Association of Chiefs of Police (IACP); Commission on Accreditation for Law Enforcement Agencies (CALEA); American Society for Industrial Security (ASIS); Association of Threat Assessment Professionals (ATAP); United States Department of Homeland Security (USDHS); and the Iowa Law Enforcement Academy (ILEA).

## ii. Police Officers

The Board directs that state-certified police officers employed at the three Regent universities carry firearms in the regular performance of their duties in accordance with the following criteria:

- a. Police officers shall continue to meet or exceed state standards as outlined in the Iowa Administrative Code, [Section 501-2.1 \(80B\)](#), [501-2.2 \(80B\)](#) with regard to education, pre-employment medical and psychological examinations, written cognitive testing, thorough background investigations, and physical fitness assessments.
- b. All police officers shall earn certification through the Iowa Law Enforcement Academy (ILEA).
- c. Following ILEA certification, all police officers shall successfully complete an intensive field-training program prior to working in an independent capacity.
- d. Police officers shall receive training in, and qualify with, all approved firearms before being allowed to carry such weapons. Pursuant to [Iowa Administrative Code 501-8.1\(80B\)](#), law enforcement officers must qualify with all duty handguns annually on a course approved by the Iowa Law Enforcement Academy.
- e. University police officers shall be required to exceed state firearms training standards in terms of frequency and scope. Such officers shall qualify at least semi-annually to demonstrate proficiency, safe handling techniques, and weapon retention. In addition, those officers shall demonstrate a thorough knowledge and understanding of use of force issues, to include: applicable state statutes and constitutional constraints; departmental policies; and critical decision-making regarding appropriate lethal and less-lethal options.
- f. In accordance with nationally recognized best practices endorsed by the National Tactical Officers Association (NTOA) and the Iowa Law Enforcement Academy, police officers shall train in active shooter response. Training scenarios should be conducted at least annually and include other law enforcement agencies, emergency medical responders, and key University staff. All police officers shall receive training approved by instructors with the Iowa Law Enforcement Academy (ILEA) or other professionally recognized training organizations. Tactics and the selection of equipment and firearms shall be in accordance with ILEA, State of Iowa Department of Public Safety, and Federal Bureau of Investigation (FBI) recommendations and standards.

## iii. Use of Force and Reporting

- a. Use of force policies adopted by each University shall meet or exceed standards established by national organizations, including: Commission on Accreditation for Law Enforcement Agencies (CALEA); International Association of Chiefs of Police (IACP); and International Association of Campus Law Enforcement Administrators (IACLEA). Pursuant to constitutional law and state statutes, police officers shall use only the force necessary to accomplish lawful objectives.
- b. Any use of deadly force shall be in accordance with constitutional law and [Iowa Code 804.8](#). A police officer may use deadly force only when the police officer reasonably believes that the action is in defense of human life, including the police officer's own life, or in defense of any person in imminent danger of serious physical injury.



- c. A written report shall be completed by the University and an investigation conducted whenever a police officer: discharges a firearm for other than training; takes an action that results in, or is alleged to have resulted in, injury or death of another person; applies force through the use of lethal or less lethal weapons; or applies weaponless physical force.
- d. Incidents involving serious injury or death shall be immediately reported to institutional administrators and the Executive Director of the Board of Regents.
- e. Any police officer whose actions or use of force in an official capacity results in serious physical injury or death shall be placed on administrative leave, pending a review. The affected University Director of Public Safety shall be responsible for contacting the Iowa Division of Criminal Investigation (DCI) to conduct an independent review as necessary.

iv. Authorized Weapons and Ammunition

- a. Only approved firearms and ammunition shall be used by police officers performing law enforcement responsibilities. Selection of firearms and ammunition shall be made in consultation with the Iowa Law Enforcement Academy (ILEA), the State of Iowa Department of Public Safety, and other local, state and federal law enforcement agencies.
- b. Approved firearms and ammunition being used by University police agencies shall meet Iowa Law Enforcement Academy (ILEA) and Federal Bureau of Investigation (FBI) recommendations for law enforcement use. As such, firearms shall be of a reliable and reputable manufacture and duty ammunition shall be selected with regard to reliability, accuracy, and function. Only holsters equipped with retention capabilities shall be used.
- c. Each university shall promulgate written directives that shall address: the types and specifications of all weapons and ammunition approved for use; procedures for review, inspection, and approval by an ILEA-certified instructor of all weapons intended for use; a process to remove unsafe weapons; procedures for maintaining a record on each weapon approved for official use; and guidelines for the safe and proper storage of agency authorized firearms.

v. General Training

- a. Pursuant to [Iowa Administrative Code 501-8.1\(80B\)](#), all law enforcement officers must meet mandatory minimum in-service requirements regarding firearms, CPR, and general training.
- b. University police officers shall be required to exceed state training standards in terms of hours and scope. Instruction shall include topics pertinent to a campus culture, such as: bias-based profiling; use of force; diversity; ethics; conflict resolution; de-escalation techniques; dealing with emotionally disturbed persons; legal updates; community based policing; crime prevention; substance abuse; domestic violence; sexual assault; hate crimes; stalking; and harassment.

vi. Security Unit

- a. Each university shall employ security and other support personnel who provide a variety of services to enhance safety on campus. Such employees have no powers of arrest, and are not authorized to carry firearms in the course of their duties.
- b. Each university shall ensure that all security and support personnel receive initial and ongoing training commensurate with job responsibilities. Position classifications may include:
  - 1) Security Guard: A civilian public safety employee who, under direct supervision, patrols assigned areas to help protect of students, faculty, staff, and visitors, as well as property and equipment. Related duties include: locking and unlocking doors based on schedules and requests; reporting disorderly or suspicious behavior; monitoring safety devices; responding to questions from community members; performing safety escorts; and assisting with traffic control and other public safety-related duties.
  - 2) Student Security Personnel: Part-time student public safety employees who, under direct supervision, patrol assigned areas to enhance the safety of persons using the campus. Related duties include: securing University buildings and the property contained therein; observing and reporting criminal activity; detecting and reporting security concerns, lighting problems, and other maintenance problems or concerns; performing safety escorts; and assisting with traffic control and other public safety-related duties.
  - 3) Parking Enforcement Personnel: Full-time employees and part-time student staff who patrol campus to ensure compliance with parking regulations. Related duties include: issuing parking citations; providing assistance to motorists; and assisting with traffic direction and control.

vii. Fire and Environmental Safety

- a. Fire Safety Coordinator: A civilian public safety employee who coordinates inspections with state and local fire officials. Related duties include reviewing applicable codes and building plans and reporting fire code violations.
- b. Each year the institutions shall submit reports to the Board Office indicating the results of the latest State Fire Marshal's inspection, the results of the latest Department of Labor or other environmental safety inspections, and programs completed or underway to correct deficiencies. The report shall indicate the financial needs to correct outstanding deficiencies. Financial needs are to be integrated into the annual capital request and the Five-Year Capital Plans.
- c. All institutions are required to notify immediately the Chief Operations Officer if any facilities within their jurisdiction have been cited for violations of any federal, state, or local laws or regulations or have been decertified or notified of the threat of decertification from compliance with any state, federal, or other nationally recognized certification or accreditation agency or organization.

#### viii. Fire Protection Contracts

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

#### 4.14 Facilities Reservation

Institutions shall develop a space reservation policy for recognized student organizations on a first come basis with a no permanent reservation provision.

#### 4.15 Trademarks

- A. The Board of Regents recognizes that the institutions under its jurisdiction benefit from public recognition of their legally protected names, symbols, logos, tradenames, trademarks, and other identifying marks (Protected Marks). Federal, state, and common law governs the institutions' rights to their Protected Marks, and set forth the requirements the institutions must use to protect and control the use of their Protected Marks.
- B. The following minimum requirements apply to use of Protected Marks:
  - i. Use of Protected Marks by external persons, organizations, or entities for any purpose must be pursuant to the institution's review process concluding with a written license agreement granted by the institution.
  - ii. No use of Protected Marks may be permitted and no license agreement may be granted if the Protected Mark is or may become the name or tradename, or a part of the name or tradename, of a person, organization, or entity that is not affiliated with the institution.