Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 20
"Contested Cases"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025	11260 Aurora Avenue
11 to 11:30 a.m.	Urbandale, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Board of Regents no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Aimee Claeys
Board of Regents
11260 Aurora Avenue
Urbandale, Iowa 50322
Phone: 515.281.6456
Email: aimee.claeys@iowaregents.edu

Purpose and Summary

In accordance with Executive Order 10, the Board proposes to rescind Chapter 20 and adopt a new chapter in lieu thereof. This new chapter will incorporate by reference the Uniform Rules on Agency Procedure on contested cases with minor modifications.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

No costs are known to be associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Persons requesting contested case proceedings may benefit from the improved clarity.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Additional costs may be incurred by the agency to utilize an external administrative law judge to conduct a contested case proceeding, as opposed to utilizing an in-house judicial panel, the costs of which are difficult to quantify and will vary depending on the nature of the case.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Additional costs may be incurred by the agency to utilize an external administrative law judge to conduct a contested case proceeding, as opposed to utilizing an in-house judicial panel.

- **Anticipated effect on State revenues:**

There is no anticipated impact on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Not applicable. This proposed chapter is required by statute.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Not applicable. This proposed chapter is required by statute.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered. This proposed chapter is required by statute.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no expected impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 681—Chapter 20 and adopt the following **new** chapter in lieu thereof:

CHAPTER 20
CONTESTED CASES

The state board of regents hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to contested cases, which are published at www.legis.iowa.gov/docs/Rules/Current/UniformRules.pdf on the Iowa general assembly's website.

681—20.1(17A) Scope and applicability. In lieu of "(agency name)", insert "state board of regents".

681—20.2(17A) Definitions. In lieu of "(agency name)", insert "state board of regents".

"Contested case" means the same as defined in Iowa Code section 17A.2(5).

"Party" means each person or the regents institution or state board of regents named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.

"Presiding officer" means the administrative law judge, the state board of regents or subcommittee of the state board of regents.

681—20.3(17A) Time requirements.

20.3(2) For good cause, the presiding officer may extend or shorten the time to take any action, except as precluded by statute. Except for good cause stated in the record, before extending or shortening the time to take any action, the presiding officer shall afford all parties an opportunity to be heard or to file written arguments.

681—20.4(17A) Requests for contested case proceeding. In lieu of "agency", insert "state board of regents or regents institution".

681—20.5(17A) Notice of hearing.

20.5(1) *Delivery.*

e. In the case of a student residing in facilities of a regents institution, by leaving a copy in the student's mailbox at the student's residence hall or apartment.

681—20.6(17A) Presiding officer.

20.6(3) In lieu of "The agency (or its designee)", insert "The state board of regents or its executive director".

20.6(4) An administrative law judge assigned to act as presiding officer in a case involving discipline or discharge of a faculty member at one of the universities or discipline or discharge of a student for academic dishonesty at one of the universities shall have the following technical expertise unless waived by the state board of regents: an advanced degree showing scholarly achievement, such as a doctor of philosophy degree, or knowledge of academic traditions and methods of teaching and research at institutions of higher education in the United States.

20.6(5) In lieu of "agency", insert "state board of regents or, in a case involving a matter arising from a regents institution, the president of that institution".

681—20.7(17A) Waiver of procedures. Unless otherwise precluded by law, the parties in a contested case proceeding may waive any provision of this chapter. However, the state board of regents, in its discretion, may refuse to give effect to such a waiver when it deems the waiver to be inconsistent with the public interest. When a regents institution provides for procedures for handling contested case matters in any handbook or policy guide, the state board of regents and the regents institutions consent to the use of the procedures therein and waive these rules. If a party does not consent to the use of the institutional procedures, or has elected use of formal proceedings under the Iowa administrative procedure Act (Iowa Code chapter 17A) instead of institutional procedures, the state board of regents will normally not waive the provisions of this chapter.

681—20.8(17A) Telephone proceedings. The presiding officer may resolve preliminary procedural motions by telephone conference in which all parties have an opportunity to participate. Other telephone proceedings may be held with the consent of all parties. The presiding officer will determine the location of the parties and witnesses for telephone hearings. The convenience of the witnesses or parties, as well as the nature of the case, will be considered when location is chosen. The presiding officer, for good cause, and upon request of a party, may permit the party to present witness testimony by telephone or remote video so long as the parties and their representatives have substantially the same opportunity to hear and observe the witness testimony.

681—20.12(17A) Service and filing of pleadings and other papers.

20.12(3) *Filing—when required.* In lieu of "(specify office and address)", insert "the presiding officer, at the address provided in notices to the parties". In lieu of "(agency name)", insert "state

board of regents or, in the case of a matter arising from one of the regents institutions, the president's office of the regents institution".

20.12(4) *Filing—when made.* In lieu of "(designate office)", insert "state board of regents or, as appropriate, the president's office,".

681—20.15(17A) Motions.

20.15(5) In lieu of "(45 days)", insert "30 days". In lieu of "(15 days)", insert "10 days".

681—20.16(17A) Prehearing conference. Prehearing conferences may be ordered at the discretion of the presiding officer. The state board of regents does not adopt rule X.16(17A).

681—20.19(17A) Intervention. The state board of regents does not adopt rule X.19(17A).

681—20.20(17A) Hearing procedures.

20.20(8) As provided by rule 681—20.8(17A), witness testimony may be taken by telephone or remote video at the discretion of the presiding officer.

681—20.22(17A) Default.

20.22(3) In lieu of "X.27(17A)", insert "681—20.27(17A) or 681—20.32(17A)".

681—20.23(17A) Ex parte communication.

20.23(10) In lieu of "(agency to designate person to whom violations should be reported)", insert "the executive director of the state board of regents".

681—20.24(17A) Recording costs. In lieu of "(agency name)", insert "state board of regents".

681—20.25(17A) Interlocutory appeals. In lieu of "14 days", insert "five days".

681—20.26(17A) Final decision.

20.26(1) In lieu of "(the agency)", insert "the state board of regents".

20.26(2) In lieu of "(agency name)", insert "state board of regents". In lieu of "(agency name)", insert "president or the state board of regents". In lieu of "X.27(17A)", insert "681—20.27(17A) or 681—20.32(17A)".

681—20.27(17A) Appeals and review—actions by regents institution.

20.27(1) *Appeal by party.* Any adversely affected party may appeal a proposed decision in a case involving an appeal of action or proposed action by a regents institution to the president of the regents institution within 20 days after issuance of the proposed decision.

20.27(2) *Review.* In lieu of "(board, commission, director)", insert "president of the regents institution". In lieu of "30 days", insert "20 days".

20.27(3) *Notice of appeal.* In lieu of "(agency name)", insert "president".

20.27(4) *Requests to present additional evidence.* In lieu of "14 days", insert "10 days". In lieu of "(board, commission, director)", insert "president".

20.27(5) *Scheduling.* In lieu of "(agency name)", insert "president".

20.27(6) *Briefs and arguments.* In lieu of "(board, commission, director)", insert "president".

20.27(7) *Appeals to the board of regents.* See rule 681—20.32(17A) for procedures to appeal the president's decision to the state board of regents.

681—20.28(17A) Applications for rehearing.

20.28(3) *Time of filing.* In lieu of "(agency name)", insert "state board of regents".

20.28(4) *Notice to other parties.* In lieu of "(agency name)", insert "state board of regents".

681—20.29(17A) Stays of state board of regents actions.

20.29(1) *When available.*

a. In lieu of "(agency name)", insert "state board of regents". In lieu of "(board, commission, director)", insert "state board of regents".

b. In lieu of "(agency name)", insert "state board of regents".

20.29(2) *When granted.* In lieu of "(board, commission, director, as appropriate)", insert "the state board of regents".

20.29(3) *Vacation.* In lieu of "(agency name)", insert "state board of regents".

681—20.32(17A) Appeals to the state board of regents.

This rule incorporates rule X.27(17A) with the following exceptions and amendments. See also rule 681—20.27(17A).

20.32(1) *Appeal by party.* Any adversely affected party may appeal the president's decision to the state board of regents within ten days after issuance of the decision. In the case of an appeal of initial action by the state board of regents, any adversely affected party may appeal the proposed order of a presiding officer to the state board of regents within 20 days after issuance of the proposed decision.

20.32(2) *Review.* In lieu of "(board, commission, director)", insert "state board of regents". In lieu of "a proposed decision on its own motion", insert "the president's decision or a proposed decision involving an appeal of state board of regents action on its own motion". In lieu of "30 days", insert "20 days".

20.32(3) *Notice of appeal.* In lieu of "(agency name)", insert "state board of regents". In cases of appeals of action by an institution, a copy of the notice shall be sent to the president of the regents institution.

20.32(4) *Requests to present additional evidence.* In a case that has not been reviewed by a regents institution president, a party may request the taking of additional evidence only by establishing that the evidence is material, that good cause existed for the failure to present the evidence at the hearing, and that the party has not waived the right to present the evidence. In lieu of "14 days", insert "ten days". In lieu of "(board, commission, director)", insert "state board of regents or its executive director". In lieu of "presiding office", insert "president".

20.32(5) *Scheduling.* In lieu of "(agency name)", insert "state board of regents or its executive director".

20.32(6) *Briefs and arguments.* In lieu of "(board, commission, director)", insert "state board of regents or its executive director".

These rules are intended to implement Iowa Code chapter 17A.