Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 7
"Equal Employment Opportunity"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 19B.3(2)"j"
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 19B

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

Iowa Code chapter 19B requires the Board to adopt equal employment opportunity and affirmative action rules in accordance with Iowa Code chapter 17A. The Board proposes removing those portions of the chapter that are unnecessary, nonsubstantive or duplicative of State or federal law.

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:**

Students, staff and contractors of the Regent institutions will benefit.

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:**

This proposed rulemaking imposes no costs.

- **Qualitative description of impact:**

Not applicable.

3. **Costs to the State:**

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

There are no additional or unique costs to the agency beyond those typically required to comply with State and federal anti-discrimination laws. Additional costs may be incurred for agency staff to prepare and submit the annual affirmative action report.

- **Anticipated effect on State revenues:**

There is no fiscal impact.

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

This proposed chapter is required by statute; no comparison is necessary.

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

The Board has not identified any less costly methods or less intrusive methods.

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 7 and adopt the following **new** chapter in lieu thereof:

CHAPTER 7
EQUAL EMPLOYMENT OPPORTUNITY

681—7.1(262) Definitions.

"Affirmative action" means the same as defined in Iowa Code section 19B.1.

"Bona fide occupational qualification" means a qualification reasonably necessary to the normal function of a position in the operation of a particular business. The concept of the bona fide occupational qualification is narrow in scope and will not be applied to include the mere preference or convenience of the employer.

"Protected class" shall mean any group that is legally protected from discrimination under Iowa Code chapter 216 or applicable federal law.

681—7.2(262) Equal employment opportunity.

7.2(1) *Affirmative action.* The state board of regents and all institutions under the jurisdiction of the state board of regents shall appoint, assign, and advance employees on the basis of merit and

fitness. Each institution under the jurisdiction of the state board of regents shall promulgate a written policy of nondiscrimination in employment and shall adopt an affirmative action program that is compliant with Iowa Code chapter 19B. Each institution shall submit its annual affirmative action report to the state board of regents between December 15 and December 31 each year.

7.2(2) *Personnel administration.* The state board of regents office and all institutions under the jurisdiction of the state board of regents shall regularly review its personnel practices and procedures with a view to correcting personnel practices and procedures that may contribute to discrimination in appointment, assignment, or advancement. Each institution shall conduct programs of job orientation and provide training and organizational structure for upward mobility and shall place emphasis upon fair practices in employment. Each institution shall also bar from all employment application forms any inquiry as to protected class except for statistical purposes unless it relates to a bona fide occupational qualification.

681—7.3(262) Contract compliance.

7.3(1) *Equal employment opportunity.* The state board of regents and all institutions under the jurisdiction of the state board of regents are responsible for the administration and promotion of equal opportunity in contracts and services and the prohibition of discriminatory and unfair practices within any program administered by institutions under the jurisdiction of the state board of regents receiving or benefiting from state financial assistance in whole or in part. Every official responsible to the state board of regents who is authorized to make contracts or subcontracts for construction or for goods or services shall cause to be inserted into every such contract or subcontract a clause in which the contractor or subcontractor is prohibited from engaging in discriminatory employment practices in violation of federal and state laws, regulations, and executive orders that pertain to equal employment opportunity.

7.3(2) *Procedures.* Any individual aggrieved by a contractor's alleged noncompliance with the state board of regents equal employment opportunity policy may file a complaint with the institutional office designated for receiving and investigating complaints of discrimination. Complaints shall be investigated in accordance with established institutional policies and procedures.

7.3(3) *Bidding requirement.* All construction specifications shall include, in the "instruction to bidders," the following paragraph: "Bidders shall file with each bid a completed state board of regents equal employment opportunity data reporting form as included in the specifications or certify on the certificate of reporting that they have filed their annual equal employment opportunity data reporting form with the state board of regents equal opportunity compliance office."

These rules are intended to implement Iowa Code chapter 19B.