Regulatory Analysis

Notice of Intended Action to be published: 681—Chapter 9
"Policies, Practices and Procedures"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 262.9(3)
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 262 and 23A

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 section 262.9(3) requires the Board to establish rules for the government of the institutions under the Board's jurisdiction, and Iowa Code chapter 23A allows the Board to provide exemptions from the application of Iowa Code chapter 23A by rule.

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:**

The Regent universities benefit from this proposed chapter. The Regent universities serve approximately 71,914 students, employ approximately 37,076 faculty and staff and receive numerous visitors in a given day. This chapter establishes rules of conduct applicable to the campus community, which are necessary to ensure a safe and secure educational and employment environment. The rules also provide a predictable system for managing competition with private enterprises.

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:**

Not applicable.

- **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 be incurred by the agency to enforce these proposed rules beyond those administrative and security costs normally incurred in the management of a large university campus.

- **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 rule 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 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9
POLICIES, PRACTICES AND PROCEDURES

681—9.1(262) Uniform rules of personal conduct.

9.1(1) *Rules of personal conduct.* The acts of misconduct defined in this subrule apply at the universities governed by the state board of regents. The universities are authorized to adopt other definitions of misconduct in addition to those in this rule. Any person, student, member of the faculty or staff, or visitor, who intentionally commits, attempts to commit, or incites or aids others in committing any of the following acts may be subject to disciplinary action:

a. Obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university or university-authorized function or event.

b. Unauthorized occupation or use of or unauthorized entry into any university facility.

c. Physical abuse or the threat of physical abuse against any person on the campus or at or during any university-authorized function or event, or other conduct that threatens or endangers the health or safety of others.

d. Theft of or damage to property of the university or of a person on the campus or at or during any university-authorized function or event.

e. Interference with the right of access to university facilities or with any other lawful right of any person on the campus.

f. Setting a fire on the campus or at or during any university-authorized function or event without proper authority.

g. Use or possession of firearms, ammunition, or other dangerous weapons, substances, or materials, or of bombs, explosives, or explosive or incendiary devices except as expressly authorized by the university or applicable law on the property or during any university-affiliated function or event.

h. Participation in a riot or unlawful assembly, or failure to disperse, as defined by state law, whether such acts occur on or off the campus.

i. Violation of any rule of conduct promulgated by the university.

9.1(2) *Sanctions.*

a. Any student or member of the faculty or staff who is found to have violated any of the rules of personal conduct set forth in rule 681—9.1(262) may be sanctioned up to and including suspension, expulsion, or termination of employment.

b. A person who applies for reinstatement to or reemployment by the university following a sanction of expulsion or termination may be denied reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in rule 681—9.1(262). A person denied reinstatement or reemployment under this subrule may seek further review of the decision in accordance with established university procedures.

c. Any sanction imposed under subrule 9.1(2) shall have operative effect at all universities.

9.1(3) *Emergency power.*

a. The president is authorized to declare a state of emergency to exist at the institution upon a determination that violent actions or disruptive activities at the university are of such a nature as:

(1) To present a clear and present danger to the orderly processes of the university or to persons or property on the campus, and

(2) To require extraordinary measures to:

1. Safeguard persons or property at such institution, or
2. Maintain educational or other legitimate institutional functions.

b. The state of emergency shall cease to exist automatically 48 hours after it is declared unless the president, after reviewing the situation, determines that the state of emergency should be extended, such determination to be made under the standards established in subparagraphs 9.1(3)*"a"*(1) and *"a"*(2). Each extension shall be for a maximum period of 48 hours with a new determination being made for each extension. The president may declare the state of emergency to be over before the 48-hour period has run.

c. As soon as feasible after declaring a state of emergency, the president shall notify the state board of regents of actions taken.

d. Upon a finding by the president as set forth in paragraph 9.1(3)*"a,"* the president is authorized to take such action as may be necessary to eliminate or alleviate a clear and present danger to the orderly processes of the university and to safeguard persons or property at the university or to maintain educational or other legitimate university functions, including barring a particular person or persons from the campus.

9.1(4) *Sanctions under emergency power.* Any person who is found to have knowingly violated a presidential order issued as contemplated in subrule 9.1(3) may be disciplined, up to and including expulsion or termination from the university.

9.1(5) *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person's constitutional rights under the First Amendment of the Constitution of the United States.

681—9.2(262) Transfers.

9.2(1) *Transfers among regent institutions.* Admission is denied if the applicant currently is under disciplinary suspension or has been dismissed from one of the other regent universities for violation of the state board of regents' rules of personal conduct and is not eligible to reenter. Further, if such transfer applicant is currently on probation for having violated the state board of regents' rules of personal conduct at one university, the applicant, if admitted to another regent university, is admitted on probation.

9.2(2) *Transfers from nonregent institutions.* If the application for admission or the transcript from another institution shows that the applicant is not eligible to reenroll there, further inquiry will be made to determine the reason. Such inquiry may lead to admission, conditional admission, or denial of admission. Appeals from the decision will be referred to appropriate university channels.

9.2(3) *Applications from visitors.* A visitor to the campus who is believed to have violated the rules of personal conduct and who later applies for admission or employment may be denied admission or employment because of the applicant's prior conduct, subject to review if the denial is appealed by the applicant. An applicant who would be subject to such a denial and review at any university governed by the state board of regents shall be subject to the same denial and review by the other two regent universities if application for admission or employment is made to them. The three universities shall cooperate in making known the identity of persons barred from admission or employment among all three institutions.

681—9.3(23A) Competition with private enterprise.

9.3(1) *Definitions.*

"Compete" means to engage in, either directly or by or through another state agency or political subdivision, the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public that are also offered by private enterprise. "Compete" does not include the use of goods or services exclusively by the institution.

"Institutions" means the State University of Iowa, the University of Northern Iowa, and Iowa State University of Science and Technology.

"Private enterprise" means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

9.3(2) *Policy in writing.* Each institution shall have a written policy that contains:

a. A mechanism for reviewing proposed activities involving the sale of goods and services to ensure that the activities are permitted as set forth in this rule; and

b. A procedure for receiving, reviewing, and responding to inquiries about activities carried out by the institution.

9.3(3) *Prohibition.* Institutions shall not engage in activities that compete with private enterprise except as provided below.

9.3(4) *Exceptions provided by statute.* This prohibition does not apply to the activities of an institution as provided in Iowa Code section 23A.2(8)*"k"*(1) through *"k"*(10) or any other applicable provision of Iowa law.

9.3(5) *Exemptions.* The state board of regents exempts the following activities from the prohibition against competition with private enterprise.

a. Goods and services that are directly and reasonably related to the mission of the institution, including but not limited to:

(1) Conferences, institutes, outreach programs, specialized centers and other efforts and programs that provide continuing education;

(2) Child day care services and health services provided to members of the university community;

(3) Educational media, publication, distribution, and audiovisual centers and services;

(4) Family and guest housing or short-term lodging;

(5) Laundry, custodial, maintenance, and similar services.

b. Goods and services offered to only students, employees, or guests of the institution or school and that cannot be provided in a timely manner by private enterprise at the same or lower cost and of the same or better quality or terms.

c. Use of institutional aircraft and vehicles in connection with institution-related travel.

d. Durable medical equipment or devices sold or leased for use off premises of an institution or University of Iowa Hospitals and Clinics.

e. Goods or services that are not otherwise available in the quantity or quality required by the institution, including but not limited to specialized course materials, equipment, supplies, software, and publications.

f. Telecommunications systems utilized for communications and broadcast and narrowcast communication systems, including microwave, fiber-optic and satellite communications.

g. Facilities, programs, and associated support services for fitness and recreation.

h. Food services and sales.

i. Sales of books, records, tapes, software, educational equipment and supplies, and personal computers and associated hardware.

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

k. Public-private partnerships or similar economic development projects that are initiated for the benefit of one or more institutions as determined by the state board of regents.

9.3(6) *Appeal process.*

a. A private enterprise that seeks to appeal an action or activity of an institution shall attempt to resolve the issue at the institutional level. The form of appeal to the institution shall be a letter to the chief business officer.

b. If the private enterprise is dissatisfied with the institution's response, the private enterprise may notify the executive director of the state board of regents and request assistance. This request shall be in writing and shall describe the action or activity that is being appealed.

c. The executive director may then take action to assist the private enterprise and the institution in resolving the issue.

d. If the issue remains unresolved, the executive director, at the request of the private enterprise, may docket the matter for review by the state board of regents. If the matter is docketed, the executive director will prepare a recommendation for the state board of regents to consider. A copy of the recommendation with notice of the time, date, and place of the meeting for which the matter has been docketed shall be transmitted to the private enterprise and the institutions prior to the meeting.

e. State board of regents action shall constitute a final agency action.

This rule is intended to implement Iowa Code chapter 23A.

681—9.4(262) Procurement policy for goods and services. The best interests of the state of Iowa and of the regents institutions are served through implementation of a full and free competitive purchasing system for the procurement of goods and services. The name of the successful bidder and all other bidders and the amounts bid shall be supplied to any person upon oral or written request following the execution of the prime contract(s) or agreement(s) related to the procurement.

681—9.5(262) Contracting authority. Except for authority retained by the state board of regents pursuant to law, rule, or state board of regents policy, the state board of regents delegates to the

president of each university the authority to enter into contracts and agreements. Each president may delegate the president's authority, in whole or in part, to other employees at the president's university.

681—9.6(262) Adoption of rules and policies. The president of each institution is delegated the authority to adopt policies as may be appropriate for the operation of the institution and that are not inconsistent with the general rules and policies adopted by the state board of regents. The state board of regents retains the authority to rescind any institutional policy.

These rules are intended to implement Iowa Code chapters 262 and 23A.