

CHAPTER 9
POLICIES, PRACTICES AND PROCEDURES
[Prior to 4/20/88, Regents, Board of[720]]

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

9.1(1) Definitions. For purposes of these rules, the following words shall have the meaning set forth unless the context requires otherwise.

“Admission” means admission, readmission, reentry, registration, and reregistration as a student to any educational program of the university.

“Board” means the board of regents, state of Iowa.

“Campus” means all property owned or used by the university.

“Dismissal of a member of the faculty or staff” means termination of status as an employee without right of reemployment.

“Expulsion of a student” means termination of status as a student without right of readmission.

“Member of the faculty or staff” means all employees of the university.

“Person” means any student, member of the faculty or staff, or visitor.

“President” means the president (or acting president) of the university or any person or persons designated to act on the president’s behalf for purposes of these rules.

“Student” means a person who is currently registered as a student at the university in an undergraduate, graduate or professional program on the campus, and includes students who have been suspended for a fixed period of time, during that fixed period; admitted students prior to enrollment; and persons continuing to work on a program of studies with the intent of returning to the university, even though not formally enrolled.

“Suspension of a member of the faculty or staff” means that during a specified period of time, the member of the faculty or staff is not eligible to continue as an employee of the university or to resume employment status or to be granted admission as a student. Subject to other rules and regulations of each institution concerning continued employment by the institution, a member of the faculty or staff who has been suspended for a specified period shall be reinstated by the university at the expiration of the suspension period provided that during the suspension period the member of the faculty or staff has not committed other acts of misconduct specified in 9.1(2) or in the policies of the university. A member of the faculty or staff under such suspension whose reemployment is denied on the basis of alleged acts of misconduct committed during a suspension period shall have a right to a hearing on that issue as provided in 9.1(3).

“Suspension of a student” means that during a specified period of time, the student shall be denied admission to the university. Subject to the rules and regulations of each institution concerning enrollment at the institution, a suspended student shall be reinstated to the university at the expiration of the suspension period provided that during the suspension period the student has not committed acts of misconduct specified in 9.1(2). A suspended student whose reinstatement is denied on the basis of alleged acts of misconduct committed during this suspension period shall have a right to a hearing on that issue, as provided in 9.1(3).

“University” means an institution of higher learning under the jurisdiction of the board. When used in the plural, the word means all institutions of higher learning under the jurisdiction of the board.

“Visitor” means any person on the campus who is not a student or a member of the faculty or staff.

9.1(2) Rules of personal conduct. The acts of misconduct defined in this subrule apply at the universities governed by the board. 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 shall 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. However, any entry into, use of, or occupation of any university facility by a student or member of the faculty or

staff, which does not violate any of the other rules of personal conduct set forth herein, shall be deemed unauthorized only if specifically prohibited, if that facility is closed at that time to general use or if the person fails to comply with proper notice to leave.

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 which 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 on the campus or at or during any university-authorized function or event of firearms, ammunition, or other dangerous weapons, substances, or materials (except as expressly authorized by the university), or of bombs, explosives, or explosive or incendiary devices prohibited by law.

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, if such act or failure to act occurs:

(1) In the contiguous metropolitan area in which any university governed by the board is located; or

(2) During a function or event authorized or sponsored by the university or an organization recognized by or affiliated with the university.

i. Conduct off campus which leads directly to a violation of any of paragraphs “a” to “h” of this subrule.

9.1(3) Sanctions.

a. Any student or member of the faculty or staff who is found after appropriate hearing to have violated any of the rules of personal conduct set forth in 9.1(2) may be sanctioned up to and including suspension, expulsion, or dismissal.

NOTE: “Appropriate hearing” as used throughout these rules means pursuant to existing hearing procedures in effect at the university for students and members of the faculty and staff.

A faculty or staff member who is suspended as a sanction under rule shall receive no salary during the period of suspension; provided, however, that payment shall be made for work done prior to the date of the suspension order.

b. A person who applies for reinstatement to or reemployment by the university after a term of suspension or dismissal may be denied such reinstatement or reemployment if it is found that such person has committed any acts of misconduct specified in 9.1(2) or in the policies of the university. A person denied reinstatement or reemployment under this subrule shall have a right to an appropriate hearing or to follow the grievance process of the university.

c. Any sanction imposed under 9.1(3) “a” and “b” shall have operative effect at all universities, and a person not eligible for admission to or employment by one university shall be barred similarly at the other universities.

9.1(4) 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 it should be extended, such determination to be made under the standards established in 9.1(4) “a”(1) and 9.1(4) “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 board of actions taken.

d. Upon a finding by the president as set forth in 9.1(4) “*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(5) *Sanctions under emergency power.*

a. Any person who, after appropriate hearing, is found to have violated knowingly a presidential order issued as contemplated in 9.1(4) may be disciplined, up to and including expulsion or dismissal from the university.

b. Any person who, after appropriate hearing, is found to have violated during a state of emergency, knowing that a state of emergency has been declared, any of the regents’ rules of personal conduct set forth in 9.1(2) of this policy may be disciplined, up to and including expulsion or dismissal from the university.

c. Any sanction imposed under this subrule shall have operative effect at all universities, and a person not eligible for admission to or employment by one university shall be barred similarly at the other universities.

9.1(6) *Constitutional rights.* The foregoing rules shall be construed so as not to abridge any person’s constitutional right of free expression of thought or opinion, including the traditional American right to assemble peaceably and to petition authorities.

681—9.2(262) Transfers. All transfer applicants from any institution of higher learning to a university governed by the board of regents are asked about their eligibility to return to the institution from which the applicant is transferring. If the applicants are not eligible to return, the following rules apply:

9.2(1) *Transfers among regent institutions.* Transcripts at all regent universities now include an appropriate notation if a student is ineligible for readmission or reenrollment. 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 regents’ rules of personal conduct and is not eligible to reenter. Further, if such transfer applicant is currently on probation for having violated the 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.”* “Visitors” to the campus who are believed to have violated the rules of personal conduct and who later apply for admission or employment may be denied admission or employment because of their 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 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(262) Alternate procedures when resources are not adequate. If, in the university president’s judgment, the university’s resources are not adequate to the task of providing hearings regarding violations of rules governing conduct at the institution on any particular occasion, the president may appoint one or more hearing examiners. Hearing examiners shall be licensed attorneys in the state of Iowa or shall have experience administering student judicial processes for a public institution.

681—9.4(23A) Policy on competition with private enterprise.

9.4(1) Policy statement. A primary responsibility of the board of regents is to oversee institutions whose missions include the creation and dissemination of knowledge. These missions encompass teaching, research, and services. To fulfill their missions effectively, institutions under the control of the state board of regents 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.

It is the policy of the board of regents that the 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.

All activities involving the sale of goods, services, or facility usage shall be in accordance with an authorization and statement of purpose approved by the chief business officer at each institution. This approval will be given only after review which demonstrates that one or more of the following conditions are met:

a. The activity is deemed to be an integral part of the institution's educational, research, public service and campus support functions, and other educational and support activities.

b. The activity is needed to provide an integral good or service which is not reasonably available in the community; or the activity is needed to provide an integral good or service at time, price, location, or terms which are not reasonably available in the community.

c. The activity is carried out for the primary benefit of the campus community and is incidental to the education, research, service, or extension missions of the university.

d. The activity is carried out due to the importance of maintaining the quality of the institution.

9.4(2) Definitions.

"Institutions under the control of the state board of regents" means the State University of Iowa, the University of Northern Iowa, Iowa State University of science and technology, Iowa School for the Deaf, and Iowa Braille and Sight Saving School.

"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.

9.4(3) Policy in writing. Each institution under the control of the state board of regents shall have in writing:

a. A mechanism for reviewing proposed activities involving the sale of goods, provision of services, or usage of facilities to ensure that activities are consistent with board of regents policies; and

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

9.4(4) Prohibition. State board of regents institutions shall not engage in activities provided by private enterprise except as provided below.

9.4(5) Exceptions provided by statute. This prohibition does not apply to the on-campus activities of an institution under the control of the state board of regents as provided in Iowa Code section 23A.2(10) "k"(1) to (10).

9.4(6) 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 (activities such as):

(1) Conferences, institutes, outreach programs, specialized centers and other efforts and programs which 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;

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

b. Goods and services offered to only students, employees, or guests of the institution or school and which cannot be provided by private enterprise at the same or lower cost, including (activities such as):

- (1) Gift shops which offer a limited and specialized array of goods;
- (2) Specialized instruction in the visual or performing arts;
- (3) Dormitory-based shops which serve students and offer a limited range of goods.

c. The acquisition, maintenance, and use of institutional aircraft and a vehicle fleet maintained for the purpose of transportation for educational and related purposes, including field trips.

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

- (1) The equipment is needed to initiate or effectuate a treatment regimen (i.e., implants); or
- (2) The equipment is essential to a rehabilitation program (i.e., crutches, prostheses); or
- (3) The equipment is of a specialized nature and is not reasonably available elsewhere (i.e., customized or adaptive equipment for the handicapped); or
- (4) A short-term supply of equipment is provided to avoid disruption in a treatment regimen when a patient is discharged.

e. Goods or services which are not otherwise available in the quantity or quality required by the institution, including (activities such as) specialized course materials, equipment, supplies, software, and publications.

f. Telecommunications systems utilized for communications within the institution's community of interest and broadcast and narrowcast communication systems, including microwave, fiber-optic and satellite communications.

g. Facilities, programs, and associated support services for fitness and recreation initiated and maintained primarily for the benefit of students, faculty, and staff.

h. Food services and sales located on campus and initiated and maintained primarily for the benefit of students, faculty, staff, and guests of the institution.

i. Sales of books, records, tapes, software, educational equipment and supplies offered primarily to students, faculty, and staff of the institution; sales of personal computers and associated hardware pursuant to institutional policy and limited to students, faculty, and staff.

9.4(7) Provision for consultation with community and related business interests. Each institution under the control of the state board of regents shall establish a mechanism for consultation with business interests in its community or area. This will involve the chief financial officer of the institution, and representatives of the institution, and will include the following:

a. Advising the institution on policies and procedures regarding the sale of goods or services which might compete with private enterprise.

b. Making recommendations, at the request of the institution, on particular activities.

c. Other duties as may be requested by the institution.

9.4(8) Appeal process. An appeal process is essential for resolving complaints involving competition with private enterprise.

a. A private enterprise which seeks to appeal an action or activity of an institution under the control of the state board of regents 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 which 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 board of regents. If the matter is docketed, the executive director will prepare a recommendation for the 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. Board of regents action shall constitute a final agency action.
This rule is intended to implement Iowa Code chapter 23A.

681—9.5(262) Telecommunications policies and procedures.

9.5(1) *General or administrative.* The institutions governed by the regents view the statewide telecommunications network as one way to expand the ability of the universities to provide instruction and other information affecting professional and economic development throughout Iowa. The regents institutions utilize the Iowa communications network when appropriate for activities that include credit and noncredit courses, outreach programming, administrative meetings, professional development seminars and teleconferences.

9.5(2) *Designated coordinating agency.* As a means of facilitating efficient and effective utilization of the statewide telecommunications network by university faculty and staff, the universities have appointed Information Technology Services (ITS) as the principal agency on each campus responsible for arranging access to the system. ITS will assume an advisory role to interested users as well as represent a campus information source on statewide telecommunications issues. Additional responsibilities for ITS relating to the statewide telecommunications network include establishing a liaison with the network's management, coordinating campus financial transactions, and engaging campus entities to support the technical components required for collaborative efforts among the institutions governed by the board of regents.

9.5(3) *Credit, noncredit course offerings.* The regents institutions will facilitate use of the statewide telecommunications network wherever appropriate and cost-effective. The universities support a wide range of offerings, including credit and noncredit courses, professional development seminars, conferences and workshops. The originating college and department will retain exclusive jurisdiction over decisions pertaining to the instructional development process, including the choice of subject matter content, faculty, credit, student/participant requirements, and course or conference revision or withdrawal.

9.5(4) *Statewide coordination.* The regents institutions encourage collaborative efforts among the institutions governed by the board of regents involving the statewide telecommunications network.

[ARC 0037C, IAB 3/7/12, effective 4/11/12]

681—9.6(262) Notification to students on increases in tuition, fees, or charges.

9.6(1) Not less than 30 days prior to action by the board on any proposal to increase tuition, fees, or charges at one or more of the institutions of higher education under its control, the board of regents shall send written notification of the amount of the proposed increase and a copy of the memorandum relating to the proposed increase to the elected president of the government of the student body at each affected institution. The materials shall be sent to the person identified by each institution as the student government president and transmitted to the student government office listed in each university directory.

The final decision on the increase in tuition for a fiscal year shall be made at a regular meeting which is to be held in one of the three universities' cities but is not to be held during a university holiday or break.

9.6(2) If a proposal to increase tuition, fees, or charges at one of the universities is increased from the previous meeting's written proposal, or a new fee or charge is proposed, student leaders shall be sent copies of the agenda materials, and an additional 30 days' notice to students will be scheduled prior to board action on that portion of the proposal.

681—9.7(262) Distribution of docket information.

9.7(1) The statewide student organization representing the student government of each regent university shall be provided a copy of the docket of the board of regents on Friday preceding each meeting of the board of regents. Further, a copy of the docket shall be mailed on the Friday preceding the meeting to the elected president of the government of the student body at each university at the student government office listed in each university directory.

9.7(2) Legislators from the communities in which regent institutions are located, the majority and minority leadership in both houses, and legislators in the community where the board of regents meeting is to be held shall be provided a copy of the board's agenda five days in advance of the meeting.

These rules are intended to implement Iowa Code section 262.9(18) and chapters 262 and 23A.

[Filed 6/16/75]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed emergency 7/27/88—published 8/24/88, effective 7/27/88]

[Filed 5/25/89, Notice 3/22/89—published 6/14/89, effective 7/19/89][◇]

[Filed 6/23/89, Notice 3/8/89—published 7/12/89, effective 8/16/89]¹

[Filed 7/2/90, Notice 5/2/90—published 7/25/90, effective 8/29/90]

[Filed 5/19/95, Notice 4/12/95—published 6/7/95, effective 7/12/95]

[Filed 12/21/04, Notice 10/13/04—published 1/19/05, effective 2/23/05]

[Filed 6/22/05, Notice 4/13/05—published 7/20/05, effective 8/24/05]

[Filed ARC 0037C (Notice ARC 9869B, IAB 11/30/11), IAB 3/7/12, effective 4/11/12]

[◇] Two or more ARCs

¹ Effective date of 681—9.4(23A) delayed 70 days from 8/16/89 by the Administrative Rules Review Committee at its August 3, 1989 meeting.