

REGENTS BOARD[681]

Adopted and Filed Emergency

The Board of Regents hereby rescinds Chapter 17, “Public Records and Fair Information Practices,” and adopts new Chapter 2505, “Fair Information Practices,” and Chapter 2506, “Contested Cases,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in 2026 Iowa Acts, Senate File 2463.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2026 Iowa Acts, Senate File 2463.

Purpose and Summary

This rulemaking implements the transition to the statewide Uniform Rules on Agency Procedure as mandated by 2026 Iowa Acts, Senate File 2463. The Board of Regents has adopted the majority of the uniform rules to ensure consistency across the State.

Pursuant to Senate File 2463, section 5, the Board of Regents has determined that the following modifications are necessary.

Item 1: Chapter 17, “Public Records and Fair Information Practices.” The Board of Regents is required to maintain specific information policies regarding personally identifiable information (PII) pursuant to Iowa Code section 22.11. The Board of Regents is rescinding the entirety of Chapter 17 and simultaneously adopting the mandatory PII provisions within the new 681—Chapter 2505. This ensures all fair information practices are centralized and compliant with statutory requirements.

Item 2: Chapter 2505, “Fair Information Practices.”

Modification 1: Paragraphs 2505.3(7)”b,” regarding fees and costs, and 2505.3(7)”c,” regarding advanced payment.

Justification: The Board of Regents is opting out of the uniform three-hour free labor threshold and the \$250 advance payment. These modifications are necessary because the universities and Board Office manage a high volume of complex records requests that often require extensive manual searches and highly technical confidentiality reviews by staff and legal counsel. In many instances, responsive records are often maintained across multiple colleges, departments, and offices, requiring coordination among numerous custodians and significantly increasing the time and effort needed to fulfill requests. Requiring three hours of staff or attorney labor at no charge would create a significant unfunded mandate and materially increase the administrative workload. The modified approach of providing 30 minutes of labor at no cost and requiring advance payment for estimated fees exceeding \$25 is a reasonable extension of the Board’s existing practice. The \$25 advance payment threshold is vital to ensure the Board can recover the actual costs of labor and to prevent the expenditure of significant staff time on requests that are later abandoned or left unpaid.

Modification 2: Rule 681—2505.9 and 2505.10 (17A, 22), regarding PII.

Justification: The Board is reintegrating the descriptions of PII systems, formerly located in Chapter 17. This reintegration is necessary to fulfill the requirements of Iowa Code section 22.11, which mandates that State agencies describe the nature and extent of the PII they collect. This modification ensures all fair information practices are centralized in a single chapter.

Item 3: Chapter 2506, “Contested Cases.”

Modification: Rules 681—2506.27(17A) and 681—2506.32 (17A) Appeals and Review.

Justification: The Board of Regents is opting out of the uniform appeals procedure for contested cases to allow for the established appellate process under which matters are first reviewed by the university president before being appealed to the Board for final agency action.

*Reason for Adoption of Rulemaking Without
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee (ARRC).

In compliance with Iowa Code section 17A.4(3)“a,” the ARRC at its August 10, 2026, meeting reviewed the Department’s determination and this rulemaking and approved the emergency adoption.

Reason for Waiver of Normal Effective Date

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Board of Regents also finds that the normal effective date of rulemaking, 35 days after publication, should be waived and the rulemaking made effective August 10, 2026, because immediate implementation is necessary to prevent a gap in the Board’s regulatory framework. This confers a benefit on the public by ensuring that essential rules on agency procedure remain in effect following the statutory rescission of the Board’s current Uniform Rules on Agency Procedure.

Adoption of Rulemaking

This rulemaking was adopted by the Board of Regents on July 29, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the state of Iowa.

Concurrent Publication of Notice of Intended Action

In addition to its adoption on an emergency basis, this rulemaking has been initiated through the normal rulemaking process and is published herein under Notice of Intended Action as **ARC {XXXXC}** to allow for public comment.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Board of Regents for a waiver of the discretionary provisions, if any, pursuant to 7— Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking became effective on August 10, 2026.

The following rulemaking action is adopted:

Item 1. Rescind and reserve **681—Chapter 17**.

Item 2. Adopt the following **new** 681—Chapter 2505:

CHAPTER 2505

FAIR INFORMATION PRACTICES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506 are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

681—2505.1(17A, 22) Definitions. As used in this chapter:

“*Agency*” means the state board of regents and the institutions it governs—State University of Iowa, Iowa State University of science and technology, and the University of Northern Iowa.

“*Custodian*” means the official delegated authority by the agency to release records or that official’s designee. Custodians are as follows: for the state board of regents, the executive director; for the State University of Iowa, the institutional secretary; for Iowa State University of science and technology, the institutional secretary, and for the University of Northern Iowa, the institutional secretary.

681—2505.3(7) Fees.

b. Fees and Costs. The agency may charge for the actual costs of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency’s website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first 30 minutes of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requestor the actual hourly rate of the attorney performing the review, although the first 30 minutes of the attorney’s time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds \$25, the agency may require an advance payment from the requester to cover all or part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.

681—2505.9(17A, 22) Personally identifiable information. This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the

agency by personal identifier in record systems. As used in this rule, “record system” means any group of records, under the control of the agency, from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. The record systems maintained by the agency are:

2505.9(1) *State board of regents.* Personnel and employment management information systems. The above listed records system is collected pursuant to the authority of Iowa Code chapter 262. Storage is in paper form and information cannot be matched, collated and compared.

2505.9(2) *State University of Iowa.*

- a. Human capital management systems covering payroll, benefits, time and attendance tracking, and other human resources functions
- b. Job applicant tracking systems for staff and faculty
- c. Compliance, training, and human resources case management systems
- d. Learning management, instructional technology, assessment, testing, proctoring, and course evaluation systems involving both employees and students
- e. Research proposal, award, campus data, and administration systems
- f. Library records systems
- g. Student records, registration, degree audit, academic advising, planning, tutoring, retention, and case management systems, including student conduct, health, counseling, and wellness systems
- h. Budget and planning system
- i. Student admissions, recruitment, enrollment management, scholarship and financial aid systems

- j.* Patient and health information systems
- k.* Incident reporting systems
- l.* Purchasing, accounting, and travel management systems
- m.* Construction/jobs management/facilities systems
- n.* Event ticket sales/registration systems
- o.* Motor pool management system
- p.* Housing, dining, residence life, student activities, recreation, and student engagement systems
- q.* Career services, experiential learning, field placement, internship, licensure, and professional preparation systems
- r.* Police information system
- s.* Credit card and point of sale systems
- t.* Customer relationship management systems
- u.* Parking permit/registration systems
- v.* Athletic department records systems
- w.* Student legal services document management systems

All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262, 262A, 262B, 263, 263A, and 271. All are stored in electronic form. Supplementary records in these categories are stored in paper form or on microfilm or microfiche. Information in categories lettered “a” through “d” can be matched, collated, and compared. Information in categories lettered “d,” “g,” and “p” through “q” can be matched, collated, and compared. Information in the remaining categories cannot be matched, collated, and compared.

2505.9(3) *Iowa State University of science and technology.*

- a.* Enterprise resource planning system, which includes human capital management, finance, and student records
- b.* Learning management systems
- c.* Research proposal, award, data storage, and administration systems
- d.* Professional development and continuing education systems
- e.* Veterinary client information management systems
- f.* Veterinary diagnostic laboratory systems
- g.* Athletic department records systems
- h.* Library/archives records systems
- i.* Health, counseling, pharmacy, and wellness systems
- j.* Housing and dining management systems
- k.* Police records system
- l.* Parking systems registration information
- m.* Event management, registration, and ticket sales systems
- n.* Workplace productivity, collaboration, and communication systems
- o.* Project/construction management systems
- p.* Facilities and maintenance information systems
- q.* Point of sale, billing, payment, and credit card processing systems
- r.* Customer relationship management system
- s.* Applicant, scholarship, student discipline, student scheduling, and career services information management systems
- t.* Student scheduling systems
- u.* Motor pool and transportation reservation and management system

- v. Travel management systems
- w. Student scheduling system
- x. Legal document management systems
- y. Incident reporting systems

All of the above listed records are collected pursuant to the authority of Iowa Code chapters 262, 262A, 262B, and 266. All are stored in electronic form. Duplicates or supplementary information of the electronically stored information may be found in some cases in hard copy or on microfilm or microfiche. Information in systems lettered “a” through “d,” “g,” “j,” “m,” “p,” “q,” “s,” “t,” “v,” “w,” and “y” can be matched, collated, and compared with other records systems, primarily with the enterprise resource planning system (see category “a”). . The remaining categories cannot be matched, collated, or compared.

2505.9(4) *University of Northern Iowa.*

- a. Academic achievement center records systems
- b. Academic advising/orientation information systems
- c. Academic computing center systems
- d. Accounts receivable/payable systems
- e. Admissions information systems
- f. Affirmative action records systems
- g. Alumni foundation/development systems
- h. Architect/planning/engineering records systems
- i. Athletic department records systems
- j. Budget management records systems
- k. College of education/school of business advising center record systems

- l.* Continuing education/correspondence/extension records systems
- m.* Financial aid information systems
- n.* Grants and contracts records systems
- o.* Housing/dining systems
- p.* Library/archives records systems
- q.* Human capital management/budget/payroll/ learning management information systems
- r.* Facilities and maintenance information systems
- s.* Purchasing/inventory systems
- t.* School of business division of external services records systems
- u.* Student information systems (student records)
- v.* Student union/student activities records systems
- w.* *Academic affairs information systems #
- x.* *Ancillary services records systems
- y.* *Counseling/health/pharmacy systems
- z.* *Deans/department heads/faculty advisors record systems
- aa.* *Handicapped services systems #
- ab.* *Institutional officials records systems #
- ac.* *Institutional research records systems including social/behavioral research center
- ad.* *Operations record systems
- ae.* *Placement/career center/cooperative education systems
- af.* *Public safety records systems
- ag.* *Small business assistance center (hazardous waste) record systems
- ah.* *Special events record systems

ai. *Speech/hearing/reading clinics records systems #

aj. *Student clinical experience systems #

ak. *United faculty records systems #

al. *UNISA records systems #

am. Motor pool and transportation reservation and management system

All of the above listed records systems are collected pursuant to the authority of Iowa Code chapters 262, 262A, 265 and 268. Means of storage include electronic unless otherwise noted. Moreover, some records may also be stored in micrographic or paper forms. All or parts of information in each system may be matched, collated, and compared except for those systems noted by an asterisk (*).

Storage in paper or micrographic form only.

681—2505.10(22) Other groups of records. This rule describes agency records not maintained in a record system. These records are routinely available to the public but may contain confidential information. In addition, some records may contain information about individuals. Unless otherwise noted, these records are available on the Board’s website or at the Board Office and are not retried by personal identifier.

2505.10(1) Rulemaking. Rulemaking records may contain information about individuals making written or oral comments on proposed rules pursuant to Iowa Code section 17A.4.

2505.10(2) Board records. Agendas, minutes, and materials presented to the state board of regents are available. Records concerning closed sessions which are confidential under Iowa Code section 21.5(4) and other provisions of law. Board records contain information about people who participate in meetings. This information is collected pursuant to Iowa Code section 21.3.

2505.10(3) Publications. News releases, annual reports, project reports, agency newsletters, etc., are available through the institutions' offices for public information. Brochures describing various agency programs are available at local offices of the agency.

Agency news releases, project reports, and newsletters may contain information about individuals, including agency staff or members of agency councils or committees.

2505.10(4) Statistical reports. Periodic reports for various agency programs are available through the institutions' office for public information.

2505.10(5) Grants. Records on persons receiving grants are available through the institutions' offices for public information. The records may contain information about employees of a grantee.

2505.10(6) Published materials. The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.10(7) Policy manuals. The agency employees' manual, containing the policies and procedures for programs administered by the agency, is available in every office of the agency. Policy manuals do not contain information about individuals.

2505.10(8) All other records that are not exempted from disclosure by law. The agency maintains a variety of records which do not generally contain information pertaining to named individuals.

2505.10(9) All data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

Item 3. Adopt the following **new** 681—Chapter 2506:

CHAPTER 2506

CONTESTED CASES

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506 are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

681—2506.27(17A) Appeals and review – actions by regents institution.

2506.27(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.

2506.27(2) *Review.* The president of the regent institution may initiate review of a proposed decision on the president's own motion at any time within 20 days following the issuance of such decision.

2506.27(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the president. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought;
- e. The grounds for relief

2506.27(4) *Requests to present additional evidence.* A party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 10 days of service of the notice of appeal, if by a non-appealing party. The president will take additional evidence only if the party establishes that the evidence is material, that good cause existed for it not being presented at the hearing, and that the party has not waived the right to

present evidence. The president may either remand a case to the presiding officer to take additional evidence or may preside at the taking of additional evidence.

2506.27(5) *Scheduling.* The president will issue a schedule for consideration of the appeal.

2506.27(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The president may resolve the appeal on the briefs or provide an opportunity for oral argument. The president may shorten or extend the briefing period as appropriate.

2506.27(7) *Appeals to the board of regents.* See rule 681—2506.32(17A) for procedures to appeal the president’s decision to the state board of regents.

681—2506.32(17A) Appeals to the state board of regents.

This rule incorporates rule 2506.27(17A) with the following exceptions and amendments. See also rule 681—2506.27(17A).

2506.32(1) *Appeal by party.* Any adversely affected party may appeal the president’s decision to the state board of regents within 10 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.

2506.32(2) *Review.* The board of regents may initiate review of the president’s decision or a proposed decision involving an appeal of board of regents action on its own motion at any time within 20 days following the issuance of such a decision.

2506.32(3) *Notice of appeal.* An appeal of a proposed decision is initiated by filing a timely notice of appeal with the 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 regent institution. The notice of appeal is to be signed by the appealing party or a representative of that party and contain a certificate of service. The notice will specify:

- a. The parties initiating the appeal;
- b. The proposed decision or order appealed from;
- c. The specific findings or conclusions to which exception is taken and any other exceptions to the decision or order;
- d. The relief sought;
- e. The grounds for relief.

2506.32(4) *Requests to present additional evidence.* In a case which has not been reviewed by a regent institution president, a party may request to submit additional evidence. The request must be filed with the notice of appeal, if by an appealing party, or within 10 days of service of the notice of appeal, if by a non-appealing party. The board of regents will take additional evidence only if the party establishes that the evidence is material, that good cause existed for it not being presented at the hearing, and that the party has not waived the right to present the evidence. The board of regents, or its executive director, may remand a case to the president for further hearing or it may preside at the taking of additional evidence.

2506.32(5) *Scheduling.* The board of regents, or its executive director, will issue a schedule for consideration of the appeal.

2506.32(6) *Briefs and arguments.* Unless otherwise ordered, within 20 days of the notice of appeal or order for review, each appealing party may file exceptions and briefs. Within 20 days thereafter, any party may file a responsive brief. Briefs will include any applicable legal authority and specify relevant portions of the record in that proceeding. Written requests to present oral argument will be filed with the briefs. The board of regents may resolve the appeal on the briefs

or provide an opportunity for oral argument. The board of regents, or its executive director, may shorten or extend the briefing period as appropriate.