
LEGISLATIVE GUIDE

Legal Services Division



Ground Floor, State Capitol Building

Des Moines, Iowa 50319

515.281.3566

STATE BOARD OF REGENTS

Legislative Guides, prepared by the nonpartisan Legal Services Division of the Legislative Services Agency, provide a general survey of a particular area of the law that may be pertinent to the General Assembly's consideration of a topic and are intended for use primarily by legislators, legislative staff, and other persons interested in legislative matters. Legislative Guides are updated by staff periodically to reflect changes in the law. The reader is cautioned against using information contained in a legislative guide to draw conclusions as to the legality of a particular behavior or set of circumstances and should not be interpreted as advocating a particular course of action.

Table of Contents

I. Introduction	1
II. A History of the State Board of Regents	1
III. General	1
A. Membership, Appointments, and Meetings	1
B. Removals, Suspensions, and Vacancies	1
IV. Institutions Governed	2
A. State University of Iowa.....	2
B. Iowa State University of Science and Technology	4
C. University of Northern Iowa.....	5
D. Oakdale Campus	6
V. Powers and Duties.....	6
A. General.....	6
1. Government of Institutions	6
2. Admission and Tuition	8
3. Staff and Other Employees of Institutions of Higher Learning.....	8
B. State Board of Regents Policies.....	9
C. Loans and Investments	9
D. Bids for Construction, Repairs, or Improvements	10
VI. Purchasing	11
A. Real Estate	11
B. Cooperative Purchasing.....	11
C. Automobiles	12
D. Miscellaneous Products	12



State Board of Regents

VII. Facilities	12
A. Dormitories	12
B. Other Self-Liquidating Facilities	13



State Board of Regents

I. Introduction

The purpose of this Legislative Guide is to familiarize the reader with the State Board of Regents and the institutions governed by the State Board of Regents. The Guide does not evaluate any aspect of the operations of the State Board of Regents or the institutions governed by the State Board of Regents. Unless otherwise noted, references in the Guide to the Iowa Code are to the 2025 Iowa Code.

II. A History of the State Board of Regents

Prior to 1909, the three state institutions of higher learning, then known as the State University of Iowa, the College of Agriculture and Mechanic Arts, and the Normal School at Cedar Rapids, were each governed by their own respective board of regents or board of trustees.¹ In 1909, the General Assembly created the State Board of Education to govern the state institutions of higher learning.² The General Assembly granted the State Board of Education the power to employ professors, instructors, and other employees; manage and control the property of the state institutions of higher learning; and direct the expenditure of appropriations made by the General Assembly to the state institutions of higher learning.³ In 1955, the State Board of Education was renamed the State Board of Regents.⁴ The State Board of Education, and later the State Board of Regents, was responsible for governing other institutions, including the Iowa Braille and Sight Saving School from 1911 until 2023,⁵ and the Iowa School for the Deaf from 1917 until 2023.⁶

III. General

A. Membership, Appointments, and Meetings

The State Board of Regents consists of nine members⁷ who are appointed by the Governor and subject to confirmation by the Senate.⁸ Not more than five members may be from the same political party. The Governor selects eight of the members from the state at large. The ninth member is required to be a full-time student, in good standing, who is enrolled as either an undergraduate student or graduate student at the State University of Iowa, the Iowa State University of Science and Technology, or the University of Northern Iowa.⁹ Prior to appointing the student member to the State Board of Regents, the Governor is required to “consult with the appropriate student body government at the institution at which the proposed appointee is enrolled.”¹⁰

Each member of the State Board of Regents serves for a six-year term except for the student member whose term expires “one year from the date on which the member graduates or is no longer enrolled” at the State University of Iowa, the Iowa State University of Science and Technology, or the University of Northern Iowa. The terms of the members of the State Board of Regents are staggered such that the terms of three members begin and expire in each odd-numbered year.¹¹

Meetings of the State Board of Regents may be called by the board itself, by the President of the board, or by the Executive Director of the board upon the written request of five members of the board.¹²

B. Removals, Suspensions, and Vacancies

During a legislative session, the Governor is permitted to remove any member of the State Board of Regents “for malfeasance in office, or for any cause which would render the member ineligible for appointment or incapable or unfit to discharge the duties of office” with the approval of a majority of the Senate.¹³ If, however, the General Assembly is not in session, the Governor may suspend any member of

¹ Iowa Code §§2609, 2635, 2646, 2675 (1897).

² 1909 Iowa Acts, ch. 170, §1.

³ 1909 Iowa Acts, ch. 170, §4.

⁴ 1955 Iowa Acts, ch. 131.

⁵ 1911 Iowa Acts, ch. 141, §3; 2023 Iowa Acts, ch. 19, §2479, 2495.

⁶ 1917 Iowa Acts, ch. 160, §1; 2023 Iowa Acts, ch. 19, §2479, 2495.

⁷ Iowa Code §262.1.

⁸ Iowa Code §262.2.

⁹ Iowa Code §262.1.

¹⁰ Iowa Code §262.2.

¹¹ Iowa Code §262.2.

¹² Iowa Code §262.8.

¹³ Iowa Code §262.4; *Van Pilsum v. Iowa State Univ. of Sci. & Tech.*, 863 F. Supp. 935, 938 (S.D. Iowa 1994).



State Board of Regents

the State Board of Regents pursuant to this same standard. Any member of the State Board of Regents whom the Governor appoints to take the place of a suspended member is subject to the approval of the Senate during the next session.¹⁴

If a vacancy occurs in the membership of the State Board of Regents, such vacancy is filled in the same manner in which regular appointments to the State Board of Regents are made: through an appointment by the Governor that is subject to confirmation by the Senate. In the event the student member of the State Board of Regents resigns prior to the expiration of the student member's term, the student who is appointed to fill such vacancy is also required to be a full-time student, in good standing, who is enrolled as either an undergraduate student or graduate student at the State University of Iowa, the Iowa State University of Science and Technology, or the University of Northern Iowa.¹⁵

IV. Institutions Governed

The State Board of Regents is responsible for governing the three state institutions of higher learning: the State University of Iowa, the Iowa State University of Science and Technology, and the University of Northern Iowa. Additionally, the State Board of Regents is responsible for governing the University of Iowa Hospitals and Clinics' Center for Disabilities and Development and the Oakdale Campus.¹⁶

A. State University of Iowa

The State University of Iowa was established on February 25, 1847.¹⁷ The State University of Iowa includes colleges of liberal arts, law, and medicine and is required "to provide the best and most efficient means of imparting to men and women, upon equal terms, a liberal education and thorough knowledge of the different branches of literature and the arts and sciences, with their varied applications."¹⁸

All geological and mineralogical specimens collected by state geologists or individuals appointed by the state become the property of the State University of Iowa for the purposes of supplying a cabinet of natural history.¹⁹

The State Hygienic Laboratory is a part of the State University of Iowa and is tasked with making microbiological and chemical examinations to determine the causes of disease, developing methods for preventing the recurrence of disease, and, when requested to do so by any state agency or institution or local board of health, evaluating the environmental effects and scientific needs when such evaluation is necessary in the interest of public health and for the purpose of preventing epidemics of disease.²⁰

The State Board of Regents is required to establish and maintain, as an integral part of the State University of Iowa, the International Center for Talented and Gifted Education. The International Center for Talented and Gifted Education provides programs designed to assist teachers in teaching talented and gifted students, provides programs to enhance the learning experience of talented and gifted students, and serves as a center for symposiums and policy forums for enhancing the education provided to talented and gifted students.²¹ There is an Iowa Online Advanced Placement Academy Science, Technology, Engineering, and Mathematics Initiative within the International Center for Talented and Gifted Education that delivers preadvanced placement and advanced placement courses to high school students, provides training opportunities to teachers to learn how to teach advanced placement courses, and helps prepare middle school students for successful high school careers, all with an emphasis on science, technology, engineering, and mathematics.²² There is also an Advanced Placement Summer Program at the State

¹⁴ Iowa Code §262.5; *Bowers v. Nat'l Collegiate Athletic Ass'n*, 475 F.3d 524, 549 (3d Cir. 2007).

¹⁵ Iowa Code §262.6.

¹⁶ Iowa Code §262.7; *Serv. Emps. Int'l Union, Local 199 v. Iowa Bd. of Regents*, 928 N.W.2d 69, 71 (Iowa 2019) ("The [University of Iowa Hospitals and Clinics] is governed by the Iowa Board of Regents."); *Qamhiyah v. Iowa State Univ. of Sci. & Tech.*, 245 F.R.D. 393, 396 (S.D. Iowa 2007) ("[The Iowa State University of Science and Technology] is a public university governed by the defendant [State] Board of Regents."); *Jones v. Iowa State Bd. of Regents*, 385 N.W.2d 240, 240 (Iowa 1986) ("The defendant [S]tate [B]oard of [R]egents governs seven of Iowa's educational institutions, including the [State] University of Iowa.")

¹⁷ Milestones in University of Iowa History, University of Iowa, 175.uiowa.edu/milestones-university-iowa-history (last visited July 24, 2024).

¹⁸ Iowa Code §263.1.

¹⁹ Iowa Code §263.3.

²⁰ Iowa Code §263.7.

²¹ Iowa Code §263.8A(1)(a).

²² Iowa Code §263.8A(2).



State Board of Regents

University of Iowa that provides training to advanced placement teachers and that provides intensive coursework for secondary students. The State University of Iowa is responsible for the selection of participants in the Advanced Placement Summer Program, as well as for the development of curricula and course offerings for the program.²³

The State Board of Regents is authorized to establish, in conjunction with the State University of Iowa and the university hospitals and clinics, a Center for Disabilities and Development for the education and treatment of children with severe disabilities.²⁴ Residents of Iowa who are 20 years of age or younger, and who have such severe disabilities as to be unable to acquire an education in Iowa schools, are entitled to receive an education and care within the Center for Disabilities and Development. Additionally, with the consent of the State Board of Regents, residents of Iowa who are between the ages of 21 and 35 may also receive an education and care within the Center for Disabilities and Development.²⁵

The State Board of Regents is required to establish and maintain, as an integral part of the State University of Iowa, a Center for Health Effects of Environmental Contamination, which is responsible for determining the levels of environmental contamination that can be specifically associated with human health effects²⁶ and is authorized to do all of the following:

- “Assemble all pertinent laboratory data on the presence and concentration of contaminants in soil, air, water, and food, and develop a data retrieval system to allow the findings to be easily accessed by exposed populations.”²⁷
- “Make use of data from the existing cancer and birth defect statewide recording systems and develop similar recording systems for specific organ diseases which are suspected to be caused by exposure to environmental toxins.”²⁸
- “Develop registries of persons known to be exposed to environmental hazards so that the health status of these persons may be examined over time.”²⁹
- “Develop highly sensitive biomedical assays which may be used in exposed persons to determine early evidence of adverse health effects.”³⁰
- “Perform epidemiologic studies to relate occurrence of a disease to contaminant exposure and to ensure that other factors known to cause the disease in question can be ruled out.”³¹
- “Foster relationships and ensure the exchange of information with other teaching institutions or laboratories in the state which are concerned with the many forms of environmental contamination.”³²
- “Implement programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes and prevention of environmentally induced disease.”³³
- “Implement public education programs to inform persons of research results and the significance of the studies.”³⁴
- “Respond as requested to any branch of government for consultation in the drafting of laws and regulations to reduce contamination of the environment.”³⁵

The State Board of Regents is responsible for appointing a State Archaeologist who shall serve as a member of the faculty of the Department of Anthropology at the State University of Iowa.³⁶ The State

²³ Iowa Code §263.8C.

²⁴ Iowa Code §263.9.

²⁵ Iowa Code §263.10.

²⁶ Iowa Code §263.17(1).

²⁷ Iowa Code §263.17(3)(a).

²⁸ Iowa Code §263.17(3)(b).

²⁹ Iowa Code §263.17(3)(c).

³⁰ Iowa Code §263.17(3)(d).

³¹ Iowa Code §263.17(3)(e).

³² Iowa Code §263.17(3)(f).

³³ Iowa Code §263.17(3)(g).

³⁴ Iowa Code §263.17(3)(h).

³⁵ Iowa Code §263.17(3)(i).

³⁶ Iowa Code §263B.1.



State Board of Regents

Archaeologist has the primary responsibility “for the discovery, location and excavation of archaeological sites and for the recovery, restoration and preservation of archaeological remains in and for the state of Iowa”³⁷ Additionally, the State Archaeologist is responsible for “investigating, preserving, and reintering discoveries of ancient human remains, and studying ancient burials.”³⁸ The State Archaeologist is authorized to publish educational and scientific reports³⁹ and to enter into agreements and cooperative efforts with governmental entities related to archaeological salvage or the preservation of antiques.⁴⁰

B. Iowa State University of Science and Technology

The State Agricultural College and Model Farm was established on March 22, 1858.⁴¹ On July 2, 1862, President Lincoln signed the federal Morrill Act of 1862 into law, which granted each state 30,000 acres of federal lands for each member of Congress representing such state. The states were directed to dispose of these lands and use the proceeds to fund the creation of a college. The General Assembly accepted the provisions of the federal Morrill Act of 1862 and used the funds for the Iowa Agricultural College and Model Farm.⁴² This new land-grant college opened in 1869. In 1959, the college was renamed Iowa State University of Science and Technology.⁴³ Pursuant to the terms of the federal Morrill Act of 1862, the Iowa State University of Science and Technology provides educational opportunities related to “agriculture and mechanic arts, mines and mining, and ceramics, and such other branches as are best calculated to educate thoroughly the agricultural and industrial classes in the several pursuits and professions of life, including military tactics.”⁴⁴

The federal Smith-Lever Act of 1914 established a cooperative extension service that used the land-grant universities to extend outreach services and provide educational opportunities designed to improve agricultural practices and technology.⁴⁵ The General Assembly assented to the provisions and requirements of the federal Smith-Lever Act of 1914, and subsequently organized and conducted agricultural and home economics extension work through the Iowa Cooperative Extension Service in Agriculture and Home Economics.⁴⁶ The General Assembly also assented to the provisions and requirements of the federal Purnell Act of 1925, which provided additional moneys to the Iowa Agricultural Experiment Station at Iowa State University of Science and Technology.⁴⁷

The Iowa Agricultural Experiment Station is tasked with conducting horticultural research to identify and improve fruits and vegetables that can be grown in Iowa⁴⁸ and with conducting research to identify crops, not including corn or soybeans, that can be grown in Iowa either alone or in other cropping schemes, with the goal of providing more diversity for Iowa agriculture.⁴⁹

The Iowa Cooperative Extension Service in Agriculture and Home Economics is responsible for employing a State Extension Fruit Specialist to develop educational materials and field staff training that will enable other extension services to expand efforts related to fruit growers.⁵⁰ The Iowa Cooperative Extension Service in Agriculture and Home Economics is required to accelerate the development of software and field training to increase the service’s ability to offer financial management and counseling services to farm operators.⁵¹ Additionally, the Iowa Cooperative Extension Service in Agriculture and Home

³⁷ Iowa Code §263B.2.

³⁸ Iowa Code §263B.7.

³⁹ Iowa Code §263B.2.

⁴⁰ Iowa Code §263B.3.

⁴¹ 1858 Iowa Acts, ch. 91, §1; History and Traditions, Iowa State University of Science and Technology, www.iastate.edu/life-at-iowa-state/history-and-traditions (last visited July 25, 2024).

⁴² Morrill Act of 1862, Iowa State University Extension and Outreach, www.landgrant.iastate.edu/morrill-act-1862 (last visited July 25, 2024).

⁴³ 1959 Iowa Acts, ch. 74; Tanya Zanish-Belcher, Iowa State Sesquicentennial: History of Iowa State, Iowa State University, digital.lib.iastate.edu/online-exhibits/iowa-state-sesquicentennial. (last visited July 25, 2024).

⁴⁴ Iowa Code §266.2.

⁴⁵ The Smith-Lever Act of 1914, National Archives Foundation, www.archivesfoundation.org/documents/smith-lever-act-1914/ (last visited July 25, 2024).

⁴⁶ Iowa Code §266.4, 266.5, 266.27, 266.28.

⁴⁷ Iowa Code §266.6.

⁴⁸ Iowa Code §266.33.

⁴⁹ Iowa Code §266.35.

⁵⁰ Iowa Code §266.34.

⁵¹ Iowa Code §266.36.



State Board of Regents

Economics is tasked with developing and publishing materials related to the interpretation of the results of soil tests.⁵²

The Iowa Cooperative Extension Service in Agriculture and Home Economics operates the Beginning Farmer Center, which is designed to assist individuals who are beginning farming operations. More specifically, the Beginning Farmer Center assists in facilitating the transition of farming operations from established farmers to beginning farmers⁵³ and provides programs and services related to “financial management and planning, legal issues, tax laws, technical production and management [...] sustainable agriculture, human health, the environment, and leadership.”⁵⁴

The Leopold Center for Sustainable Agriculture is also housed in the Iowa Cooperative Extension Service in Agriculture and Home Economics. The Leopold Center for Sustainable Agriculture is responsible for conducting and sponsoring research to “identify and reduce negative environmental and socio-economic impacts of agricultural practices [,]” and for researching and assisting in “developing emerging alternative practices that are consistent with a sustainable agriculture.”⁵⁵ The Leopold Center for Sustainable Agriculture also houses the Comprehensive Agricultural Research Program, which provides grants to public and private entities in Iowa for agricultural research. The research associated with proposals for grants under the Comprehensive Agricultural Research Program is required to assist Iowa in maintaining a productive agricultural system, enhance the profitability of farmers, and lead to farming that enhances and preserves Iowa’s environment.⁵⁶

The Iowa State University of Science and Technology is required to conduct “agricultural research to provide information about environmental and social impacts of agricultural research on the small or family farm and information about population trends and impact of the trends on Iowa agriculture.” This research is to incorporate an agricultural land tenure study every five years that focuses on the ownership of farmland.⁵⁷ The Iowa State University of Science and Technology is also required to, in consultation with the Department of Agriculture and Land Stewardship and the Department of Natural Resources, establish livestock odor mitigation efforts.⁵⁸

C. University of Northern Iowa

In 1866, the General Assembly established an orphanage in Cedar Falls to help care for children who were affected by the Civil War.⁵⁹ As the number of children housed within the state’s orphanages decreased, the state consolidated the operations of the orphanages into its Davenport location. As a result, state Senator Edward G. Miller suggested that the orphanage in Cedar Falls be used for a teacher training institution.⁶⁰ In 1876, the General Assembly enacted legislation creating a “school for the special instruction and training of teachers for the common schools of this state” in Cedar Falls, known as the Iowa State Normal School, and transferring the property of the orphanage in Cedar Falls to this new school.⁶¹ In 1967, the school was renamed the University of Northern Iowa.⁶²

The University of Northern Iowa offers undergraduate and graduate courses, conducts research, and provides other public services to facilitate the social, cultural, and economic development of Iowa. However, the University of Northern Iowa’s primary responsibility is to “prepare teachers and other educational personnel for schools, colleges, and universities and to carry out research and provide consultative and other services for the improvement of education throughout the state.”⁶³

⁵² Iowa Code §266.38.

⁵³ Iowa Code §266.39E(1).

⁵⁴ Iowa Code §266.39E(2).

⁵⁵ Iowa Code §266.39(2).

⁵⁶ Iowa Code §266.39B.1.

⁵⁷ Iowa Code §266.39A.

⁵⁸ Iowa Code §266.41.

⁵⁹ History and Traditions, University of Northern Iowa, uni.edu/resources/about/history-traditions (last visited July 26, 2024).

⁶⁰ Lincoln, the Civil War, and UNI, University of Northern Iowa,

scua.library.uni.edu/uni-history/historical-essays/lincoln-civil-war-and-uni (last updated Aug. 27, 2014).

⁶¹ 1876 Iowa Acts, ch. 129, §1, 6; The University and Its Programs, University of Northern Iowa, catalog.uni.edu/generalinformation/theuniversityanditsprograms/ (last updated Apr. 2024); Lincoln, the Civil War, and UNI, University of Northern Iowa, scua.library.uni.edu/uni-history/historical-essays/lincoln-civil-war-and-uni (last updated Aug. 27, 2014).

⁶² 1967 Iowa Acts, ch. 237.

⁶³ Iowa Code §268.2.



State Board of Regents

The University of Northern Iowa, in cooperation with the Department of Natural Resources, operates the Iowa Waste Reduction Center for the Safe and Economic Management of Solid Waste and Hazardous Substances (Center). The University of Northern Iowa and the Department of Natural Resources are required to develop and implement a program that provides all of the following:

- “Information regarding the safe use and economic management of solid waste and hazardous substances to small businesses which generate the substances.”⁶⁴
- “Dissemination of information to public and private agencies regarding state and federal solid waste and hazardous substances regulations, and assistance in achieving compliance with the regulations.”⁶⁵
- “Advice and consultation in the proper storage, handling, treatment, reuse, recycling, and disposal methods of solid waste and hazardous substances.”⁶⁶
- “Identification of the advantages of proper substance management relative to liability and operational costs of a particular small business.”⁶⁷
- “Assistance in the providing of capital formation in order to comply with state and federal regulations.”⁶⁸

Any information obtained by the Center must be disseminated to the Economic Development Authority, the small business development centers, and other public and private entities with an interest in the safe and economic management of solid waste and hazardous substances.⁶⁹

D. Oakdale Campus

The Oakdale Campus serves as an extension of the State University of Iowa’s main campus and is where the State Hygienic Laboratory, Research Park, and other research and support facilities are located.⁷⁰ The Oakdale Campus may provide for the treatment of patients if the proper services and facilities are available. Any treatment provided to patients on the Oakdale Campus is to be provided by the “faculty of the health science colleges of the state university of Iowa, staff of the university hospital, and professional and other staff as may be employed by the Oakdale [C]ampus.”⁷¹ The Research Park offers numerous building sites for lease and is home to a business incubator program.⁷²

V. Powers and Duties

A. General

1. Government of Institutions

The State Board of Regents has broad authority over the institutions under its control.⁷³ This includes the authority to direct the expenditure of moneys appropriated to such institutions and other moneys belonging to such institutions⁷⁴ and the authority to make rules for the government of the institutions of higher learning.⁷⁵

The State Board of Regents is responsible for electing a president of each of the institutions of higher learning and fixing the compensation for the president.⁷⁶ The State Board of Regents may use a presidential selection committee made up of members of the board when electing the president.⁷⁷ The State Board

⁶⁴ Iowa Code §268.4(1)(a).

⁶⁵ Iowa Code §268.4(1)(b).

⁶⁶ Iowa Code §268.4(1)(c).

⁶⁷ Iowa Code §268.4(1)(d).

⁶⁸ Iowa Code §268.4(1)(e).

⁶⁹ Iowa Code §268.4(3).

⁷⁰ Iowa Code §271.2.

⁷¹ Iowa Code §271.4.

⁷² About the Research Park, State University of Iowa, researchpark.uiowa.edu/about-iowa-research-park (last visited July 30, 2024).

⁷³ See Iowa Code §262.9(13) (authorizing the State Board of Regents to “[p]erform all other acts necessary and proper for the execution of the powers and duties conferred by law upon it”).

⁷⁴ Iowa Code §262.9(10).

⁷⁵ Iowa Code §262.9(3).

⁷⁶ Iowa Code §262.9(2)(a).

⁷⁷ Iowa Code §262.9(2)(b).



State Board of Regents

of Regents is also responsible for hiring a treasurer and secretarial officer for each institution of higher learning.⁷⁸

The State Board of Regents manages and controls the real property and personal property of the institutions under its control.⁷⁹ Specifically, the State Board of Regents is authorized to acquire real property for use by the institutions under the board's control and to dispose of real property belonging to such institutions when the property is no longer necessary for the institution's purpose.⁸⁰ In addition, the State Board of Regents may lease properties or facilities for the use and benefit of the institutions under its control upon such terms as the board deems advantageous.⁸¹ In terms of intellectual property, the State Board of Regents may, with the consent of the inventor, secure letters patent or copyright on inventions of students or other employees of the institutions under the board's control or take assignment of such letters patent or copyright. When the State Board of Regents secures such letters patent or copyright on inventions, the royalties and earnings related to such letters patent or copyright on inventions are to be credited to the funds of the institution in which such patent or copyright originated.⁸²

The State Board of Regents is required to implement continuous improvement in the undergraduate academic programs offered by the institutions of higher learning. The instructors of courses with typical annual enrollments of at least 100 students provided by the institutions of higher learning are to develop and implement a continuous improvement plan that is built upon the results of the institution's Student Outcomes Assessment Program. When developing and implementing the continuous improvement plan, the instructor is required to evaluate the results of the students' performances in comparison with course goals and formulate recommendations related to improving student performance and future goals. The State Board of Regents is required to evaluate the effectiveness of the continuous improvement plans on an annual basis.⁸³

The State Board of Regents is responsible for establishing a research triangle among the institutions of higher learning as well as a clearinghouse for the sharing of information with the education community both within and outside this state related to kindergarten through grade 12 education technology initiatives occurring in Iowa's educational institutions. The State Board of Regents is to centralize this information in such a way that allows school districts to share ideas regarding the integration of technology into the classroom.⁸⁴

There are also several reporting and publication requirements imposed on the State Board of Regents, including the requirement to develop and publish on the board's Internet site a report related to students who have completed a baccalaureate degree program at an institution of higher learning that is sortable by graduating class, academic major, and institution. The report is to include information related to all of the following:

- "The percentage of students who have completed a master's or doctorate degree program after completing the baccalaureate degree program."⁸⁵
- "The median annual income of students one year, five years, and ten years after completing the baccalaureate degree program."⁸⁶
- "The median student loan debt of students who have student loan debt and who have completed the baccalaureate degree program."⁸⁷

⁷⁸ Iowa Code §262.9(2).

⁷⁹ Iowa Code §262.9(4); see *Iowans for WOI-TV, Inc. v. State Bd. of Regents*, 508 N.W.2d 679, 685 (Iowa 1993) (holding that the State Board of Regents had the authority to approve the sale of a commercial television station that was under the control of the Iowa State University of Science and Technology).

⁸⁰ Iowa Code §262.9(8).

⁸¹ Iowa Code §262.9(15).

⁸² Iowa Code §262.9(12).

⁸³ Iowa Code §262.9(34).

⁸⁴ Iowa Code §262.9(30).

⁸⁵ Iowa Code §262.9(38)(a)(1).

⁸⁶ Iowa Code §262.9(38)(a)(2).

⁸⁷ Iowa Code §262.9(38)(a)(3).



State Board of Regents

- “The ratio of the student loan debt of students who have student loan debt and who have completed the baccalaureate degree program to the annual gross income of such students.”⁸⁸
- “An estimate of the amount of student loan payment [that] students who have student loan debt and who have completed the baccalaureate degree program are required to make each month and the amount, expressed as a percentage, of such payments related to the students’ monthly gross income.”⁸⁹

2. Admission and Tuition

The State Board of Regents is responsible for making rules for the admission of students to the institutions of higher learning.⁹⁰ In terms of the admission of former students of community colleges, the State Board of Regents is required to establish and enter into a collective statewide articulation agreement with the community colleges that provides for the transfer of academic credits earned during the student’s time in community college to a baccalaureate degree program offered by an institution of higher learning. The State Board of Regents has many responsibilities related to the collective statewide articulation agreement, including the responsibility to: develop criteria to prioritize core curriculum areas and create transition guides for the core curriculum areas; publish on the articulation Internet site course equivalency and transition guides; promote greater awareness of articulation-related activities; facilitate additional opportunities for institutions of higher learning to pursue articulation agreements with community colleges related to career and technical education programs; develop, in collaboration with the community colleges, a process for expanding academic discipline and meetings between the faculty of institutions of higher learning and the faculty of community colleges; and select academic departments in which to articulate first-year and second-year courses through faculty-to-faculty meetings.⁹¹

At some point during the admissions process at institutions of higher learning, the State Board of Regents is required to disseminate a written policy that addresses the following four areas relating to sexual abuse: counseling; campus security; education, including prevention, protection, and the rights and duties of students and employees; and facilitating the accurate and prompt reporting of sexual abuse to law enforcement.⁹²

In terms of the tuition charged by institutions of higher learning, the State Board of Regents is required to send notice of the amount of any proposed tuition increase to the presiding officers of the student government organization of the affected institutions at least 30 days prior to taking action on a proposal to increase tuition or other charges.⁹³ Further, the State Board of Regents is also required to adopt rules related to the establishment of tuition rates that provide a predictable basis for anticipating future tuition rate changes.⁹⁴

The State Board of Regents is authorized to adopt rules that relate to the classification of students enrolled in institutions of higher learning who are residents of Iowa’s sister states as residents or nonresidents for fee purposes.⁹⁵ In terms of certain qualified veterans and qualified military persons and their spouses and dependent children, the State Board of Regents is required to adopt rules to classify these individuals as residents of this state for purposes of undergraduate tuition and mandatory fees.⁹⁶

3. Staff and Other Employees of Institutions of Higher Learning

The State Board of Regents is also responsible for hiring professors, instructors, and other employees for the institutions of higher learning and fixing the compensation of such individuals.⁹⁷ The State Board

⁸⁸ Iowa Code §262.9(38)(a)(4).

⁸⁹ Iowa Code §262.9(38)(a)(5).

⁹⁰ Iowa Code §262.9(3).

⁹¹ Iowa Code §262.9(31).

⁹² Iowa Code §262.9(26).

⁹³ Iowa Code §262.9(19)(a).

⁹⁴ Iowa Code §262.9(22).

⁹⁵ Iowa Code §262.9(17)(a).

⁹⁶ Iowa Code §262.9(17)(b).

⁹⁷ Iowa Code §262.9(2)(a); see also *State Bd. of Regents v. United Packing House Food and Allied Workers, Local No. 1258*, 175 N.W.2d 110, 112 (Iowa 1970) (“The power to hire employees, fix their salaries and wages, direct expenditures of money and to perform all other acts necessary and proper for the execution of the powers and duties conferred upon the Regents carries with it the power and authority to confer and consult with representatives of the employees in order to make its judgment as to wages and working conditions.”).



State Board of Regents

of Regents is required to develop a policy that requires oral communication competence of persons who provide instruction to students who attend institutions of higher learning.⁹⁸ The policy must include an evaluation mechanism requiring student evaluation of persons providing instruction on at least an annual basis.⁹⁹ An institution of higher learning may discontinue annual evaluations of a specific person providing instruction pursuant to criteria established by the State Board of Regents.¹⁰⁰ The State Board of Regents is also required to develop a policy relating to the teaching proficiency of teaching assistants that provides “a teaching proficiency standard, instructional assistance to, and evaluation of persons who provide instruction to students” at the institutions of higher learning.¹⁰¹

If the State Board of Regents determines that granting a leave of absence to a staff member to undertake approved programs of study, research, or other professional activities will contribute to the improvement of an institution of higher learning, the board may grant a leave of absence to the staff member, with full or partial compensation.¹⁰²

B. State Board of Regents Policies

The State Board of Regents is required to adopt a policy prohibiting the “unlawful possession, use, or distribution of controlled substances by students and employees” on board property or in conjunction with activities sponsored by any institution governed by the board.¹⁰³ The policy is to incorporate information related to drug or alcohol counseling and rehabilitation programs, and the institutions governed by the State Board of Regents are required to provide substance use disorder prevention programs.¹⁰⁴

The State Board of Regents is also required to adopt a policy related to the ratio of the number of employees per supervisory employee at each institution governed by the board.¹⁰⁵ The target aggregate ratio of supervisory employees to other employees is 1:15. There are exceptions to this policy for employees involved in medical care and for employees who work in other areas that, due to federal or state regulations, are required to maintain a different span of control policy.¹⁰⁶ In addition, the policy must allow departments with 28 or fewer full-time equivalent positions to be granted an exception.¹⁰⁷

The State Board of Regents cannot adopt a policy that prohibits “the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person” on board property, so long as such weapon “does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person,” and so long as such weapon is not used in the commission of a public offense.”¹⁰⁸

C. Loans and Investments

The State Board of Regents is authorized to provide loans and can charge an interest rate of not less than 3.5 percent on such loans.¹⁰⁹ Loans provided by the State Board of Regents are required to be secured by “a mortgage paramount to all other liens upon approved farm lands in this state[,]” and the value of the loan may not exceed 65 percent of the cash value of the land, excluding any buildings located on the land.¹¹⁰ If the State Board of Regents provides a loan that is for more than one-fourth of the value of the land, such loan is required to be “on the basis of stipulated annual principal reduction.”¹¹¹

⁹⁸ Iowa Code §262.9(23).

⁹⁹ Iowa Code §262.9(23).

¹⁰⁰ Iowa Code §262.9(23).

¹⁰¹ Iowa Code §262.9(24).

¹⁰² Iowa Code §262.9(14).

¹⁰³ Iowa Code §262.9A; State Board of Regents, Board Policy Manual, available at www.iowaregents.edu/plans-and-policies/board-policy-manual/21-human-resources.

¹⁰⁴ Iowa Code §262.9A.

¹⁰⁵ Iowa Code §262.9C(1); State Board of Regents, Board Policy Manual, available at www.iowaregents.edu/plans-and-policies/board-policy-manual/21-human-resources.

¹⁰⁶ Iowa Code §262.9C(2).

¹⁰⁷ Iowa Code §262.9C(4).

¹⁰⁸ Iowa Code §262.9D, 724.8A(1).

¹⁰⁹ Iowa Code §262.14(6).

¹¹⁰ Iowa Code §262.14(1).

¹¹¹ Iowa Code §262.14(2).



State Board of Regents

The State Board of Regents may invest the funds of the institutions it governs, subject to certain restrictions.¹¹² There are restrictions placed on Sudan-related investments,¹¹³ Iran-related investments,¹¹⁴ China-related investments,¹¹⁵ and investments in companies boycotting Israel.¹¹⁶ When investing funds, the State Board of Regents is to exercise reasonable judgment and care and conform with the standards for investment established in the Uniform Prudent Investor Act.¹¹⁷ The State Board of Regents is also required to give “appropriate consideration” to facts and circumstances that are relevant to the investment itself.¹¹⁸ “Appropriate consideration” includes a determination by the State Board of Regents that the investment is reasonably designed to further the board’s purposes, taking into consideration the potential for gain or loss associated with the investment and the consideration of all of the following factors: (1) “[t]he composition of the funds of the board with regard to diversification[;]” (2) “[t]he liquidity and current return of the investments relative to the anticipated cash flow requirements[;]” and (3) “[t]he projected return of the investments relative to the funding objectives of the board.”¹¹⁹ Additionally, any funds invested by the State Board of Regents must be invested “in a manner that will enhance the economy of this state, and in particular, will result in increased employment of the residents of this state.”¹²⁰ If the State Board of Regents invests in private enterprises funds belonging to an institution under the board’s control, such investment is required to further the institution’s mission.¹²¹ The State Board of Regents is required to adopt an investment policy that provides for the financial health of the institutions governed by the board, preserves principal, provides appropriate amounts of liquidity, maintains purchasing power of investable assets, and includes authorized investments, maturity guidelines, and procedures for selecting investment managers.¹²² The State Board of Regents is required to keep and make available for inspection a register that contains information related to each loan provided by the board and each investment made by the board.¹²³

D. Bids for Construction, Repairs, or Improvements

The State Board of Regents is required to advertise for bids for contemplated improvements or construction when the estimated cost associated with such improvements or construction exceeds \$100,000, and is required to let the work to the lowest responsible bidder.¹²⁴ A bidder that is awarded a contract by the State Board of Regents is required to disclose the names of all subcontractors who will work on the project within 48 hours after the contract is awarded.¹²⁵ All plans and specifications related to the work, and the bids themselves, are open for public inspection.¹²⁶ If, however, the State Board of Regents determines that none of the bids are acceptable, the board is authorized to reject the bids and proceed with the construction, repair, or improvement using a method determined by the board.¹²⁷ Additionally, if a delay in undertaking a given repair, restoration, or reconstruction has the potential to cause serious loss or injury, the Executive Director of the State Board of Regents, or the board itself, is required to make a finding of the need to institute emergency procedures, and the board is to approve the emergency procedures to be employed to complete the repair, restoration, or reconstruction.¹²⁸ The State Board of Regents is required to make payments associated with the construction of public improvements in accordance with the provisions of Iowa Code chapter 573 (labor and material on public improvements), subject to certain exceptions.¹²⁹

¹¹² See Iowa Code §262.14.

¹¹³ Iowa Code chapter 12F.

¹¹⁴ Iowa Code chapter 12H.

¹¹⁵ Iowa Code chapter 12K.

¹¹⁶ Iowa Code chapter 12J.

¹¹⁷ Iowa Code §262.14(3)(a).

¹¹⁸ Iowa Code §262.14(3)(b).

¹¹⁹ Iowa Code §262.14(3)(c).

¹²⁰ Iowa Code §262.14(3)(e).

¹²¹ Iowa Code §262.14(3)(f).

¹²² Iowa Code §262.14(3)(d); State Board of Regents, Board Policy Manual, available at www.iowaregents.edu/plans-and-policies/board-policy-manual/22-business-procedures#Investment%20Policy.

¹²³ Iowa Code §262.14(5).

¹²⁴ Iowa Code §262.34(1).

¹²⁵ Iowa Code §262.34(3).

¹²⁶ Iowa Code §262.34(1).

¹²⁷ Iowa Code §262.34(1).

¹²⁸ Iowa Code §262.34(2).

¹²⁹ Iowa Code §262.34(4).



State Board of Regents

The State Board of Regents is prohibited from entering into a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services—a design-build contract—to construct, repair, or improve buildings or grounds owned by the board.¹³⁰

VI. Purchasing

A. Real Estate

An order of the State Board of Regents at regular meeting is required before the board may purchase or sell real estate.¹³¹ Further, no member of the State Board of Regents or the board's committees, offices, agencies, nor any officer of any institution governed by the board, may be directly or indirectly interested in the purchase or sale.¹³² Subject to these restrictions, the State Board of Regents is authorized to purchase real estate using written contracts that provide for payments over a period of years. However, these obligations under such contracts do not constitute "a debt or charge against the state of Iowa nor against the funds of the [State Board of Regents] or the funds of the institution for which said purchases are made."¹³³ In the event the State Board of Regents defaults under a written contract to purchase real estate, the only remedy provided to a seller is against the property that is the subject of the transaction, and the rents and profits associated with such property.¹³⁴ A court is unable to enter or enforce a deficiency judgment against the state of Iowa, the State Board of Regents, or the institution under the board for which the purchase was made.¹³⁵ All acts of the State Board of Regents that relate to the disposition of real property are to be entered of record, and the record is required to show the members of the board who were present and how each member voted.¹³⁶

B. Cooperative Purchasing

The State Board of Regents must coordinate interagency cooperation among the institutions under the board's control and other state agencies in the areas of purchasing and information technology in order to annually increase the amount of joint purchasing.¹³⁷ The State Board of Regents and the institutions under the board's control are required to engage the Department of Administrative Services (DAS), the Department of Management (DOM), and other state agencies in pursuing "mutually beneficial activities relating to purchasing items and acquiring information technology."¹³⁸ The State Board of Regents is also required to direct the institutions under the board's control to cooperate with DAS and other state agencies "to collaboratively purchase goods and services that result in mutual cost savings and efficiency improvements."¹³⁹ Additionally, the State Board of Regents and the institutions under the board's control are required to assist DAS by identifying best practices that produce cost savings, exploring joint purchases of general use items, and exploring the use of procurement technology.¹⁴⁰

The institutions under the control of the State Board of Regents are required to cooperate with DOM to obtain information technology, and services associated with the information technology, that result in mutual cost savings and efficiency improvements among the institutions.¹⁴¹

The State Board of Regents is required to annually prepare a plan that identifies areas of cooperation between the institutions under the board's control, DAS, and DOM that will be addressed during the next fiscal year, including timelines related to evaluating the effectiveness of the areas of cooperation.¹⁴²

¹³⁰ Iowa Code §262.34(6).

¹³¹ Iowa Code §262.10(1).

¹³² Iowa Code §262.10(1).

¹³³ Iowa Code §262.10(2); see Iowa Const. art. VII, §1, 5 (prohibiting the state from assuming or becoming responsible for the debts or liabilities of any person, or from contracting for debt by or on behalf of the state, unless certain limited exceptions apply).

¹³⁴ Iowa Code §262.10(2).

¹³⁵ Iowa Code §262.10(2).

¹³⁶ Iowa Code §262.11.

¹³⁷ Iowa Code §262.9B(1).

¹³⁸ Iowa Code §262.9B(1).

¹³⁹ Iowa Code §262.9B(2)(a).

¹⁴⁰ Iowa Code §262.9B(2)(b).

¹⁴¹ Iowa Code §262.9B(3)(a).

¹⁴² Iowa Code §262.9B(4).



State Board of Regents

C. Automobiles

The institutions under the control of the State Board of Regents are required to purchase only new automobiles with a fuel economy that is consistent with the standards established by the United States Secretary of Transportation. This restriction does not apply to automobiles purchased for purposes of law enforcement.¹⁴³ Additionally, institutions under the control of the State Board of Regents are required to purchase motor vehicles that operate using internal combustion engines powered by qualified renewable fuels, and to provide for the purchase of qualified renewable fuels, in the same manner as required for the director of DAS.¹⁴⁴

At least 10 percent of all new passenger vehicles and light trucks purchased by the State Board of Regents or institutions under the board's control are required to be equipped with engines that utilize alternative methods of propulsion. This provision does not apply to vehicles or trucks that are purchased and used for law enforcement purposes or off-road maintenance work.¹⁴⁵

D. Miscellaneous Products

The State Board of Regents is required to purchase, or require the institutions under the board's control to purchase, soybean-based inks when the price for such inks is reasonably competitive and the inks are of the appropriate quality. In addition, all inks that are used by the State Board of Regents are required to be soybean-based inks, but only to the extent that such formulations are available.¹⁴⁶ The Department of Natural Resources must assist the State Board of Regents in purchasing soybean-based inks, including by locating suppliers of soybean-based inks.¹⁴⁷

When it is technically feasible, the State Board of Regents is required to purchase and use degradable loose foam packing materials that are manufactured from grain starches or other types of renewable resources, unless the cost of such packing materials are "more than [10] percent greater than the cost of packing material made from nonrenewable resources."¹⁴⁸

The State Board of Regents is also required to purchase and use recycled printing and writing paper such that 90 percent of the volume of printing and writing paper purchased by the board is recycled paper.¹⁴⁹ Additionally, the State Board of Regents is required to establish a wastepaper recycling program for all of the institutions governed by the board in accordance with the Department of Natural Resources' recommendations.¹⁵⁰ The State Board of Regents is also required to comply with certain requirements related to the purchase of lubricating oils and industrial oils.¹⁵¹

VII. Facilities

A. Dormitories

The State Board of Regents is authorized to construct dormitories at the State University of Iowa, the Iowa State University of Science and Technology, and the University of Northern Iowa.¹⁵² There are multiple ways the State Board of Regents may go about financing the construction of such dormitories. First, the State Board of Regents may borrow money, mortgage the real estate acquired in the transaction to secure the loan, and pledge the income derived from the dormitory to discharge the mortgage.¹⁵³ Second, the State Board of Regents may sell negotiable bonds or notes at a public sale or, if the board determines it will be advantageous and in the public interest, the board may sell such negotiable bonds or notes at a private sale.¹⁵⁴

¹⁴³ Iowa Code §262.25A(1); Iowa Admin. Code 11-117.12(6)(c).

¹⁴⁴ Iowa Code §262.25A(2).

¹⁴⁵ Iowa Code §262.25A(3).

¹⁴⁶ Iowa Code §262.9(5).

¹⁴⁷ Iowa Code §262.9(5)(b).

¹⁴⁸ Iowa Code §262.9(6).

¹⁴⁹ Iowa Code §8A.315(2)(a), 262.9(7).

¹⁵⁰ Iowa Code §262.9(7).

¹⁵¹ Iowa Code §8A.316, 262.9(7).

¹⁵² Iowa Code §262.35(1), 262.56.

¹⁵³ Iowa Code §262.38.

¹⁵⁴ Iowa Code §262.57(1).



State Board of Regents

If the State Board of Regents elects to finance the construction of a dormitory by borrowing money and mortgaging the real estate acquired in the transaction, the obligations created pursuant to that transaction are not a charge against the state of Iowa¹⁵⁵ and are payable only (1) “[f]rom the net rents, profits, and income arising from the property so pledged or mortgaged[;]” (2) “[f]rom the net rents, profits, and income which has not been pledged for other purposes arising from any other dormitory or like improvement under the control and management of said board[;]” or (3) “[f]rom the income derived from gifts and bequests made to the institutions under the control of said board for dormitory purposes.”¹⁵⁶

Meanwhile, if the State Board of Regents elects to finance the construction of a dormitory by selling negotiable bonds or notes, such bonds or notes are required to be payable from and secured by “an irrevocable pledge of a sufficient portion of the net rents, profits, and income derived from the operation of . . . dormitories . . . , including necessary real and personal property” that was acquired or improved using the proceeds of such negotiable bonds or notes.¹⁵⁷ Such negotiable bonds or notes are not a charge against the state,¹⁵⁸ and no taxes, appropriations, or other funds of the state may be used to pay the negotiable bonds or notes.¹⁵⁹ Numerous entities are authorized to invest moneys in the negotiable bonds or notes, including “banks, trust companies, savings associations, [and] investment companies[;] . . . insurance companies [and] insurance associations[;] and . . . all executors, administrators, guardians, trustees, and other fiduciaries”¹⁶⁰

B. Other Self-Liquidating Facilities

The State Board of Regents is authorized to use portions of the campuses of the State University of Iowa, the Iowa State University of Science and Technology, and the University of Northern Iowa for the acquisition or construction of certain self-liquidating facilities, including “[s]tudent unions, recreational buildings, auditoriums, stadiums, field houses, and athletic buildings and areas[;] [p]arking structures and areas[;] [e]lectric, heating, sewage treatment, and communication utilities[;] [r]esearch equipment[;]” and alterations of existing structures.¹⁶¹ The General Assembly has determined that the acquisition or construction of such facilities is a public necessity and has vested the State Board of Regents with the power to purchase or condemn the real estate necessary to acquire or construct the facilities.¹⁶²

If the State Board of Regents determines that the facilities are necessary for the “comfort, convenience[,] and welfare” of the students enrolled in the institution under the board’s control, the board has the authority to charge and collect from such students fees or charges for the use and availability of the facilities, and such fees or charges are required to be applied to the costs of acquiring or constructing the facilities or making

¹⁵⁵ See Iowa Const. art. VII, §1, 5 (prohibiting the state from assuming or becoming responsible for the debts or liabilities of any person, or from contracting for debt by or on behalf of the state, unless certain limited exceptions apply).

¹⁵⁶ Iowa Code §262.39.

¹⁵⁷ Iowa Code §262.57(2).

¹⁵⁸ See Iowa Const. art. VII, §1, 5 (prohibiting the state from assuming or becoming responsible for the debts or liabilities of any person, or from contracting for debt by or on behalf of the state, unless certain limited exceptions apply); see also *Brack v. Mossman*, 170 N.W.2d 416, 421 – 424 (Iowa 1969) (holding that a proposed State University of Iowa project to construct a new parking ramp did not violate constitutional prohibitions related to debt when such construction would be financed with bonds secured by income from the new parking ramp and income from the entire university parking system); *Iowa Hotel Ass’n v. State Bd. of Regents*, 114 N.W.2d 539, 543 – 544 (Iowa 1962) (holding that a proposed State University of Iowa project to make alterations to the Iowa Memorial Union did not violate constitutional prohibitions related to debt when such alterations would be financed with negotiable notes issued by the State Board of Regents that were secured by an allocation of student fees and net revenues from Iowa Memorial Union activities).

¹⁵⁹ Iowa Code §262.62.

¹⁶⁰ Iowa Code §262.63.

¹⁶¹ Iowa Code §262.44(1).

¹⁶² Iowa Code §262.45.



State Board of Regents

alterations or improvements to the facilities.¹⁶³ The obligations associated with acquiring or constructing the facilities or making alterations or improvements to the facilities are not a charge against the state.¹⁶⁴

LSA Staff Contact: J.D. Arnett, 515.281.3745 or j.d.arnett@legis.iowa.gov

¹⁶³Iowa Code §262.47; Brack, 170 N.W.2d at 421 (analyzing whether the construction of a parking ramp on the campus of the State University of Iowa would serve the comfort, convenience, and welfare of the students as was then required under Iowa Code section 262.44).

¹⁶⁴Iowa Code §262.49; see Iowa Const. art. VII, §1, 5 (prohibiting the state from assuming or becoming responsible for the debts or liabilities of any person, or from contracting for debt by or on behalf of the state, unless certain limited exceptions apply).
