

## PERSONNEL

### 4.01 Authority of the Board

The Board shall elect a president of each of said institutions of higher learning; a superintendent of each of said other institutions; a treasurer, and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. (Iowa Code § 262.9(2))

### 4.02 Regent Merit System of Personnel Administration

- A. The Regents govern the Regent Merit System pursuant to Iowa Code § 19A.3(5).
- B. The Merit System shall apply to all employees of the Regent institutions except the following:

All presidents, deans, directors, teachers, professional and scientific personnel, and student employees under the jurisdiction of the Board of Regents, State of Iowa.

The Board of Regents, State of Iowa, shall adopt rules and regulations for the Regent Merit System as provided by law.

### 4.03 Professional and Scientific

- A. Classification System:

Proposed revisions to the institutional professional and scientific classification systems, including addition of new classifications, deletion of classifications and pay grade and title changes to existing classifications, shall be submitted to the Board Office for review and action. Submissions shall include the proposed description, rationale for the proposal and the methodology used to determine pay grade assignments in accordance with the state law on comparable worth. In order to facilitate the process, the Executive Director is authorized to approve such revisions.

- B. Pay Plans:

Changes in pay plans shall be approved by the Board.

### 4.04 Appointment and Review of Presidents, Superintendents, and Executive Director

The Board of Regents, State of Iowa, is responsible under Iowa Code § 262 for the selection and review of institutional heads and the Executive Director. The following guidelines describe the general process to conduct searches for institutional heads and for the Executive Director, as well as their appointment. The specific procedures to be used in a given search will be determined by the Board and will reflect the unique environment of the institution or the Board Office.

- A. All rules, procedures, and policies regarding the search, including, but not limited to, the role, composition, and appointment of a search committee, the time schedule for the search, and the use of consultants shall be established by the Board of Regents, State of Iowa. The election of an institution head or the Executive Director shall be the sole responsibility of the Board of Regents, State of Iowa. Iowa Code § 262.9(2) and Iowa Code § 262.9(12). The process shall provide for:
  - 1. Confidentiality of the candidates to the fullest extent possible pursuant to law.
  - 2. Participation by institutional constituencies, specifically including the faculty, with respect to the criteria to be used in the selection process and in review of the final candidate for institution head. The process for the selection of an Executive Director shall be determined by the Board.
  - 3. The process shall be one that can be accomplished within a reasonable period of time set by the Board.
  - 4. Affirmative action/equal employment opportunity procedures shall be fully utilized.
- B. The Board shall, at least annually, conduct performance evaluations of the Presidents, Superintendents, and Executive Director, by processes determined by the Board.

#### **4.05 Other Board Appointments Recommended by Institution Heads**

- A. Annually in accordance with Iowa Code section 262.9 - 2, the Board shall appoint a secretary and treasurer for each Regent institution with consideration given to nominations made by the institutional heads.
- B. Provosts, vice presidents, and directors of major units and comparable positions at the special schools shall be nominated by the institutional head for appointment by the Board. Appointments to these positions become effective on the date designated by the Board.

The institutional head shall inform the Board through the Executive Director of an impending vacancy in any of these positions and plans for a search for a successor. The Board through the Executive Director shall be kept fully informed of the progress of the search, and the institutional head shall inform the Board through the Executive Director of the finalists before a nomination is made. If the compensation or duties of the successful candidate are to be substantially different from those of the previous person in the position, the Board through the Executive Director shall be informed prior to an offer being extended.
- C. The appointment of Associate Vice Presidents, Assistant Vice Presidents, Deans and Associate Directors of major administrative units shall be reported in a separate section of the monthly register and shall be effective at the time designated by the Board.

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successor. The Board through the Executive Director shall be kept fully informed of the progress of the search, and the institutional head shall inform the Board through the Executive Director of the finalists before a nomination is made. If the compensation or duties of the successful candidate are to be substantially different from those of the previous person in the position, the Board through the Executive Director shall be informed prior to an offer being extended.

- D. A current chart showing the organizational structure of the institution shall be kept on file in the Board's office. Changes proposed in the organizational structure of an institution shall be presented to the Board for its approval, if they are significant. Other changes may be presented for the information of the Board at the discretion of the institutional head.

#### **4.06 Register of Personnel Changes**

- A. Once each month each institution shall forward to the Executive Director of the Board a list of all personnel changes excluding the appointment of student employees but including the appointment of graduate and teaching assistants made in the preceding month by the institutional executives. This list of personnel changes shall be known as the "Register of Personnel Changes." Each institutional executive shall certify on the register that the personnel changes are in accordance with state law and Board regulations.
- B. The Executive Director of the Board shall place on the Board agenda those transactions affecting positions identified in Section 4.05A and 4.05B for consideration. Institutions may request positions identified in 4.05C be presented to the Board for its information.

#### **4.07 Appointment to Positions with Tenure and Other Personnel**

- A. Recommendations for appointments or promotions to positions with tenure and those not covered in Section 4.05 shall be made by the institution heads.
- B. All personnel appointments and promotions made under the authority of this section shall be reported to the Board in the monthly Register of Personnel Changes for Board approval
- C. Faculty promotion and tenure shall be submitted annually to the Board for consideration.

#### **4.08 Resignations**

- A. Resignations of personnel covered by Section 4.05 shall be submitted to the Board by the institutional heads for acceptance.
- B. Resignations of personnel covered by Section 4.07 may be accepted by the institutional heads and reported in the Register of Personnel Changes.
- C. Each institution head will submit a summary report of resignations for faculty to the Board in the format prescribed by the Board Office.

#### **4.09 Professional Development Assignments**

- A. The Board shall grant professional development assignments with full or partial compensation to staff members to undertake approved programs of study, research, or other professional activity that, in the judgment of the Board, will contribute to the improvement of the institutions. Any staff member granted such assignment shall agree either to return to the institution granting such assignment for a period of not less than two years or to repay to the State of Iowa such compensation as [the staff member] shall have received during such assignment. (Iowa Code § 262.9(13))
- B. Requests for professional development assignments for personnel covered by Section 4.05 shall be submitted to the Board by the institutional executives for approval.
- C. Requests for professional development assignments for personnel covered by Section 4.07, including retired and emeritus faculty and staff, may be granted by the institutional heads and shall be submitted by the institutional heads in the format prescribed by the Board Office for final action by the Board.
- D. Each request for a professional development assignment shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all assignments.
- E. Each institution shall submit a yearly evaluation and report or discussion and costs regarding research assignments and professional development assignments.

#### 4.10 Educational Assistance Program (IBSSS and ISD)

- A. The educational assistance program is designed to accomplish the following objectives:
1. To provide for institutional needs in relation to areas of staff development which will aid the schools in better accomplishing their objectives.
  2. To fulfill each school's mission and accomplish goals and objectives to provide staff members who have knowledge and skill to fill needed critical positions for which there is a scarcity of qualified applicants.
  3. To stimulate interest in and provide incentive to staff members who have special abilities in critical areas to increase their knowledge and skill so they may have the opportunity to achieve their potential in their current positions.
  4. To provide added incentive to supervisory personnel to maximize their management potential. For purposes of this program supervisory personnel are those positions excluded from bargaining units due to their supervisory or management responsibilities.
- B. Eligibility
1. Any permanent employee of the Iowa Braille and Sight Saving School and the Iowa School for the Deaf who has completed one year of service with the school is eligible for consideration for the benefits provided under this program.
  2. An employee receiving other financial assistance, such as scholarship aid, GI funds, etc., will be eligible to receive educational assistance to the extent that the sum total of all methods of reimbursement does not exceed 100 percent of tuition.
- C. Acceptable Courses of Study
- This program is exclusively designed for school-related courses of study. Any course of study must be in an area which has a relationship to the tasks accomplished within the institution, the requirements of the position the individual currently holds and/or requirements for the learning of skills for which the institution has need.
- Each individual school shall work out a curriculum for basic courses and degrees needed by the agency in order to fulfill its missions.
- D. A staff member may, under this program, attend any accredited institution of higher learning within the state. Attendance at out-of-state institutions may be approved on a limited basis, provided there are geographical or educational considerations that make attendance at a state institution impractical. In this statement, "accreditation" refers to accreditation as an educational institution and a specific program of study that is approved or accredited by the profession as

meeting the standards of the “state of arts”.

E. Tuition Reimbursements for Acceptable Courses of Study

1. Employees are required to first seek enrollment into evening and Saturday classes; tuition reimbursement may be granted for a maximum of six credit hours at one time.
2. If the necessary courses are not available during evenings and Saturdays, leave and tuition reimbursement may be granted for a maximum of six credit hours at any one time.
3. When leave is granted, the individual’s work schedule will be modified to the extent feasible to accommodate class hours. However, as much as possible, the individual will be expected to make up the time.
4. An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.
5. Prior to reimbursement, the employee must provide proof of successful completion of the course.
  - a. Successful completion of undergraduate course shall require attainment of at least a “C” grade.
  - b. Successful completion of a graduate course shall require attainment of at least a “B” grade.
  - c. Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate or diploma.

F. Educational Leave

1. Without Pay: At the discretion of the superintendent and with the approval of the Board of Regents, a permanent employee may be granted educational leave without pay to attend an accredited institution for courses that are school related. While all educational expenses are covered by the employee, the employee will have the right to return to the position at the same level with the same classification.
2. With Stipends: The school may, subject to the availability of funds, grant a tuition reimbursement (full or partial) or a stipend for an individual who is on leave without pay to attend an accredited educational institution for school-related courses. Stipend is defined as a specific sum of money sufficient to cover all or part of the cost of tuition, books, and other course-related materials.
3. With Pay: The school may, at the discretion of the superintendent and with the approval of the Board of Regents, State of Iowa, approve applications for educational assistance programs with pay, as determined by the superintendent, for a limited number of employees based on

institutional needs and the availability of funds.

Full-time educational leave may be granted for a period of one academic year, but may be extended upon request of the applicant, subject to the discretion of the superintendent and the Board of Regents, and based upon institutional needs, availability of institutional funds, and academic performance. Leave may be granted for one academic year at one-half pay, or the equivalent of one-half of an academic year at full pay.

#### G. Selection of Applicants

While the selection of applicants is at the sole discretion of the superintendent, it is the express policy of the Board of Regents to offer all qualified applicants an equal opportunity to participate in the educational assistance program within the limitations imposed by the availability of funds and agency staffing requirements. The schools will also encourage continued education by allowing employees flexible work schedules and unpaid leaves of absence whenever possible, consistent with the efficient administration of the institution.

#### H. Reporting of Educational Assistance Programs Participation

Requests for educational leaves may be granted by the superintendent and reported in the Register of Personnel Changes, except that full-time educational assistance programs shall be submitted for approval to the Board by the superintendent. Each request for a full-time educational assistance program shall contain information as to the length of service of the individual and an estimate of additional net budgetary support necessary to finance all leaves.

Each institution shall submit a yearly evaluation and report or discussion and costs regarding educational assistance programs.

#### I. School Employment Requirements

Any staff member who receives reimbursement for tuition shall agree to remain in the active employment of the school for a period of one month for every unit of credit earned or to repay to the State of Iowa such compensation as [the staff member] received. Months shall be counted beginning with the first full month of active employment following the official semester closing date of the institution wherein the employee is enrolled.

Any staff member granted participation in educational assistance programs shall agree either to return to the, institution granting such participation for a period of not less than two years or to repay the State of Iowa such compensation as [the staff member] received during such participation. (Iowa Code § 262.9(12))

#### **4.11 Employment and Supervision of Immediate Family Members**

No employee of a Regent institution or the Board Office may participate in the decision to hire, retain, promote, grant tenure to or determine the salary of an immediate family member.

For purposes of this policy, an “immediate family member” has one of the following relationships:

1. By blood or adoption: parent, child, sibling, first cousin, uncle, aunt, nephew, or niece;
2. By marriage; current or former spouse, brother or sister-in-law; father or mother-in-law, son or daughter-in-law, step-parent, or step-child
3. “Domestic partners” as defined by institutional policy. A “Domestic Partner” shall be treated as a spouse for purposes of this policy.

Each institution shall implement this policy with appropriate disclosure requirements and management plans for situations in which an immediate family member would be in a supervisory role or otherwise expected to participate in major employment decisions.

Where the management plan involves an institution head or a position, described in Section 4.05(B), the plan must be approved by the Board or its designee.

#### **4.12 Return of University Presidents to Faculty Status**

The selection and retention of university presidents does not differ significantly from the selection and retention of other administrators who are members of the faculty. Where the presidents are individuals drawn from a faculty, they desire to retain their academic associations. As in the case of other administrators who are faculty members, personnel and institutional considerations may arise which might make it appropriate for presidents to return to full-time faculty responsibilities. The opportunity to do this should exist within the university itself. The Board of Regents regards this as a personnel matter common to administrators who hold faculty rank and wishes to treat the university presidents in the same way as it does other university administrators who have faculty rank. To this end, the Board acknowledges its faculty commitment to the president and will provide for the return to the faculty of a president. In doing so, the Board will consider the president’s standing in regard to peers in the discipline and the need for reorientation to the discipline.

## 4.13 Salaries

### A. Changes in salaries during budget year.

1. Changes in salaries of provosts, vice presidents and directors of major units and comparable positions at the special schools as described in Section 4.05.
  - a. Recommendations for salary changes for incumbents in positions covered by Section 4.05 shall be made to the Board President and the Executive Director prior to effecting the salary increase.
2. Changes in salaries of budgeted personnel covered by Section 4.07 may be made by the institutional heads as follows:
  - a. Changes to salaries of budgeted positions at a level less than the amount provided in the final approved budget shall be reported in the Register of Personnel Changes.
  - b. Changes that would increase salaries to amounts greater than those in the final approved budget may be made by the institutional heads if such increases will not increase the overall budget of the department, college, or other unit involved. Such changes and/or appointments may be effected by the institutional head and reported in the Register of Personnel Changes.

### B. Salary changes for new budget year.

1. A listing detailing the current year salary, the proposed salary for coming year and the percentage increase of the incumbents in the positions covered by Section 4.05 shall be submitted to the Executive Director by July 1 of each fiscal year.
2. Salary increases for faculty and staff covered by Section 4.07 shall be made by institutional heads in accordance with Board approved salary policies.

### C. Compensation for correspondence and extension class work

Changes in rates of pay for teaching correspondence and extension classes may be made by the institutional executives. Changes shall be reported in the monthly Register of Personnel Changes.

### D. Salaries of part-time and student employees

The institutional heads are authorized to approve part-time and student employees within the limits of departmental budgets. The names and hourly wage rates of these employees shall be reported in the Register of Personnel Changes. Undergraduate student employees need not be reported in the Register of Personnel Changes.

#### **4.14 Sick Leave**

Pursuant to Iowa Code § 70A.1 and collective bargaining agreements, full-time and permanent part-time employees accrue and can use sick leave.

Sick leave may be converted to annual leave pursuant to Iowa Code § 70A.1. At retirement, payment for accrued sick leave may be paid pursuant to Iowa Code § 70A.23.

#### **4.15 Vacations**

- A. Regent Merit System employees earn vacation consistent with Iowa Code § 70A.1.
- B. Professional and Scientific employees of the State University of Iowa, Iowa State University, the University of Northern Iowa, Iowa School for the Deaf, Iowa Braille and Sight Saving School, and the Board Office who are employed full time shall accrue vacation at the rate of one month or 22 working days per year, except where a difference occurs under a collective bargaining agreement.

#### **4.16 Holidays**

- A. The following holidays are granted annually to employees:
  - 1. New Year's Day
  - 2. Martin Luther King, Jr. Day or other holiday designated by institutional head and approved by the Board
  - 3. Memorial Day
  - 4. Independence Day
  - 5. Labor Day
  - 6. Veterans' Day or other holiday designated by institutional head and approved by the Board.
  - 7. Thanksgiving Day
  - 8. Friday after Thanksgiving
  - 9. Christmas Day
- B. Two days to be accrued as vacation.

#### **4.17 TIAA CREF Retirement Program**

##### **A. Eligibility**

1. Each Regent institution and the Board Office will set its own eligibility requirements for participation in its basic retirement program with TIAA-CREF or in a plan substituted in accordance with each institutional policy.
2. Permanent employees of Iowa School for the Deaf and Iowa Braille and Sight Saving School will have the option of selecting between IPERS and TIAA-CREF for their retirement program. The rate of contribution will be at the current IPERS rate.

##### **B. Options for Former Employees**

1. A former employee or retiree may convert his or her TIAA-CREF account to any financial instrument he or she deems appropriate.

#### **4.18 Deferred Compensation and Tax Sheltered Annuities Program**

Each Regent institution, including the Board Office, is authorized to implement a deferred compensation program and a tax sheltered annuity program pursuant to state and federal law. Contributions to such programs shall be provided only from employee contributions, unless otherwise authorized by the Board.

#### **4.19 Family Medical Leave**

It is the policy of the Board of Regents that employees of Regent institutions be given family medical leave in accordance with the federal Family Medical Leave Act (FMLA).

#### **4.20 Reserved**

#### 4.21 Teacher Contracts (Special Schools)

- A. Contracts with teachers must be in writing and state the length of time school is to be taught and the compensation to be paid. The contract would state the number of working days covered by the contract.
- B. Contracts shall remain in effect for the period stated in the contract. Following a period of three consecutive years (Pursuant to Iowa Code § 279.19), the contract shall be automatically in effect for annual periods except as modified or terminated by mutual agreement of the superintendent and the teacher or by dismissal as stated in item D.
- C. Changes in compensation for teachers under continuing contract shall be made through modification of contract forms prepared either after appropriations are known or budgets have been approved by the Board of Regents.
- D. Resignations are to be submitted to the superintendent no later than April 15 of the year in which the resignation is effective.
- E. The superintendents are to use their discretion in the hiring and retention of non-certified teachers. In addition, non-certified teachers employed continuously for three years shall be subject to the certification requirements in the standard contract.
- F. Reduction in Force Policy. A Reduction In Force (RIF), including a reduction in the number of hours worked by a faculty member, may be proposed by the superintendent of the school to the Board of Regents whenever there is a lack of work, lack of funds, a reorganization, or a change in enrollment.

Procedures will be developed pursuant to this policy that will guarantee the due process rights of faculty members in accordance with provisions in the Iowa Code § 279.15 Notice of Termination — request for hearing relating to teacher contract notification/re-notification.

The superintendent shall notify affected faculty members in writing, not later than April 30, that the superintendent will recommend in writing to the Board at a regular or special meeting of the Board, held not later than May 15, that the faculty member will be laid off or receive a reduction in hours effective at the end of the current school year. Reasons for the action will be included in the written notice.

Whenever possible, the superintendents shall meet requirements of the statutory process in such a way as to allow the Board to conduct hearings at its regularly scheduled meetings.

**4.22 Reserved**

**4.23 Meetings with Employees and their Organizations**

- A. The Board of Regents, State of Iowa, recognizes that all of its employees have the right to organize and join labor unions. The Board's conduct relative to employee organizations and represented employees is governed by Iowa Code § 20.
- B. The Board deems it to be in the best interests of the institutions under its control that each institution be permitted to meet and confer with individual employees and representatives of employee groups who are not represented by a certified exclusive representative, including union representatives, on matters of mutual interest in order that each institution may obtain information and employee opinion as to wages, hours of work, grievance procedures, and other conditions of employment.

**4.24 Disclaimer Statement**

A "disclaimer statement" reading as follows shall be inserted on all class descriptions for the Regents Merit System:

The tasks listed under the heading of Characteristic Duties and Responsibilities are examples of the variety and general nature of the duties that are performed by employees in positions allocated to the class. The list is descriptive only and should be used for no other purpose. It is not intended that any position include every duty listed, nor is it intended that related duties cannot be required.

**4.25 Time Off for Grievance Investigation for Employee Representatives**

The Board interprets the Merit System Rule 3.129 as not providing employee representatives with unlimited and unconditional released time to investigate grievances personally. The Board recognizes the merit of providing related time in certain situations for an employee's representative to investigate a grievance, therefore:

- A. An employee's representative may be present at every stage of the grievance procedure, including the first, oral stage.
- B. If deemed necessary by the grievant, the grievant may request released time from work for a representative to investigate a grievance at any time following the oral stage of Step I of the grievance procedure.
- C. Such a request is to be made in writing to the representative's supervisor, with a copy to the resident director, and should contain an indication of the reason released time is necessary.
- D. The representative's supervisor, with the approval of the resident director when required by the institution, shall provide a reasonable amount of released time for the investigation, such time being scheduled as soon as reasonably possible and

preferably within the same work day, consistent with the normal functioning of the employee's department.

Furthermore, it will be a violation of institutional policy to restrain, interfere, coerce, or discriminate against an employee acting as a grievant representative in accordance with this procedure.

On the other hand, an employee acting as a grievant's representative shall not use time provided for grievance investigation for other matters and will conduct business with dispatch. If such a representative's use of regular working hours for consultation with employees or supervisors interferes unduly with the proper performance of official duties as an employee, the matter will be objectively discussed with the employee in order to find a satisfactory solution.

#### **4.26 Moving Expenses**

Regent institutions and the Board Office may pay reasonable moving expenses in accordance with state and/or institutional policies for packing and moving of a person's household goods and other personal effects for full-time employees, including faculty and institutional officials, professional and scientific staff, and other full-time employees who are comparable in rank to assistant professor or above. Packing and moving expenses for full-time employees not defined above may be granted by specific approval of the appropriate dean/director or their designee. Reimbursement for moving expenses shall not include reimbursement for the expense of moving animals.

#### **4.27 Committee Membership**

Unless negotiated in a collective bargaining agreement, employees in organized bargaining units shall not serve as members of institutional committees that participate in the governance of the institutions and which deal with mandatory subjects of bargaining, in whole or in part.

#### **4.28 Changes in Insurance Benefits, Contributions, and Providers**

Changes in benefits, contributions, and providers for all insurance benefits provided by the Board require Board approval. To facilitate changes in benefits, contributions, and providers, the Executive Director is authorized to determine if such changes should be placed on the agenda for Board approval. The Executive Director is authorized to approve changes in benefits, contributions, and providers on behalf of the Board unless the changes involve new programs, major changes in policies, or unusual circumstances. Changes approved by the Executive Director on behalf of the Board shall be reported to the Board president and shall be contained in the Board's annual fringe benefit report.

#### **4.29 Special Assignment, Institution Heads**

The Board of Regents may, in its discretion, place an institution head on special assignment for up to one semester with full pay and benefits. An institution head who has served in that capacity for the Board of Regents for at least five years is eligible to apply for such an assignment. The assignment may be for the purpose of advanced study, for research, for creative work, and for other worthwhile projects. Such

assignment must be requested in writing to the Board of Regents with a copy to the Executive Director and will be placed on the agenda for formal Board approval.

#### **4.30 Policies on Harassment**

##### **A Sexual Harassment:**

It is the policy of the Board of Regents, State of Iowa, to provide a campus environment for students, faculty, and staff that is free from sexual harassment; to provide appropriate institutional complaint and appeal processes to ensure thorough and prompt investigation of allegations of sexual harassment; and to apply appropriate disciplinary sanctions to those who engage in sexual harassment.

1. No employee or student may engage in sexual harassment as defined by federal and state law, including rules adopted by the Equal Employment Opportunity Commission, the United States Department of Education and the Iowa Civil Rights Commission. Nor may any employee or student engage in sexually inappropriate conduct contributing to a sexually hostile environment. This rule shall not be interpreted so as to restrict the right of free expression and academic freedom consistent with the educational mission of the Regent institutions.
2. Regent institutions shall adopt internal guidelines and policies to inform employees and students of the kinds of behavior that will result in disciplinary actions. The Regent institutions shall also adopt procedures for filing complaints or grievances of sexual harassment, for investigation of allegations of harassment, for appeals relating to the findings of such investigations and for the application of appropriate sanctions when they determine harassment has occurred.
3. This policy and institutional policies and procedures established to implement it, including rights of appeal, are to be communicated to students, faculty, and staff. The policies shall be explained to all new faculty and staff during their employment interviews or at the onset of their employment. Orientation sessions for new students will include an explanation of institutional policies on sexual harassment. The institutions shall provide education and training as necessary to effectuate the policy of the Board.

##### **B. Policy on Harassment and Violence**

The Board of Regents, State of Iowa, is committed to the ideal of educational institutions as forums for the free exchange of ideas. Diversity of people and ideas is a goal of these institutions and tolerant, civil discourse is their trademark. The faculty, staff and students of institutions under the governance of the Board of Regents, State of Iowa, comprise communities whose common commitment is to learning. This commitment requires that the highest value be placed on the use of reason and that harassment and violence involving Regent institutions be renounced as inimical to their goals. Although some views may be unpopular and shocking to members in an educational community, as well as to visitors, the right to express those views within legal limits is protected by the first

amendment to the United States Constitution. This protection, although broad, does not extend to illegally tolerated.

It is the policy of the Board of Regents to provide campus environments for students, faculty and staff that are free from conduct which constitutes illegal discriminatory harassment based on individual characteristics of race, ethnic or national origin, gender, color, disability, creed, religion, affectional or associational preference, age or any other basis protected by law or policy.

Regent institutions shall take appropriate action when any act or misconduct in violation of this policy occurs in one of the following circumstances:

1. The act is committed on the campus or at an institution-sponsored activity.
2. The act is committed by an institutional community member while acting in an official capacity or while conducting institutional business.

The following acts, when committed under one of the circumstances which follow, may trigger institutional action:

1. Any acts prohibited by the Iowa Criminal Code
2. Any conduct, which has the purpose or reasonably foreseeable effect of unreasonably interfering with an individual's academic efforts, employment, participation in institutional-sponsored extracurricular activities, or personal health, safety and security.

The following examples are illustrative of the acts proscribed by this policy, but are not meant to be exclusive:

1. Physical assault or abuse.
2. Sexual assault or abuse.
3. Stalking.
4. Threats with a weapon (display of a weapon accompanied by statements or actions which cause justifiable fear or apprehension).
5. Verbal or other threats of physical or sexual assault.
6. Damage or destruction of another's private property for the purpose of demeaning the owner or owners.
7. Intimidation by threat of violence.

Regent institutions will have in place appropriate institutional appeal procedures to ensure thorough and prompt investigations of allegations of harassment and violent conduct under this policy and shall apply appropriate disciplinary sanctions to those who engage in such conduct.

This policy and institutional policies and procedures utilized to implement it, including rights of appeal, are to be communicated to students, faculty and staff. The institutions shall provide education and training as necessary to effectuate this policy.

#### **4.31 Drug-Free Environment and Controlled Substances**

- A. It is the policy of the Board of Regents, State of Iowa, to provide a drug-free workplace and learning environment for students and employees of Regent institutions and the Board Office. The unlawful possession, use or distribution of controlled substances by students and employees on property owned or leased by a Regent institution or in conjunction with a sponsored activity of an institution governed by the Board is strictly prohibited.
- B. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance at any institution under the governance of the Board of Regents, State of Iowa, or at any activity sponsored by a Regent institution is prohibited. Violations of this policy shall result in sanctions pursuant to appropriate institutional procedures for employees or students.
- C. The Board of Regents recognizes that the abuse of controlled substances, including alcohol, can interfere with the ability to perform important functions physically, mentally and socially. All employees are expected and required to report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent any impairment because of use of controlled substances and alcohol. Failure to comply by the employee with this expectation may result in serious disciplinary sanctions, up to and including the termination of an individual's employment. In cases in which an institution has probable cause to believe an employee's ability to perform the employee's duties is impaired due to the use of alcohol or controlled substances, the institution should confront the employee and require testing and/or treatment, to the extent permitted by law. Failure to comply by the employee would be the basis for serious disciplinary action. Dependency upon controlled substances and/or alcohol is also recognized as an illness that poses a major health problem as well as presenting other serious safety and welfare implications for employees and students on the campus.
- D. Institutions governed by the Board shall make available to students and staff educational programs directed toward the elimination of substance abuse. Employees with drug or alcohol problems are encouraged to use employee assistance programs or other community-based assistance programs as appropriate. Students are encouraged to seek assistance via appropriate counseling programs.
- E. Pursuant to the Drug-Free Workplace Act of 1988, employees must report any conviction under a criminal drug statute for violations occurring while conducting official business on or off Regent premises. Such a report must be made within five days following the date of conviction.

- F. The State University of Iowa, Iowa State University of Science and Technology, University of Northern Iowa, Iowa School for the Deaf, and the Iowa Braille and Sight Saving School shall develop institutional policies consistent with the Board policy. Such institutional policies shall be disseminated to employees and students.
- G. Pursuant to the U.S. Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991, employees in safety sensitive aviation, motor carrier, or mass transit positions in Board of Regents institutions will be required to submit to mandated alcohol and drug testing, consistent with regulations.

#### **4.32 Evaluation**

- A. Evaluation of Institution Heads and Executive Director
  - 1. Institution heads and the Executive Director will be evaluated annually between the months of June and September. They will be provided with an opportunity to submit a self-evaluation as determined by the Board from time to time. Other evaluation sessions may be conducted by the Board with the institution head at any time the Board deems appropriate.
  - 2. The evaluation shall address such issues as the operations and management of the institution, effectiveness of the planning process, external relationships, and other issues selected by the Board.
- B. Evaluation of Institution Officials and Other Administrators
  - 1. The institution head is responsible for ensuring that all institutional officials and other administrators who report to the institution head receive an annual written evaluation that reflects the individual's accomplishments relative to the goals and mission of the institution as related to the individual's areas of responsibility. A written evaluation shall be completed at least once during each fiscal year. Other evaluations of an individual may be conducted at the discretion of the institution head.
  - 2. All other administrators who do not report directly to the institution head shall receive an annual written evaluation by the administrator to whom each reports.
- C. It is the policy of the Board of Regents, State of Iowa, that all other employees will receive a written evaluation annually from their supervisor or the person to whom they report.

#### 4.33 Catastrophic Illness

##### A. Policy

Eligible employees may donate accrued vacation leave to another eligible employee for use as sick leave during a catastrophic illness or injury. Eligible employees are nonorganized faculty and staff who accrue vacation.

This contribution to an employee is converted to sick leave and used for a catastrophic illness or injury when the employee has exhausted all the sick leave, vacation, converted sick leave and compensatory time to which that employee is otherwise entitled and has not yet satisfied the waiting period for long-term disability benefits.

##### B. Definition of Catastrophic Illness or Injury

“Catastrophic illness or injury” means an illness or injury resulting in a medical condition for which a physician has certified the condition is likely to result in a loss of 30 or more work days.

##### C. Eligibility

All faculty and staff who accrue vacation and are eligible for long-term disability coverage are eligible to receive donations provided that they meet the standard and provide the certification as set forth in item B. above, have exhausted all paid leave and are not receiving any other supplemental payments (e.g., worker compensation or long-term disability).

##### D. Relationship to Policy Under Collective Bargaining Agreements

Nonorganized faculty and staff covered by this policy are able to contribute vacation to and to receive vacation from those covered by collective bargaining agreements, which contain reciprocal catastrophic illness policies.

##### E. Leave can only be transferred between employees in the same Regent institution.

##### F. Leave shall be donated in increments of one hour or more.

##### G. Leave shall be calculated and distributed in actual hourly dollars.

##### H. The total leave donations received by an employee shall not exceed the amount necessary to cover the long-term disability waiting period.

##### I. Each Regent institution will develop a process by which eligible faculty and staff members may make the contributions provided in this policy.

#### 4.34 Professional and Scientific Staff Policies

The Regent institutions and the Board Office shall develop policies for Professional and Scientific employees addressing terms and conditions of employment.

#### 4.35 Phased and Early Retirement

##### A. Phased Retirement Policy

Eligibility: Faculty or staff of Regent universities, the special schools, and Board Office who have attained the age of 57 with at least 15 years of service with the Board of Regents are eligible for participation in the phased retirement program.

Approval: The phased retirement agreement and the phasing schedule will be developed between the employee and the department. Approval of the agreement and phasing schedule will occur at various levels within the institution, and no right to enter into a phased retirement agreement without approval by all officials as designated by the institutions is conferred by this policy. The Board of Regents will ratify entries into the phased retirement program as a part of the monthly Register of Personnel Changes.

Schedule of Phasing: A staff member may reduce from full-time to no less than a half-time appointment either directly or via a stepped schedule. The maximum phasing period will be five years with full retirement required at the end of the specified phasing period. At no time during the phasing period may an employee hold greater than a 65 percent appointment. After the completion of the fourth year, the appointment cannot exceed 50%. The phasing period will be set by agreement between the institution and the individual with full retirement required at the end of the specified phasing period. Once phased retirement is initiated, employees may not return to full-time appointment.

Compensation: Up to and including the 4th year of the phasing period, the salary received will reflect the reduced responsibilities plus an additional 10 percent of the budgeted salary, had the person worked full time. In the fifth year following the initiation of phased retirement, the staff member's appointment will be no greater than fifty percent, and the salary will be proportional to the budgeted salary had the person worked full-time.

Benefits: Up to and including the 5th year of the phasing period, institution and staff member contributions will continue for life insurance, health insurance, and disability insurance at the same levels that would have prevailed had the staff member continued at a full-time appointment. Retirement contributions to TIAA/CREF will be based on the salary which would have been obtained had the individual continued a full-time appointment. As mandated by law, FICA contributions will be based on the staff member's actual salary during the partial or pre-retirement period. The same is true for retirement contributions for those participating in the Iowa Public Employees Retirement System or Federal Civil Service System. Accrual of vacation and sick leave will be based on percentage of appointment. During the phasing period individuals may exercise their rights to access funds in their TIAA-CREF (or substitute plans) retirement accounts in any manner permitted either by the retirement carrier or by Board policy but not to exceed 99% of their account balances.

Duration of Program: Subject to annual review, the program will expire on June 30, 2012, unless renewed by the Board prior to expiration.

Reporting Requirements: Annual report to the Board of Regents. Individual participants will be reported to the Board on the monthly Register of Personnel Transactions.

B. Early Retirement Program

The Board may approve early retirement programs for employees to meet specific institutional needs.

**4.36 Loss of License, Registration, or Certificate Required as a Condition of Employment by a Regent Institution Employee**

A. Policy:

Since the Regent institutions have numerous job classifications and positions that require employees to be licensed to practice their professions or to drive Regent and/or state vehicles, this policy addressing the loss of license, registration or certificate was developed. The policy complies with Iowa Code §§ 321J (Operating a motor vehicle while intoxicated) and 252J (Child Support — Sanctions).

1. Employees whose job classification or position REQUIRES the possession and maintenance of a license, permit, certificate, registration, or approval in order to perform the essential functions of that position's assigned duties and who subsequently have that license, permit, certificate, registration, or approval revoked, rescinded, suspended, or renewal denied may be, after the exhaustion of all administrative contested case proceedings before the licensing agency, terminated from employment for failure to maintain the necessary qualifications required for that position.
  - a. "Requires the possession and maintenance of" means as stated in the minimum qualifications or selective certification provisions for the job class or positions. NOTE: This definition requires that the specific license, permit, certificate, registration or approval cited must be documented in the class description and/or position description questionnaire.
2. Employees whose job classification or position occasionally require the employee to use a vehicle for the conduct of Regent institution business, and who subsequently have their driving privileges suspended, revoked, or barred either for violations of statutes relating to Operating While Intoxicated, habitual violations, or failure to satisfy court ordered child support payments shall, for the period of suspension, revocation, or bar, not operate any Regent institution or state vehicles.
3. If the job requires the employee to travel, employees whose driving privileges are restricted by a temporary driving permit that requires the installation of an ignition interlock device will either use a personal vehicle or arrange alternate transportation. An ignition interlock device may NOT be installed on any vehicle owned by Regent institutions or the state.

B. Definition of License:

The term “license” shall be defined as a license, certification, registration, permit, approval, renewal, or other similar authorization issued by a licensing authority which evidences the admission to, or granting of authority to engage in a profession, occupation, business, or industry, or to operate or register a motor vehicle.

**4.37 Regent Employees Representing the Board of Regents and the Regent Enterprise**

Only the members and officers of the Board of Regents represent and speak on behalf of the Board and the Regent enterprise as a whole.

**4.38 Regent Employees Serving on State Committees as Regent Employees**

All requests for employees of the Board of Regents institutions to serve on any external (non-Regent) agencies and organizations, as Regent employees, must be approved by, and coordinated through, the Board Office. Furthermore, all such Regent employees who are appointed shall provide a brief summary of each meeting attended and each major activity undertaken. In addition, the Board Office shall be notified of all major issues in which a position on behalf of the Regents is being advocated. Regent employees who have been appointed to organizations as a result of their position in a Regent institution must understand that they do not represent the Board of Regents or the Regent enterprise as a whole and must refrain from stating a position on its behalf.

Persons serving on organizations as Regent employees should make an effort to keep their counterparts (if any) in the other Regent institutions informed of important aspects of their representation and consult with them as needed. If assistance is needed in this communication and consultation process, the Board Office may be of assistance.

It is understood that many Regent employees serve in a personal/professional or institutional capacity on various groups and organizations and speak for themselves as experts or as representatives of their institution. This policy does not cover such individuals; however, it must be clearly understood that they are not serving in this capacity as representatives of the Board or the Regent enterprise and that opinions expressed are not necessarily those of the Board.

**4.39 Conflict of Interest of Public Officers and Employees – Gifts (see Iowa Code § 68B)**

A. Policy

1. Members of the Board of Regents, employees of the Board, and the immediate family members of each shall not, directly or indirectly, solicit, accept, or receive from any one donor, a gift as defined in Iowa Code § 68B.22.
2. Members of the Board of Regents, employees of the Board, and immediate family members of each shall not, directly or indirectly, offer or

make a gift as defined in Iowa Code § 68B.22 to an official, employee, local official, local employee, member of the General Assembly, candidate, or legislative employee.

## B. Lobbyist Registration

As applied to the Board of Regents, a lobbyist is defined as an individual who works to encourage the passage, defeat, or modification of legislation or regulations or to influence the decisions of the members of the general assembly, a state agency, or any statewide elected official and is in one of the following categories:

1. is paid by the Board of Regents or a Regent institution for such work.
2. represents on a regular basis the Board of Regents or its institutions.

The definition of lobbyist does not include:

1. persons whose activities are limited to formal appearances at public committee meetings or hearings of state agencies and whose appearances are officially recorded.
2. lawyers representing clients in cases before state agencies.
3. employees of the Board of Regents trying to influence decisions of the Board of Regents or its institutions.
4. persons whose activities are limited to providing information to or soliciting information from the Executive or Legislative Branch of state government or to state agencies.

Lobbyists are required to register annually with that branch or branches of state government with which they expect to lobby. For the Executive Branch they are required to provide a list of applicable agencies or offices. The Campaign Finance Disclosure Commission requires each individual lobbyist to report campaign contributions or gifts on a monthly basis when the General Assembly is in session and thereafter on or before July 31, October 31 and January 31. The sponsoring organization or agency for each lobbyist is to submit a report of salaries and expenditures for lobbying activities for each lobbyist on January 31 and July 31 of each calendar year.

## C. Financial Disclosure

Certain officials are required to file financial disclosure. Financial disclosure involves reporting all sources of income and the nature of business for each source as well as all investments in which an individual holds more than a five percent interest.

#### D. Guidelines for Regent Institutions

The Board of Regents has developed guidelines for certain situations likely to be encountered by faculty and staff as follows:

1. Honoraria for scholarly presentations are permitted but cannot be sought or accepted from individuals or groups seeking to do business with or regulated by the institution.
2. Tickets to concerts and athletic events can be distributed to legislators, Board members, and officials on the same basis as tickets made available to the general public.
3. Informational materials can be provided to legislators or Board members because these do not constitute a gift.
4. Meals, travel, and accommodations for Regents in conjunction with meetings are generally not permissible. The host institutions can provide refreshments within the three dollar limit.
5. Complimentary textbooks and software are not gifts because they are informational materials relevant to faculty and staff performance of official functions.
6. Gift exchanges among employees are permissible under certain circumstances. If the donee has the ability to set salaries, approve expenditures, and hire and promote an individual, such gifts would be prohibited unless they are food and drink worth less than \$3.00 per day. Gifts to subordinates are permissible.
7. Travel and accommodations for product evaluation would constitute a gift if provided by a prospective seller of the product and if the recipients of the travel and accommodations are in a position to evaluate or recommend the purchase of the product.
8. Institution heads can accept gifts only on behalf of the institutions and then direct them appropriately to a charitable organization such as a museum.

#### E. Applicable Law

Notwithstanding the guidance provided by this policy, members of the Board of Regents and employees of the Board are required to comply with Iowa Code Chapter 68B, to which they should refer for further information.

#### 4.40 Conflict of Interest Policy – Duty of Loyalty

The Board of Regents, State of Iowa ("Board"), recognizes that members of the Board, employees of the Board, and employees of institutions governed by the Board, are required to comply with Iowa Code § 68B.2A: Conflicts of Interest. To further enhance the credibility and accountability of the Board, the Board requires that all Regents and institutional officials promote at all times the best interests of the Board and its institutions consistent with policies, rules, regulations, and laws governing the Board, academic institutions, and academic freedom. The duty of loyalty requires Regents to exercise their powers and duties in the interests of the Board and its institutions and not in the Regent's own interest or in the interest of another person or organization. Regents and institutional officials must endeavor to remain free from the influence of, or appearance of, any conflicting interest in acting on behalf of the Board or a Regent institution. Actual or potential conflicts of interest for a Regent or institutional official may arise from the interests of the individual or the individual's spouse, significant other, or a family member. Such interests may include, but are not limited to, employment, ownership of, or service on, the board of directors of an organization that has or may have relationships with the Board or a Regent institution.

Each Regent shall disclose on an annual basis any interests that may create an actual, potential or perceived conflict of interest and shall supplement the disclosure as new interests may appear. A management plan shall be developed for disclosed conflicts. For some interests, disclosure alone may be sufficient. Others may require recusal from participation on certain matters, or, in very unusual situations, divestiture of the interest or resignation from a conflicting position.

Regent institutions shall have Conflict of Interest policies in place for institutional employees not subject to this policy. Such institutional policies shall not be inconsistent with this policy.

By its requirement that there be a student member of the Board, the Legislature is deemed to have determined that a student's interest in Board determinations of tuition policy and the like do not constitute an impermissible conflict of interest.

The following procedure shall be followed in the event a question arises within the Board of Regents regarding a conflict of interest:

1. In all instances where a Regent has a question as to whether he or she may have a conflict of interest in a specific matter, such question shall be referred to the Office of the Attorney General of the State of Iowa for determination, and the Board member shall act in accordance with that determination.
2. If a Regent has a question about whether another Regent has a conflict of interest on a specific matter, the procedure noted above shall be followed, and the Regent having the alleged conflict shall be notified about the question at the time it is referred to the Office of the Attorney General.
3. No Regent shall have access to any information not available to the public submitted by any person or entity (the "Proposing Person or Entity") where such Regent has an interest, direct or indirect, in any entity which proposes to offer a product or service (regardless of whether competitively bid) which would compete with the product or service being offered by the

Proposing Person or Entity. In the event of any dispute concerning the foregoing, the matter shall be referred to the Office of the Attorney General.

#### **4.41 Inclement Weather**

The Board of Regents recognizes that inclement weather may create emergency conditions that make it difficult or unreasonable to conduct normal business and educational activities at the Regent institutions. Therefore, the Board delegates decisions on temporary closings, cancellations or curtailing of normal institutional functions due to inclement weather to the institution head and central administration of each Regent institution, according to their individual policies. The Executive Director and/or the Board Office should be notified immediately whenever such decisions are made.

#### **4.42 Policy on Interinstitutional Staff Sharing**

From time to time various emergency and other situations may occur at one or more of the Regent institutions requiring additional, temporary, assistance from outside the campus. The institution heads are hereby authorized and encouraged, to provide assistance to the extent possible and to send and receive volunteer employees and resources from other Regent institution(s) under such circumstances. It is understood that the receiving institution will reimburse the sending institution(s) for the cost of such assistance or other arrangements as agreed to by the parties.

#### **4.43 Policy on Board Office Educational Assistance**

Educational assistance includes reimbursement for tuition, fees, books, or other expenses incurred by a Board Office employee in taking coursework for credit at an educational institution. The employee is expected to maintain everyday job responsibilities while taking this coursework.

##### **1. Eligibility/Criteria**

Any regular employee of the Board Office who has completed the equivalent of one year of full-time continuous service is entitled to consideration for the benefits provided under this program. (For example, an employee budgeted one-half time would be required to have been employed for at least two years in order to be eligible for the program.)

An employee receiving other financial assistance, such as scholarship aid, GI funds, etc., will be eligible to receive educational assistance to the extent that the sum total of all methods of reimbursement does not exceed 100 percent of tuition and fees.

Employees are required to first seek enrollment into evening and Saturday classes; tuition reimbursement may be granted for a maximum of four credit hours at one time.

If the necessary courses are not available during evenings and Saturdays, flex time and tuition reimbursement may be granted for a maximum of four credit hours at any one time.

When flex time is granted, the individual's work schedule will be modified to the extent feasible to accommodate class hours. However, merit staff employees may be expected to make up the time missed from work, and professional employees are expected to meet project deadlines.

2. Acceptable Courses of Study

This program is exclusively designed for school-related courses of study. Any course of study must be in an area that has a relationship to the tasks accomplished within the office, the requirements of the position the individual currently holds and/or requirements for the learning of skills for which the office has need.

The course must be taken from an accredited institution approved by the U.S. Department of Education. Short courses, workshops, CEU courses, etc., will not qualify unless they carry credit toward a degree or certificate.

3. Educational Institutions

A staff member may, under this program, attend any institution of higher learning within the state that is accredited by an organization approved by the United States Department of Education. In the statement, "accreditation" refers to a specific program of study that is approved or accredited by the profession, if any.

4. Reimbursement

An employee will be reimbursed for tuition and fees upon submission of an original paid receipt from the academic institution to the designated agency representative.

Prior to reimbursement, the employee must provide proof of successful completion of the course.

Successful completion of undergraduate course shall require attainment of at least a "C" grade, a "complete" or a "pass".

Successful completion of a graduate course shall require attainment of at least a "B" grade or "pass".

Successful completion of a vocational or correspondence course shall be recorded by submittal of an official certificate.

5. Termination of Employment

Any staff member who receives reimbursement for tuition shall agree to remain in the active employment of the Board Office after the receipt of such benefit for a period of one month for every unit of credit earned or to repay to the state of Iowa such compensation as the staff member shall have received. Months shall be counted beginning with the first full month of active employment following the official semester closing date of the institution wherein the employee is enrolled.

#### **4.44 Pay for Exceptional Performance**

The institutions are authorized to develop procedures for approval by the Executive Director to recognize exceptional performance by nonorganized faculty and professional and scientific staff.

If an institution chooses to institute such an award program, the number and amount of awards given, gender and ethnic breakdown of recipients as compared to all the eligible staff and examples of achievements recognized will be reported annually as a part of the Human Resources Comprehensive Report.

#### **4.45 Employee Tuition Assistance Principles**

Eligibility: Nontemporary/permanent employee with continuous appointment for one year or longer.

Coursework: Work related with approval of the supervisor unless the employee is pursuing an undergraduate degree.

Reimbursement: At the same rate as the institution's resident tuition with no predetermined credit hour minimum or maximum. This assumes satisfactory performance and the budgetary capacity to support the stipulated educational pursuits of the employee.

Reimbursement priority: Regent institutions, institutions of higher education with a partnership agreement with Regent institutions, external accredited institutions.

Under these proposed principles, a supervisor and an employee could discuss the employee's need for tuition assistance and only restrictions would be satisfactory performance and available budget.