

Contact: Tim Cook

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1 – DECEMBER 31, 2007

Action Requested: Receive the semi-annual claims activity reports for the period of July 1 through December 31, 2007.

Executive Summary: The semi-annual claims activity reports are designed to address eight categories of pending claims:

- (1) Lawsuits;
- (2) Tort and contract claims not yet lawsuits;
- (3) Complaints filed with administrative agencies other than workers' compensation claims;
- (4) Workers' compensation claims;
- (5) Internal discrimination complaints/investigations;
- (6) Faculty and Professional & Scientific (P & S) grievances and disciplinary measures;
- (7) Internal grievances/claims/investigations of AFSCME-covered staff; and
- (8) Other matters which may be unique to the institution.

The institutions and the Board Office have submitted reports for each category and have prepared executive summaries highlighting significant issues, trends, areas for improvement, and initiatives to address any identified problem areas. The executive summaries submitted by the institutions are attached to this memorandum.

Office of the Board of Regents, State of Iowa

Executive Summary:

The following table summarizes claims for this reporting period.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07	12/07
1. Litigation	0	0	0	1	3	1
2. Contract and Tort Claims	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0
4. Workers' Compensation	0	0	0	0	0	0
5. Internal Discrimination	0	0	0	0	0	0
6. Faculty and P&S	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0

1. Litigation

In the past reporting period, the Board settled two lawsuits and was dismissed from a third. One new action was commenced by the Board.

A negotiated settlement was reached with the Iowa Student Loan Liquidity Corporation (ISLLC) in regards to an injunction ISLLC filed to prevent the Board of Regents from releasing certain documents requested by the Des Moines Register pursuant to a Freedom of Information request. The Board also settled the lawsuit filed by the Iowa City Press Citizen which alleged violations of Iowa's open meetings laws. Finally, the Board was dismissed as a party in a lawsuit that sought enforcement of Iowa's open meeting law in relation to various meetings held by the University of Iowa Presidential Search Committee.

The Board filed a petition against the union representing graduate students (COGS) seeking a declaratory judgment to provide clarification of a conflict between the Federal Educational Rights and Privacy Act (FERPA) and contract language in the master agreement.

8. Other

No other claims have been reported.

University of Iowa

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Iowa for the July 1 through December 31, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07	12/07
1. Litigation	9	18	21	21	30	25
2. Contract & Tort Claims	29	18	12	12	6	11
3. Administrative Agencies	12	16	20	16	15	13
4. Workers' Compensation	748	886	775	770	796	806
5. Internal EOD Office Complaints	18	20	15	17	9	9
6. Faculty and P & S Grievances & Discipline	1	1	0	2	2	2
7. Merit Grievances and GRIP/Arbitration	6	1	1	5	3	2
8. UIHC Tort Claims	53	58	61	21	25	15
9. UIHC Lawsuits	29	26	33	27	33	26

1. Litigation

Developments: One of the new cases filed this period is a federal whistleblower (“qui tam”) action in New York, against 26 Colleges of Dentistry across the country. It involves federal support of graduate dental education. Another new case is the declaratory judgment petition involving the provision of student information to the union representing graduate students (COGS) that conflict with FERPA. Eight matters were settled during this period, and three were discharged or dismissed.

Trends and Reasons for Occurrence: There is no significant change from the previous reporting period.

2. Contract and Tort Claims

Trends and Reasons for Occurrence: Contract and tort claims in this period have increased. Of the eleven claims listed during this period, one has been denied, and three will be paid. No discernible trend can be identified.

3. Administrative Agencies

Trends and Reasons for Occurrence: There are no significant changes in the number of administrative agency claims in the past six months.

4. Workers' Compensation

Trends and Reasons for Occurrence: The number of claims, claims without missed time and claims with no medical are only slightly higher, but other figures are substantially higher. The total dollars for settled claims is nearly four times the previous period, with only two more cases. However, three of the claims that were settled totaled a disproportionately high \$275,000 in settlement dollars. No discernible trend can be identified.

5. Internal Discrimination Complaints

Trends and Reasons for Occurrence: Complaints are the same as compared to the last reporting period. No significant trend can be identified.

6. Faculty and P & S Grievances

Trends and Reasons for Occurrence:

Two faculty grievances previously reported remain in this period. There are no other P & S grievance matters to report.

7. Merit Grievances and Arbitration

Trends and Reasons for Occurrence: There are two current arbitration cases, one of which is the COGS/FERPA issue in which the Board of Regents is the responding party (there is also pending litigation on this issue). There is no discernible trend.

8. UIHC Tort Claims¹

Trends and Reasons for Occurrence: This report includes all tort claims that were pending at any one time during the period of July - December, 2007. During this period, eight tort claims were denied, settled or withdrawn, and will be deleted from the next report. Three of the eight have now been filed as lawsuits (and are also listed in that section of this report). Eight new tort claims were filed during this period. As of December 31, 2007, there are thirteen pending tort claims.

9. UIHC Lawsuits

Trends and Reasons for Occurrence: This report includes a listing of all lawsuits that were pending at any one time during the period of July - December, 2007. Six lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Five new lawsuits were filed during the period. As of December 31, 2007, there are twenty-six pending lawsuits.

¹ Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice.

Iowa State University

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to Iowa State University for the July 1 through December 31, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/05	12/05	06/06	12/06	6/07	12/07
1. Litigation	8	14	14	13	14	10
2. Contract and Tort Claims	49	22	19	14	12	16
3. Administrative Agencies	8	7	6	6	4	11
4. Workers' Compensation	221	275	239	272	293	247
5. Internal Discrimination Complaints	0	1	4	2	3	6
6. Faculty and P&S Grievances & Discipline	12	9	10	9	17	15
7. Merit Grievances	7	17	19	7	8	11

1. Litigation

Developments: The number of cases pending dropped by four cases from the last report. One new case involving an automobile accident was added. Two cases were resolved, one by summary judgment (Hinders) and one by settlement (French). ISU is awaiting the decision of the trial court in one case (Meltzer). Four cases are scheduled for trial before next June 30. Two cases are awaiting oral argument on appeal.

2. Torts and Contract Claims

Trends and Reasons for Occurrence: The number of tort claims has remained low overall and is slightly lower than previous reporting periods. ISU expects one of these claims to be dismissed in the next reporting period.

3. Complaints filed with Administrative Agencies

Trends and Reasons for Occurrence: The number of pending claims has risen. Three of the new cases involve a layoff in the division of Printing and Publications. Another three involve University Extension. Two cases were filed by the same person because she was not selected for employment. This person was dismissed from employment in 2005.

4. Workers' Compensation Claims

Trends and Reasons for Occurrence: All of the workers' compensation trends were favorable at ISU. Total weekly benefits were reduced by three-quarters and total medical benefits were reduced by nearly one-half. ISU attributes these reductions to the efforts of their recently hired workers' compensation manager.

5. Internal Discrimination

Trends and Reasons for Occurrence: The number of pending internal complaints of discrimination increased from three to six. No pattern is apparent and none of the newly filed claims appear to be significant.

6. Faculty and P&S Grievances and Disciplinary Cases

Trends and Reasons for Occurrence: Four of the fifteen pending Faculty and P&S Cases involved promotion and tenure. Eight involved employee complaints about treatment by supervisors. Two involved termination, and one case alleged plagiarism. No trend is apparent.

7. Internal Grievances/Claims, Investigations of Merit Employees

Trends and Reasons for Occurrence: Claims of improper disciplinary action and termination have slightly increased the number of merit grievances.

8. Other

No claims have been reported.

University of Northern Iowa

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the University of Northern Iowa for the July 1 through December 31, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/05	12/05	6/06	12/06	6/07	12/07
1. Litigation	3	6	9	10	9	10
2. Tort and Contract Claims	11	3	14	10	5	11
3. With Administrative Agencies	4	6	8	6	5	6
4. Workers' Compensation	85	105	90	75	73	64
5. Internal Discrimination Complaints	3	2	5	5	5	6
6. Faculty & P&S Grievances & Discipline	0	1	1	1	1	2
7. Merit Grievances	1	2	7	8	6	9
8. Other	1	1	1	1	0	1

1. Litigation

Developments: Notices for four new cases were received during the reporting period. One of the new cases is related to a previously filed case. Three of the new litigation cases had previously been filed as tort claims, and had been denied by the State as part of the tort claim process. The other new case had been filed as a discrimination case with the applicable administrative agencies. One case was dismissed at the district court level in this reporting period and has been appealed by the plaintiff.

Trends and Reasons for Occurrence: The total number of cases reported for this time period is consistent with prior periods. The six continuing cases involve different aspects and issues relating to the University. There are no apparent trends evident in these cases.

2. Tort and Contract Claims

Developments: The University received notice of ten new tort claims during the July-December 2007 time period. Three of those new claims were paid or in the process of being paid during the period.

Trends and Reasons for Occurrence: While the number of tort claims during the July-December 2007 time period is larger than the immediately preceding six-month time period, the number is fairly consistent with the University's earlier experience. There do not appear to be any trends reflected by the issues involved in the claims.

3. Complaints filed with Administrative Agencies

Developments: During the six month time period, two of the prior reported complaints were closed, and three new complaints were filed.

Trends and Reasons for Occurrence: The number of complaints filed with administrative agencies (other than workers' compensation claims) that were processed during the period increased slightly, from five to six. No significant University issues or trends are evident by the number or types of complaints in this category.

4. Workers' Compensation Claims

Trends and Reasons for Occurrence: Most of the figures in the workers' compensation claims category decreased in comparison to the prior six-month period. No long-term trends are evident from the data relating to workers' compensation claims at this time.

5. Internal Discrimination Complaints/Investigations

Developments: This number of reported cases is similar to previous reporting periods. Of the six reported cases, one was outstanding and under investigation at the end of the reporting period; the other five cases were closed during the period.

Trends and Reasons for Occurrence: Based on the number and substance of the complaints, no significant trends are evident.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments: One faculty grievance was filed during this reporting period.

Trends and Reasons for Occurrence: The number of faculty and P&S grievances reflected by this report is two, which is consistent with prior periods. Prior grievances have varied between either P&S grievances or faculty grievances at the University. There are no apparent trends evident in this area.

7. Internal Grievances/Claims/Investigations of Merit Employees

Developments: The number of Merit employee grievances during the period increased from six to nine. Five of the nine grievances were new. In comparison to prior reporting periods over the last two years, it is not unusual for the University to have this number of grievances. UNI reports the majority of these grievances were settled or concluded by December 31, 2007.

Trends and Reasons for Occurrence:

These grievances do not seem to reflect any apparent trends.

8. Other

No claims reported.

Iowa Braille and Sight Saving School

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa Braille and Sight Saving School for the July 1 through December 31, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07	12/07
1. Litigation	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0
4. Workers' Compensation	15	10	17	8	8	9
5. Internal Discrimination Complaints	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0
7. Merit Grievances	0	0	0	2	0	2

4. Worker's Compensation Claims

Developments: Of the nine workers' compensation claims filed, none resulted in lost time and five of the nine incurred no medical costs. There were significant reductions in both the total dollars for medical care as well as the average medical amount per claim. There are two workers' compensation claims being litigated. One former employee has filed both workers' compensation litigated claims. Hearing dates are scheduled for September 2008.

The Iowa Braille and Sight Saving School continues to actively seek to accommodate restrictions allowing for light duty assignments ensuring a more rapid return to work.

Trends and Reasons for Occurrence:

Generally, the Iowa Braille and Sight Saving School will have workers' compensation claims that do not incur medical expenses or result in lost time, as employees are trained to report in writing all incidents that may result in injury to a student and to report in writing all incidents that may result in injury to the employee. After reporting the incident there is often no actual injury in terms of medical cost or lost work time.

8. Other

No claims have been reported.

Iowa School for the Deaf

Executive Summary:

The following table summarizes the number of cases, claims, complaints, and grievances applicable to the Iowa School for the Deaf for the July 1 through December 31, 2007 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07	12/07
1. Litigation	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	1
3. Administrative Agencies	0	0	0	0	0	0
4. Workers' Compensation	8	5	8	7	3	2
5. Internal Discrimination Complaints	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0
7. Merit Grievances	2	0	0	0	0	0

2. Contract and Tort Claims

Developments: ISD had one new tort claim filed in the reporting period. This represents the only tort claim pending against ISD.

4. Workers' Compensation Claims

Developments: Iowa School for the Deaf had two workers' compensation claims in this reporting period. None of these claims resulted in time off work. Workers' compensation claims continue to be low at Iowa School for the Deaf.

8. Other

No claims have been reported.