

Contact: Aimee Clayton

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2011 – DECEMBER 31, 2011

Action Requested: Receive the semi-annual claims activity reports for the period of July 1, 2011 through December 31, 2011.

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 and Scientific (P&S) grievances and disciplinary measures;
- (7) Internal grievances/claims/investigations of contract-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 the 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 the number of cases, claims, complaints, and grievances applicable to the Board Office for the July 1, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	0	0	0	0	0	2	2
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	0	0	0	0	0	0	0
5. Internal Discrimination	0	0	0	0	0	0	0
6. Faculty and P&S	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: Two lawsuits remain pending during this reporting period. One involves an appeal from final agency action filed pursuant to Iowa Code Chapter 17A. The second case was resolved in the Board of Regents' favor on a motion to dismiss. Plaintiff's motion to alter or amend judgment is currently pending in United States District Court.

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, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	22	11	12	16	20	16	25
2. Contract & Tort Claims	5	14	6	9	17	2	7
3. Administrative Agencies	8	16	20	11	15	15	12
4. Workers' Compensation	832	721	687	632	690	661	687
5. Internal EOD Office Complaints	11	15	17	12	15	9	16
6. Faculty and P&S Grievances & Discipline	3	2	4	4	7	4	8
7. Merit Grievances and GRIP/Arbitration	3	1	4	1	2	1	6
8. UIHC Tort Claims	21	33	33	39	38	33	21
9. UIHC Lawsuits	28	28	24	22	25	28	29

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period two lawsuits were settled, dismissed or adjudicated. There are twenty-five active lawsuits, one of which is an appeal and two involving claims the University has against a vendor. The University became involved in three new lawsuits this reporting period. No significant trend can be identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Active tort claims are less than half what they were during the same reporting period last year, although they are up slightly as compared to the January through June, 2011 reporting period. Not significant trend can be identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: The number of administrative claims decreased by 20% as compared to the immediately prior reporting period.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims is comparable to the immediately prior reporting period. No trends have been identified.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The number of complaints is comparable to the same reporting period last year, but is slightly higher than the January through June, 2011 period.

6. Faculty and P&S Grievances

Developments, Trends and Reasons for Occurrence: There were six active faculty grievances during this reporting period. Included is one complaint the University has filed against a grieving faculty member. Three grievances in the same department are based on an issue with a University policy on post-tenure effort allocation (assignment of teaching duties). No significant trends have been identified.

7. Merit Grievances and GRIP/Arbitration

Developments, Trends and Reasons for Occurrence: There were six GRIP cases during this reporting period. No Merit grievances were active during this reporting period. No significant trend has been identified.

8. UIHC Tort Claims¹

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims that were pending at any one time during the period of July through December 2011. During this period fifteen tort claims were denied or withdrawn and will be removed from the next report. Seven of these tort claims have been filed as lawsuits and are also listed in that section of this report. Thirteen new tort claims were filed during this period. As of December 31, 2011 there were twenty-one pending tort claims.

9. UIHC Lawsuits

Developments, Trends and Reasons for Occurrence: This report also includes a listing of all lawsuits pending at any one time during the period of July through December 2011. Six lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Seven new lawsuits were filed during this reporting period. As of December 31, 2011 there were twenty-nine pending lawsuits.

¹ Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. During this reporting period, three (3) 28E Agreement tort claims were settled directly by UIHC.

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, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	9	11	10	10	8	11	8
2. Contract and Tort Claims	16	18	16	19	13	13	20
3. Administrative Agencies	9	9	1	2	5	6	5
4. Workers' Compensation	262	266	238	292	222	249	253
5. Internal Discrimination Complaints	2	1	1	0	0	3	4
6. Faculty and P&S Grievances & Discipline	11	13	11	10	10	6	4
7. Merit Grievances	10	10	5	5	9	13	20

1. Litigation

Developments, Trends and Reasons for Occurrence: No new suits were filed during this reporting period and none were resolved. In two cases, *Dobratz & Besser v. Krier* and *Clark v. ISU*, the lower courts found in the University's favor. These cases have been appealed to the Iowa and United States Supreme Courts. The University believes these courts are unlikely to grant review.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Although tort claims increased since the last reporting period, only two claims arising from a single injury are significant. The remaining claims are for minor property damage.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Three discrimination complaints were filed during this reporting period. One was dismissed and one was closed with issuance of a right to sue letter.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: Workers' compensation claims, days missed and payments for claims remain generally consistent with prior reporting periods.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The internal discrimination case pending from the prior report was closed with a finding of no discrimination. Three new cases were filed, and all are now closed. One case resulted in minor disciplinary action for sexual harassment. The other two cases were determined unfounded on complaints of discrimination. One of these cases resulted in discipline on other grounds.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: There were no faculty grievances pending. No new faculty conduct cases were filed. Two faculty conduct cases were resolved.

The remaining case, involving allegations of harassment (non-sexual), is on appeal to the President. There is one P&S grievance pending.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Eleven merit grievances were filed during this reporting period. All involved disciplinary action. Four pending cases were settled and five cases are scheduled for arbitration. These cases involve holiday pay and scheduling.

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, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	9	11	10	9	9	8	6
2. Tort and Contract Claims	5	7	8	13	9	8	2
3. Administrative Agencies	5	3	3	5	3	4	5
4. Workers' Compensation	83	68	70	102	87	90	62
5. Internal Discrimination Complaints	8	4	6	6	4	4	4
6. Faculty & P&S Grievances & Discipline	1	2	1	5	3	6	13
7. Merit Grievances	10	8	10	6	9	8	5
8. Other	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits remains fairly consistent, with a slight decrease during the current reporting period. The cases are in various stages of the litigation process. No significant trends are apparent.

2. Tort and Contract Claims

Developments, Trends and Reasons for Occurrence: The number of tort claims during this reporting period was lower than prior reporting periods. No significant trends are apparent.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Three new complaints were received and two complaints were closed during this reporting period. The number of complaints remains fairly consistent. No significant trends are apparent.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: There was a decrease in the number of workers' compensation claims filed during this reporting period. This may have been the result of better return-to-work experience. No significant trends are apparent, but the university will continue to review the data.

5. Internal Discrimination Complaints/Investigations

Developments, Trends and Reasons for Occurrence: The number of complaints in this category is the same as prior reporting periods. Three new cases were received and three of the listed cases were completed. One case was under investigation and open at the end of the reporting period. No significant trends are apparent.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: The number of cases in this category increased when compared to the prior reporting periods. Some of the grievances include similar issues. The University continues to work with these issues.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances decreased during this reporting period. The grievances do not reflect any apparent trends.

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, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	10	2	7	1	2	3	8
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0	4

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: Eight workers' compensation claims were filed during this reporting period, an increase over prior reporting periods. There was no lost time associated with these claims. No significant trends were apparent.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Four grievances were filed on behalf of AFSCME employees. All of these grievances concerned the same issue and were withdrawn in response to a final settlement agreement.

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, 2011 through December 31, 2011 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/08	06/09	12/09	06/10	12/10	06/11	12/11
1. Litigation	0	0	1	2	2	1	1
2. Contract and Tort Claims	1	1	0	0	0	0	0
3. Administrative Agencies	0	1	1	2	1	1	0
4. Workers' Compensation	5	3	2	7	5	6	4
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	0	0	0
7. Merit Grievances	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: One lawsuit was pending during this reporting period. Depositions have been conducted. No trends have been identified.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Four workers' compensation claims were filed during this reporting period. Two of these claims resulted in time missed from work. Two contested claims were settled during this reporting period, although checks were not issued until January 2012 so the amounts are not reflected in this reporting period. Workers' compensation claims continue to remain low at the Iowa School for the Deaf.