

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1, 2009 – JUNE 30, 2009**

**Action Requested:** Receive the semi-annual claims activity reports for the period of January 1, 2009 through June 30, 2009.

**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 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 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 the number of cases, claims, complaints, and grievances applicable to the Board Office for the January 1, 2009 through June 30, 2009 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/06</b>	<b>12/06</b>	<b>6/07</b>	<b>12/07</b>	<b>6/08</b>	<b>12/08</b>	<b>6/09</b>
1. Litigation	0	1	3	1	1	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	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

**No claims of any type were active in this reporting period.**

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 January 1, 2009 through June 30, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/06	12/06	6/07	12/07	6/08	12/08	6/09
1. Litigation	21	21	30	25	21	22	11
2. Contract & Tort Claims	12	12	6	11	9	5	14
3. Administrative Agencies	20	16	15	13	12	8	16
4. Workers' Compensation	775	770	796	806	818	832	721
5. Internal EOD Office Complaints	15	17	9	9	18	11	15
6. Faculty and P&S Grievances & Discipline	0	2	2	2	2	3	2
7. Merit Grievances and GRIP/Arbitration	1	5	3	2	2	3	1
8. UIHC Tort Claims	61	21	25	15	20	21	33
9. UIHC Lawsuits	33	27	33	26	23	28	28

**1. Litigation**

Developments: During this period, 10 lawsuits were settled, dismissed or adjudicated. One settlement is pending. There are 11 active lawsuits, two of which are appeals and three involve the University of Iowa as Plaintiff. The University became involved in three new lawsuits in this report period.

Trends and Reasons for Occurrence: The 11 reported active lawsuits represent the lowest number reported for this category over the past four years. No specific reason was identified by the University for the decrease.

**2. Contract and Tort Claims**

Trends and Reasons for Occurrence: Contract and tort claims in this period increased. There are seven active claims this period, including four forwarded to the General Counsel's Office; an additional three were settled. No discernible trend was identified.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: There is an increase in the number of administrative agency claims filed in the past six months as compared to the previous reporting period. The reported number however remains within the historical range for this reporting category.

**4. Workers' Compensation**

Trends and Reasons for Occurrence: The figures show a decrease in number of claims compared with the last reporting period, but the medical cost per claim increased. No discernible trend was identified.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: There was a slight increase in this reporting period, but the reported number is within the University's historical range for this reporting category.

**6. Faculty and P & S Grievances**

Trends and Reasons for Occurrence: One faculty grievance remains from the previous reporting period. Also included is one grievance filed by the Provost's Office against a faculty member. There was no trend identified.

**7. Merit Grievances and GRIP/Arbitration**

Trends and Reasons for Occurrence: There was only one arbitration case during this reporting period.

**8. UIHC Tort Claims<sup>1</sup>**

Trends and Reasons for Occurrence: This category includes all tort claims involving the UIHC that were pending at any time in this reporting period. During this period, nine tort claims were denied, settled or withdrawn and will be deleted from the next report. Three of the nine tort claims have now been filed as lawsuits (and are also listed in that section of this report). Fourteen new tort claims were filed during this period. As of June 30, 2009 there are 33 pending tort claims. The 33 tort claims represent the second highest number reported in the past eight reporting periods. The UIHC reported no discernable trend related to the increase in this reporting period.

**9. UIHC Lawsuits**

Trends and Reasons for Occurrence: Four lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Four new lawsuits were filed during the period. As of June 30, 2009 there are 28 pending lawsuits. This was the same number reported in the last reporting period.

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<sup>1</sup> Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. In this reporting period, two 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 January 1, 2009 through June 30, 2009 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/06</b>	<b>12/06</b>	<b>6/07</b>	<b>12/07</b>	<b>6/08</b>	<b>12/08</b>	<b>6/09</b>
1. Litigation	14	13	14	10	10	9	11
2. Contract and Tort Claims	19	14	12	16	22	16	18
3. Administrative Agencies	6	6	4	11	13	9	9
4. Workers' Compensation	239	272	293	247	286	262	266
5. Internal Discrimination Complaints	4	2	3	6	3	2	1
6. Faculty and P&S Grievances & Discipline	10	9	17	15	13	11	13
7. Merit Grievances	19	7	8	11	12	10	10

**1. Litigation**

Developments: In this reporting period, four new cases were filed including two by the same individual. The University notes that in this reporting period: it received a favorable ruling from the Eighth Circuit Court of Appeals (Qamhiyah-tenure denial); that the Iowa Supreme Court denied review of a determination in favor of the University (Carr – disciplinary suspension of a faculty member); and that two additional cases were settled by the Attorney General (Crowe and Chitty).

**2. Torts and Contract Claims**

Trends and Reasons for Occurrence: The number of tort claims increased slightly and no trends were identified.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence: In the prior reporting period, one case was resolved. Only one claim was filed in this reporting period, so there was no reduction in pending cases. The University also notes that since January, eight of the nine pending cases have been closed without a finding of discrimination.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence: Worker's compensation claims have remained at approximately the same level as the last reporting period.

**5. Internal Discrimination**

Trends and Reasons for Occurrence: No significant developments or cases were reported.

**6. Faculty and P&S Grievances and Disciplinary Cases**

Trends and Reasons for Occurrence: There were three faculty grievances pending in this reporting period. Two have been denied and one is pending before the Board. While the reported number of cases in this category only increased by two over the last reporting period, the University did note a significant increase in faculty conduct cases. The University reports that most are not serious, but a

clear trend identified by the University is that more students are filing claims against faculty members with this type of complaint representing five out of the seven new faculty complaints filed in this reporting period. Of the seven faculty cases, six were resolved in this reporting period.

**7. Internal Grievances/Claims, Investigations of Merit Employees**

Trends and Reasons for Occurrence: The majority of the merit cases involved discipline, of which two resulted in termination. Four of the pending cases were resolved during the reporting period.

**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 January 1, 2009 through June 30, 2009 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/06</b>	<b>12/06</b>	<b>6/07</b>	<b>12/07</b>	<b>6/08</b>	<b>12/08</b>	<b>6/09</b>
1. Litigation	9	10	9	10	10	9	11
2. Tort and Contract Claims	14	10	5	11	8	5	7
3. With Administrative Agencies	8	6	5	6	7	5	3
4. Workers' Compensation	90	75	73	64	74	83	68
5. Internal Discrimination Complaints	5	5	5	6	7	8	4
6. Faculty & P&S Grievances & Discipline	1	1	1	2	2	1	2
7. Merit Grievances	7	8	6	9	7	10	8
8. Other	1	1	0	1	0	0	0

**1. Litigation**

Developments: The University received notice of two new lawsuits in this reporting period. These lawsuits were filed by a plaintiff in one of the previously filed lawsuits. Two of the cases reflected in this report were settled and the remaining cases are in various stages of the litigation process. No apparent trends were evident in these cases.

**2. Tort and Contract Claims**

Trends and Reasons for Occurrence: The University received five new tort claims in this reporting period. Two of the claims relate to the same incident. One of the claims was paid during the period and three were forwarded to the Attorney General's Office for review and disposition. The remaining three claims were under investigation at the end of the period and will be forwarded to the Attorney General's Office. No trend was identified.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence: In this reporting period there were no new complaints. At the close of this reporting period, two of the three complaints reflected in this category were satisfactorily closed. The three reported complaints represent the lowest number of complaints reported by the University in this category.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence: The number of workers' compensation claims decreased in comparison to the prior reporting period. The University notes that while the number of claims decreased, the total expense of claims was similar to the prior reporting period which resulted in a higher cost per claim.

**5. Internal Discrimination Complaints/Investigations**

Trends and Reasons for Occurrence: The number of cases reflected in this category is lower than prior reporting periods. At the conclusion of the period, there were only two cases that were under investigation and open in this category. The remaining cases had been completed and closed. The University did not find a trend associated with this decrease.

**6. Faculty and P&S Grievances and Disciplinary Cases**

Developments: Two new grievances were filed in this reporting period, one by a faculty member and the other by a P&S employee. The P&S grievance was satisfactorily resolved in the reporting period.

**7. Internal Grievances/Claims/Investigations of Merit Employees**

Trends and Reasons for Occurrence: The number of Merit employee grievances for the reporting period decreased slightly and is relatively consistent with prior periods.

**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 January 1, 2009 through June 30, 2009 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/06</b>	<b>12/06</b>	<b>6/07</b>	<b>12/07</b>	<b>6/08</b>	<b>12/08</b>	<b>6/09</b>
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	17	8	8	9	15	10	2
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	2	0	2	1	0	0

**4. Workers' Compensation Claims**

Developments: In this reporting period, there were two workers' compensation claims filed. Neither claim resulted in lost time.

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 January 1, 2009 through June 30, 2009 reporting period, and compares those numbers to prior periods.

Type of Claim Pending	6/06	12/06	6/07	12/07	6/08	12/08	6/09
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	1	1	1	1
3. Administrative Agencies	0	0	0	0	0	0	1
4. Workers' Compensation	8	7	3	2	6	5	3
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

**2. Contract and Tort Claims**

Developments: ISD continues to report the outstanding tort claim that was filed in November 2007. This is the only current tort claim at ISD.

**3. Administrative Agencies**

Developments: ISD had one claim filed with the EEOC alleging discrimination based on disability. ISD responded to this allegation and is waiting on a determination from the EEOC.

**4. Workers' Compensation Claims**

Developments: Iowa School for the Deaf had three workers' compensation claims in this reporting period. One of these claims resulted in time missed from work. Workers' compensation claims continue to be low at the Iowa School for the Deaf.