

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2008 – DECEMBER 31, 2008**

**Action Requested:** Receive the semi-annual claims activity reports for the period of July 1, 2008 through December 31, 2008.

**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 July 1 through December 31, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>12/05</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>
1. Litigation	0	0	1	3	1	1	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

**1. Litigation**

In the last reporting period the Board dismissed a lawsuit filed against the Campaign to Organize Graduate Students (COGS) that sought to clarify contract language in the master agreement. That lawsuit is no longer reflected by this report.

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, 2008 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/05	6/06	12/06	6/07	12/07	6/08	12/08
1. Litigation	18	21	21	30	25	21	22
2. Contract & Tort Claims	18	12	12	6	11	9	5
3. Administrative Agencies	16	20	16	15	13	12	8
4. Workers' Compensation	886	775	770	796	806	818	832
5. Internal EOD Office Complaints	20	15	17	9	9	18	11
6. Faculty and P&S Grievances & Discipline	1	0	2	2	2	2	3
7. Merit Grievances and GRIP/Arbitration	1	1	5	3	2	2	3
8. UIHC Tort Claims	58	61	21	25	15	20	21
9. UIHC Lawsuits	26	33	27	33	26	23	28

**1. Litigation**

Developments: During this period 14 lawsuits were settled, dismissed or adjudicated. There are 22 active lawsuits, two of which are appeals and two involve the University as a plaintiff. The University became involved in six new lawsuits in this reporting period.

Trends and Reasons for Occurrence: No trends have been identified.

**2. Contract and Tort Claims**

Trends and Reasons for Occurrence: Contract and tort claims decreased in this period. There are five active claims in this reporting period, including two forwarded to the General Counsel's Office. Three additional cases were settled.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: There number of administrative agency claims decreased. No trend has been identified.

**4. Workers' Compensation**

Trends and Reasons for Occurrence: The number of claims remained approximately the same as the last reporting period. The number of settled claims has risen, but there was relatively little increase in the average award per claim.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: The figures show that reporting and awareness of what constitutes an actionable claim have stabilized. No other identifiable trends are apparent.

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

Trends and Reasons for Occurrence: Two faculty grievances previously reported remain in this period. A new grievance was filed by the Provost's Office against a faculty member.

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

Trends and Reasons for Occurrence: There are currently three arbitration cases open with no discernable trend.

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

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-December, 2008. During this period, 17 tort claims were denied, settled or withdrawn, and will be deleted from the next report. Nine of the 17 have now been filed as lawsuits (and are also listed in that section of this report). Eleven new tort claims were filed during this period. As of December 31, 2008, there are 21 pending tort claims. No discernible trend can be identified.

**9. UIHC Lawsuits**

Trends and Reasons for Occurrence: Five lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Nine new lawsuits were filed during the period. As of December 31, 2008, there were 28 pending lawsuits.

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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, three 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 through December 31, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>12/05</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>
1. Litigation	14	14	13	14	10	10	9
2. Contract and Tort Claims	22	19	14	12	16	22	16
3. Administrative Agencies	7	6	6	4	11	13	9
4. Workers' Compensation	275	239	272	293	247	286	262
5. Internal Discrimination Complaints	1	4	2	3	6	3	2
6. Faculty and P&S Grievances & Discipline	9	10	9	17	15	13	11
7. Merit Grievances	17	19	7	8	11	12	10

**1. Litigation**

Developments: In this reporting period, one new case was filed and two cases were dismissed. The University also received two favorable rulings from the Court of Appeals in Carr (disciplinary suspension of a faculty member) and Meltzer (denial of tenure). One case on appeal (Qamhiyah-tenure denial) was argued to the Eighth Circuit Court of Appeals with a decision likely by June 30, 2009.

**2. Torts and Contract Claims**

Trends and Reasons for Occurrence: The number of tort claims decreased slightly and no trends have been identified.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence: In the prior reporting period, five cases were resolved. Only one claim was filed in this reporting period, resulting in a reduction of four cases.

**4. Workers' Compensation Claims**

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

**5. Internal Discrimination**

Trends and Reasons for Occurrence: No discernable trends have been identified.

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

Trends and Reasons for Occurrence: There were four faculty grievances pending on different topics in this reporting period. One has been resolved. The two faculty conduct cases involve allegations by students. Of the five active P&S grievances, two were filed by the same person and two were resolved. No disciplinary hearings are pending for P&S employees.

**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. Three of the grievances were filed by the same person.

**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, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>12/05</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>
1. Litigation	6	9	10	9	10	10	9
2. Tort and Contract Claims	3	14	10	5	11	8	5
3. With Administrative Agencies	6	8	6	5	6	7	5
4. Workers' Compensation	105	90	75	73	64	74	83
5. Internal Discrimination Complaints	2	5	5	5	6	7	8
6. Faculty & P&S Grievances & Discipline	1	1	1	1	2	2	1
7. Merit Grievances	2	7	8	6	9	7	10
8. Other	1	1	1	0	1	0	0

**1. Litigation**

Developments: The University received notice of one new lawsuit in this reporting period. This lawsuit was previously filed as a tort claim. The cases are in various stages of the litigation process, including two which are on appeal by the plaintiffs. Three of the litigation cases are scheduled for trial in the next period.

Trends and Reasons for Occurrence: The total number of cases reported for this time period is consistent in comparison to the prior periods. The cases generally 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 five new tort claims in this reporting period. Two of the claims related to the same incident. Three of the claims were paid during the period and one of the claims was in the payment process at the end of the period. The remaining claim was under investigation at the end of the period and will be forwarded to the Attorney General's Office.

Trends and Reasons for Occurrence: The number of claims is not unusual in comparison to 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: In this reporting period, there were no new complaints. At the close of this reporting period, two of the five complaints reflected by the report were closed, and one was in litigation (and is reflected in the Litigation category above).

Trends and Reasons for Occurrence: The number of complaints filed with administrative agencies (other than workers' compensation claims) for this reporting period decreased slightly, from seven to five, and is consistent with prior periods. No significant University issues or trends appear to be evident by the number or types of complaints in this category.

**4. Workers' Compensation Claims**

Developments: The number of workers' compensation claims increased in comparison to the prior reporting period.

Trends and Reasons for Occurrence: The main reason for the increase in the workers' compensation numbers appears to be the extremely unusual and icy winter weather conditions experienced before the period (Winter 2007-08). Some of the workers' compensation costs during the period were associated with accidents from the prior period. There are no long-term trends evident from the workers' compensation numbers at this time. The workers' compensation information is being watched to determine if additional University effort will need to be focused in this area.

#### **5. Internal Discrimination Complaints/Investigations**

Developments: One additional case was filed in this reporting period. The number of cases reflected in this category is slightly higher than prior periods; however, at the end of the period, there was only one case that was under investigation and open in this category. The remaining cases in this category had been completed and closed.

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 new faculty grievance was filed in this reporting period. The grievance was satisfactorily resolved during the period.

Trends and Reasons for Occurrence: The number of faculty and P&S grievances is consistent with prior periods. There are no apparent trends evident in this area, either in number of grievances or the substance of the grievance(s).

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

Developments: The number of Merit employee grievances for the period increased slightly from nine a year ago, to seven for the previous six months, to ten for this current period. In comparison to the last few years, the number of grievances in this category is relatively consistent.

Trends and Reasons for Occurrence: The grievances do not seem to reflect any apparent trends or overall issues.

#### **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, 2008 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/05	6/06	12/06	6/07	12/07	6/08	12/08
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	17	8	8	9	15	10
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	2	0	2	1	0

**4. Workers' Compensation Claims**

Developments: The Iowa Braille School experienced ten workers' compensation claims during the most recent reporting. Of the ten claims, none incurred lost time.

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

Trends and Reasons for Occurrence: Generally, the Iowa Braille School will have workers' compensation claims that do not incur medical expenses or result in lost time, as employees are well 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.

**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, 2008 reporting period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>12/05</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>
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	1	1	1
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	5	8	7	3	2	6	5
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.

**4. Workers' Compensation Claims**

Developments: Iowa School for the Deaf had five 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.