

Contact: Aimee Clayton

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2012 – DECEMBER 31, 2012

Action Requested: Receive the semi-annual claims activity reports for the period of July 1, 2012 through December 31, 2012.

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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	06/10	12/10	06/11	12/11	06/12	12/12
1. Litigation	0	0	0	2	2	3	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 were pending during this reporting period. One lawsuit involves a challenge of the Board's decision to close Price Laboratory School. The second lawsuit involves an appeal from final agency action filed pursuant to Iowa Code Chapter 17A. The District Court in each case ruled in favor of the Board of Regents, and the plaintiffs appealed to the Iowa Supreme 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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	06/10	12/10	06/11	12/11	06/12	12/12
1. Litigation	12	16	20	16	25	25	24
2. Contract & Tort Claims	6	9	17	2	7	10	12
3. Administrative Agencies	20	11	15	15	12	15	21
4. Workers' Compensation	687	632	690	661	687	712	795
5. Internal EOD Office Complaints	17	12	15	9	16	13	9
6. Faculty, P&S & SEIU Grievances	13	11	17	13	11	8	11
7. Merit Grievances	24	37	35	67	31	56	39
8. UIHC Tort Claims	33	39	38	33	21	15	23
9. UIHC Lawsuits	24	22	25	28	29	26	32

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, 12 lawsuits were settled, dismissed or adjudicated. Seven new lawsuits were filed during this reporting period. There were 24 active suits at the close of the reporting period. No significant trend has been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: During this reporting period, 2 pending claims were settled and 12 new tort claims were filed. No significant trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: During this reporting period, 6 administrative agency claims were closed and 11 new claims were filed. No significant trend can be identified.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims is slightly higher as compared to the prior reporting period. No significant trend can be identified.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The number of internal discrimination complaints is slightly higher as compared to the prior reporting period. No significant trend can be identified.

6. Faculty and P&S Grievances

Developments, Trends and Reasons for Occurrence: The number of disputes during this reporting period is within the normal range of variability. The numbers have been updated from prior reports to include all grievances filed by SEIU on behalf of UI Health Care.

7. Merit Grievances and GRIP/Arbitration

Developments, Trends and Reasons for Occurrence: The number of grievances filed during this reporting period is within the normal range of variability. Whereas prior reports only reflected grievances that advanced to GRIP hearing or arbitration, the numbers have been updated to include all grievances filed by AFSCME on behalf of UI merit staff. This is consistent with how the other institutions report merit grievances.

8. UIHC Tort Claims¹

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims pending at any one time during the period of July through December 2012. During this reporting period, 20 tort claims were denied, withdrawn or settled and will be deleted from the next report. Nine of these tort claims have now been filed as lawsuits and are also reflected in that section of the report. Fourteen new tort claims were filed during this reporting period. As of December 31, 2012 there are 23 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 2012. Three lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Nine new lawsuits were filed during this reporting period. As of December 31, 2012 there were 32 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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	6/10	12/10	6/11	12/11	6/12	12/12
1. Litigation	10	10	8	11	8	9	10
2. Contract and Tort Claims	16	19	13	13	20	21	29
3. Administrative Agencies	1	2	5	6	5	4	2
4. Workers' Compensation	238	292	222	249	253	188	184
5. Internal Discrimination Complaints	1	0	0	3	4	1	4
6. Faculty and P&S Grievances & Discipline	11	10	10	6	4	10	15
7. Merit Grievances	5	5	9	13	20	18	8

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, four new suits were filed (*Tidriri II*, *Clark*, *Nelson*, and *Russell Construction*). The new case involving Dr. Tidriri has been combined with the pending suit, and trial on both matters is scheduled in April 2013. The Clark matter is the second suit involving termination of an employee. This case has been dismissed, but the time for filing appeal has yet to expire. The Nelson case involves a trip and fall. The Russell Construction case involves allegations that the University provided coal ash to a contractor for use in construction of a Best Buy store.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: The number of contract claims pending during this reporting period increased as compared to prior reporting periods. This increase is due to a number of Iowa Code Chapter 573 claims for non-payment filed by contractors working on the Recreation Services Facility renovations. The only significant tort filings pertain to pending litigation (*Tidriri* and *Russell Construction*).

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: No new discrimination or administrative complaints were filed during this reporting period. One pending complaint has been tentatively resolved through mediation and is awaiting finalization.

4. Workers' Compensation Claims

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

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: During this reporting period, four new complaints were filed and have since been closed. Three resulted in findings of no discrimination or harassment. One case resulted in disciplinary action.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: Two faculty grievances pending during the prior reporting period were resolved during this reporting period by granting the requested action or by mutual agreement. Three new faculty grievances were filed during this reporting period. One has been resolved through accommodation by the Dean. The two remaining claims related to litigation filed by Dr. Tidriri. One complaint was denied by the University and remains pending on appeal to the Board of Regents. The second grievance remains under review at the institutional level.

Three new faculty conduct cases were filed during this reporting period. Of the six pending complaints, four resulted in recommendations for disciplinary action. Two cases were dismissed, and three cases remain under review or on appeal. Three of the disciplinary cases concern a single event involving three faculty members. One new case results from implementation of the new post-tenure review policy.

Four Professional and Scientific grievances were pending during this reporting period. Three grievances were denied and were not appealed. One grievance remains pending. There were no Professional and Scientific disciplinary complaints pending during this reporting period.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: A large number of settlements during the prior reporting period combined with the filing of only one grievance during this reporting period resulted in a significant decrease in the number of pending merit grievances. The number of pending grievances approximates the University's experiences prior to the beginning of budget reductions in 2009.

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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	06/10	12/10	06/11	12/11	06/12	12/12
1. Litigation	10	9	9	8	6	5	4
2. Tort and Contract Claims	8	13	9	8	2	3	6
3. Administrative Agencies	3	5	3	4	5	4	5
4. Workers' Compensation	70	102	87	90	68	80	70
5. Internal Discrimination Complaints	6	6	4	4	4	5	6
6. Faculty & P&S Grievances & Discipline	1	5	3	6	13	23	16
7. Merit Grievances	10	6	9	8	5	10	5
8. Other	0	0	0	0	0	0	0

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits has stayed fairly constant over the prior reporting periods, with a slight decrease over the past twelve months. No significant trends have been identified.

2. Tort and Contract Claims

Developments, Trends and Reasons for Occurrence: The number of tort claims was slightly higher when compared to the prior reporting period. No significant trends have been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: One claim was filed during this reporting period. The number of complaints remains consistent with prior reporting periods.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: There was a slight decrease in the number of workers' compensation claims filed during this reporting period. The number remains fairly consistent with prior reporting periods. The University will continue to review this data.

5. Internal Discrimination Complaints/Investigations

Developments, Trends and Reasons for Occurrence: The number of complaints increased as compared to the immediately prior reporting period. Three new cases were filed and three pending cases were closed. No significant trends have been identified.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: The number of claims decreased as compared to the immediately prior reporting period. Many of the issues concern budget and program processes occurring during the Spring of 2012. The University continues to work on and monitor these issues.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of Merit grievances decreased as compared to the prior 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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	6/10	12/10	6/11	12/11	6/12	12/12
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	0	1
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	7	1	2	3	8	6	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	0	0	0	4	0	0

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: One tort claim was pending during this reporting period. This claim is related to an automobile accident.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: Two workers' compensation claims were filed during this reporting period. These claims resulted in no time missed from work.

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, 2012 through December 31, 2012 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/09	6/10	12/10	6/11	12/11	6/12	12/12
1. Litigation	1	2	2	1	1	1	1
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	1	2	1	1	0	0	0
4. Workers' Compensation	2	7	5	6	4	3	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

1. Litigation

Developments, Trends and Reasons for Occurrence: One lawsuit was settled on August 6, 2012. There is currently no pending litigation at the Iowa School for the Deaf.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Three workers' compensation claims were pending during this reporting period. None of these claims resulted in time missed from work. One contested claim is currently open. Workers' compensation claims continue to remain low at the Iowa School for the Deaf.