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SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2015 – DECEMBER 31, 2015

Action Requested: Receive the semi-annual claims activity reports for the period of July 1, 2015 through December 31, 2015.

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

- (1) Lawsuits¹;
- (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.

¹ This category may include lawsuits in which multiple Regent institutions and/or the Board of Regents are named parties. These claims are included in the reports for each named party. One such lawsuit has been identified during this reporting period – Iowa Individual Health Benefit Reinsurance Association v. UI, ISU, and UNI.

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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	2	3	3	4	3	7	7
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: Five lawsuits involving Iowa Code Chapter 17A petitions for judicial review of final agency action were pending during this reporting period. Three matters involved student disciplinary decisions and one involved a personnel matter. The fifth case involved a decision issued by the Iowa Public Employment Relations Board in a negotiability dispute. Two of the student disciplinary matters, the personnel matter, and the PERB case were dismissed or adjudicated. These cases will be removed from the next reporting period. Two additional lawsuits involving injunctions sought under the Iowa Open Records Statute were dismissed and will also be removed from the next reporting period. One Iowa Code Chapter 17A petition remains pending.

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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	24	29	25	22	22	24	24
2. Contract & Tort Claims	12	6	10	6	6	13	33
3. Administrative Agencies	21	23	24	25	22	23	24
4. Workers' Compensation	795	749	736	730	854	756	704
5. Internal EOD Office Complaints	9	8	6	9	4	8	5
6. Faculty and P&S Grievances & Discipline	11	12	27	10	9	1	9
7. Merit Grievances	39	48	65	60	47	67	39
8. UIHC Tort Claims	23	24	17	12	6	14	16
9. UIHC Lawsuits	32	27	27	30	35	33	34

1. Litigation

Developments, 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 through December 2015. Six lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Seven new lawsuits were filed. As of December 31, 2015, there were 24 active lawsuits. No significant trends can be identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: During this period, five tort claims were denied, withdrawn or settled and will be deleted from the next report. Seven new tort claims were filed. As of December 31, 2015, there were 11 pending tort claims. No significant trends can be identified.

This report includes a listing of contract claims that were pending during the July through December 2015 period. Five claims were paid and will be deleted from the next report. Four new claims were filed. As of December 31, 2015, there were 22 pending contract claims. The number of contract claims appears to have increased significantly when compared to prior reporting periods. Contract claims were first reported by the University of Iowa on the June 2015 report, although the University only reported newly filed claims at that time. The December 2015 report includes all contract claims pending during the relevant period, which accounts for the apparent increase as compared to prior reports.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Four administrative agency claims were settled or administratively closed, and five new claims were filed. As of December 31, 2015, there were 24 pending claims. No significant trends can be identified.

4. Workers' Compensation

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

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: There were five cases pending during this reporting period. No significant trends have been identified.

6. Faculty, P&S and SEIU Grievances

Developments, Trends and Reasons for Occurrence: There were 14 grievances filed during this reporting period, and nine grievances remain active.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: There were 47 grievances filed during this reporting period, and 39 remain active. The number of grievances filed during this reporting period is within the normal range of variability. No trend has been identified.

8. UIHC Tort Claims²

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, 2015. During this period, nine tort claims were denied, withdrawn or settled and will be deleted from the next report. Six of these tort claims have been filed as lawsuits, and are also reflected in section 9 of this report. Five new tort claims were filed during this reporting period. As of December 31, 2015, there were 16 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 2015. Five lawsuits were dismissed, settled or otherwise adjudicated during this reporting period and will be deleted from the next report. Six new lawsuits were filed during this reporting period. As of December 31, 2015, there were 34 pending lawsuits.

²Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. During this reporting period, one 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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	10	9	9	9	12	13	13
2. Contract and Tort Claims	29	30	31	34	17	16	18
3. Administrative Agencies	2	4	3	9	11	11	9
4. Workers' Compensation	184	185	161	178	156	167	171
5. Internal Discrimination Complaints	4	13	16	21	23	23	54
6. Faculty and P&S Grievances & Discipline	15	8	8	11	10	8	8
7. Merit Grievances	8	6	4	5	4	3	3

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, three new lawsuits were filed (Nationwide v. King; Coppoc v. ISU; and Manning-Sievert v. Pro Commercial). Nationwide involves a consent judgment, while Manning-Sievert involves a 573 contract claim. Coppoc originated in Iowa District Court, but has since been removed to Federal Court due to claims under federal law. Three pending cases resulted in dismissal, and three additional cases remain pending from the prior period. Of the pending cases, two (Huss and Kleimann) are scheduled to go to trial. Three cases are pending on appeal (Smith, IHBRA, and McCleary) and one is awaiting a decision on a post-trial motion (Tidiri).

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Nine tort claims were pending at the close of this reporting period; two of these claim significant damages (Maher and Krause).

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Of the seven cases filed prior to July, 2015, two are currently pending. The US Department of Education, Office of Civil Rights has yet to issue a decision on the title IX complaint. An unsuccessful attempt was made to mediate the Moody complaint, resulting in the complainant requesting a "right to sue" letter. Two new complaints were filed during this reporting period. One student complaint involves a silent protest at the Iowa/Iowa State football game, and one complaint involves a former employee's allegations of age discrimination.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims remains near the average. Consistent with prior reports, the number of claims with missed time significantly decreased over the second half of calendar year 2015. This is expected to be the result of normal variation.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The number of pending internal discrimination complaints increased significantly as compared to prior reporting periods. The Office of Equal Opportunity underwent a leadership change during this reporting period. It is believed that the apparent increase is due to the interim director's efforts to resolve a number of pending investigations, and not the result of a sudden influx of newly filed cases.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: One faculty grievance is currently pending before the Board of Regents. The remaining faculty grievances have been resolved. Three faculty conduct matters filed during this period have now been closed.

No Professional and Scientific disciplinary cases were pending during this reporting period.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Three grievances were filed during this reporting period. Of these grievances, one resulted in a settlement and two remain pending.

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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	4	5	4	6	7	7	9
2. Tort and Contract Claims	6	10	7	16	12	12	8
3. Administrative Agencies	5	2	3	3	4	1	2
4. Workers' Compensation	70	111	65	79	66	68	72
5. Internal Discrimination Complaints	6	7	7	6	7	8	3
6. Faculty & P&S Grievances & Discipline	16	16	7	4	8	7	3
7. Merit Grievances	5	8	14	14	10	4	2

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits remains consistent with prior reporting periods. Two pending lawsuits were dismissed. One lawsuit involves the three Regent universities. No apparent trend has been identified.

2. Tort and Contract Claims

Developments, Trends and Reasons for Occurrence: The number of pending tort and contract claims decreased slightly when compared to prior reporting periods. No apparent trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: The number of administrative agency complaints is consistent with prior reporting periods. No apparent trends have been identified.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims filed during this reporting period increased slightly, while the total dollar amount of approved claims was slightly lower. No significant trends have been identified.

5. Internal Discrimination Complaints/Investigations

Developments, Trends and Reasons for Occurrence: The number of complaints reflected in this category decreased slightly. No significant trends have been identified.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: The number of cases in this category decreased slightly when compared to the prior period. This is a positive reflection of the relationship with University faculty and staff members. No significant trends have been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of merit employee grievances decreased for the second consecutive period. This is a positive reflection of the relationship with University staff members. The type of grievances do not reflect any apparent trends or overall issues.

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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	1	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	2	6	5	6	1	1	0
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	1	0	0	0	0

The Iowa Braille and Sight Saving School experienced no claims in any of the identified categories during this reporting period.

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, 2015 through December 31, 2015 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/12	06/13	12/13	06/14	12/14	06/15	12/15
1. Litigation	1	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	3	5	3	4	3	3	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	2
7. Merit Grievances	0	0	0	0	3	1	1

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Four workers' compensation claims were filed during this reporting period. None of the claims involved time missed from work. Workers' compensation claims continue to be low at the Iowa School for the Deaf.

6. Faculty and P&S Grievances and Discipline

Developments, Trends and Reasons for Occurrence: ISD recommended termination of two faculty members, and both faculty members requested private hearings before the Board. The hearings are currently scheduled for March 10, 2016.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: One grievance pending from the prior reporting period was settled prior to arbitration. One new grievance was filed, and is currently pending at the second step.