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SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2016 – DECEMBER 31, 2016

Action Requested: Receive the semi-annual claims activity reports for the period of July 1, 2016 through December 31, 2016.

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.

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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
1. Litigation	3	4	3	7	7	3	5
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	0	0	1	1
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: Four (4) lawsuits involving Iowa Code Chapter 17A petitions for judicial review of final agency action were pending during this reporting period. One matter involving a teacher termination resulted in reinstatement of the Board's decision. The second teacher termination matter was dismissed. In the third case the District Court affirmed the Board's decision and the employee appealed to the Iowa Supreme Court. The fourth case involves a student disciplinary matter, and is awaiting a decision. One (1) lawsuit alleging violations of the Iowa Open Meetings Act remains pending.

2. Administrative Agencies

Developments, Trends and Reasons for Occurrence: One complaint pending before the Iowa Civil Rights Commission and the Equal Employment Opportunity Commission was administratively closed with the complainant receiving a right to sue letter.

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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
1. Litigation	25	22	22	24	24	22	21
2. Contract & Tort Claims	10	6	6	13	33	24	29
3. Administrative Agencies	24	25	22	23	24	29	23
4. Workers' Compensation	736	730	854	756	704	759	730
5. Internal EOD Office Complaints	6	9	4	8	5	1	3
6. Faculty and P&S Grievances & Discipline	27	10	9	10	9	5	10
7. Merit Grievances	65	60	47	61	39	51	45
8. UIHC Tort Claims	17	12	6	14	16	11	7
9. UIHC Lawsuits	27	30	35	33	34	28	24

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, nine (9) lawsuits were dismissed, settled, or otherwise adjudicated and will be deleted from the next report. Three (3) new lawsuits were filed during this period. As of December 31, 2016, there were twenty-one (21) pending lawsuits. No discernable trend has been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: During this reporting period, six (6) tort claims were denied, withdrawn, or settled and will be deleted from the next report. Ten (10) new tort claims were filed. As of December 31, 2016 there were eight (8) pending tort claims. No discernable trend has been identified.

Thirty-two (32) contract claims were pending during this reporting period. Eleven (11) were paid and will be deleted from the next report. As of December 31, 2016, there were twenty (21) pending contract claims. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Fourteen (14) administrative agency claims were settled or administratively closed during this reporting period, and six (6) new claims were filed. As of December 31, 2016, twenty-three (23) claims were pending. No discernable trend has been identified.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: No discernable trend has been identified.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The number of pending cases during this reporting period is three (3). No discernable trend has been identified.

6. Faculty, P&S and SEIU Grievances

Developments, Trends and Reasons for Occurrence: There was one (1) Faculty, one (1) Professional and Scientific, one (1) COGS, and thirteen (13) SEIU grievances filed during this reporting period. As of December 31, 2016, ten (10) cases remain pending. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: There were sixty-one (61) grievances filed during this reporting period, and forty-five (45) grievances remain active. The number of grievances filed during this reporting period is within the normal range of variability.

8. UIHC Tort Claims²

Developments, Trends and Reasons for Occurrence: During this reporting period seventeen (17) tort claims were denied, withdrawn or settled and will be deleted from the next report. Six (6) of these claims have been filed as lawsuits, and are also listed in that section of the report. Seven (7) new tort claims were filed during this reporting period. As of December 31, 2016, there were seven (7) pending tort claims.

9. UIHC Lawsuits

Developments, Trends and Reasons for Occurrence: Ten (10) lawsuits were dismissed, settled, or otherwise adjudicated during this period and will be deleted from the next report. Two lawsuits were taken to trial, and resulted in a verdict in favor of UIHC. These cases will continue to be listed in this report if they are appealed. Six (6) new lawsuits were filed during this reporting period. As of December 31, 2016, there are twenty-four (24) pending lawsuits.

²Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. During this reporting period, zero (0) 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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
1. Litigation	9	9	12	13	13	19	20
2. Contract and Tort Claims	31	34	17	16	18	23	25
3. Administrative Agencies	3	9	11	11	9	11	10
4. Workers' Compensation	161	178	156	167	171	169	177
5. Internal Discrimination Complaints	16	21	23	23	54	26	10
6. Faculty and P&S Grievances & Discipline	8	11	10	8	8	11	16
7. Merit Grievances	4	5	4	3	3	6	25

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period four (4) new lawsuits were filed, and seven (7) cases were settled or dismissed. Of the thirteen (13) pending cases, seven (7) are in the pre-trial discovery phase, and two (2) are scheduled for jury trials within the next six (6) months. There are three (3) cases currently pending on appeal (Huss, Gerlich, and Coppoc), and one (1) case is awaiting a decision on a post-trial motion (Tidiriri). No discernable trend has been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Of the twenty (2) tort claims pending at the close of this reporting period, three (3) (Lucas, Palo, and Lippincott) claim significant damages in excess of \$100,000. There were no contract claims this reporting period. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Two (2) new complaints were filed during this reporting period, one of which is a U.S. Department of Education, Office of Civil Rights claim of discrimination based on sex and disability filed by a student. A previous claim filed with the U.S. Department of Education, Office of Civil Rights remains pending. Five (5) pending with the Iowa Civil Rights Commission and/or the Equal Employment Opportunity Commission involve employee allegations of discrimination. No discernable trend has been identified.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: The number of claims for workers' compensation remains near the average.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: Ten (10) investigations against faculty, staff or departments were active during this reporting period. Three (2) complaints were pending at the close of this reporting period. No discernable trend has been identified.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: Of the eleven (11) faculty matters, three (3) faculty conduct matters were pending investigation at the close of this reporting period. Two Professional and Scientific disciplinary cases were pending during this reporting period, both of which have been resolved.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Of the twenty-one (21) new grievances filed by merit employees during this reporting period, fifteen (15) are a result of a department reorganization.

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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
1. Litigation	4	6	7	7	9	10	7
2. Tort and Contract Claims	7	16	12	12	8	5	2
3. Administrative Agencies	3	3	4	1	2	3	2
4. Workers' Compensation	65	79	66	68	72	62	84
5. Internal Discrimination Complaints	7	6	7	8	3	11	14
6. Faculty & P&S Grievances & Discipline	7	4	8	7	3	2	0
7. Merit Grievances	14	14	10	4	2	3	7

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits has remained fairly consistent over reporting periods, although the number of cases decreased in comparison to prior reporting periods. One (1) of the reported cases involves all three Regent universities. No discernable trend has been identified.

2. Tort and Contract Claims

Developments, Trends and Reasons for Occurrence: The number of claims pending during this reporting period decreased when compared to prior periods. No discernable trend is evident from the number or types of claims.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: The number of complaints filed with administrative agencies represents a slight decrease, but remains consistent with prior reporting periods. No discernable trend has been identified.

4. Workers' Compensation Claims

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims filed during this reporting period increased when compared to the prior period. This is not unusual for the second six months of the calendar year. The total number of claims for calendar year 2016 is slightly higher than the previous calendar year, but remains consistent among calendar years. 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 increased. The number of complaints may be attributable to the University's efforts to emphasize the importance of reporting. The majority of complaints relate to Title IX. The University will continue to handle these complaints in a timely and appropriate manner.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: The number of cases in this category decreased as compared to the prior reporting period, with no cases reported for the current

period. This continues to reflect a positive relationship with University faculty and staff members. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances increased slightly, but remains consistent with prior periods. Three grievances were settled or withdrawn during this reporting period. No discernable trend has been identified.

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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
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	1
4. Workers' Compensation	5	6	1	1	0	4	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	1	0	0	0	0	0	0

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: One (1) complaint was filed with the U.S. Department of Education, Office of Civil Rights during this reporting period. The claim involves accessibility of features on the IBSSS website.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Two (2) workers' compensation claims were filed during this reporting period, neither resulted in time missed from work. No discernable trends have been identified.

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, 2016 through December 31, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/13	06/14	12/14	06/15	12/15	06/16	12/16
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	4	3
4. Workers' Compensation	3	4	3	3	4	5	6
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	0	0	2	2	2
7. Merit Grievances	0	0	3	1	1	3	0

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Two (2) Iowa Civil Rights complaints and one (1) EEOC complaints was filed during this reporting period. All three complaints have been administratively closed.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Six (6) workers' compensation claims were filed during this reporting period. One (1) claim involved time missed from work. There is one (1) open contested claim. 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: Two (2) faculty member terminations were appealed to district court. In one matter, the District Court reversed the arbitrator and reinstated the Board's decision. In the second matter, the teacher dismissed the appeal and the Board's decision stands.