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SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2017 – DECEMBER 31, 2017

Action Requested: Receive the semi-annual claims activity reports for the period of July 1, 2017 through December 31, 2017.

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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/14	06/15	12/15	06/16	12/16	06/17	12/17
1. Litigation	3	7	7	3	5	4	4
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	0	0	0	1	1	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 (2) lawsuits involving Iowa Code Chapter 17A petitions for judicial review were pending during this reporting. One suit was resolved with the court affirming the final agency action, and the second matter was withdrawn. One (1) lawsuit involving allegations of age and gender discrimination was resolved through settlement. One (1) lawsuit alleging violations of the Iowa Open Meetings Act is pending on appeal of an order granting the Board's motion for summary judgment.

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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/14	06/15	12/15	06/16	12/16	06/17	12/17
1. Litigation	22	24	24	22	21	27	24
2. Contract & Tort Claims	6	13	33	24	29	33	56
3. Administrative Agencies	22	23	24	29	22	21	24
4. Workers' Compensation	854	756	704	759	730	827	738
5. Internal EOD Office Complaints	4	8	5	1	3	8	4
6. Faculty and P&S Grievances & Discipline	9	10	9	5	10	5	6
7. Merit Grievances	47	61	39	51	45	22	20
8. UIHC Tort Claims	6	14	16	11	7	18	30
9. UIHC Lawsuits	35	33	34	28	24	26	30

1. Litigation

Developments, Trends and Reasons for Occurrence: This report includes a listing of all lawsuits that were still pending on December 31, 2017. Between July 1 and December 31, 2017, five (5) lawsuits were dismissed, settled, or otherwise adjudicated and will be deleted from the next report. Nine (9) new lawsuits were filed during this period. As of December 31, 2017, there were twenty-four (24) pending lawsuits. No discernable trend has been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims that were pending at any time during the period of July 1 – December 31, 2017. During this period, nine (9) tort claims were denied, withdrawn, or settled and will be deleted from the next report. Eleven (11) new tort claims were filed during this period. As of December 31, 2017, there were twenty-five (25) pending tort claims. No discernable trend has been identified.

This report includes a listing of thirty-five (35) contract claims. During this period, zero (0) claims were paid, sixteen (16) new claims were filed, and one (1) was amended. Four (4) were paid on the prior report were paid and will be deleted from the next report. There are thirty-one (31) pending contract claims. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Eight (8) administrative agency claims were settled or administratively closed during this reporting period, and fifteen (15) new claims were filed. As of December 31, 2017, twenty-four (24) 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 four (4). No discernable trend has been identified.

6. Faculty, P&S and SEIU Grievances

Developments, Trends and Reasons for Occurrence: There was zero (0) Faculty, six (6) Professional and Scientific, zero (0) COGS, and three (3) SEIU grievances filed during this reporting period. As of December 31, 2017, six (6) cases remain pending. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: There were twenty (20) grievances filed during this reporting period. The number of active cases is four (4).

The lower number of grievances filed the first half of 2017 is likely due to significant changes occurring within the legislature and union focus on legislation and contract negotiation versus filing grievances on behalf of employees. Numbers for the last half of 2017 reflects a trend (increase) in P&S probationary staff filing grievances and lower overall total number of grievances filed reflects that merit staff members represented by AFSCME and P&S represented by SEIU must file on their own behalf where in the past the union received copies of all discipline and filed on behalf of most represented employees.

We anticipate that the numbers will rebound once staff who previously were accustomed to the union filing on their behalf become more comfortable with the employee-filing process.

8. UIHC Tort Claims

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims² that were pending at any one time during the period July – December 2017. During this period, nine (9) tort claims were denied, withdrawn, or settled and will be deleted from the next report. Seven (7) of these tort claims have now been filed as lawsuits (and are also listed in that section of the report). Nineteen (19) new tort claims were filed during this period. As of December 31, 2017, there are thirty (30) pending tort claims.

9. UIHC Lawsuits

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 1 – December 2017. Nine (9) lawsuits were dismissed, settled, or otherwise adjudicated during this period and will be deleted from the next report. Two of these nine lawsuits were taken to trial, and resulted in defense verdicts. One defense verdict has been upheld on appeal – the other is still in the post-trial appeal process. Nine (9) new lawsuits were filed during this reporting period. As of December 31, 2017, there were thirty (30) pending lawsuits.

² Does not include small claims addressed by UIHC pursuant to 28E Agreement with the Department of Justice. During July – December 31, 2017, no 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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/04	06/15	12/15	06/16	12/16	06/17	12/17
1. Litigation	12	13	13	19	20	19	17
2. Contract and Tort Claims	17	16	18	23	25	33	21
3. Administrative Agencies	11	11	9	11	10	10	10
4. Workers' Compensation	156	167	171	169	177	144	151
5. Internal Discrimination Complaints	23	23	26	36	10	18	16
6. Faculty and P&S Grievances & Discipline	10	8	8	11	16	17	13
7. Merit Grievances	4	3	3	6	25	24	19

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period three (3) new lawsuits were filed. Of the fourteen (14) pending cases, twelve (12) are in the pre-trial discovery phase. There is one case currently appeal and one case with pending post-trial motions.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Of the twelve (12) tort claims pending at the close of this reporting period, nine (9) (Palo, Lippincott, Black (2), Schussler (3), and Tidrihl and Wilhite) claim significant damages in excess of \$100,000. There were five (5) contract claims filed during this reporting period. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Four (4) new complaints were filed during this reporting period, two with the U.S. Department of Education, Office of Civil Rights both for alleged disability discrimination. The other two claims were filed with the Iowa Civil Rights Commission. 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: Sixteen (16) investigations against faculty, staff, or departments were active during this reporting period; however, only seven (7) remain pending at the close of the reporting period.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: Of the twelve (12) faculty/staff matters, one (1) faculty conduct matter will be presented to an Administrative Law Judge. Four (4) Professional and Scientific disciplinary cases were pending during this reporting period.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Of the nineteen (19) grievances pending during this reporting period, fifteen (15) are pending from a departmental reorganization from 2016.

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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/14	06/15	12/15	06/16	12/16	06/17	12/17
1. Litigation	7	7	9	10	7	6	3
2. Tort and Contract Claims	12	12	8	5	2	0	1
3. Administrative Agencies	4	1	2	3	2	3	3
4. Workers' Compensation	66	68	72	62	84	61	64
5. Internal Discrimination Complaints	7	8	3	11	14	12	10
6. Faculty & P&S Grievances & Discipline	8	7	3	2	0	1	0
7. Merit Grievances	10	4	2	3	7	5	2

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits 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 increased slightly compared the prior period, but is consistent with other periods. The number is very low and is a positive situation. 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 outside of the University, with administrative agencies, is similar to 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 slightly when compared to the prior period, but it is lower than the same period last year. This is good information. 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 from the prior two periods. Many of the 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 grievances/cases in this category decreased slightly from the immediately prior reporting period, but the number of grievances/cases over the last several reporting periods remains fairly consistent. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances has decreased in each of the last two reporting periods. This is positive information. 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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/14	06/15	12/15	06/16	12/16	06/17	12/17
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	1	0	0
4. Workers' Compensation	1	1	0	4	2	4	1
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

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: One (1) workers' compensation claim was filed during this reporting period, it resulted in no 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, 2017 through December 31, 2017 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/14	06/15	12/15	06/16	12/16	06/17	12/17
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	4	3	0	2
4. Workers' Compensation	3	3	4	5	6	3	3
5. Internal Discrimination Complaints	0	0	0	0	0	0	0
6. Faculty and P&S Grievances & Discipline	0	0	2	2	2	0	0
7. Merit Grievances	3	1	1	3	0	0	0

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: ISD had one Civil Rights complaint from a parent closed during this reporting period. A Civil Rights/EEOC complaint related to employment was received and ISD has submitted a response to this claim.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Three (3) workers' compensation claims were filed during this reporting period. None of the claims 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.