

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1, 2008 – JUNE 30, 2008**

**Action Requested:** Receive the semi-annual claims activity reports for the period of January 1, 2008 through June 30, 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 January 1 through June 30, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/05</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>
1. Litigation	0	0	0	1	3	1	1
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**

The Board dismissed a lawsuit filed against the Campaign to Organize Graduate Students (COGS) that sought to clarify contract language in the master agreement.

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 January 1 through June 30, 2008 time period, and compares those numbers to prior periods.

Type of Claim Pending	6/05	12/05	6/06	12/06	6/07	12/07	6/08
1. Litigation	9	18	21	21	30	25	21
2. Contract & Tort Claims	29	18	12	12	6	11	9
3. Administrative Agencies	12	16	20	16	15	13	12
4. Workers' Compensation	748	886	775	770	796	806	818
5. Internal EOD Office Complaints	18	20	15	17	9	9	18
6. Faculty and P&S Grievances & Discipline	1	1	0	2	2	2	2
7. Merit Grievances and GRIP/Arbitration	6	1	1	5	3	2	2
8. UIHC Tort Claims	53	58	61	21	25	15	20
9. UIHC Lawsuits	29	26	33	27	33	26	23

**1. Litigation**

Developments: During this period five lawsuits were settled and three were dismissed. There are 21 active lawsuits, three of which are appeals. The University became involved in four new lawsuits in this reporting period: as a claimant in a class action; and as the defendant in cases involving alleged discrimination, open records violations, and a breach of contract.

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

**2. Contract and Tort Claims**

Trends and Reasons for Occurrence: Contract and tort claims in this period have decreased. There are nine active claims in this reporting period with an additional eleven being settled. No discernible trend can be identified.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: There were no significant changes in the number of administrative agency claims in the past six months.

**4. Workers' Compensation**

Trends and Reasons for Occurrence: The number of claims remained approximately the same as the last reporting period. The total amount of all settled claims was significantly lower this reporting period due to the anomaly of four extraordinary claims that skewed the figures in the last reporting period.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: Internal complaints have doubled from the previous reporting period. The University believes the increased awareness of what is appropriate sexual

behavior caused by recent publicity on campus and in the community of sex crimes and attempted assault incidents have contributed to the increased number of internal complaints.

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

Trends and Reasons for Occurrence: Two faculty grievances previously reported remain in this period. There are no other P&S grievance matters to report.

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

Trends and Reasons for Occurrence: There are currently two 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 January-June, 2008. During this period, ten tort claims were denied, settled or withdrawn, and will be deleted from the next report. Three of the ten have now been filed as lawsuits (and are also listed in that section of this report). Fourteen new tort claims were filed during this period. As of June 30, 2008, there are twenty 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. Three new lawsuits were filed during the period. As of June 30, 2008, there were twenty-three 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. During January - June 2008, six 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 January 1 through June 30, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/05</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>
1. Litigation	8	14	14	13	14	10	10
2. Contract and Tort Claims	49	22	19	14	12	16	22
3. Administrative Agencies	8	7	6	6	4	11	13
4. Workers' Compensation	221	275	239	272	293	247	286
5. Internal Discrimination Complaints	0	1	4	2	3	6	3
6. Faculty and P&S Grievances & Discipline	12	9	10	9	17	15	13
7. Merit Grievances	7	17	19	7	8	11	12

**1. Litigation**

Developments: The number of pending cases has not changed in this reporting period. In the last six months, ISU received favorable determinations in trial court for two cases involving tenure denial. One has been appealed and the appeal timeline has yet to run on the other. Two cases were settled and two new cases were filed. Two cases are currently scheduled for trial in the next six months.

**2. Torts and Contract Claims**

Trends and Reasons for Occurrence: The number of tort claims has remained low overall but is slightly higher than previous reporting periods. One of the new claims filed involves three claims totaling \$5 million related to the death of a student in 2007. The student was initially treated at the ISU Student Health Center and was later transferred a local private physician for surgery.

**3. Complaints filed with Administrative Agencies**

Trends and Reasons for Occurrence: The number of pending claims has increased by two. A delay in determinations by the Iowa Civil Rights Commission (ICRC) is cited by the University as a potential cause for this increase. The University anticipates this number should drop in the future as the ICRC has found no discrimination in four cases and another was withdrawn and filed in court.

**4. Workers' Compensation Claims**

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

**5. Internal Discrimination**

Trends and Reasons for Occurrence: The number of pending internal complaints of discrimination decreased from six to three, two of which were filed by the same employee.

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

Trends and Reasons for Occurrence: Three of the four pending faculty grievances involved promotion and tenure. Of the six P&S grievances, three were filed by the same employee. One unit director resigned after charges of misconduct were filed against her.

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

Trends and Reasons for Occurrence: Most of the merit grievances involved disciplinary action. The twelve grievances involve multiple grievances by four of the employees.

**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 January 1, 2008 through June 30, 2008 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/05	12/05	6/06	12/06	6/07	12/07	6/08
1. Litigation	3	6	9	10	9	10	10
2. Tort and Contract Claims	11	3	14	10	5	11	8
3. With Administrative Agencies	4	6	8	6	5	6	7
4. Workers' Compensation	85	105	90	75	73	64	74
5. Internal Discrimination Complaints	3	2	5	5	5	6	7
6. Faculty & P&S Grievances & Discipline	0	1	1	1	1	2	2
7. Merit Grievances	1	2	7	8	6	9	7
8. Other	1	1	1	1	0	1	0

**1. Litigation**

Developments: The University did not receive any notices of new lawsuits during the January-June 2008 reporting period. During this reporting period, two of the cases previously reported will concluded and will be deleted from the next report. In addition, one of the remaining cases was dismissed during the period but the plaintiff has appealed. Another case remains in the appeal stage.

Trends and Reasons for Occurrence: The total number of cases reported for this time period is consistent in comparison to prior periods and no apparent trends are evident in these cases.

**2. Tort and Contract Claims**

Developments: The University received notice of two new tort claims in this reporting period. Eight tort claims were handled during the period of which three were paid by the University, one was withdrawn, and four were forwarded to the Attorney General's Office. Of the four cases forwarded to the Attorney General's Office, three were denied by the state.

Trends and Reasons for Occurrence: The number of tort claims during the January-June 2008 reporting period is slightly less than the preceding reporting period. 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, two new complaints were filed. As of June 30, 2008, four of the seven complaints reflected in this report were closed, although right to sue letters were issued in relation to two of those complaints and a request for reopening has been filed for one of the complaints.

Trends and Reasons for Occurrence. The number of complaints filed with administrative agencies for this reporting period increased slightly, from six to seven. 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: Workers' compensation claims increased by ten in this reporting period.

Trends and Reasons for Occurrence: The extremely unusual and icy winter weather conditions experienced during the reporting period is cited by the University as a cause for the increase in claims in this reporting period. However, at this time there are no long-term trends evident from the workers' compensation claims. The workers' compensation data will be monitored to determine if additional University effort needs to be dedicated in relation to these claims.

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

Developments: Seven cases are reflected in this category of the report. This number is consistent with previous reporting periods. Six of the reported cases were new. Investigations for two of the cases have been completed and five cases remain under investigation.

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

Developments: No new faculty or P&S grievances were filed in this reporting period. Two previously reported faculty grievances were closed during the period.

Trends and Reasons for Occurrence: The number of faculty and P&S grievances reflected by this report is two, which is consistent with prior periods. Prior grievances have varied between either P&S grievances or faculty grievances at the University. There are no apparent trends evident in this area.

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

Developments: The number of Merit employee grievances during the period decreased from nine to seven. In comparison to prior reporting periods, it is not unusual for the University to have this number of grievances.

#### **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 January 1 through June 30, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/05</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>
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	15	10	17	8	8	9	15
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	2	0	2	1

**4. Workers' Compensation Claims**

Developments: The Iowa Braille School experienced fifteen workers' compensation claims during the most recent period of January 1, 2008 – June 30, 2008. Of the fifteen 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: Over half of the injuries were related to the extreme winter conditions experienced in northeast Iowa. A car accident in January was related to icy conditions. Eight of the claims were falls related to icy conditions. Three of the falls occurred the same morning of March 5, 2008. None of the claims during this period resulted in lost work time.

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.

**7. Merit Grievances**

Developments: One grievance was filed in this reporting period related to staff scheduling on assigned bus routes.

**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 January 1 through June 30, 2008 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>6/05</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>
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	1	1
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	8	5	8	7	3	2	6
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	2	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 six workers' compensation claims in this reporting period. Two of these claims resulted in time missed from work and one claim required surgery. Both employees have returned to full duties. Workers' compensation claims continue to be low at the Iowa School for the Deaf.