

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1, 2010 – JUNE 30, 2010**

**Action Requested:** Receive the semi-annual claims activity reports for the period of January 1, 2010 through June 30, 2010.

**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 January 1, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/07</b>	<b>12/07</b>	<b>06/08</b>	<b>12/08</b>	<b>06/09</b>	<b>12/09</b>	<b>06/10</b>
1. Litigation	3	1	1	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	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

No claims of any type were active this reporting period.

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, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/07	12/07	06/08	12/08	06/09	12/09	06/10
1. Litigation	30	25	21	22	11	12	16
2. Contract & Tort Claims	6	11	9	5	14	6	9
3. Administrative Agencies	15	13	12	8	16	20	11
4. Workers' Compensation	796	806	818	832	721	687	632
5. Internal EOD Office Complaints	9	9	18	11	15	17	12
6. Faculty and P&S Grievances & Discipline	2	2	2	3	2	4	4
7. Merit Grievances and GRIP/Arbitration	3	2	2	3	1	4	1
8. UIHC Tort Claims	25	15	20	21	33	33	39
9. UIHC Lawsuits	33	26	23	28	28	24	22

**1. Litigation**

Developments, Trends and Reasons for Occurrence: During this period, one lawsuit was settled, dismissed or adjudicated. There are sixteen active lawsuits, two of which are appeals and one involves the UI as Plaintiff. The University became involved in six new lawsuits in this report period. No identifiable trends were identified.

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: Active tort claims during this period have increased slightly. There were three active claims in this reporting period, including one that was forwarded to the General Counsel's office. An additional three claims were settled. No trend was identified.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: There was a decrease in the number of administrative agency claims in the past six months compared with the prior reporting period. Twelve cases were administratively closed or settled, with two of these progressing to lawsuits.

**4. Workers' Compensation**

Developments, Trends and Reasons for Occurrence: Workers' compensation claims continue to fall at the University of Iowa. No claims were settled in this reporting period and the University was unable to identify a discernable trend associated with the decrease.

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: There is a slight decrease in total complaints. No discernible trend was identified.

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

Developments, Trends and Reasons for Occurrence: Three faculty grievances remain from the previous reporting period and there has been one additional grievance filed by the Provost's Office against a faculty member. There were no P&S grievances in this period.

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

Developments, Trends and Reasons for Occurrence: There was one arbitration case during this reporting period. The number of cases reported in this section by the University represents only those grievances that were sent to arbitration or the Grievance Resolution Improvement Process.

#### **8. UIHC Tort Claims<sup>1</sup>**

Developments, Trends and Reasons for Occurrence: This category includes all tort claims that were pending at any one time during the reporting period. During this period, four tort claims were denied, settled or withdrawn and will be deleted from the next report. All four of these tort claims have been filed as lawsuits (and are also listed in that category). Eight new tort claims were filed during this period. As of June 30, 2010 there are forty pending tort claims. No discernible trend was identified.

#### **9. UIHC Lawsuits**

Developments, Trends and Reasons for Occurrence: Six lawsuits were dismissed, settled or otherwise adjudicated during the reporting period and will be deleted from the next report. In addition, one additional lawsuit has been settled, but final documentation has not yet been received. Four new lawsuits were filed during the period and as of June 30, 2010 there are twenty-three pending lawsuits. No discernable trend was reported.

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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 this reporting period, five 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, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/07	12/07	06/08	12/08	06/09	12/09	6/10
1. Litigation	14	10	10	9	11	10	10
2. Contract and Tort Claims	12	16	22	16	18	16	19
3. Administrative Agencies	4	11	13	9	9	1	2
4. Workers' Compensation	293	247	286	262	266	238	292
5. Internal Discrimination Complaints	3	6	3	2	1	1	0
6. Faculty and P&S Grievances & Discipline	17	15	13	11	13	11	10
7. Merit Grievances	8	11	12	10	10	5	5

**1. Litigation**

Developments, Trends and Reasons for Occurrence: In this reporting period, three suits were filed. One involved an allegation of discrimination; another involved a request for an injunction against the disclosure of testing records; and the last involved a trademark dispute. Three suits were dismissed and the Department of Justice has filed a motion for a new trial and judgment notwithstanding the verdict in another.

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: No significant developments or trends were reported.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: Two administrative cases were filed this reporting period, and remain pending.

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: The total number of claims has increased significantly over the last reporting period. The University is currently investigating possible reasons for the increase.

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: No new cases were filed during this reporting period.

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

Developments, Trends and Reasons for Occurrence: There were five faculty grievances pending in this reporting period. Four of the cases involve faculty in the College of Veterinary Medicine, one of which resulted from non-renewal of a position. One involves the allegation that the Sociology Department was unfairly singled out for budget reductions.

There were three claims of faculty misconduct, two of which were filed in this reporting period. Two cases were brought by students against faculty. In one, a plagiarism case, the allegations were determined unfounded. The second remains pending. The other faculty conduct case involves a claim by a member of the Sociology faculty against an administrator and is related to a case reported in the pending litigation section of this report.

There were two P&S grievances filed relating to layoff and non-renewal. One was found to be unwarranted.

#### **7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: Five merit grievances were pending this reporting period. Three of them have been resolved, one was denied, and one is going to hearing. None of these cases involve layoffs.

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, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/07	12/07	06/08	12/08	06/09	12/09	6/10
1. Litigation	9	10	10	9	11	10	9
2. Tort and Contract Claims	5	11	8	5	7	8	13
3. Administrative Agencies	5	6	7	5	3	3	5
4. Workers' Compensation	73	64	74	83	68	71	102
5. Internal Discrimination Complaints	5	6	7	8	4	6	6
6. Faculty & P&S Grievances & Discipline	1	2	2	1	2	1	5
7. Merit Grievances	6	9	7	10	8	10	6
8. Other	0	1	0	0	0	0	0

**1. Litigation**

Developments, Trends and Reasons for Occurrence: Two lawsuits were dismissed in this reporting period and the University received notice of two new lawsuits filed by former employee in this period. Three of the cases listed previously were filed by one employee and have been consolidated into one case. No trends were evident in the newly filed cases.

**2. Tort and Contract Claims**

Developments, Trends and Reasons for Occurrence: The University received eight new tort claims in this reporting period. This is an increase over prior periods and the University attributed this to a number of fairly small and unique claims. During the period, five small claims were paid, three claims were denied by the State, and one claim was withdrawn by the claimant. Two of the remaining claims were forwarded to the Attorney General's Office for review and disposition.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: During the reporting period, three new complaints were received. As of the close of the reporting period, all of the complaints were closed except for one. No issues or trends are evident by the number or types of complaints in this category.

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: There was an increase in the number of workers' compensation claims filed during the reporting period in comparison to the prior period, but the number of claims with missed time decreased. The total cost of approved claims increased. The winter weather during the period may have been one of the causes for the increase in numbers and expense. This information will be observed in case any trend becomes apparent.

**5. Internal Discrimination Complaints/Investigations**

Developments, Trends and Reasons for Occurrence: Three new cases were received during the reporting period. Four of the reported cases were resolved during the reporting period. Two

of the cases listed in this category are under investigation and remain open. No trends are evident in this category.

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

Developments, Trends and Reasons for Occurrence: There were no new grievances filed during this reporting period. No discernable trend was apparent.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances for the reporting period decreased. The University reported no trends or other issues related to the filed grievances.

**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, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/07</b>	<b>12/07</b>	<b>06/08</b>	<b>12/08</b>	<b>06/09</b>	<b>12/09</b>	<b>6/10</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	8	9	15	10	2	7	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	2	1	0	0	0	0

**4. Workers' Compensation Claims**

**Developments, Trends and Reasons for Occurrence:** The Iowa Braille and Sight Saving School received only one workers' compensation claim in 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 January 1, 2010 through June 30, 2010 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/07	12/07	06/08	12/08	06/09	12/09	6/10
1. Litigation	0	0	0	0	0	1	2
2. Contract and Tort Claims	0	1	1	1	1	0	0
3. Administrative Agencies	0	0	0	0	1	1	2
4. Workers' Compensation	3	2	6	5	3	2	7
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: Two lawsuits are pending during this reporting period. One trial occurred in May 2010 with the last hearing occurring June 11, 2010. The other is expected to go to trial in May 2011.

**3. Administrative Agencies**

Developments: Iowa School for the Deaf had one claim filed with the EEOC alleging discrimination based on disability. ISD responded to the allegation and is awaiting a determination from the EEOC. A second claim was filed with Iowa OSHA. Following an investigation by OSHA, no violations were found.

**4. Workers' Compensation**

Developments: Iowa School for the Deaf had seven workers' compensation claims during this reporting period. Three of these claims resulted in time missed from work. Workers' compensation claims continue to be low at ISD.