

Contact: Aimee Clayton

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1 – JUNE 30, 2013**

**Action Requested:** Receive the semi-annual claims activity reports for the period of January 1, 2013 through June 30, 2013.

**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, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/10</b>	<b>12/10</b>	<b>06/11</b>	<b>12/11</b>	<b>06/12</b>	<b>12/12</b>	<b>06/13</b>
1. Litigation	0	0	2	2	3	2	3
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: Three lawsuits were pending during this reporting period. One lawsuit involves a challenge of the Board's decision to close Price Laboratory School. The Iowa Court of Appeals ruled in the Board's favor, dismissing the matter on procedural grounds. Two lawsuits involve appeals from final agency action filed pursuant to Iowa Code Chapter 17A. One case is pending before the Iowa Court of appeals, and the second is pending before District Court.

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, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/10	12/10	06/11	12/11	06/12	12/12	06/13
1. Litigation	16	20	16	25	25	24	29
2. Contract & Tort Claims	9	17	2	7	10	12	6
3. Administrative Agencies	11	15	15	12	15	21	23
4. Workers' Compensation	632	390	661	687	712	795	749
5. Internal EOD Office Complaints	12	15	9	16	13	9	8
6. Faculty and P&S Grievances & Discipline	4	7	4	8	6	11	12
7. Merit Grievances and GRIP/Arbitration	1	2	1	6	56	39	48
8. UIHC Tort Claims	39	38	33	21	15	23	24
9. UIHC Lawsuits	22	25	28	29	26	32	27

**1. Litigation**

Developments, Trends and Reasons for Occurrence: During this reporting period, 18 lawsuits were dismissed, settled or otherwise adjudicated. Six new lawsuits were filed. As of June 30, 2013, there are twenty-six pending lawsuits. No significant trends have been identified.

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: During this reporting period, twenty tort claims were denied, withdrawn or settled and will be deleted from the next report. Fourteen new tort claims were filed. As of June 20, 2013, there are six pending tort claims. No significant trends have been identified.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: Five administrative agency claims were closed during this reporting period, and six new claims were filed. No significant trends have been identified.

**4. Workers' Compensation**

Developments, Trends and Reasons for Occurrence: The number of workers' compensation claims decreased slightly when compared to the prior reporting period. No significant trends have been identified.

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: The number of internal discrimination complaints decreased slightly when compared to the prior reporting period. No significant trends have been identified.

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

Developments, Trends and Reasons for Occurrence: The number of disputes is within the normal range of variability.

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

Developments, Trends and Reasons for Occurrence: The number of grievances is within the normal range of variability. In 2012, the University adjusted its reporting of grievances in this category to be consistent with the other Regent institutions. This adjustment accounts for the notable increase from December 2011 to June 2012. Additional information is available from the Board office upon request.

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

Developments, Trends and Reasons for Occurrence: This report includes a listing of all tort claims pending at any one time during the period of January through June 2013. During this period, twenty tort claims were denied, withdrawn or settled and will be deleted from the next report. Four of these tort claims have now been filed as lawsuits, and are also listed in that section of the report. Fourteen new tort claims were filed during this reporting period. As of June 30, 2013 there are twenty-four pending tort claims.

## **9. UIHC Lawsuits**

Developments, Trends and Reasons for Occurrence: This report also includes a listing of all lawsuits that were pending at any one time during the period of January through June 2013. Eleven lawsuits were dismissed, settled or otherwise adjudicated during this period and will be deleted from the next report. Five new lawsuits were filed during this period. As of June 30, 2013 there are twenty-seven pending lawsuits.

---

<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, six (6) 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, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</b>	<b>06/10</b>	<b>12/10</b>	<b>06/11</b>	<b>12/11</b>	<b>06/12</b>	<b>12/12</b>	<b>06/13</b>
1. Litigation	10	8	11	8	9	10	9
2. Contract and Tort Claims	19	13	13	20	21	29	30
3. Administrative Agencies	2	5	6	5	4	2	4
4. Workers' Compensation	292	222	249	253	188	184	185
5. Internal Discrimination Complaints	0	0	3	4	1	4	13
6. Faculty and P&S Grievances & Discipline	10	10	6	4	10	15	8
7. Merit Grievances	5	9	13	20	18	8	6

**1. Litigation**

Developments, Trends and Reasons for Occurrence: Nine new suits were filed during this reporting period. Three cases have been closed (Kelly; Beef Products, Inc.; and Best Buy Stores). Two cases, Tidriri and Nelson are scheduled to go to trial. Four cases are pending on appeal.

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: Iowa State University (ISU) continues to have a higher than normal number of pending contract claims. This increase is attributable primarily to claims related to the Recreation Services facility renovation. Two new tort claims were filed during this reporting period. One involves an injury claim from a fall from a 4-H exhibit at the State Fair, and the second is a claim for malpractice involving a quarter horse treated at the Veterinary Clinic

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: One claim from the prior reporting period has been settled. Three new claims were filed and await determination.

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: Workers' compensation claims, days missed and payments for claims are generally consistent with prior reporting periods.

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: Last February, ISU welcomed Robinette Kelley as the Director of Equal Opportunity. The three cases pending from the prior reporting period have been closed. During this reporting period, ten new cases were filed. Six have been investigated and closed. Two involved corrective action, one was dismissed, and findings of no discrimination were entered in the remaining three cases. Four cases are currently pending and in various stages of resolution. One of the pending matters has resulted in initiation of a faculty conduct proceeding, and as a result is also listed under section 6. There has been a slight increase in the number of internal discrimination investigations. This is due, in part, to the Office of Equal Opportunity taking a more active role in allegations against students, which in the past

were handled exclusively by the Office of Judicial Affairs. Additionally, more cases are being investigated formally.

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

Developments, Trends and Reasons for Occurrence: The two faculty grievances pending at the close of the prior reporting period are related to claims raised in the Tidriri litigation. One claim was denied by ISU and appealed to the Board of Regents, with discretionary review by the Board denied by the Executive Director. The second claim remains pending on appeal to the Board.

Two faculty conduct cases were closed, one involved sanctions and the other was settled. One case remains pending on appeal to the Board. The final case involves allegations of sexual harassment. This claim resulted in a recommendation for major sanction. A hearing is scheduled for August.

Two Professional and Scientific (P&S) grievances were pending during this reporting period. One resulted in a recommendation for a back pay award, which was approved. The other claim was found without basis and dismissed. There are currently no pending P&S disciplinary cases.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: The two merit grievances pending at the close of the prior reporting period have been settled. Five new grievances were filed during this reporting period. Two grievances were settled and three were withdrawn.

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, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/10	12/10	06/11	12/11	06/12	12/12	06/13
1. Litigation	9	9	8	6	5	4	5
2. Tort and Contract Claims	13	9	8	2	3	6	10
3. Administrative Agencies	5	3	4	5	4	5	2
4. Workers' Compensation	102	87	90	68	80	70	111
5. Internal Discrimination Complaints	6	4	4	4	5	6	7
6. Faculty & P&S Grievances & Discipline	5	3	6	13	23	16	16
7. Merit Grievances	6	9	8	5	10	5	8

**1. Litigation**

Developments, Trends and Reasons for Occurrence: The number of lawsuits has remained consistent when compared to prior reporting periods. There are no apparent trends.

**2. Tort and Contract Claims**

Developments, Trends and Reasons for Occurrence: The number of tort claims pending during this reporting period is slightly higher when compared to the immediately preceding reporting period. No trend is identified by the number or types of tort claims.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: The number of complaints filed with administrative agencies has decreased. There are no apparent trends.

**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 as compared to the prior reporting period. The increase may be attributable to the poor weather conditions experienced during this past winter season. No readily apparent trends are evident at this time. The University will continue to monitor and review the data.

**5. Internal Discrimination Complaints/Investigations**

Developments, Trends and Reasons for Occurrence: There is a slight increase in the number of pending complaints as compared to the prior reporting period. During this reporting period, four new cases were received and five of the pending cases were closed. There are no apparent trends.

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

Developments, Trends and Reasons for Occurrence: The number of cases in this category remains the same as the prior reporting period. Some of the pending grievances involve similar issues. The University continues to work through these issues with the assistance of Board office personnel.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: The number of Merit employee grievances increased as compared to the prior reporting period. No apparent 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 January 1, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/10	12/10	06/11	12/11	06/12	12/12	06/13
1. Litigation	0	0	0	0	0	0	0
2. Contract and Tort Claims	0	0	0	0	0	1	0
3. Administrative Agencies	0	0	0	0	0	0	0
4. Workers' Compensation	1	2	3	8	6	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	0	0	0	4	0	0	0

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: Six workers' compensation claims were pending during this reporting period. There was no time lost for these claims.

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, 2013 through June 30, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/10	12/10	06/11	12/11	06/12	12/12	06/13
1. Litigation	2	2	1	1	1	1	0
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	2	1	1	0	0	0	0
4. Workers' Compensation	7	5	6	4	3	3	5
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: Five workers' compensation claims were pending during this reporting period. One contested claim is currently open. Workers' compensation claims continue to be low at the Iowa School for the Deaf.