

Contact: Aimee Claeys

SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JANUARY 1, 2016 – JUNE 30, 2016

Action Requested: Receive the semi-annual claims activity reports for the period of January 1, 2016 through June 30, 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 January 1, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/13	12/13	06/14	12/14	06/15	12/16	06/16
1. Litigation	3	3	4	3	7	7	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: Two (2) lawsuits involving Iowa Code Chapter 17A petitions for judicial review of final agency action were pending during this reporting period. One matter involves a student disciplinary decision, and one is a personnel matter. One (1) lawsuit alleging violations of the Iowa Open Meetings Act was filed.

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, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/13	12/13	06/14	12/14	06/15	12/15	06/16
1. Litigation	29	25	22	22	24	24	22
2. Contract & Tort Claims	6	10	6	6	13	33	24
3. Administrative Agencies	23	24	25	22	23	24	29
4. Workers' Compensation	749	736	730	854	756	704	759
5. Internal EOD Office Complaints	8	6	9	4	8	5	1
6. Faculty and P&S Grievances & Discipline	12	27	10	9	10	9	5
7. Merit Grievances	48	65	60	47	61	39	51
8. UIHC Tort Claims	24	17	12	6	14	16	11
9. UIHC Lawsuits	27	27	30	35	33	34	28

1. Litigation

Developments, Trends and Reasons for Occurrence: This report includes a listing of all lawsuits that were pending as of June 30, 2016. Between January 1, 2016 and June 30, 2016, eight (8) lawsuits were dismissed, settled or otherwise adjudicated and will be deleted from the next report. Five (5) new lawsuits were filed during this reporting period. As of June 30, 2016, there were twenty-two (22) 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 one time during the period of January through June 2016. During this reporting period, sixteen (16) tort claims were denied, withdrawn, or settled and will be deleted from the next report. Nine (9) new tort claims were filed during this period. As of June 30, 2016, there were four (4) pending tort claims. No discernable trend has been identified.

This report includes a list of all twenty-six (26) contract claims that were pending during this period. Six (6) were paid and will be deleted from the next report, four (4) new claims were filed. As of June 30, 2016 there were twenty (20) pending claims. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Three (3) administrative agency claims were settled or administratively closed during this reporting period, and six (6) new claims were filed. As of June 30, 2016, twenty-nine (29) 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 one (1). No discernable trend has been identified.

6. Faculty, P&S and SEIU Grievances

Developments, Trends and Reasons for Occurrence: There were eight (8) SEIU grievances filed during this reporting period. There are five (5) pending cases. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: There were sixty-five (65) grievances filed during this reporting period, and fifty-one (51) cases remain active. The number of grievances filed during this reporting period is within the normal range of variability. No discernable trend has been identified.

8. UIHC Tort Claims²

Developments, 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 through June 2016. During this period, ten (10) tort claims were denied, withdrawn, or settled and will be deleted from the next report. Five (5) of these tort claims have now been filed as lawsuits, and are also listed in that section of the report. Five (5) new tort claims were filed during this reporting period. As of June 30, 2016, there were eleven (11) 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 January through June 2016. Four (4) lawsuits were dismissed, settled, or otherwise adjudicated during this reporting period and will be deleted from the next report. Two (2) lawsuits were taken to trial after which a defense verdict was issued. In the event these cases are appealed, the lawsuits will remain active in this report. Six (6) new lawsuits were filed during this reporting period. As of June 30, 2016 there were twenty-eight (28) pending lawsuits.

²Does not include small claims addressed by UIHC pursuant to a 28E Agreement with the Department of Justice. During this reporting period, two (2) 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, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/13	12/13	06/14	12/14	06/15	12/15	06/16
1. Litigation	9	9	9	12	13	13	19
2. Contract and Tort Claims	30	31	34	17	16	18	23
3. Administrative Agencies	4	3	9	11	11	9	11
4. Workers' Compensation	185	161	178	156	167	171	169
5. Internal Discrimination Complaints	13	16	21	23	23	54	26
6. Faculty and P&S Grievances & Discipline	8	8	11	10	8	8	11
7. Merit Grievances	6	4	5	4	3	3	6

1. Litigation

Developments, Trends and Reasons for Occurrence: During this reporting period, ten (10) new lawsuits were filed, two (2) of which are judicial review of final agency action, two (2) of which are discrimination complaints, and one (1) of which is a small claim matter. Three (2) cases from the previous reporting period have been dismissed, and three (3) cases remain pending. Two (2) cases (Smith and Gerlich) are currently on appeal, and one (1) case is awaiting a decision on a post-trial motion (Tidiri). No discernable trend has been identified.

2. Contract and Tort Claims

Developments, Trends and Reasons for Occurrence: Nine (9) tort claims were pending at the close of this reporting period. Four (4) of these cases claim significant damages in excess of \$100,000 (Lucas, Benda, Palo and Jacobs). Contract claims continue to remain around three (3) claims per reporting period. No discernable trend has been identified.

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Six (6) new complaints were filed during this reporting period. One (1) complaint is a student matter that has been administratively closed, and five (5) pending complaints relate to separate employee allegations of discrimination. Of the four (4) cases that were pending at the beginning of this reporting period, two (2) remain active. The U.S. Department of Education, Office of Civil Rights has yet to issue a decision on the Title IX complaint. One (1) age discrimination claim has been screened in for further analysis by 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. Total amount spent on medical care has increased over the last three years. It is expected that this is the result of normal variation.

5. Internal Discrimination Complaints

Developments, Trends and Reasons for Occurrence: The Office of Equal Opportunity experienced a leadership change during the prior reporting period, which resulted in a delay in the processing of some pending investigations. Accordingly, the number of investigations pending during this reporting period is higher than usual.

6. Faculty and P&S Grievances and Disciplinary Cases

Developments, Trends and Reasons for Occurrence: One (1) faculty grievance is currently pending before the Provost. The remaining faculty grievances have been resolved. Of the four (4) faculty conduct matters filed during this reporting period, two (2) are closed, one (1) was referred to a major sanction committee, and one (1) resulted in a minor sanction hearing.

No Professional and Scientific grievances or disciplinary cases were pending during this reporting period. No discernable trend has been identified.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Four (4) new merit grievances filed during this reporting period remain pending. One (1) grievance reported during the previous period resulted in a settlement, and one (1) resolved during the resolution process. No discernable trend has been identified.

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, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

Type of Claim Pending	06/13	12/13	06/14	12/14	06/15	12/15	06/16
1. Litigation	5	4	6	7	7	9	10
2. Tort and Contract Claims	10	7	16	12	12	8	5
3. Administrative Agencies	2	3	3	4	1	2	3
4. Workers' Compensation	111	65	79	66	68	72	62
5. Internal Discrimination Complaints	7	7	6	7	8	3	11
6. Faculty & P&S Grievances & Discipline	16	7	4	8	7	3	2
7. Merit Grievances	8	14	14	10	4	2	3

1. Litigation

Developments, Trends and Reasons for Occurrence: The number of lawsuits has remained fairly consistent over reporting periods. Four (4) of the cases pending during this reporting period have been dismissed. 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: There was a slight increase in the number of administrative agency complaints filed during this reporting period, although the number is 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 slightly, while the total dollar amount of approved claims was slightly lower. 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 majority of the pending complaints are Title IX cases. The increase could be the result of the University's efforts to emphasize reporting. Eight (8) complaints have been substantively completed. 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. 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. This is a positive reflection of the relationship with University staff members. 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 January 1, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

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

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Four (4) workers' compensation claims were filed during this reporting period, with a total of one day of lost time. No discernable trend has 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 January 1, 2016 through June 30, 2016 time period, and compares those numbers to prior periods.

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

3. Administrative Agencies

Developments, Trends and Reasons for Occurrence: Two (2) Iowa Civil Rights complaints and two (2) EEOC complaints were filed during this reporting period. One (1) EEOC complaint has been closed, and the second has been deferred to the corresponding ICRC complaint. Responses have been submitted to the two ICRC complaints.

4. Workers' Compensation

Developments, Trends and Reasons for Occurrence: Five (5) 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 adjudicators. The adjudicator's decisions have been rejected by the Board and the faculty member, and are expected to be appealed to District Court.

7. Merit Grievances

Developments, Trends and Reasons for Occurrence: Two (2) grievances have been settled, and one (1) is pending on the Union's determination to transfer to GRIP. No discernable trend has been identified.