

Contact: Keith Saunders

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2009 – DECEMBER 31, 2009**

**Action Requested:** Receive the semi-annual claims activity reports for the period of July 1, 2009 through December 31, 2009.

**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 July 1, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
1. Litigation	1	3	1	1	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 July 1, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
1. Litigation	21	30	25	21	22	11	12
2. Contract & Tort Claims	12	6	11	9	5	14	6
3. Administrative Agencies	16	15	13	12	8	16	20
4. Workers' Compensation	770	796	806	818	832	721	687
5. Internal EOD Office Complaints	17	9	9	18	11	15	17
6. Faculty and P&S Grievances & Discipline	2	2	2	2	3	2	4
7. Merit Grievances and GRIP/Arbitration	5	3	2	2	3	1	4
8. UIHC Tort Claims	21	25	15	20	21	33	33
9. UIHC Lawsuits	27	33	26	23	28	28	24

**1. Litigation**

Developments: During this period, 5 lawsuits were settled, dismissed or adjudicated. There are 11 active lawsuits, 2 of which are appeals and 1 involves the UI as Plaintiff. The University became involved in 1 new lawsuit during this reporting period.

Trends and Reasons for Occurrence: The University was unable to identify any notable trends.

**2. Contract and Tort Claims**

Trends and Reasons for Occurrence: Active tort claims during this period have decreased slightly. There are 4 active claims. Nine claims involving 4 incidents were forwarded to the General Counsel's office. An additional 6 claims were settled. No discernable trend was identified.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: There is a slight increase in the number of administrative agency claims filed in the last six months. No specific reason for the increase has been identified.

**4. Workers' Compensation**

Trends and Reasons for Occurrence: There is a slight decrease in the number of claims filed as compared to the prior reporting period. The University reported that more claims were settled with a substantial increase in the cost per settled claim. No discernable trend was identified.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: There is a slight increase in total complaints. No discernable trend was identified.

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

Trends and Reasons for Occurrence: Two faculty grievances remain from the previous reporting period, and there has been 1 new complaint filed. There is one grievance filed by the Provost's Office against a faculty member. No discernable trend was identified.

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

Trends and Reasons for Occurrence: There were 4 arbitration cases during this reporting period, 3 of which have been settled. No discernable trend was identified.

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

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, 9 tort claims were denied, settled or withdrawn and will be deleted from the next report. Six tort claims have been filed as lawsuits (and are also listed in that category). Eleven new tort claims were filed during this period. As of December 31, 2009 there are 37 pending tort claims. No discernable trend was identified.

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

Trends and Reasons for Occurrence: Eight lawsuits were dismissed, settled or otherwise adjudicated during the reporting period and will be deleted from the next report. Six new lawsuits were filed during the period. As of December 31, 2009 there are 25 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, three (3) 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, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
1. Litigation	13	14	10	10	9	11	10
2. Contract and Tort Claims	14	12	16	22	16	18	16
3. Administrative Agencies	6	4	11	13	9	9	1
4. Workers' Compensation	272	293	247	286	262	266	238
5. Internal Discrimination Complaints	2	3	6	3	2	1	1
6. Faculty and P&S Grievances & Discipline	9	17	15	13	11	13	11
7. Merit Grievances	7	8	11	12	10	10	5

**1. Litigation**

Developments: In this reporting period three cases were filed. Two involve tort claims and the third involves dismissal of an employee. Four cases were dismissed and one was settled. No trends were identified.

**2. Contract and Tort Claims**

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

**3. Administrative Agencies**

Trends and Reasons for Occurrence: No new cases were filed during this reporting period. One claim carried over from the prior reporting period, and is now in litigation. No trend was identified.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence: The total number of claims has dropped over the past four years, but the total outlay of benefits for employee injuries has increased. The University will continue to monitor these trends and review the reasons.

**5. Internal Discrimination Complaints**

Trends and Reasons for Occurrence: No new cases were filed during this reporting period. The one pending case was determined without foundation. No discernable trend was identified.

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

Trends and Reasons for Occurrence: There were four faculty grievances pending during this reporting period. Two were withdrawn, one was denied by the President and was not appealed to the Board of Regents, and one was denied by the Board of Regents. There were four claims of faculty misconduct, two of which were filed during this reporting period. Each of the four faculty misconduct cases has been resolved. The pending Professional and Scientific grievance was withdrawn, and no new P&S grievances or disciplinary matters were filed.

**7. Merit Grievances**

Trends and Reasons for Occurrence: Seven of the ten merit cases involved discipline, with two resulting in termination. Four of the pending cases were resolved during this reporting period. No trends were 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 July 1, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
1. Litigation	10	9	10	10	9	11	10
2. Tort and Contract Claims	10	5	11	8	5	7	8
3. Administrative Agencies	6	5	6	7	5	3	3
4. Workers' Compensation	75	73	64	74	83	68	71
5. Internal Discrimination Complaints	5	5	6	7	8	4	6
6. Faculty & P&S Grievances & Discipline	1	1	2	2	1	2	1
7. Merit Grievances	8	6	9	7	10	8	10
8. Other	1	0	1	0	0	0	0

**1. Litigation**

Developments: The University received notice of one new lawsuit during this reporting period. The lawsuit was previously filed as a tort claim. The remaining cases are in various stages of the litigation process. No discernible trend was apparent.

**2. Tort and Contract Claims**

Trends and Reasons for Occurrence: The University received three new tort claims during this reporting period. One claim was paid and two were forwarded to the Attorney General's Office for review and disposition. Two claims were under investigation at the end of the period, and will be forwarded to the Attorney General's Office. Two claims were denied by the State during the reporting period, one of which was subsequently filed as a lawsuit and is reflected in the Litigation section of this report. No discernable trend was identified.

**3. Administrative Agencies**

Trends and Reasons for Occurrence: The University received two new complaints during the reporting period. One complaint was closed during the period. No discernable trend was identified.

**4. Workers' Compensation Claims**

Trends and Reasons for Occurrence: The number of complaints filed increased slightly as compared to the prior reporting period. The total cost of approved claims also increased. No discernable trends are evident; however, the information will be monitored in case any trend becomes apparent.

**5. Internal Discrimination Complaints/Investigations**

Trends and Reasons for Occurrence: Four new cases were received during the reporting period. Three cases were completed and closed during the reporting period. Three cases are under investigation and open in this category. The number of cases reported in this category is higher than the previous reporting period, but remains consistent with prior periods. No trends are evident.

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

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

**7. Merit Grievances**

Trends and Reasons for Occurrence: The number of Merit employee grievances for the reporting period increased slightly, but remains consistent with prior reporting periods. No trends are evident.



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, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
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	8	9	15	10	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	2	0	2	1	0	0	0

**4. Workers' Compensation Claims**

**Developments:** The Iowa Braille and Sight Saving School received 7 claims during the reporting period. One claim resulted in time missed from work. The total cost for medical care decreased. No discernable trend was evident.

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, 2009 through December 31, 2009 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/06	06/07	12/07	06/08	12/08	06/09	12/09
1. Litigation	0	0	0	0	0	0	1
2. Contract and Tort Claims	0	0	1	1	1	1	0
3. Administrative Agencies	0	0	0	0	0	1	1
4. Workers' Compensation	7	3	2	6	5	3	2
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: One lawsuit was pending during this reporting period. Trial is scheduled for May 20, 2010. No discernable trend was identified.

**2. Contract and Tort Claims**

Developments: The tort claim previously reported by ISD was withdrawn during this period.

**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.

**4. Workers' Compensation**

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