

Contact: Aimee Claeys

**SEMI-ANNUAL CLAIMS ACTIVITY REPORTS: JULY 1, 2013 – DECEMBER 31, 2013**

**Action Requested:** Receive the semi-annual claims activity reports for the period of July 1, 2013 through December 31, 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 July 1, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</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>	<b>12/13</b>
1. Litigation	0	2	2	3	2	3	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 involving appeals from final agency action were pending during this reporting period. One new case was filed during this reporting period. In the second case, the District Court ruled in the Board's favor and the petitioner appealed the matter to the Iowa Supreme Court. In the third case, the Iowa Court of Appeals affirmed the District Court's decision dismissing the administrative appeal. The petitioner submitted an application for further review, which is currently pending before the Iowa Supreme 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 July 1, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/10	06/11	12/11	06/12	12/12	06/13	12/13
1. Litigation	20	16	25	25	24	29	25
2. Contract & Tort Claims	17	2	7	10	12	6	10
3. Administrative Agencies	15	15	12	15	21	23	24
4. Workers' Compensation	390	667	687	712	795	749	736
5. Internal EOD Office Complaints	15	9	16	13	9	8	6
6. Faculty and P&S Grievances & Discipline	7	4	8	6	11	12	27
7. Merit Grievances	2	1	6	56	39	48	65
8. UIHC Tort Claims	38	33	21	15	23	24	17
9. UIHC Lawsuits	25	28	29	26	32	27	27

**1. Litigation**

Developments, Trends and Reasons for Occurrence: This report contains a listing of all lawsuits pending at any one time during the July through December 2013 period. Seven lawsuits were dismissed, settled or otherwise adjudicated during this reporting period, and will be deleted from the next report. Five new lawsuits were filed. As of December 31, 2013, there are twenty-five pending lawsuits. No significant trends have been identified.

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: During this reporting period, four tort claims were denied, withdrawn or settled, and will be deleted from the next report. Seven new tort claims were filed during this reporting period. As of December 31, 2013, there are ten pending tort claims. No significant trends have been identified.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: Seven administrative agency claims were settled or withdrawn during this reporting period, and ten new claims were filed. As of December 31, 2013, twenty four claims were pending. No significant trends have been identified.

**4. Workers' Compensation**

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

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: The number of complaints is slightly lower as compared to the prior reporting period. No significant trends have been identified.

## 6. Faculty and P&S Grievances

Developments, Trends and Reasons for Occurrence: There are three active Faculty Grievances and two active Professional and Scientific Grievances. There are twenty-two active SEIU Grievances. The number of SEIU Grievances increased during this reporting period.

## 7. Merit Grievances

Developments, Trends and Reasons for Occurrence: As of December 31, 2013, there were sixty-five active files. The number of grievances filed during this reporting period is slightly higher than the normal range of variability. No significant trends have been identified.

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

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 July through December 2013. During this period, thirty tort claims were denied, withdrawn or settled, and will be deleted from the next report. Seven of these tort claims have now been filed as lawsuits, and are also reflected in that section of the report. Eleven new tort claims were filed during this reporting period. As of December 31, 2013, there were seventeen pending tort claims.

## 9. UIHC Lawsuits

Developments, Trends and Reasons for Occurrence: This report also includes a listing of all lawsuits pending at any one time during the period of July through December 2013. Seven lawsuits were dismissed, settled or otherwise adjudicated during this reporting period, and will be deleted from the next report. Seven new lawsuits were filed. As of December 31, 2013, there were twenty-seven 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 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 July 1, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

Type of Claim Pending	12/10	06/11	12/11	06/12	12/12	06/13	12/13
1. Litigation	8	11	8	9	10	9	9
2. Contract and Tort Claims	13	13	20	21	29	30	31
3. Administrative Agencies	5	6	5	4	2	4	3
4. Workers' Compensation	222	249	253	188	184	185	161
5. Internal Discrimination Complaints	0	3	4	1	4	13	16
6. Faculty and P&S Grievances & Discipline	10	6	4	10	15	8	8
7. Merit Grievances	9	13	20	18	8	6	4

**1. Litigation**

Developments, Trends and Reasons for Occurrence: During this reporting period, two new lawsuits were filed (Iowa Individual Health Benefit Reinsurance Association and Palo). The trial of the Tidriri case was continued until April, 2014. Three cases remain on appeal (Clark, Smith, and Brewbaker).

**2. Contract and Tort Claims**

Developments, Trends and Reasons for Occurrence: A large number of pending contract claims reported during the prior period remain unresolved. There were no significant developments or trends identified.

**3. Administrative Agencies**

Developments, Trends and Reasons for Occurrence: One case was administratively closed by the Iowa Civil Rights Commission. The two remaining cases are awaiting determinations.

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: The number of claims, missed days and dollar values for workers' compensation claims decreased as compared to prior reporting periods. This decrease is within the normal range of variability.

**5. Internal Discrimination Complaints**

Developments, Trends and Reasons for Occurrence: Seven internal discrimination cases involved allegations of student-on-student harassment and violence. Most of these cases involved allegations of sexual assault, harassment or domestic violence. Two cases involved claims by students against employees. The remaining seven cases involved claims between employees or against the University. No significant trends have been identified.

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

Developments, Trends and Reasons for Occurrence: One faculty case involved an allegation of scientific misconduct. The researcher resigned when confronted with the evidence, and the United States Department of Health and Human Services has accepted the University's

determination in the matter. Three of the pending faculty matters relate to a single faculty member who also has litigation pending against the University. A disciplinary action alleging sexual harassment was resolved with the faculty member's resignation. There were no Professional and Scientific claims pending during this reporting period.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: Four new grievances were filed during this reporting period. Grievance hearings were held in two of the pending cases, one hearing has yet to be scheduled, and one grievance is in the settlement process.

**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, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</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>	<b>12/13</b>
1. Litigation	9	8	6	5	4	5	4
2. Tort and Contract Claims	9	8	2	3	6	10	7
3. Administrative Agencies	3	4	5	4	5	2	3
4. Workers' Compensation	87	90	68	80	70	111	65
5. Internal Discrimination Complaints	4	4	4	5	6	7	7
6. Faculty & P&S Grievances & Discipline	3	6	13	23	16	16	7
7. Merit Grievances	9	8	5	10	5	8	14

**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 lower 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 increased slightly. There are no apparent trends.

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: There was a decrease in the number of workers' compensation claims filed during this reporting period as compared to the prior reporting period. Historically, December report numbers are lower than June report numbers. No significant trends have been identified, and the University will continue to review and monitor the data.

**5. Internal Discrimination Complaints/Investigations**

Developments, Trends and Reasons for Occurrence: The number of complaints pending in this category is the same as the prior reporting period. Five new claims were filed and five of the pending cases were resolved. There are no apparent trends.

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

Developments, Trends and Reasons for Occurrence: The number of pending cases decreased when compared to the prior reporting period. Some of the pending grievances involve similar issues. The University continues to work on these issues with the assistance of Board Office personnel.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: The number of pending Merit employee grievances increased as compared to the prior reporting period. The grievances do not appear to reflect any trends or overall issues. The University will continue to review the relevant information.



**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, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

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

**4. Workers' Compensation Claims**

Developments, Trends and Reasons for Occurrence: Five workers' compensation claims were filed during this reporting period. There was no lost time for these claims. Workers' compensation claims continue to remain low at the Iowa Braille and Sight Saving School.

**7. Merit Grievances**

Developments, Trends and Reasons for Occurrence: One merit grievance was filed during this reporting period. No significant trends have 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 July 1, 2013 through December 31, 2013 time period, and compares those numbers to prior periods.

<b>Type of Claim Pending</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>	<b>12/13</b>
1. Litigation	2	1	1	1	1	0	0
2. Contract and Tort Claims	0	0	0	0	0	0	0
3. Administrative Agencies	1	1	0	0	0	0	0
4. Workers' Compensation	5	6	4	3	3	5	3
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:** Three workers' compensation claims were pending during this reporting period. Workers' compensation claims continue to remain low at the Iowa School for the Deaf.