



2024 Risk Management Advisory Committee Meeting

Nov. 13, 2024

Agenda

12:30 p.m. Networking Lunch

1:30 p.m. Welcome

Sarah Braugher, Vice President of Risk Management

1:35 p.m. United Educators (UE) Updates

Rick Mills, President & Chief Executive Officer

Sean Barnes, Vice President of Finance and Administration,
Chief Financial Officer & Chief Investment Officer

Mike Krackov, Associate Vice President of Resolutions
Management and Associate General Counsel

Bryan Elie, Vice President of Underwriting and Product
Management

2:15 p.m. RMAC Feedback Session

Hoda Hussein, Senior Risk Management Consultant
(Moderator)

3:45 p.m. Break

4:15 p.m. Education Expert Perspectives

Sam Swartout, Manager of Risk Consulting (Moderator)
Jonathan Fansmith, Senior Vice President, Government
Relations and National Engagement, American Council on
Education

Debra Wilson, President, National Association of
Independent Schools

5:00 p.m. Adjourn

**5:30 p.m. Reception and Dinner, Marriott Bethesda
Downtown, North Grand Ballroom**



Welcome

Sarah Braugher, Vice President of Risk Management



UE Updates

Rick Mills, President & Chief Executive Officer

Sean Barnes, Vice President of Finance and Administration, Chief Financial Officer & Chief Investment Officer

Bryan Elie, Vice President of Underwriting and Product Management

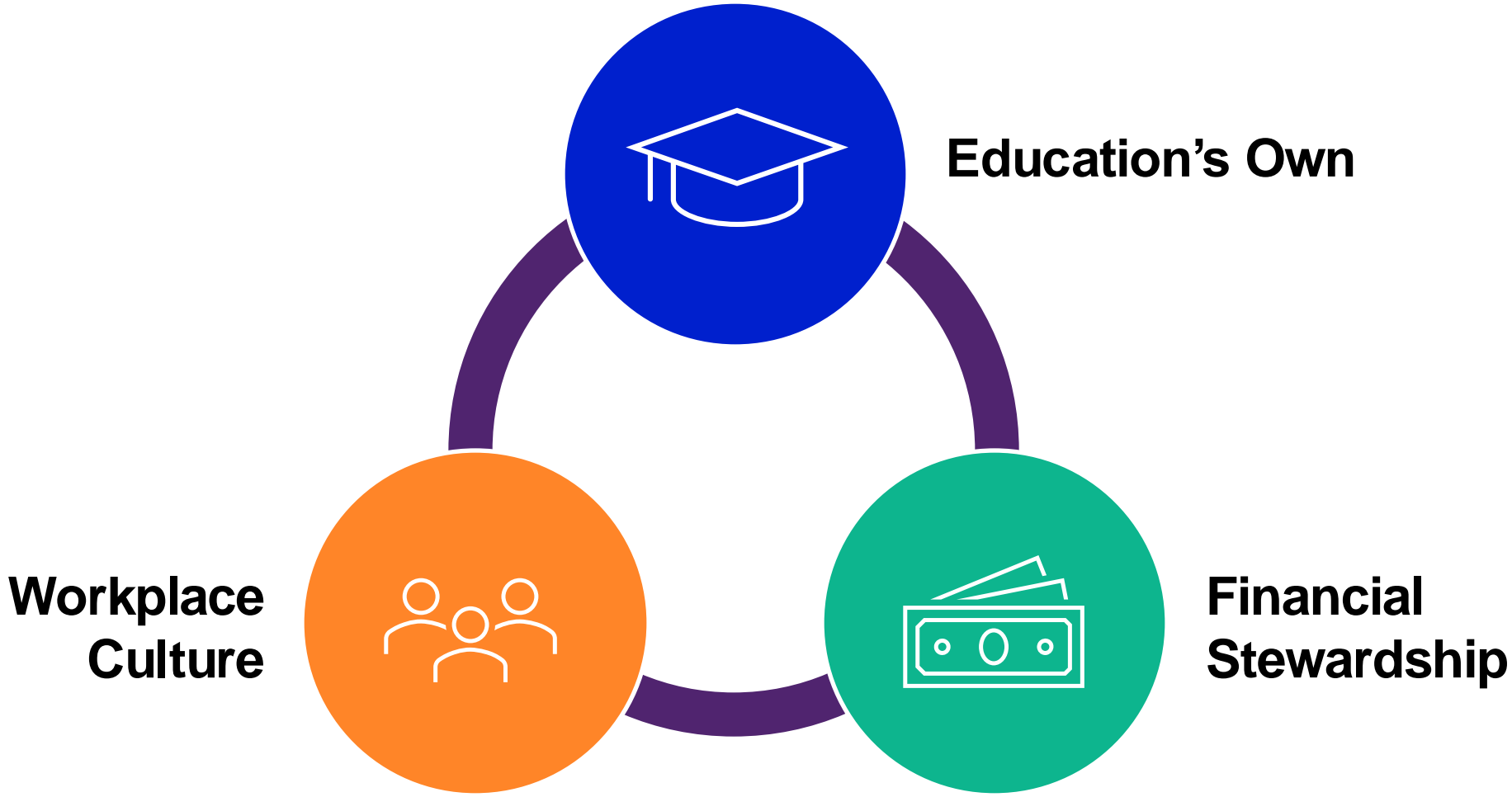
Mike Krackov, Associate Vice President of Resolutions Management and Associate General Counsel

State of UE – Financial Highlights

Why it matters: UE is financially strong, ready to support our mission.

- Over \$400M of premium forecasted for 2024
- Still A rated by AM Best
- 1.3B of Invested Assets
- 200+ Professional Staff
- Industry leading low expense ratio

Corporate Mission



Questions On Your Campus?

Why do premiums keep increasing?

Why can't we have the lawyer we want?

Why can't we pay to make this go away?

Why isn't this covered?

Why has UE changed?

Liability Landscape



Education Specific

- Financial and societal pressures



Legal Environment

- Loss Trends Rising
- Third Party Litigation finance

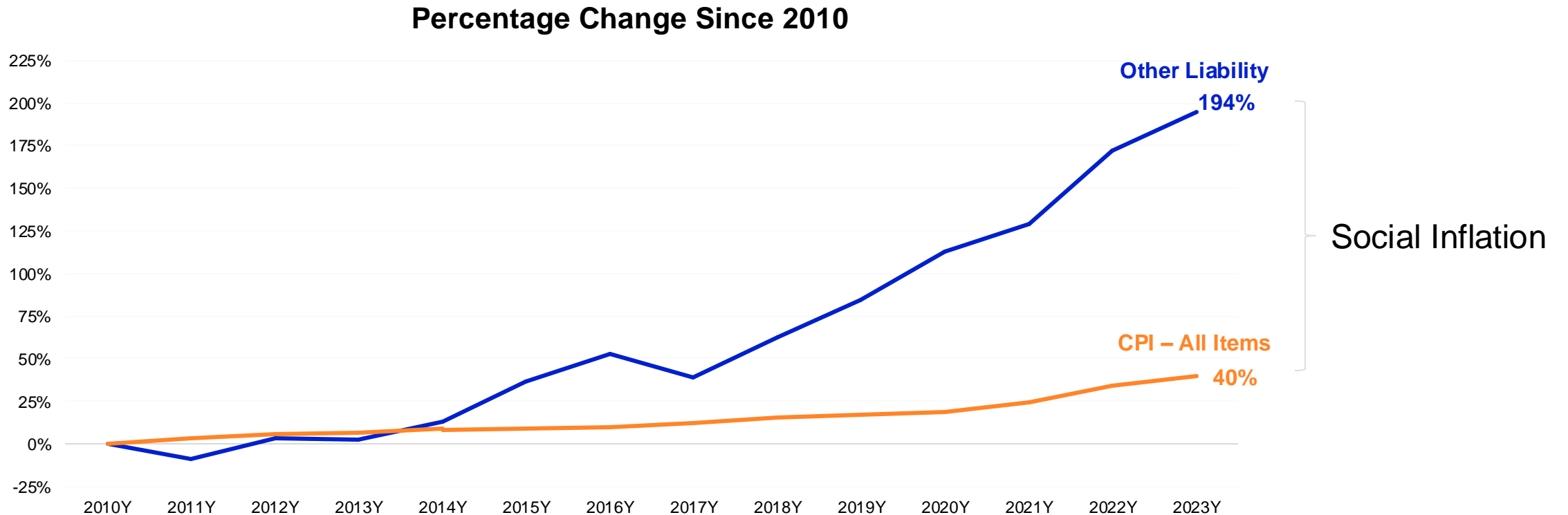


Broader Insurance Industry

- Exclusions
- Downward pressure on limits

Insurance Losses vs. CPI Inflation

Why it matters: Rising cost of claims translates to premium increases

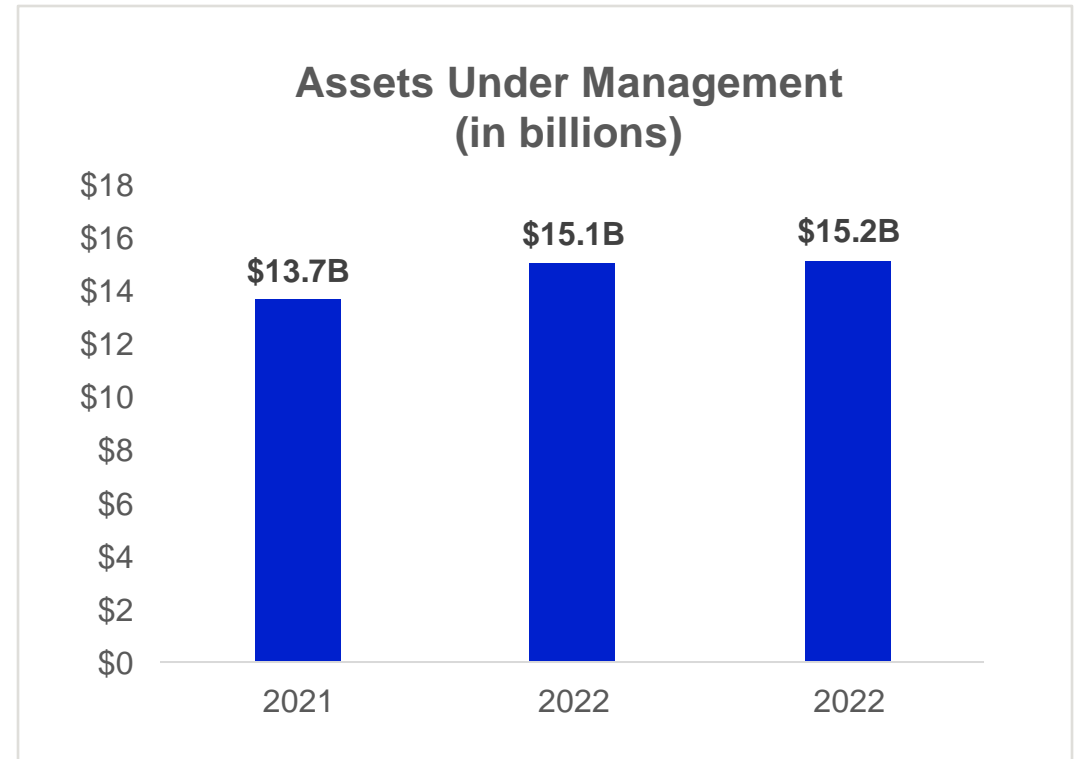


Third-Party Litigation Financing (TPLF)

Why it matters: Accelerating loss cost trends, class actions, and potential for nuclear verdicts.

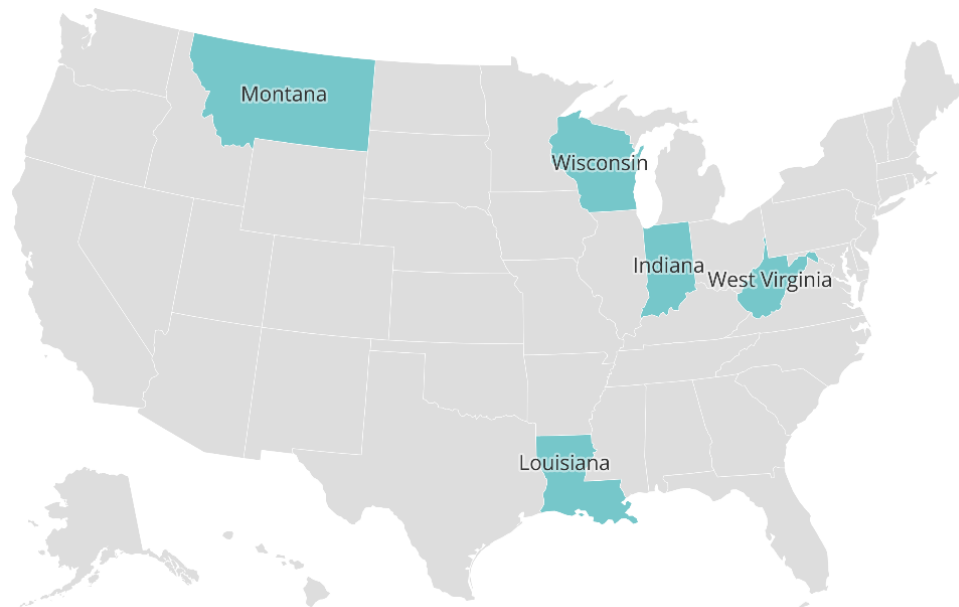
APCIA reports:

- Litigation financing has grown to \$15.2 billion in the U.S.
- Financers admit they “make it harder and more expensive to settle cases.”
- Financers have invested **billions in Mass Tort Claims.**

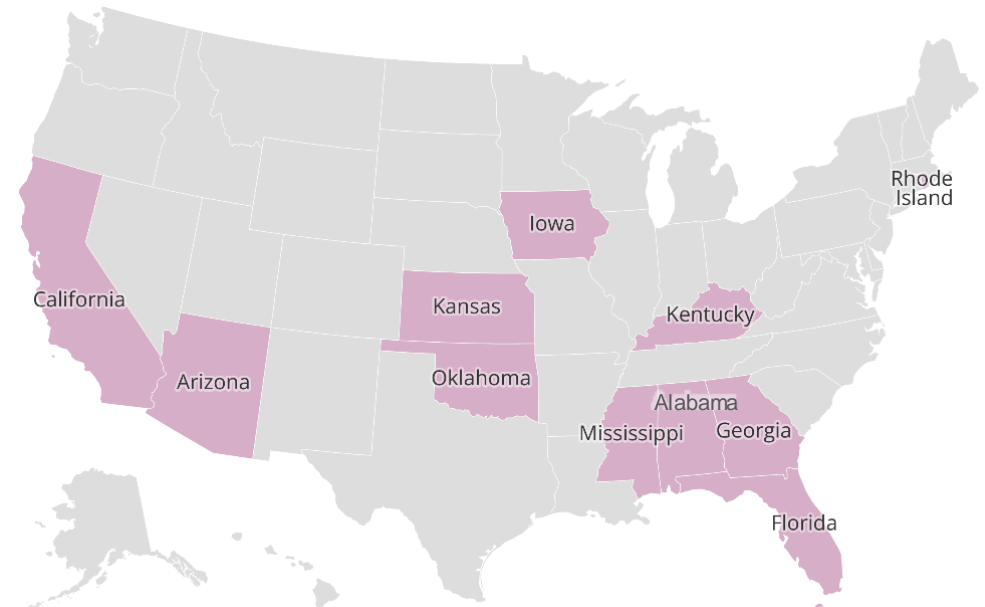


No Legislative Relief on the Horizon

States with TPLF restrictions on the books



States where TPLF restrictions were introduced this year but did not pass

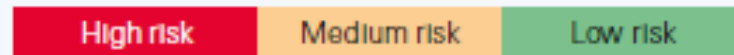


Future of Social Inflation

The US is expected to remain the epicentre of social inflation due to unique societal, economic and legal factors. However, other countries, such as Australia, Canada, the UK, and parts of continental Europe, show signs of potential liability claims growth driven by factors such as third-party litigation funding and expanded collective redress. Social inflation remains a concern globally for individuals, businesses and insurers alike.

International comparison of future social inflation drivers

	US	Australia	UK	Canada	Netherlands	France	Germany	Japan
Claims penetration	H	M	H	M	L	M	M	L
Income inequality	H	M	M	M	L	M	M	M
Third-party litigation funding	H	H	H	M	H	M	M	L
Contingency fees	H	M	M	H	L	L	L	L
Collective redress	H	H	H	H	H	M	M	L
Case law	H	H	H	H	L	L	L	L
Jury based	H	L	L	L	L	L	L	L



UE Priorities for the Membership

- Continue partnering with members to mitigate rising claims costs
- Ensure premium adequacy as severity rises for future claims
- Maintain acceptable combined ratio for sustainability
- Duty to entire membership to be here to serve education
- Commitment to serving education across all states
- Learn and innovate along the way – increasing speed of cycle to bring needed innovations to the market

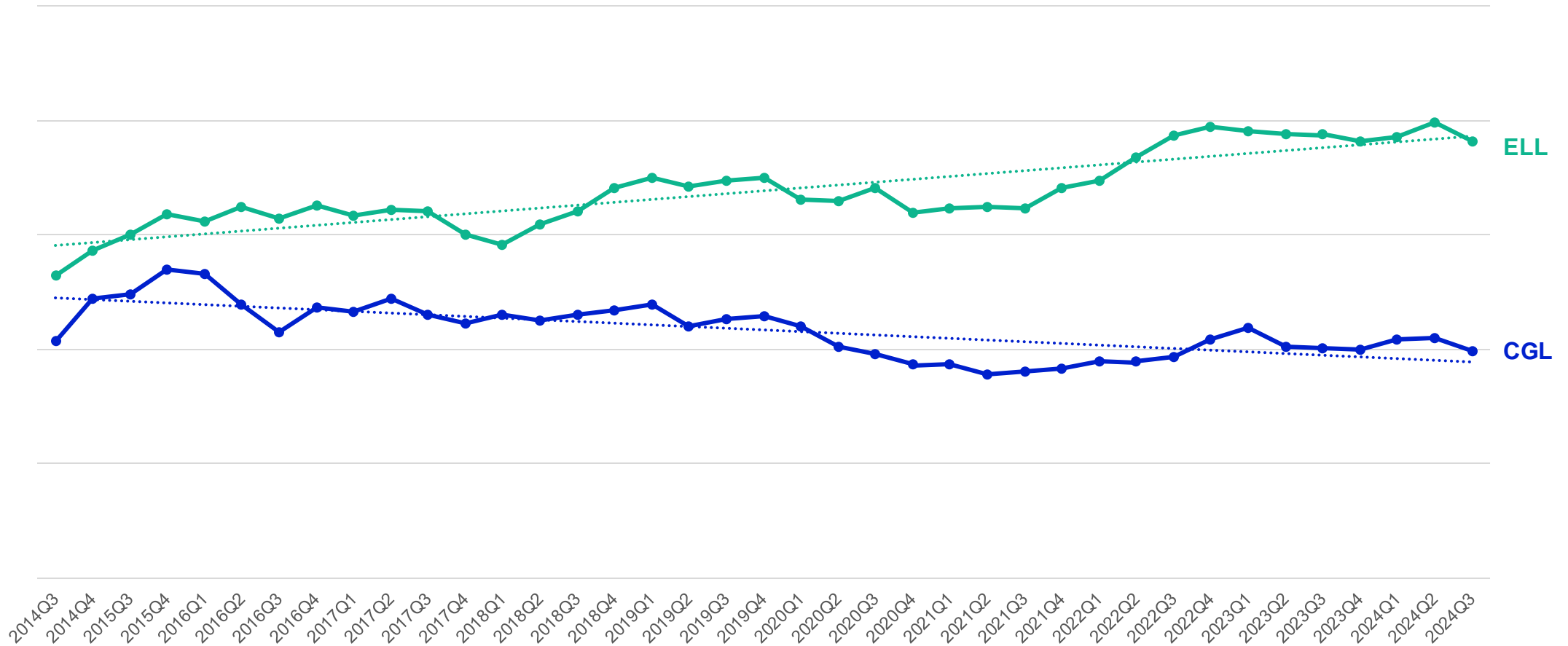


2024 RMAC – Resolutions Update

Mike Krackov, Associate Vice President of Resolutions Management and Associate General Counsel

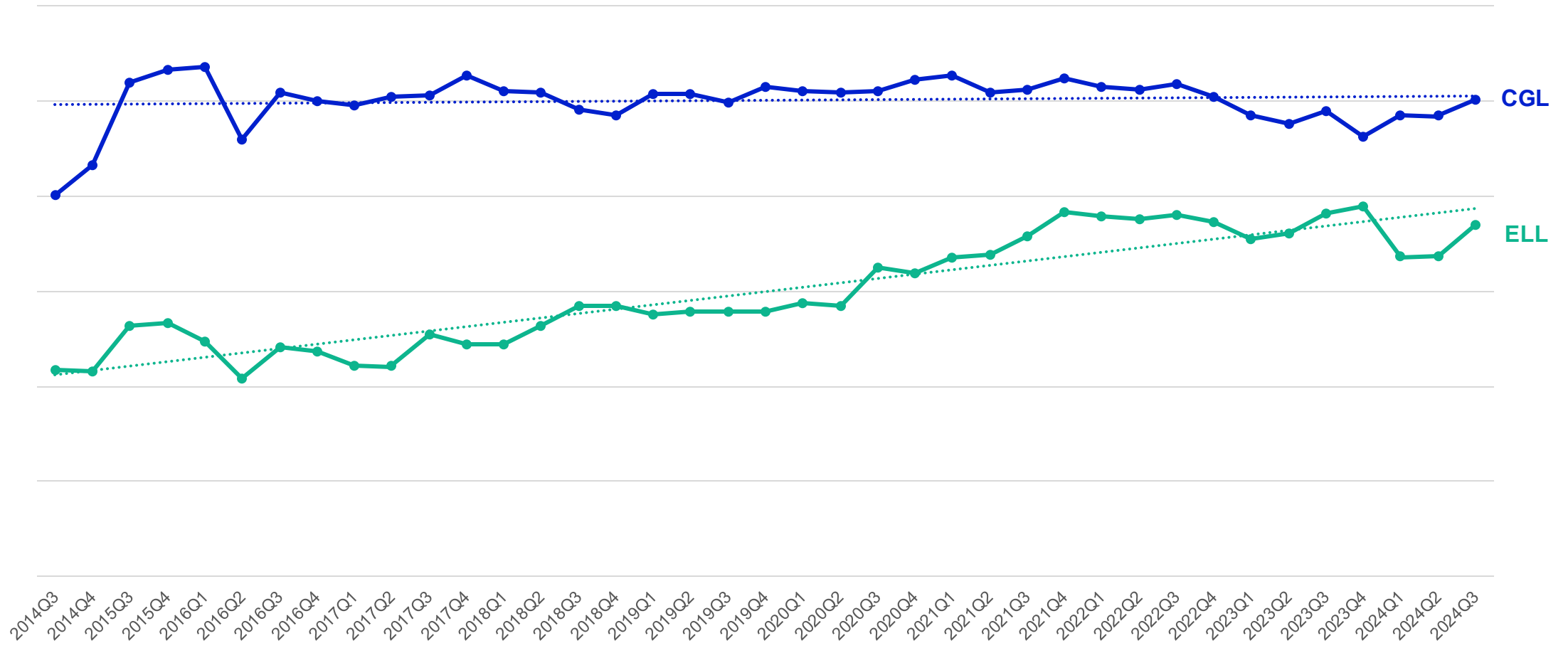
ELL & CGL Total Pending Claims

Number of Pending Claims



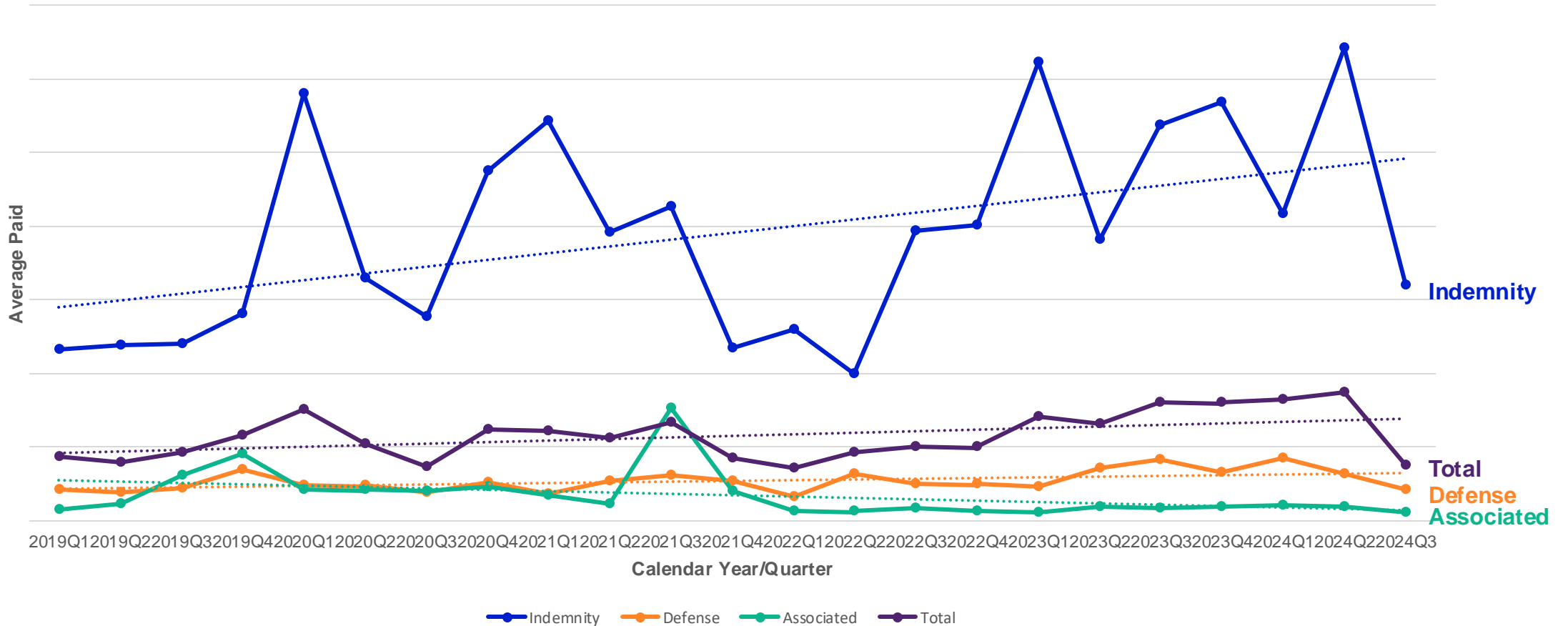
ELL & GL Total Pending Claims w/ Incurred

Number of Pending Claims



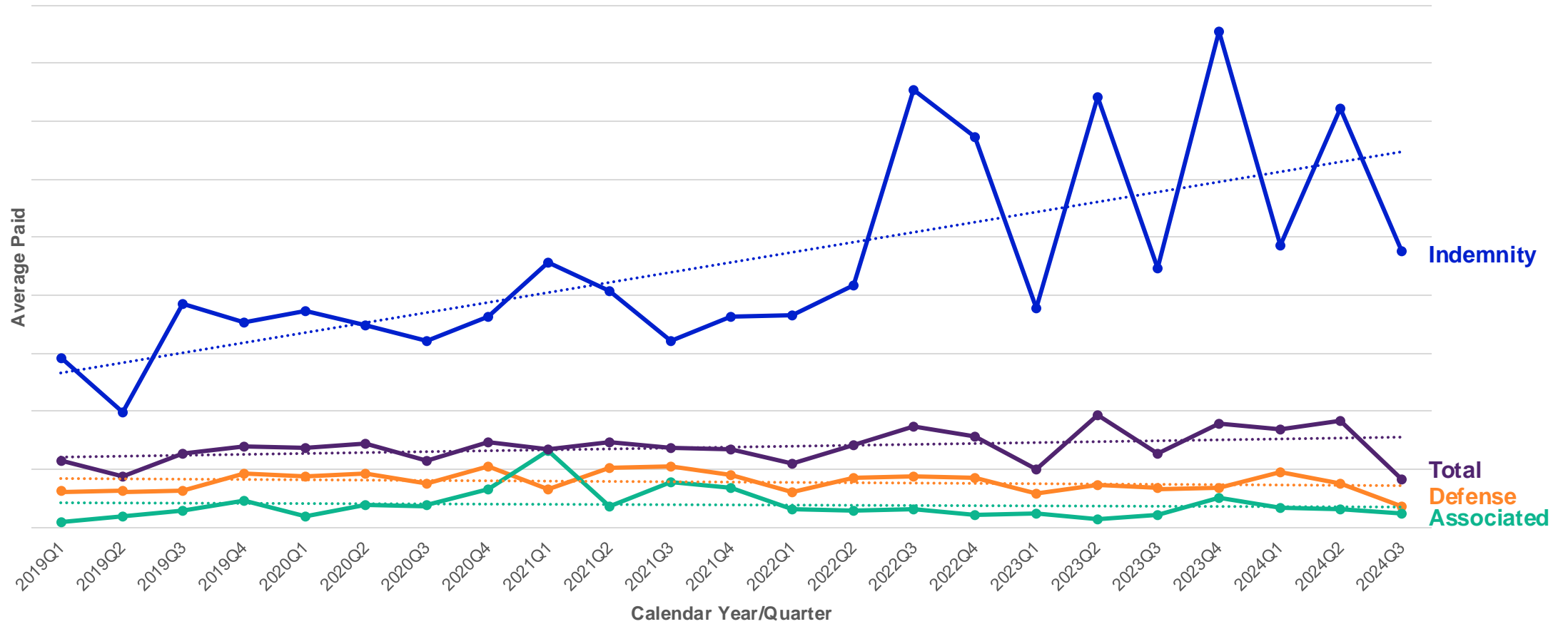
Average Paid/Claim Last 5 Years* – All LOB

Average Paid per Claim over Calendar Period



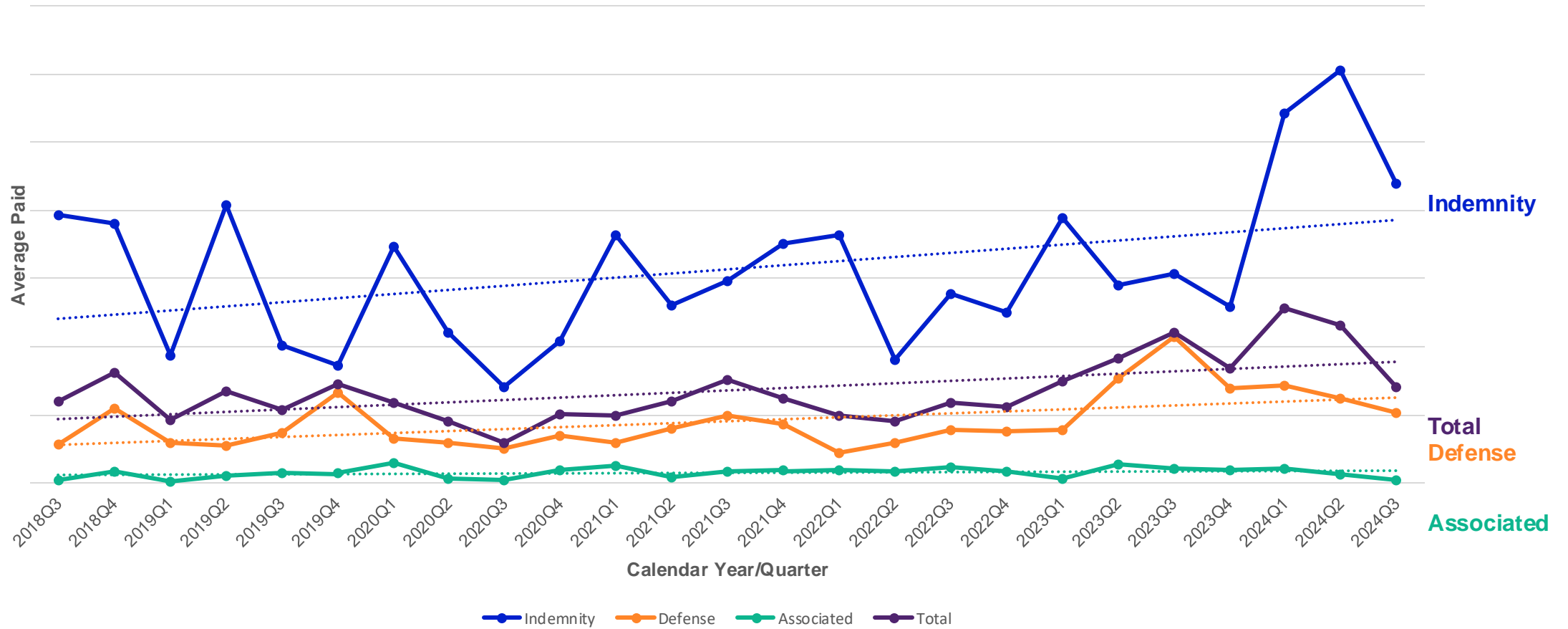
Average Paid/Claim Last 5 Years* – CGL/BLX

Average Paid per Claim over Calendar Period



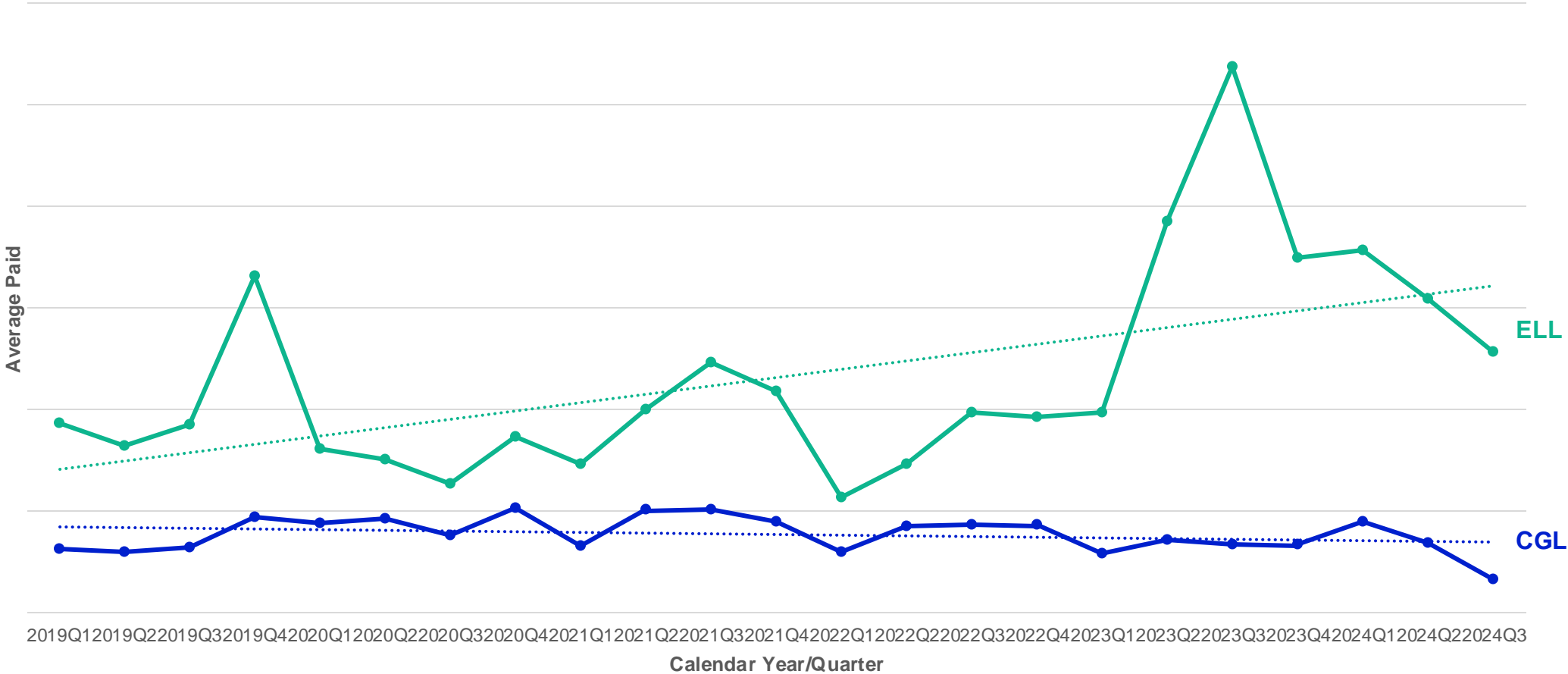
Average Paid/Claim Last 5 Years* – ELL

Average Paid per Claim over Calendar Period



Average Defense Costs Last 5 Years

Average Defense Paid per Claim over Calendar Period

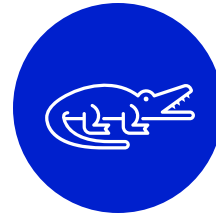


What's Driving Catastrophic Losses?



Erosion of Institutional Trust

Antitrust – Theory that colleges and universities are “colluding” to inflate the cost of tuition/fees



Reptile Theory Litigation Tactics

Sexual misconduct cases



Student Mental Health

Suicides and self-harm

What Else Is Coming?



College athletics litigation

- Name, Image, and Likeness
- Fair Labor Standards Act
- Title IX



Climate change – NOT just a property insurance problem

- Wildfire response
- Flash floods
- Wind events



2024 RMAC Insights from Underwriting

Bryan Elie, CPCU, VP of Underwriting and Product Management

Agenda

- Environment
- Claims
- 2025 Preliminary Underwriting Approach

Challenges

- Bottom (and Top) Lines
- Member Expectations
- Sustainability/Predictability



2025 Preview

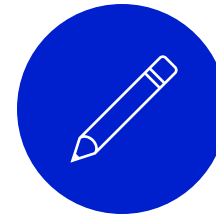


Pricing



Coverage

- PFAS
- ELL Definition of Damages
- Antitrust



Underwriting Differentiation



RMAC Feedback Session

Hoda Hussein, Senior Risk Management Consultant (Moderator)



Break

3:45 p.m.-4:15 p.m.



Education Expert Perspectives

Sam Swartout, Manager of Risk Consulting (Moderator)

Jonathan Fansmith, Senior Vice President, Government Relations and National Engagement, American Council on Education

Debra Wilson, President, National Association of Independent Schools



Adjourn

*5:30 p.m. – Reception and Dinner, Marriott Bethesda
Downtown, North Grand Ballroom*



2024 Risk Management Advisory Committee Meeting

Nov. 14, 2024

Agenda

8:00 a.m. Networking Breakfast and Recognition of Graduating RMAC Members

- **Fernando Alonso**, *Phillips Academy – Andover*
- **Jack Hardcastle**, *McDonogh School*
- **Susan Harrington**, *Brewster Academy*
- **John Zhang**, *Fordham University*

8:30 a.m. Risk Management Topic Roundtables: Student Mental Health and Campus Unrest

Alyssa Keehan, *Director of Risk Management Research and Consulting (Moderator)*

Heather Salko, *Manager of Risk Research (Moderator)*

9:30 a.m. Break

10 a.m. Risk Management in an Era of Increasing Litigation, Regulation, and Complexity

Christine McHugh, *Associate Vice President of Risk Management (Moderator)*

Louis Guard, *Vice President and General Counsel, Hobart and William Smith Colleges and co-author of All the Campus Lawyers*

10:45 a.m. Break

11:00 a.m. Strategies for Addressing Sexual Misconduct

Melanie Bennett, *Senior Risk Management Counsel (Moderator)*

Jody Shipper, *Co-Founder and Managing Director, Grand River Solutions*

Jamie Forbes, *Chief Executive Officer, Learning Courage*

12:00 p.m. Working Lunch & Training Updates

Kevin Smith, *Manager of Learning Enablement*

Erich Renken, *Director of Learning Design and Enablement*

1:00 p.m. Adjourn



Risk Management Topic Roundtables: Student Mental Health and Campus Unrest

Alyssa Keehan, Director of Risk Management Research and Consulting (Moderator)

Heather Salko, Manager of Risk Research (Moderator)

Student Mental Health and Campus Unrest

Ground Rules for Discussion

- UE reporter at each table
- Questions posted here for discussion. A few minutes for each — *we'll move fast*
- Report out for 10 minutes

Student Mental Health

Would you rate student mental health as a high, medium, or low risk category on your campus?

- Why would you characterize it at that level?

Student Mental Health

How does risk management support student mental health on your campus, if at all?

- Do you think you should have a role in your campus approach to supporting student mental health (if you don't currently)?

Student Mental Health

Does your institution have a voluntary and involuntary medical leave policy?

- Are they combined or separate?
- Do either/both address the need to take leave for mental health issues?
- Do you know when your policy was last reviewed/updated?

Student Mental Health

What specific trainings do you provide these people on your campus:

- RAs, to help them identify and support students who may have a mental health issue or crisis?
- Faculty, to help them identify and support students who may have a mental health issue or crisis?
- Other staff (including safety/security staff), to help if they encounter a student needing mental health support?

Student Mental Health

Does your institution have a peer-to-peer mental health support program?

- If so, has your institution put risk management measures into place to ensure problems or concerns are brought to the attention of professionals?

Student Mental Health

Does your institution partner with an outside group or contract out any services related to student mental health?

Student Mental Health

Report Out

Campus Unrest

Did your institution make any changes to its policies or practices in the past year because of the nationwide spate of campus protests?

- If so, please share some of those changes.

Campus Unrest

Has your institution had a student protest, a controversial event, or a counterprotest since the beginning of the school year that was challenging?

- If so, please share why it was challenging and any solutions devised to address these challenges.

Campus Unrest

Has your institution had any student protests, controversial events, or counterprotests that went particularly well?

- Were there any preparation actions (helpful policies, communication between administrators/staff, drills or tabletops, etc.) that your institution implemented that helped the event go well?

Campus Unrest

On your campus, what departments play the largest role in managing the risks related to civil unrest?

Campus Unrest

Share some challenges you've encountered when enforcing institutional policies relating to campus unrest with the following groups:

- Students
- Faculty
- Alumni

Campus Unrest

Report Out



Break

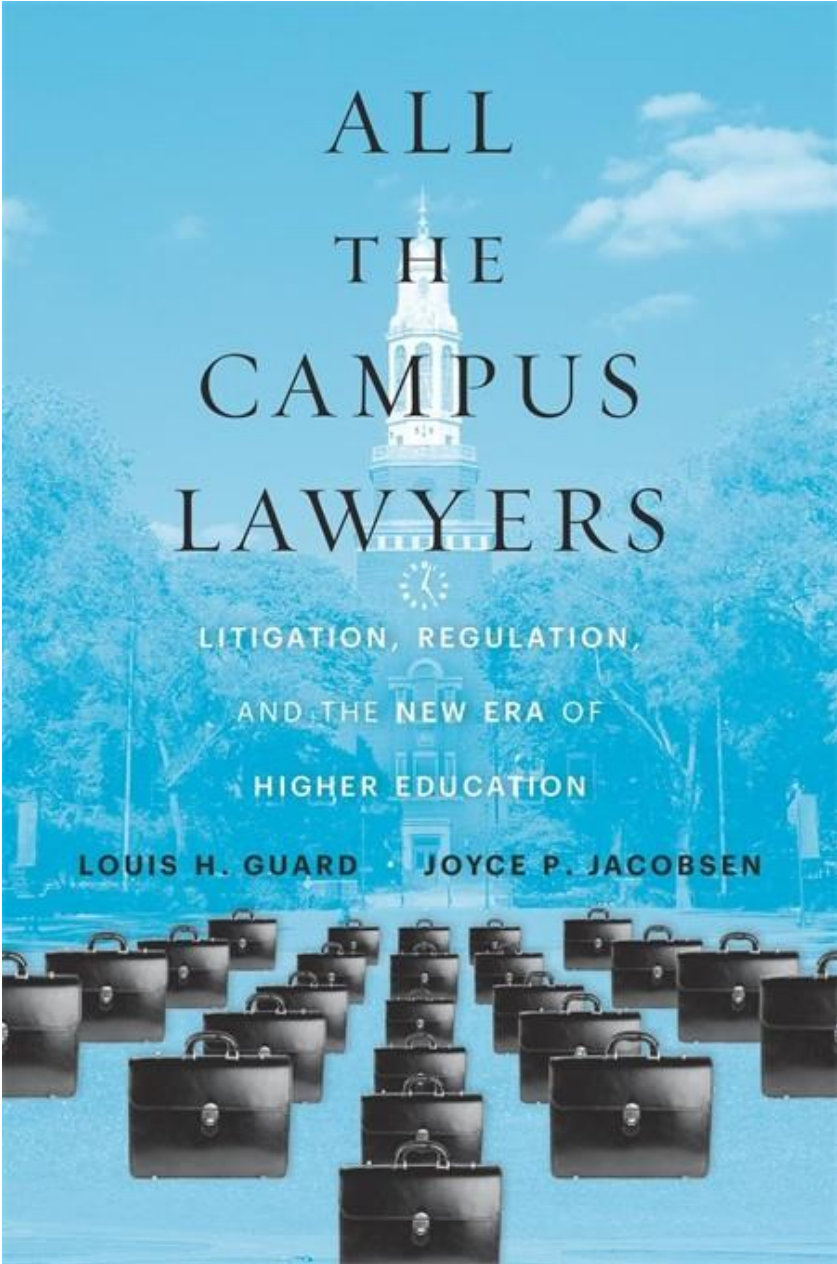
9:30 a.m.-10 a.m.



Risk Management in an Era of Increasing Litigation, Regulation, and Complexity

Christine McHugh, Associate Vice President of Risk Management (Moderator)

*Louis Guard, Vice President and General Counsel, Hobart and William Smith Colleges
and co-author of All the Campus Lawyers*



ALL
THE
CAMPUS
LAWYERS

LITIGATION, REGULATION,
AND THE NEW ERA OF
HIGHER EDUCATION

LOUIS H. GUARD · JOYCE P. JACOBSEN

**Tells the story of
key legal issues at
the intersection of
higher education
and the law**

**Examines impact
of legal and
regulatory
changes on core
mission of higher
education**

**Opines on
practical role of
legal counsel and
operational
considerations**

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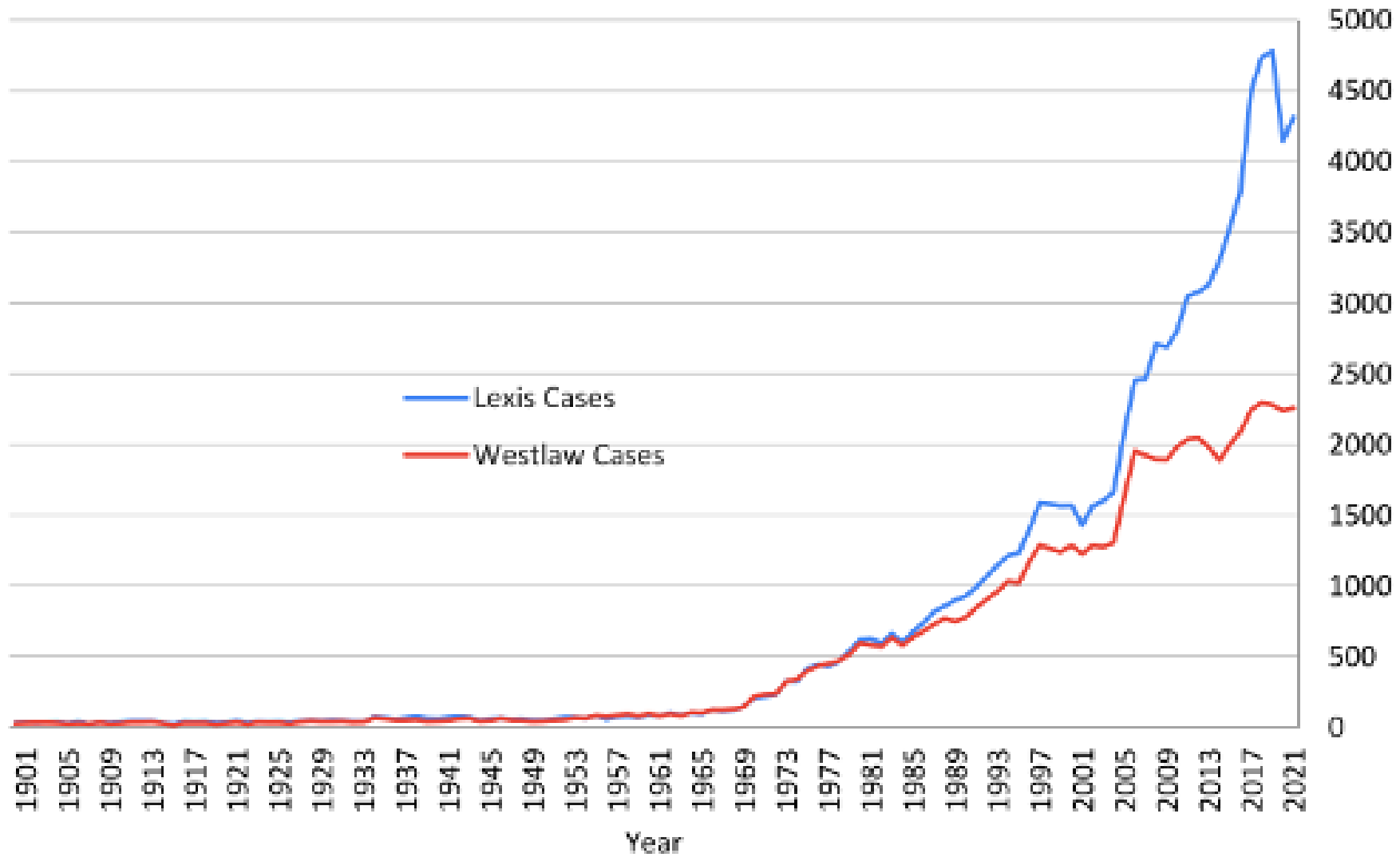


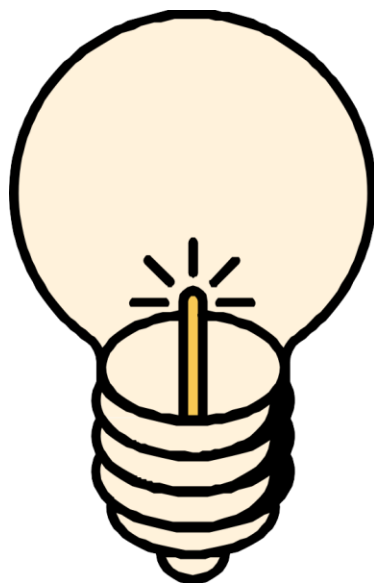
“...those who are responsible for the legal processes and those who are responsible for the daily life of the mind will see themselves as somehow engaged in different things.”

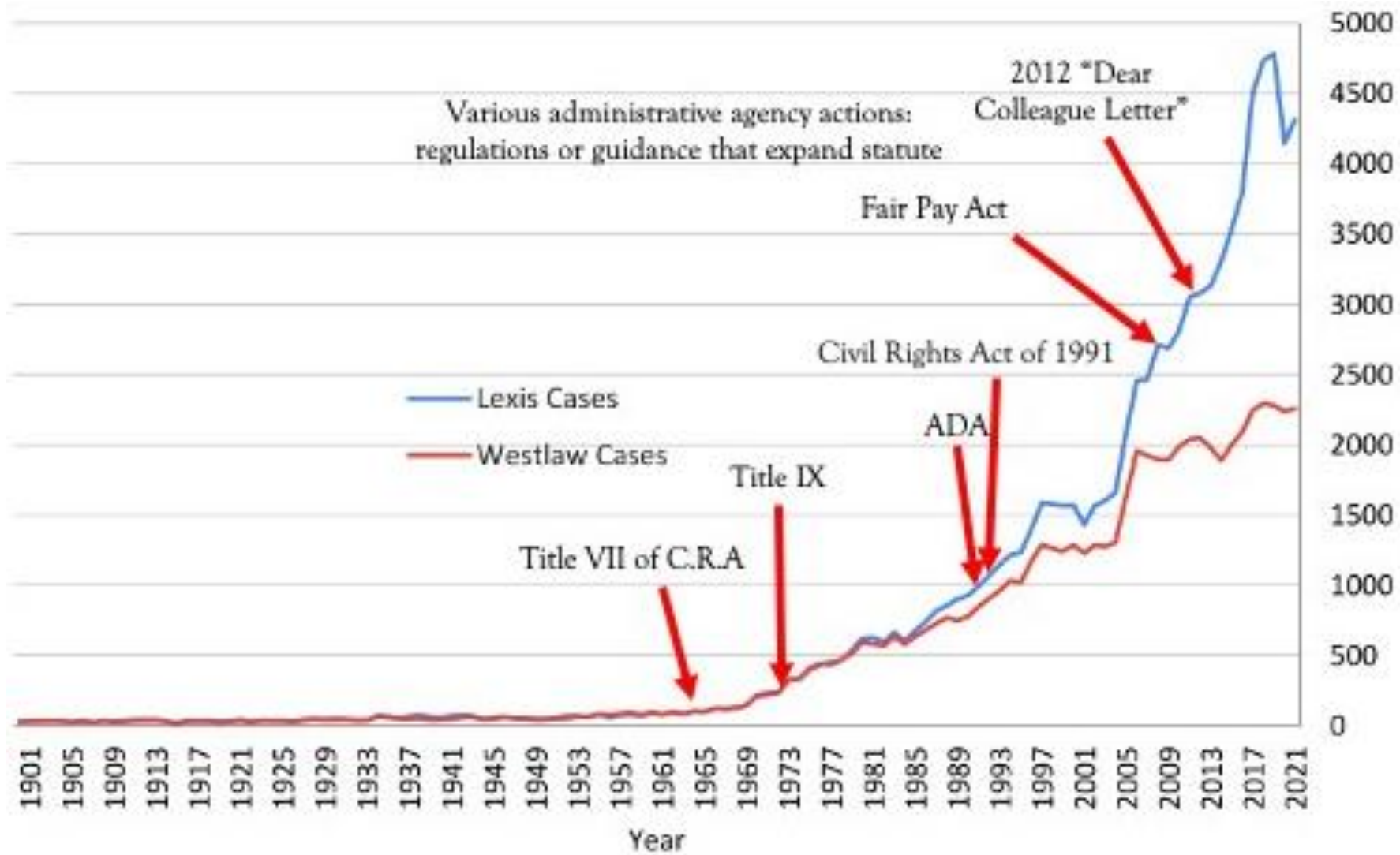
A. Bartlett Giamatti

A Free and Ordered Space: The Real World of the University

1976

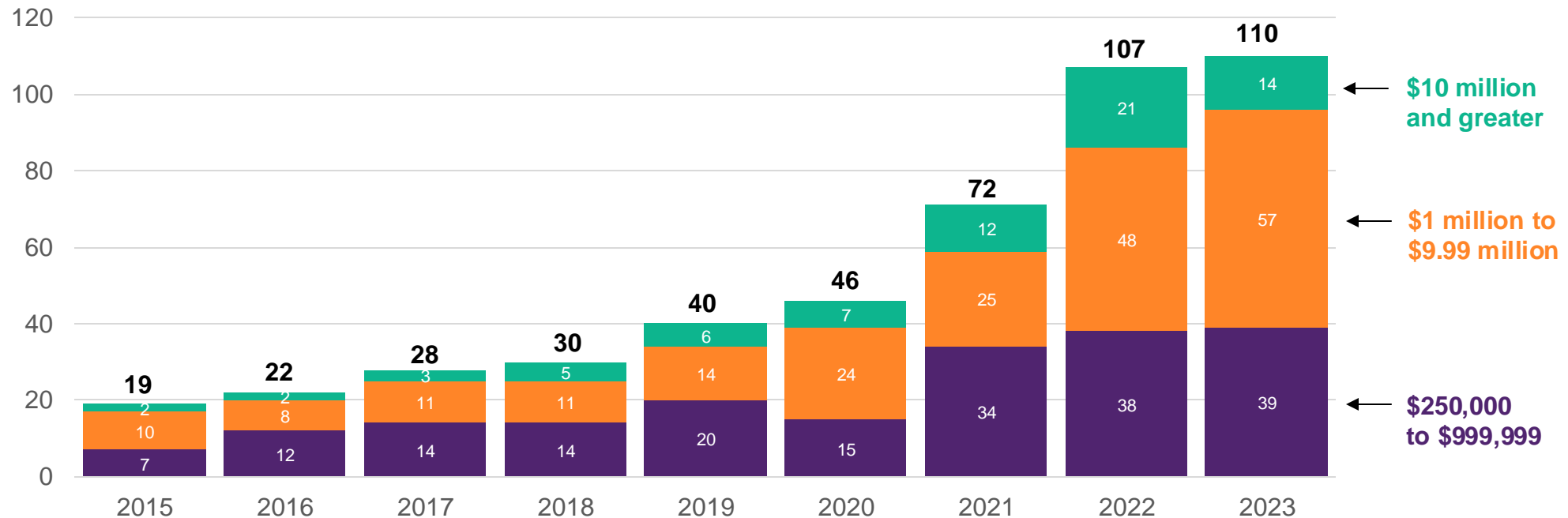






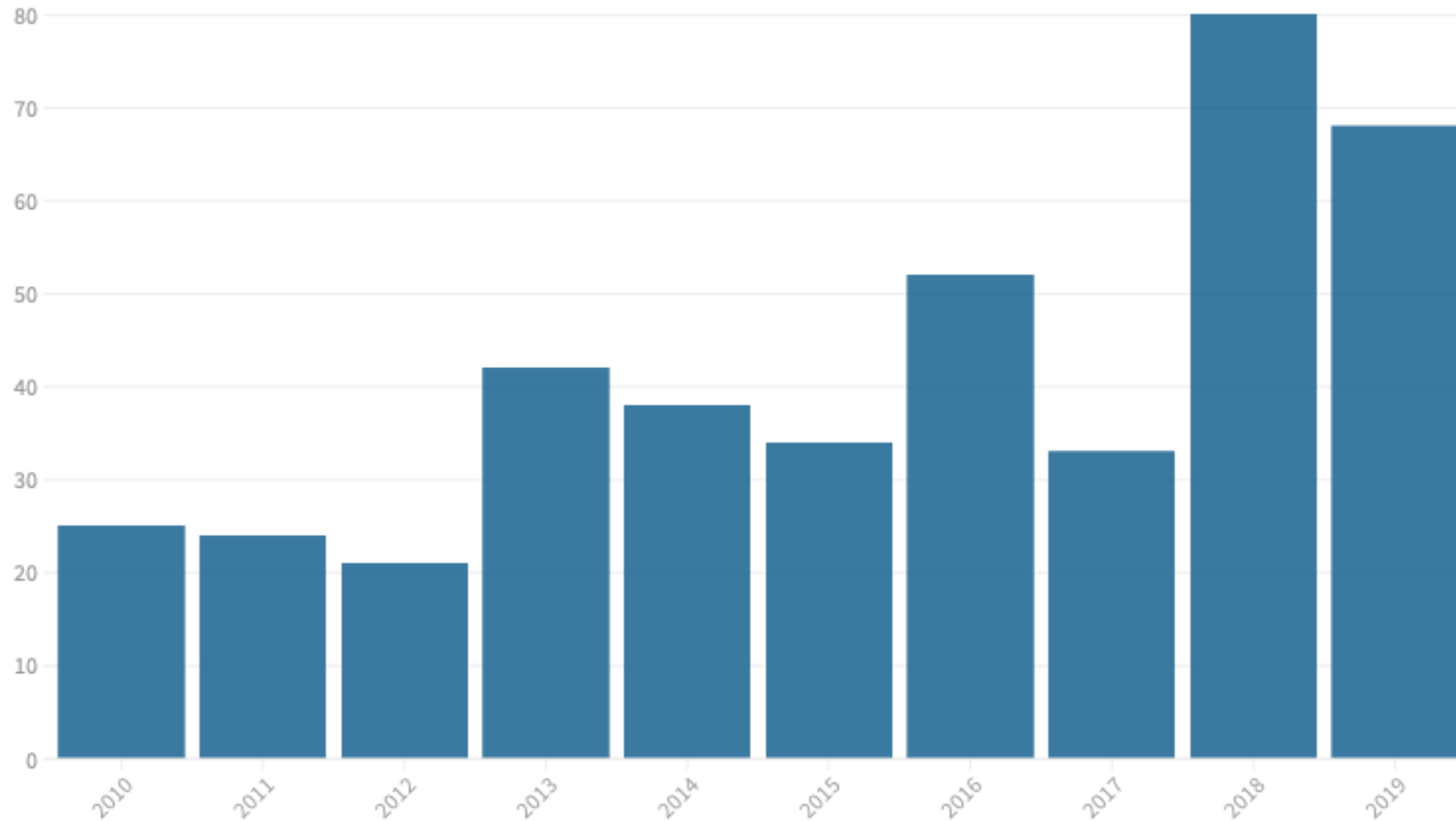
Damage Award and Settlement Trends

The Large Loss Report 2024 summarizes 71 publicly reported major damage awards and settlements of at least \$1 million that affected K-12 schools, colleges and universities in 2023. Most losses in this report don't involve UE members.



Disclaimer: The summaries herein are provided for the purpose of informing institutions of trends in publicly available data. We provide this report as a service to our members, but the report in no way indicates UE's assessment of the value of any claim. While some losses included in this report reflect trends UE has seen among our members' education claims, the topics included aren't an indication of the scope of UE coverage, nor should the inclusion of a settlement or award in this report be interpreted as reflecting an opinion by UE or our membership of its reasonableness.

Over the past decade, listings for office of general counsel jobs at colleges reached a peak in 2018.



Source: Chronicle analysis of Chronicle jobs data • Note: Data were derived from job listings posted by 229 colleges, universities, and university systems from 2010 to 2019 on ChronicleVita, The Chronicle of Higher Education's online career site, and The Chronicle's previous jobs site. Of those ads, seven were posted by universities outside the United States.

THE CHRONICLE OF HIGHER EDUCATION



1985: 2,400

1997: 2,762

2022: 5,050 (3,849 in-house)



Legal issues are central to sector's core, existential debates



Admissions



Cost



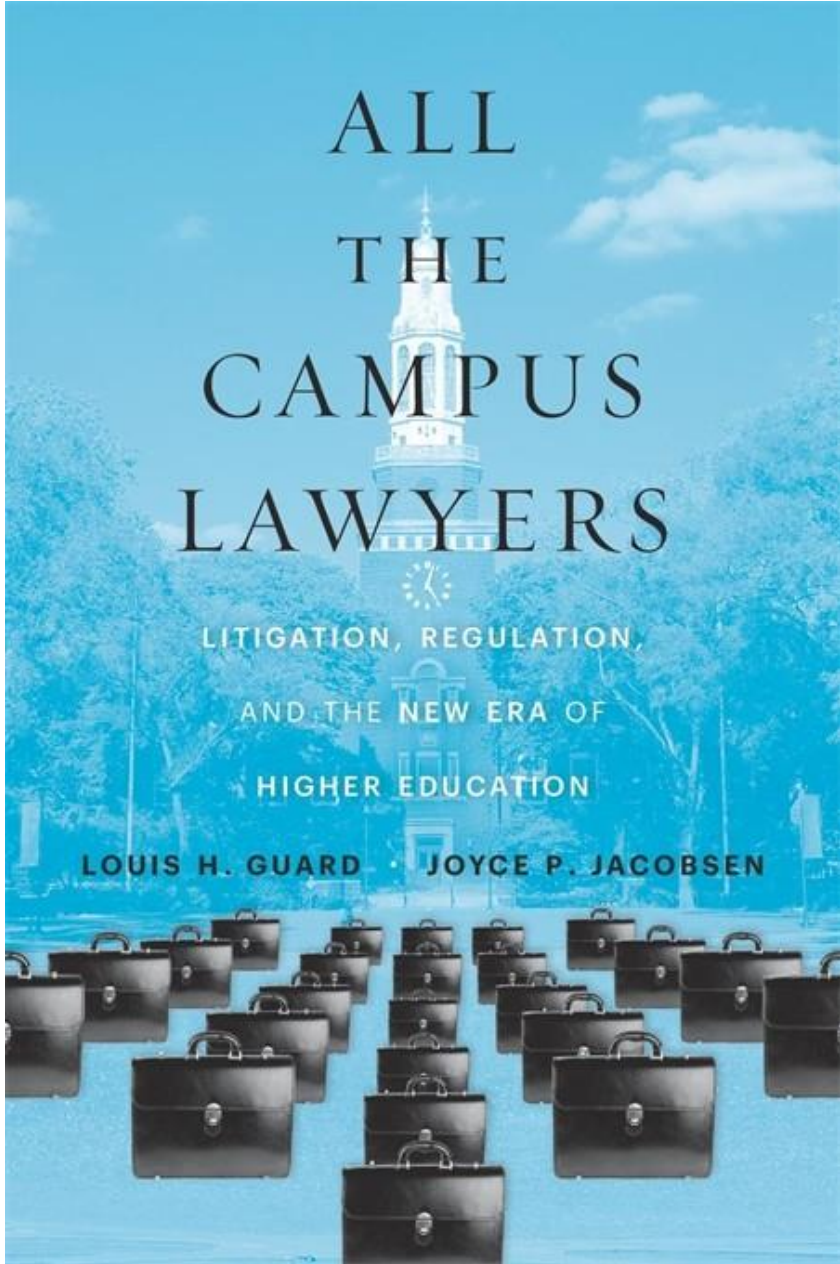
“Coddling”



Academic Freedom



Sustainability





Break

10:45 a.m.-11 a.m.



Strategies for Addressing Sexual Misconduct

Melanie Bennett, Senior Risk Management Counsel (Moderator)

Jody Shipper, Co-Founder and Managing Director, Grand River Solutions

Jamie Forbes, Chief Executive Officer, Learning Courage

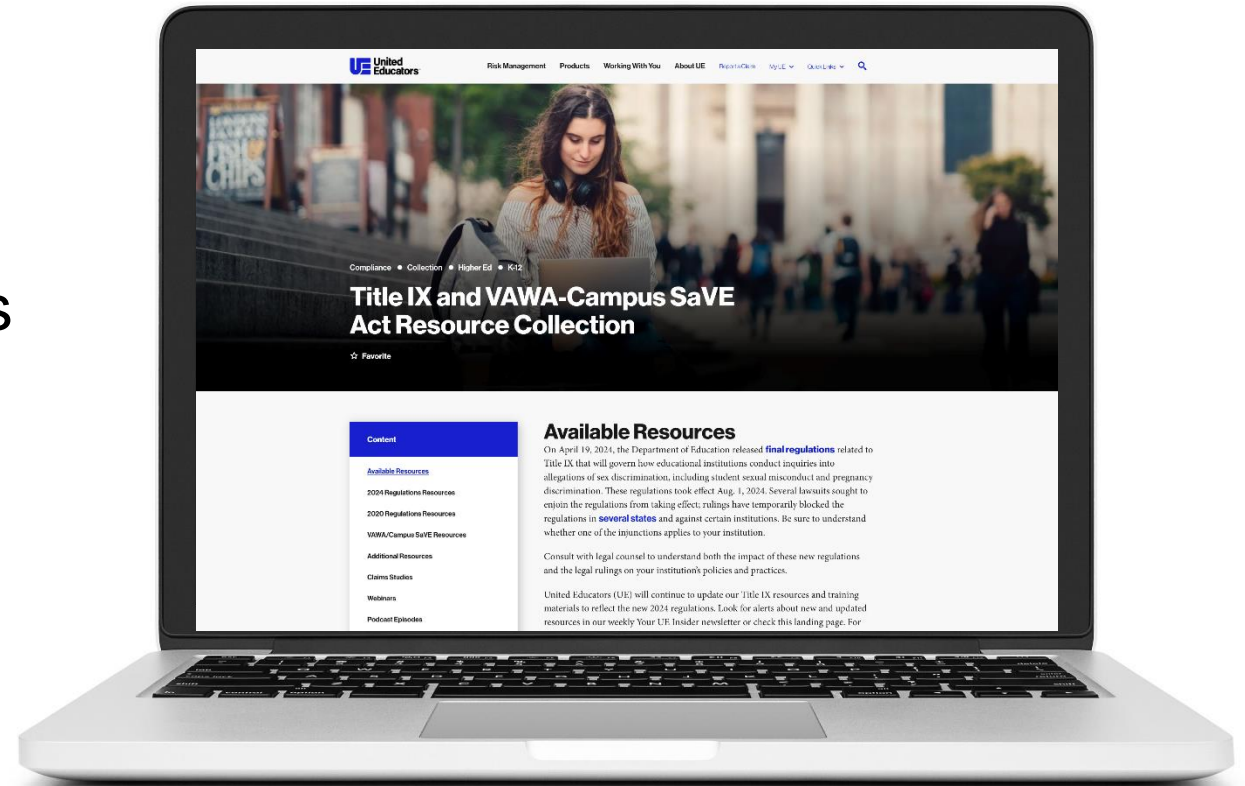


UE Resources

Melanie Bennett

Title IX and VAWA-Campus SaVE Act Resource Collection

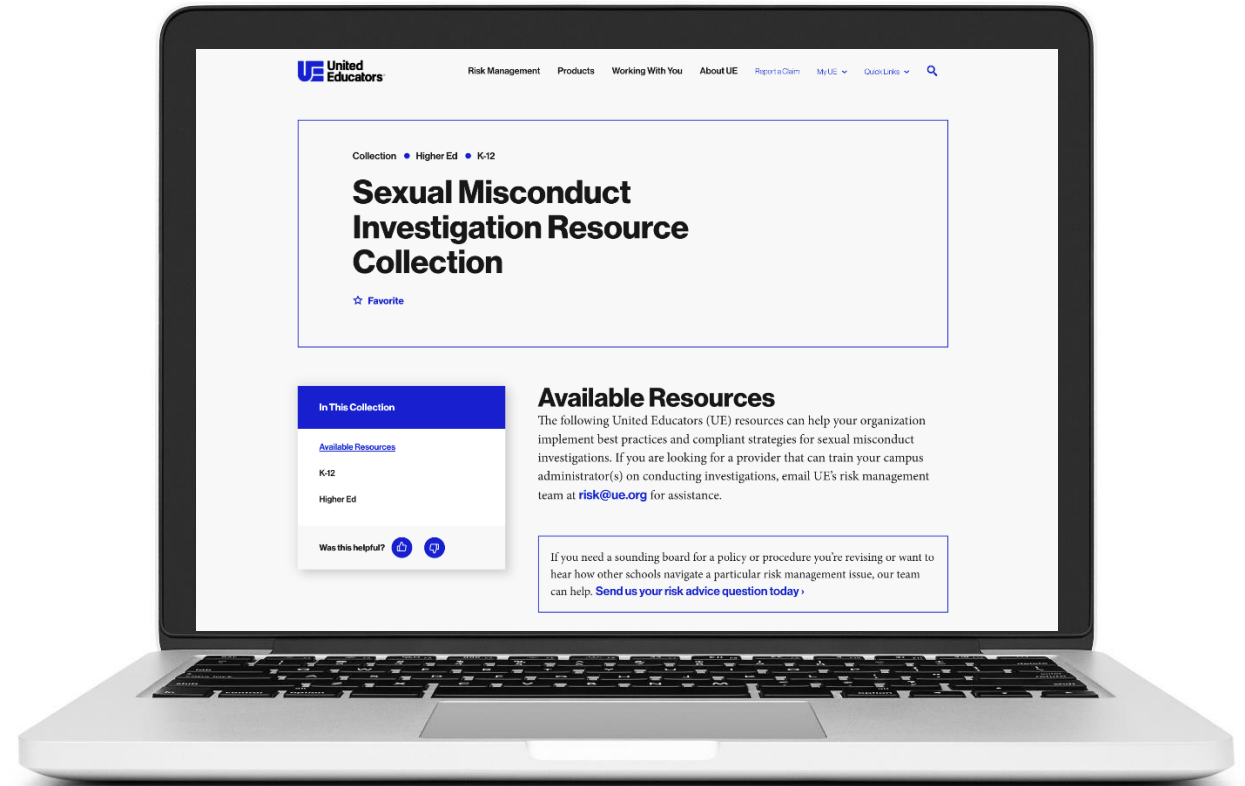
- 2024 Regulations
- 2020 Regulations
- VAWA/Campus SaVE Resources
- Claims Studies
- Online Courses



<https://www.ue.org/risk-management/collections/title-ix-and-vawa-campus-save-act/>

Sexual Misconduct Investigation Resource Collection

- K-12
- Higher Ed



<https://www.ue.org/risk-management/collections/sexual-misconduct-investigation/>



Grand River Solutions

Jody Shipper

Co-founder & Managing Director



- Investigations
- Alternative resolutions
- Hearings, adjudications
- Appeals
- Policy reviews
- Compliance reviews and audits
- Interim Title IX Coordinator/EO Director
- Mentoring and coaching
- Climate surveys
- Case Tracker

Current Trends

POSITIVE TRENDS



CONCERNING TRENDS



Strategies

- One office with overall responsibility
- All reports receive a timely response
- Remember: A reduction in reports is not a reduction in incidents
- Climate surveys — you can't know how much work you need to do without a measurement



Strategies

- Hearings may drive down litigation costs, but they drive down reporting
- Prevention, then a little more, and then some more
 - Meet students where they are
 - Take a curriculum approach
 - Dosing



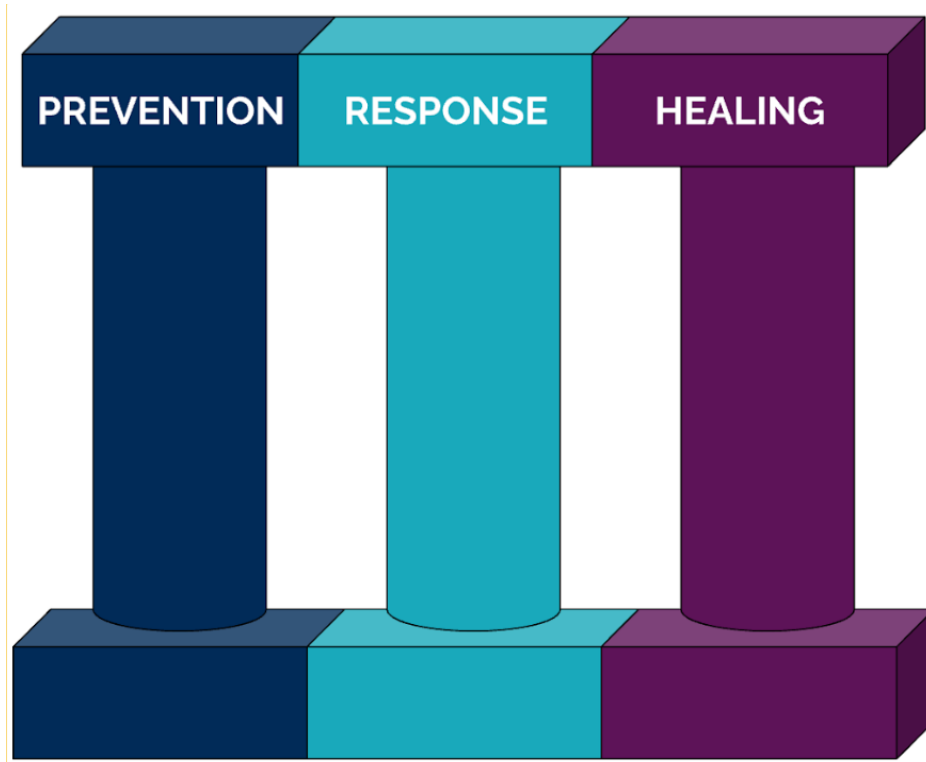


Jamie Forbes

CEO & Survivor



3 Pillars



Prevention

- Training at all levels and constituents
- Assessments
- Action Plan
- Policy Review
- Sexual Misconduct Committee
- SEL Programming

Response

- Trauma-Informed Crisis Response
- Historic Abuse Investigation Support
- Communications Support

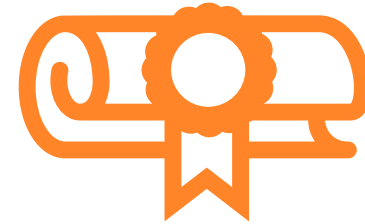
Healing

- Post-Incident Community Care
- Alumni Care
- Healing Spaces

RMPC Program Overview



Finalized MOU in July



Pilot Program – 10 schools

K-12 Trends in Addressing Sexual Misconduct

Trauma-
informed
approach

Connection
to student
mental health

Intersection
with DEI&B

Reduced
Stigma

External
Investigations

Key Risk Factors



Leadership
Misalignment



Culture of
Exceptionalism



Limited Difficult
Conversations



Lack of Professional
Evaluations



Inconsistent
Application
of Policies



Hiring, Onboarding
& Training

Strategies for Addressing Sexual Misconduct

Institutional Commitment

Prioritize Prevention

Culture of Accountability

Awareness and Mitigation of Risk

Survivor-Centered Approach

Comprehensive and Varied Training

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Questions?



Working Lunch & Training Updates

Kevin Smith, Manager of Learning Enablement

Erich Renken, Director of Learning Design and Enablement

Training Updates Agenda

- Get Lunch
- New courses
- Platform migration update
- Demo: New course preview access
- Case studies: Meeting a wide range of member training needs
- Testimonial: Kevin Wysner
- Training barriers discussion
- Looking to the future

New Courses

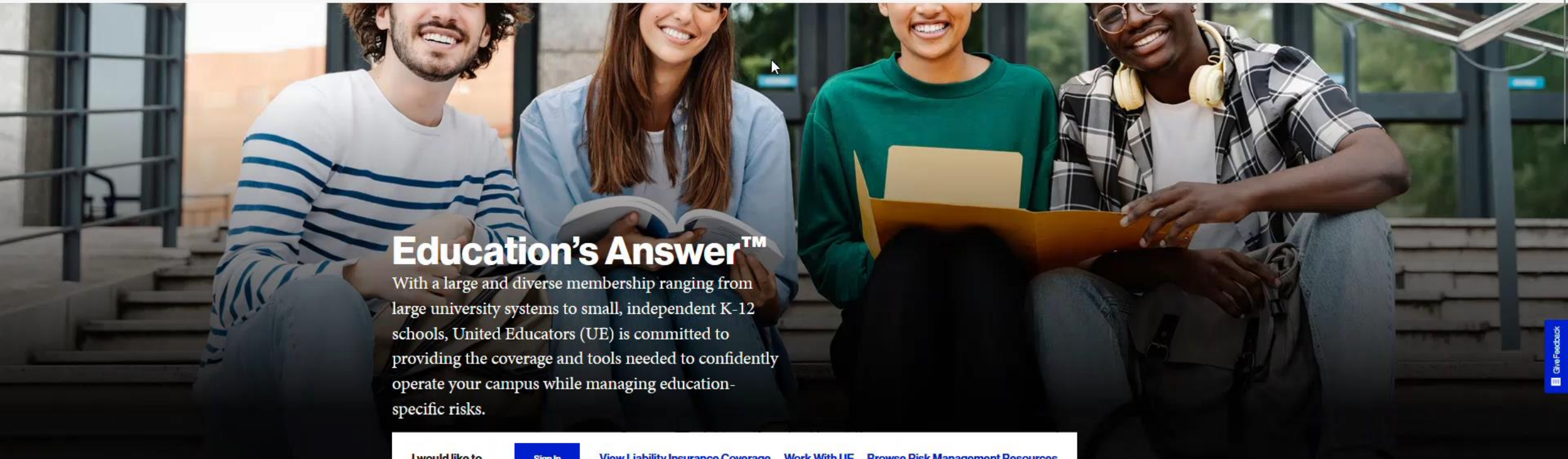
- Cannabis: Protective Behavioral Strategies (Higher Ed – Students)
- Athlete Well-Being: A Guide to Recognizing and Preventing Emotional Abuse (Higher Ed – Athletic Staff)
- Stand Up Against Bullying: Recognize and Respond (K-12 – Teachers and Staff)
- Title IX and You: Protecting Your Campus (Higher Ed – Faculty and Staff)
- Title IX and You: Building a Culture of Care (Higher Ed – Students)

Learning Portal Platform Migration

- New Platform - **docebo**[®]
- 2% increase in unique institutions using our online courses (YoY)
- 16% increase in total completions (YoY)



Course Preview Access



Education's Answer™

With a large and diverse membership ranging from large university systems to small, independent K-12 schools, United Educators (UE) is committed to providing the coverage and tools needed to confidently operate your campus while managing education-specific risks.

I would like to

[Sign In](#)

[View Liability Insurance Coverage](#)

[Work With UE](#)

[Browse Risk Management Resources](#)

Solutions for Your Institution

Learn why UE is education's answer to the distinct risks and opportunities faced by K-12 schools, colleges, and universities.

[Explore Our Offerings](#)



Case Studies: Meeting Member Needs

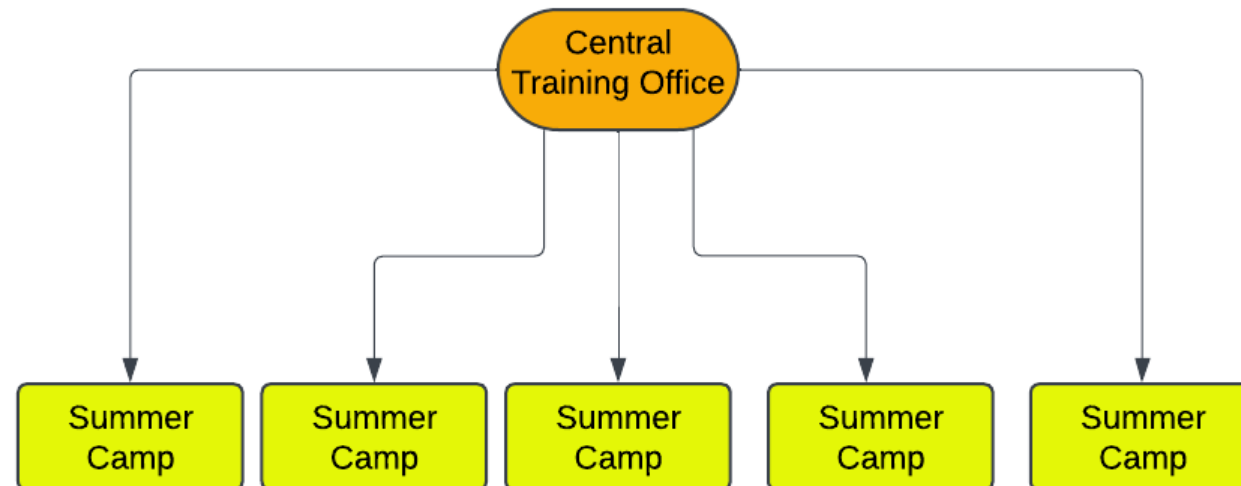
Training needs vary institution to institution.

Our system needs the flexibility to support those needs.

Institution A

Objective: Train summer camp counselors on Protecting Children: Identifying and Reporting Sexual Misconduct

- Decentralized: Multiple groups running camps with late hires
- Director of each camp responsible for distributing training instructions
- Late realization: Hiring managers should be completing the Hiring Staff course



Institution A

Solution: Learner self-registration and deep-linking to required course.

- UE provided sample language for registering
 - Deep-link to course
 - Branch code
- Self-registration instructions sent to learners from camp director
- Retrieved self-registration link for Hiring Staff course – able to distribute immediately
- Central office tracking completions
 - *Considered giving administrator rights to camp directors

Institution B

Objective: Train all students on a set of courses and train student athletes on additional courses.

- Not all learners have the same training requirements
- List of students changes between the launch of training and the end of the drop/add period
- Some students may be added to sports teams late
- Want direct control over user population – no UE involvement
- Employee training will be launched at a later date

Institution B

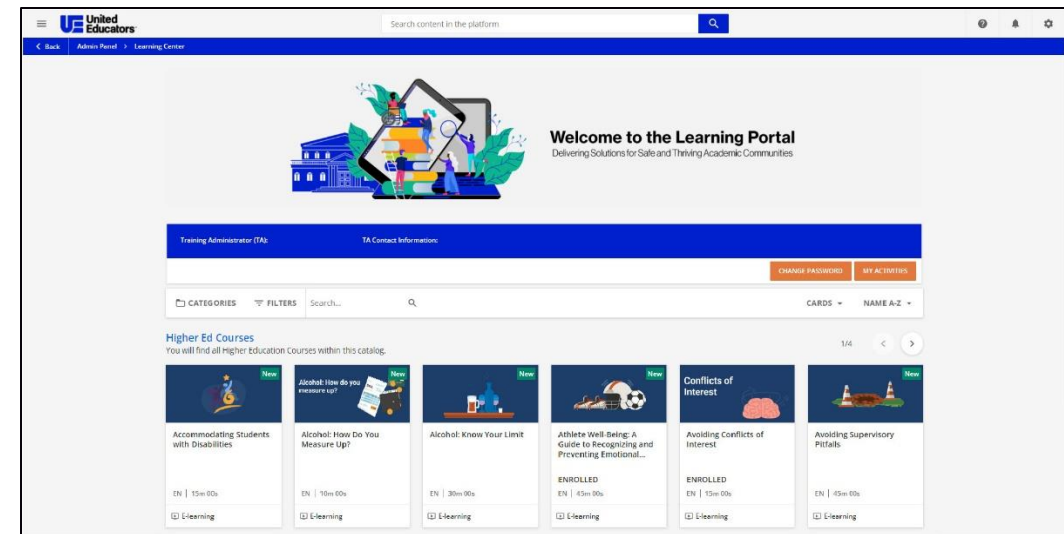
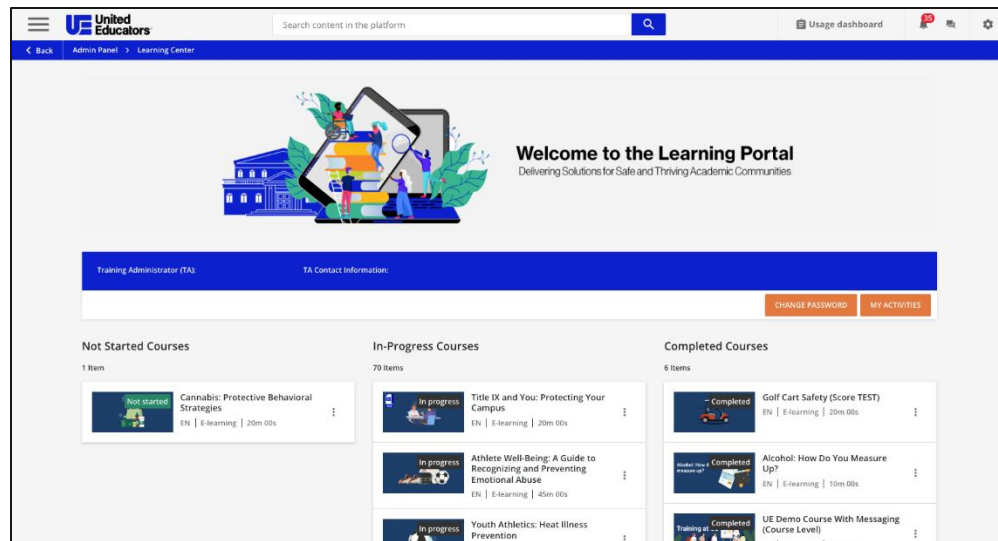
Solution: Automated grouping and enrollment rules in conjunction with institution administrator bulk uploads.

- Configure rules that dynamically enroll users based on information in their profile.
- Provide bulk upload template accounting for automation-linked fields
- Weekly reminder digest enabled
- *Rules built in anticipation of employee training
 - Student-employees



Additional Platform Capabilities

- Choice of learner interface
 - Assigned courses
 - Assigned courses with deadlines highlighted
 - Self-guided - catalog access
- Course catalog access can be toggled off





Testimonial – Kevin Wysner

Training on your campus

- What are the challenges to implementing any new training at your institution?
- What should we be considering as we seek to continually improve our course and platform offerings?

Looking to the future

- Ongoing accessibility audit of the Learning Portal in 2025
- Enabling more self-service features

W3C®





Q&A

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Closing

Stay Connected



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