



2024 Broker Advisory Committee Meeting

Feb. 7, 2024

Agenda

12 p.m. Lunch

1:30 p.m. Opening Remarks and State of UE in 2024

***Rick Mills**, President & CEO*

***Joe Carter**, Vice President of Business Development & UE Experience*

2:15 p.m. The Changing Landscape of Education Claims

***Michael Krackov**, AVP & Associate General Counsel for Resolutions Management*

3 p.m. Break

3:15 p.m. Maintaining Resiliency & Fiscal Strength in a Volatile Environment

***Bryan Elie**, Vice President of Underwriting and Product Development*

4 p.m. 2024 Reset and Brainstorm Session

***Cynthia Cook**, AVP of Risk Management*

4:45 p.m. Adjourn

6 p.m. Meet in the lobby to walk to dinner



State of UE in 2024

Rick Mills, President & CEO

Joe Carter, Vice President of Business Development & UE Experience

Update from Rick Mills

- Listening Post with campus leaders
- Meetings with members (both higher ed and K-12)
- URMIA leadership
- NBOA leadership

State of UE in 2024

Highlights

- Healthy top line growth
 - Gross written premium
 - Adding new members
- Member stewardship
- Staff engagement
- Broker engagement
- Member satisfaction

State of UE in 2024

A growing membership with risk management, sustainable coverage, and financial strength

2023 Year-End Results

93.8%

**Combined
Ratio**

<20%

**Expense
Ratio**

\$388M

**Gross Written
Premium**

\$11M

**New Premium
in 2023**

95.2%

**Premium
Retention
Rate**

UE's Long-Range Priorities

- Continue working with members to mitigate rising claims costs
- Ensure premium adequacy as severity rises for future claims
- Maintain acceptable combined ratio for sustainability
- Enhance operational efficiencies to serve more of education

UE's Long-Range Priorities (Cont'd)

- Continue adding members
- Develop a new framework for product and service delivery
- Leverage staff engagement as a strength in the market
- Market test Canopy's Risk Management Blueprint for non-members
- Capture insights from brokers and program managers
- Learn and innovate along the way



The Changing Landscape of Education Claims

*Michael Krackov, AVP & Associate General Counsel for Resolutions
Management*

Agenda

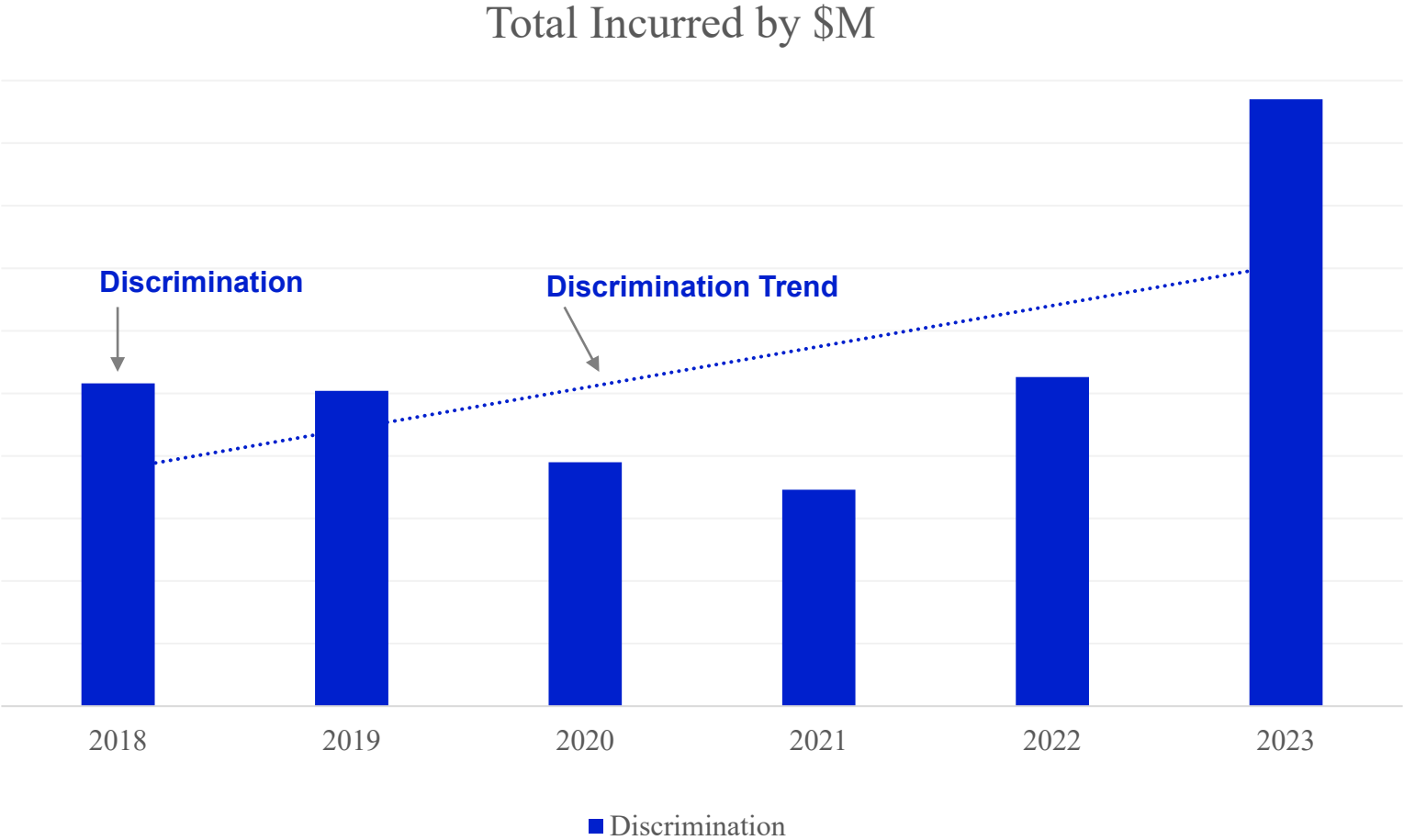
- Six-Year Review of UE's Most Frequent & Severe ELL Claims
- Six-Year Review of UE's Most Frequent & Severe GL Claims
- Focus on K-12 Claims
- What's Next for Education Claims?

ELL Claims Frequency & Severity

The top list of most frequent & severe ELL causes of loss didn't really change:

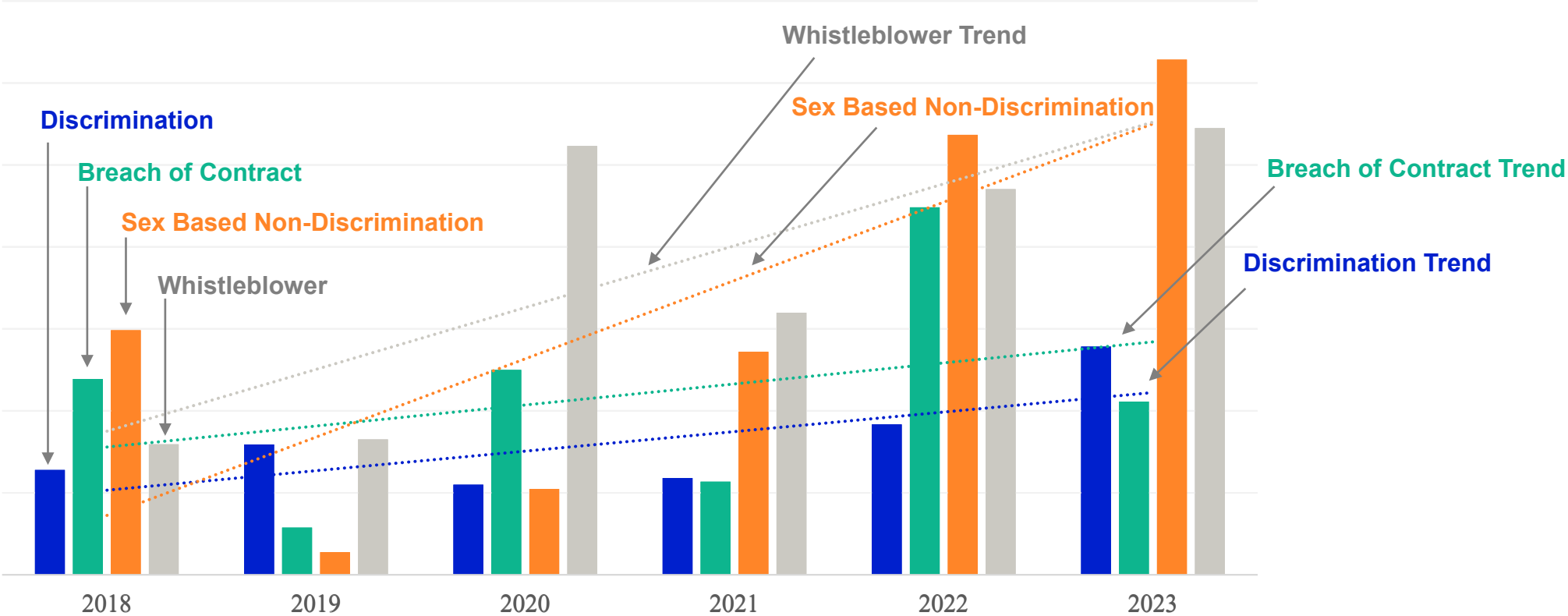
- **Discrimination** (inclusive of all sub-categories)
- **Breach of Contract** (inclusive of student and employee claims)
- **Wrongful Termination**
- **Sexual Misconduct** (inclusive of student and employee TIX claims)
- **Fraud/Due Process**

Discrimination-Only Claims



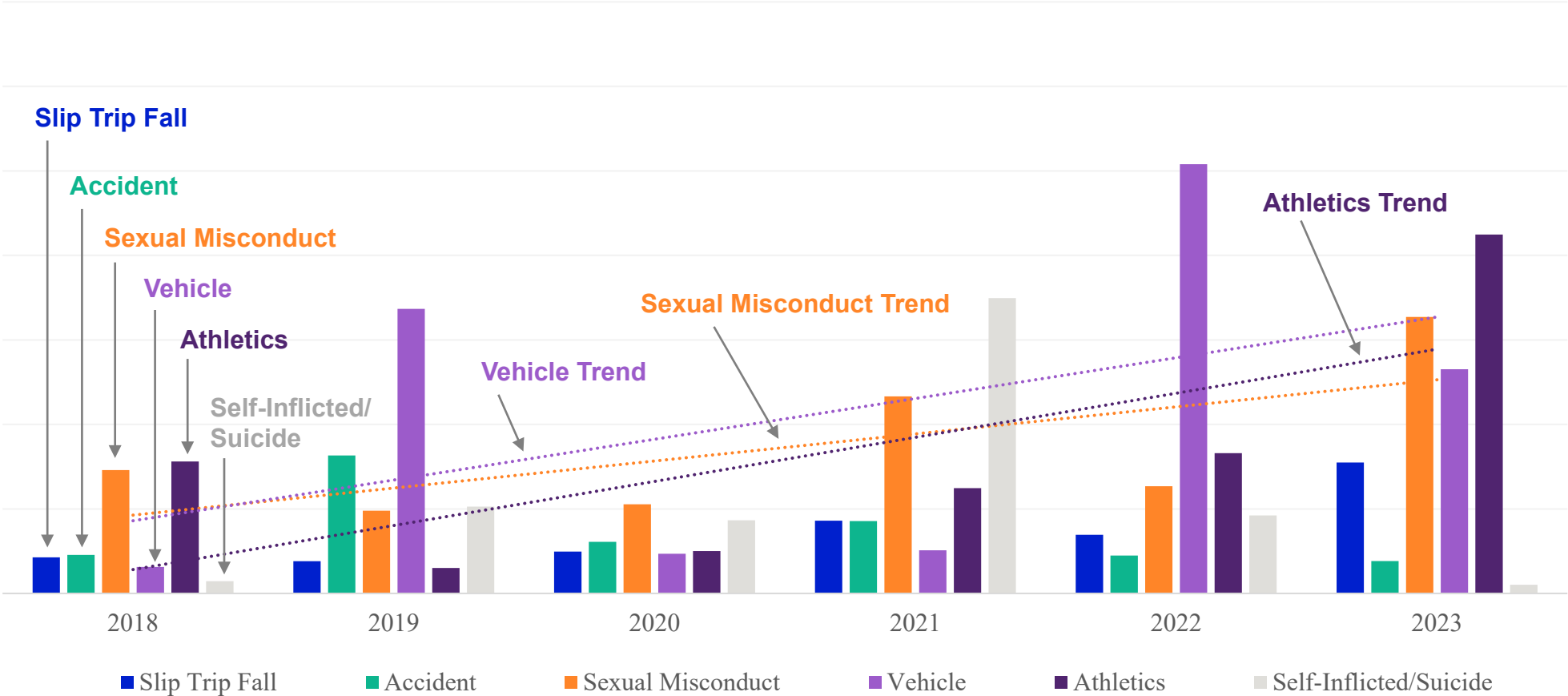
ELL Causes of Loss by Severity

Average Cost Per ELL Cause of Loss



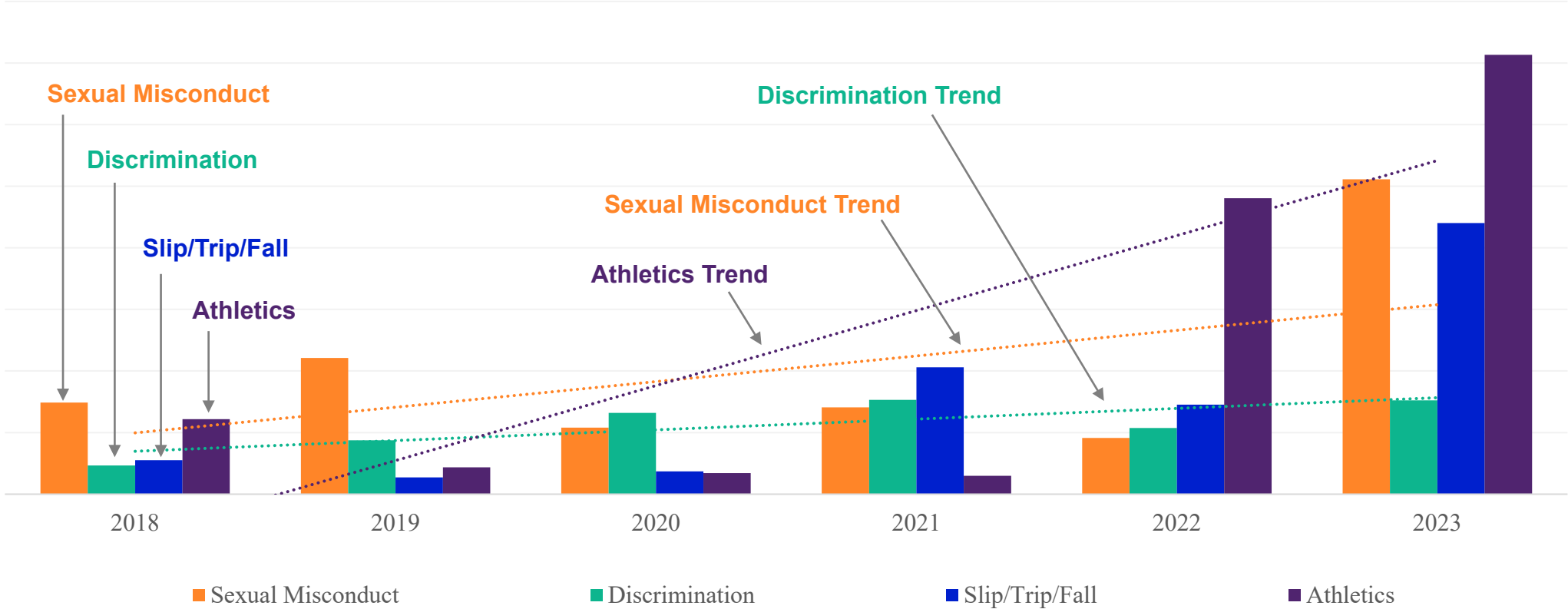
GL Claims by Severity (Adjusted)

Average Cost Per GL Cause of Loss



K-12 Data

Severity by Cause of Action





What's Next for Education Claims?

Predicting future trends.

Caught Between Protected Classes

OCR

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List of Open Title VI Shared Ancestry Investigations

[Protecting Students](#) > [Race, Color, or National Origin Discrimination](#) > [Issues](#) >>

Overview

As a public service, the Office for Civil Rights (OCR) publishes this list of elementary-secondary and post-secondary institutions that are currently under investigation for discrimination involving shared ancestry. OCR updates the list weekly. For the full list of cases under investigation, please see [Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools](#).

An institution named on this list means that OCR has initiated an investigation of a case concerning that institution. Inclusion on the list does not mean that OCR has made a decision about the case. For more information about OCR's case processes, please refer to [OCR's Case Processing Manual](#).



Caught Between Protected Classes

- Multiple lawsuits filed against higher education alleging conflicting viewpoints:
 - *Students for Justice in Palestine v. University of Florida* (filed Nov. 16, 2023)
 - *Students Against Antisemitism, Inc. v. President and Fellows of Harvard College* (filed Jan. 11, 2024)
 - *Brandeis Center, et al. v. University of California Berkeley* (filed Nov. 28, 2023)
 - *Yakoby v. University of Pennsylvania* (filed Dec. 5, 2023)

Class Actions

- Antitrust suit against 17 Ivy League “plus” universities for allegedly fixing prices by colluding on financial aid awards
- Antitrust suit against members of the Ivy League Athletic Conference alleging collusion in denial of athletic scholarships
- Student class actions over false advertising on certificates, credentialing and degrees awarded
- Equal Pay Act class actions



Claims Driven by Climate Change

- Wildfires are more common and costly.
 - Nov. 20, 2008 – “Tea Fire” engulfed the Westmont College campus, resulting in a student injury claim
 - 2023 Maui wildfires – 100 confirmed fatalities and eighteen (18) lawsuits naming Kamehameha Schools as a landowner that allegedly failed to clear flammable brush from under utility’s electrical lines
- Severe Wind Events – Multiple claims due to trees falling during severe weather events.
- Campus emergency response will be measured every time a catastrophic weather event closes campus, injures students, etc.

Title IX Athletics

- Return of Title IX gender equity in athletics
 - Unequal playing opportunities or scholarships
 - Unequal facilities (playing fields, locker rooms, etc.)
 - Unequal medical care, trainers, etc.
 - Unequal access to Name, Image & Likeness (NIL) compensation

Attempts to Expand Title IX to All Non-Profits

- Potential impact to independent schools?
- Lawsuits intended to apply TIX to ANY non-profit school enjoying benefits of 501(c)(3) status:
 - *Buettner-Hartsoe v. Baltimore Lutheran High*, 1:20-cv-03132-RDB, on appeal to U.S. Fourth Circuit COA
 - *Grace Chen, et al. v. Hillsdale College*, 1:23-cv-01129, USDC WD MI, filed 10/25/2023



Reviver Acts

- NY Child Victims Act of 2019 – Two-year window now closed
- CA Child Victims Act of 2019 – Two-year window now closed
- NJ Child Victims Act of 2019 – Two-year window now closed
- NY Adult Survivors Act of 2022 – One-year window now closed
- MD Child Victims Act of 2023 – Retroactively voids SOL (permanent reviver)
- CA Sexual Abuse and Cover Up Accountability Act (adult survivor) – Three-year lookback for sexual assaults of adults after Jan. 1, 2009; window closes Dec. 31, 2026

Multiple States Still Awaiting Their CVA “time to shine”

Pennsylvania – failed attempts to add ballot measure

Texas – HB 206 SB 751 would create permanent reviver



Maintaining Resiliency & Fiscal Strength in a Volatile Claims Environment

Bryan Elie, Vice President of Underwriting and Product Management

Agenda

- Recap of critical points
- 2024 pricing and coverage changes
- Communications plan
- How best to share our strategy?

Critical Points

- The environment impacts all (insurers and members)
- Our business model is an efficient, effective way to build significant capacity with needed coverages, and requires continued profitability
- Our underwriting actions are data-driven and reflect the claims environment of today

2024 Premium Increases

- Objective: Keep pace with claims trends/maintain UE profitability
- Please note:
 - Not all members will get the average. We underwrite each member individually.
 - For example, members with greater claims frequency or severity will get higher premium increases or other changes.

Product	Average Premium Change
CGL	10%
GLX	12%
ELL	9%

2024 Product Changes

- Continued annual incremental changes and maintenance
- All products
 - Grammatical/typographical changes
- GL Products
 - Exclude claims/liability arising from alleged violations of federal/state anti-solicitation laws (such as CAN-SPAM Act)
 - Reinforced intent to exclude all liability related in any way to lead/asbestos

2024 Communication Plan

- **Shared externally already:**
 - Top Risks Reports ([Higher Ed](#), [Independent K-12](#))
 - [2024 Policy Updates](#) (To BAC, followed by all brokers, then all members)
 - [Large Loss Report](#) (all brokers/members)
 - [UE in Brief Webinar on Top Risks](#) (video will be available)
- **Feb. 26 and later:**
 - Underwriting ready for estimated premium increases, begin to share new underwriter assignments and those members requiring more significant renewal changes
 - Other resources (Owner's Letter, videos, etc.)

BAC Feedback

- **Discussion:** What's the best way to share this story of the environment and our approach with our members?
 - Particularly, how do we help the buyer share the story with non-insurance experts such as administrators or board members?
 - What parts of this story are most relevant?



2024 Broker Advisory Committee Meeting

Feb. 8, 2024

Agenda

7:30 a.m. Breakfast

8 a.m. Managing Risks With Confidence

Sarah Braughler, Vice President of Risk Management

9 a.m. 2024 Market & Competitor Scan and New Member Planning

10:30 p.m. Upcoming Communications and Final Thoughts

Joe Carter, Vice President of Business Development & UE Experience

11 a.m. Adjourn



Managing Risks With Confidence

Sarah Braugher, Vice President of Risk Management

UE's Risk Management Approach

1. Educate and inform UE's membership about liability risk.
2. Connect with other leaders and thinkers about trends.
3. Motivate action to reduce liability exposure.

UE Risk Management Perspectives

- Top Risks Reports
- Large Loss Report
- Critical Risks Report



UE's 2023 Top Risks Reports

K-12

1. Enrollment
2. Recruitment and Hiring
3. Operational Pressures
4. Data Security
5. Student Mental Health
5. Facilities and Deferred Maintenance
7. Public Safety
8. Employee Misconduct
9. Student Physical Health and Safety
9. Employee Health and Safety

**Two risks tied for fifth and ninth.*

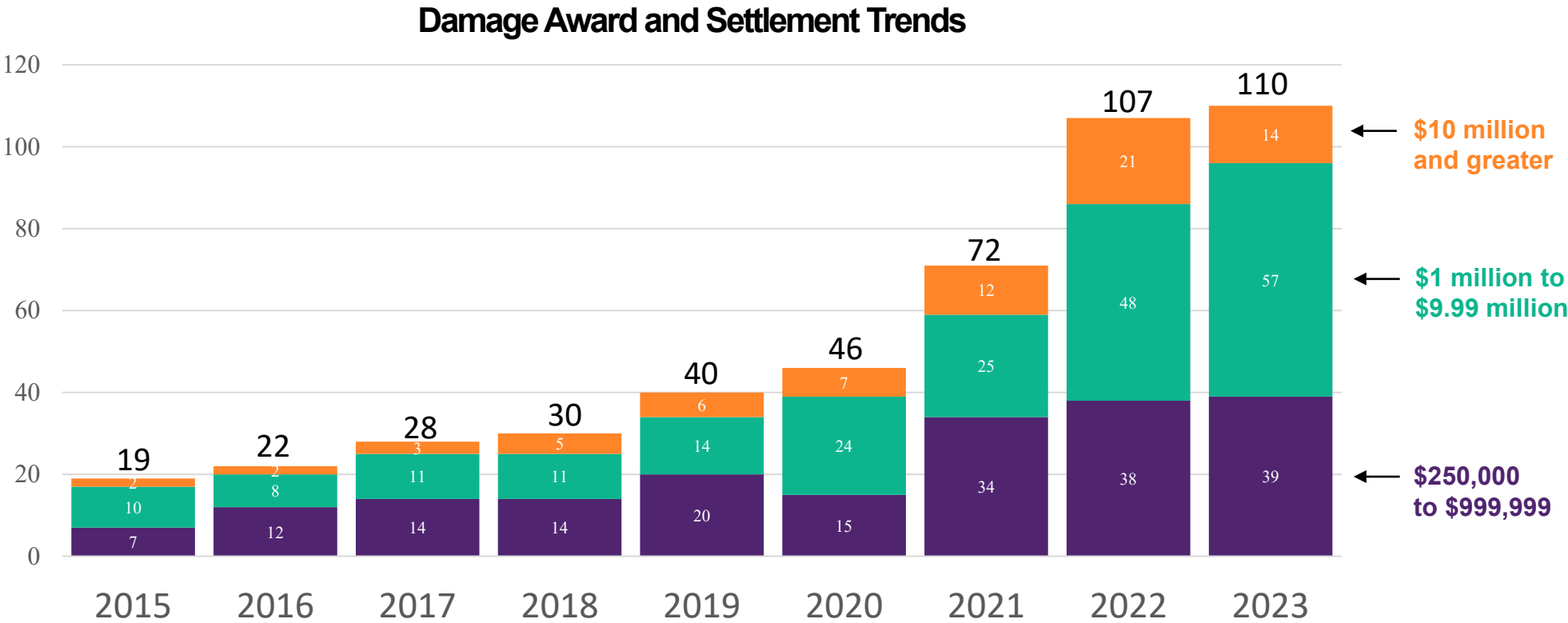
Higher Ed

1. Data Security
2. Enrollment
3. Recruitment and Hiring
4. Operational Pressures
5. Student Mental Health
6. Funding
6. Facilities and Deferred Maintenance
8. Regulatory and Legal Compliance (Non-VAWA/Title IX)
9. Title IX
10. External Pressures

**Two risks tied for sixth.*

UE's Large Loss Report

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.

UE's Large Loss Report

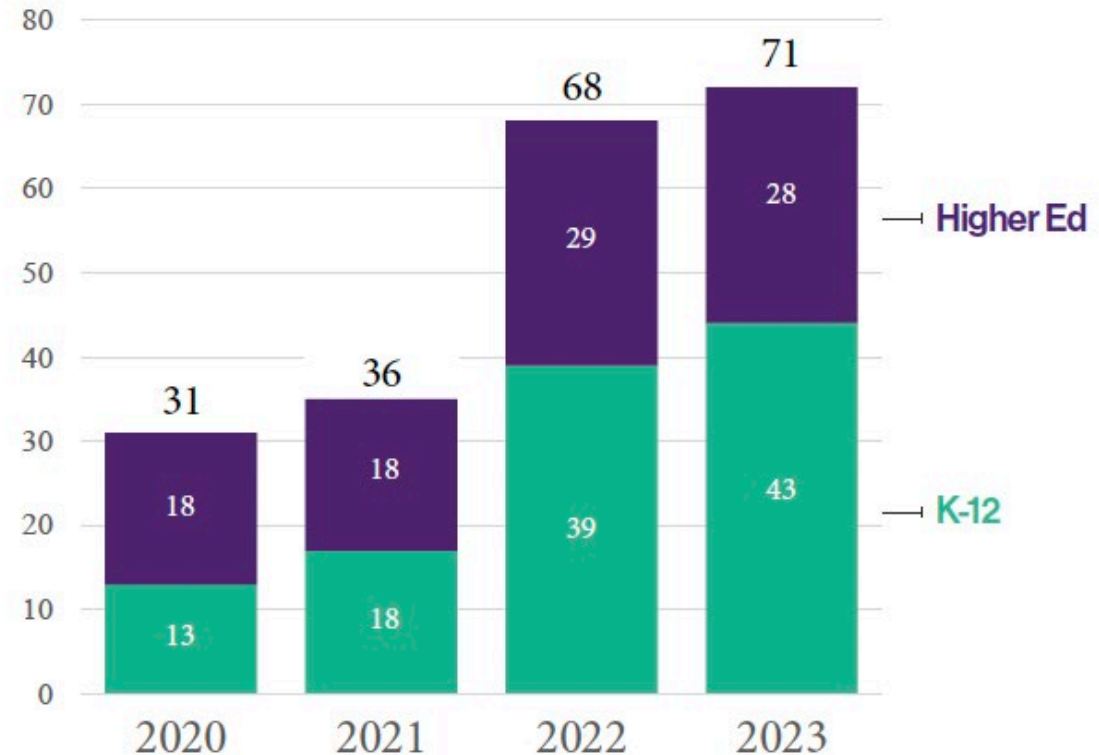
Large Losses Rising at K-12 and Higher Ed Schools

*K-12 schools, colleges, and universities are suffering an increasing number of **publicly reported** large losses of at least \$1 million, and those losses are becoming increasingly costly. But a few losses exceeding \$100 million each in 2021 and 2022 made the final loss figure considerably larger than the loss figure in 2023.*

Key Loss Drivers include:

- Sexual Misconduct
- Discrimination & Retaliation
- Catastrophic Injuries

Number of Losses



UE's Critical Risks Report



K-12

- Contracting Practices
- Sexual Assault Against Students
- Slips, Trips, and Falls
- Employee and Student Discrimination
- Non-Varsity Athletic Injuries and Drownings



Higher Ed

- Contracting Practices
- Sexual Misconduct
- Slips, Trips, and Falls
- Student Mental Health and Related Disability Discrimination
- Vehicles
- Workplace Discrimination

UE Member Inquiries

Questions UE's risk management staff received from members in 2023 were varied.

- Premises safety
- Extracurricular activities
- Transportation risks
- Israel-Hamas war
- Contract review
- Study abroad and field trips
- Summer camps
- Water/pool safety



Headline Risks

- AI
- Climate/weather impacts
- Social media
- Athletic coach abuse
- Higher education challenges
 - Free speech/discrimination
 - Admissions changes

November *UE Insider* Newsletter

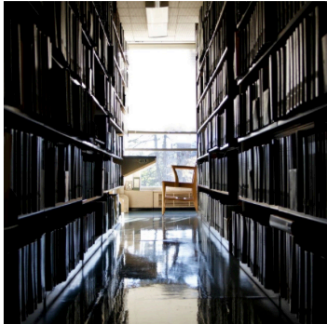


Ensure your school is equipped to address [targeted violence](#) on campus. See below for resources on [preventing and responding to campus hate](#), a checklist to help [prevent and prepare for an active shooter](#), and a [Q&A session on preventing school shootings](#) with campus violence expert Dr. Marisa Randazzo.

Targeted Campus Violence: Recognize the Warning Signs

This course will help employees and students identify targeted violence and recognize ways they may be able to help disrupt and report it.

[Learn More ›](#)



Preventing and Responding to Campus Hate and Bias Incidents

Implementing these practices can help build and protect your school community.

[Read Article ›](#)



Ensure your institution is equipped to address [demonstrations on campus](#). See below for resources on [minimizing unrest](#), [responding to campus hate](#), and [handling controversial speakers on campus](#).

Addressing Demonstrations on Campus

Activism-fueled demonstrations by campus community members at colleges and universities are a perennial risk. Use the following tips to help minimize risks related to demonstrations on campus.

[Read Article ›](#)



Checklist: Handling Controversial Speakers on Campus

This checklist can help your college or university understand how to prepare for a controversial speaker on campus.

[View Checklist ›](#)

Minimize Unrest After Racially Charged Incidents Occur on Campus

These strategies can help reduce the potential for campus unrest.

[Read Article ›](#)

Preventing and Responding to Campus Hate and Bias Incidents

Implementing these practices can help build and protect your campus community.

[Read Article ›](#)

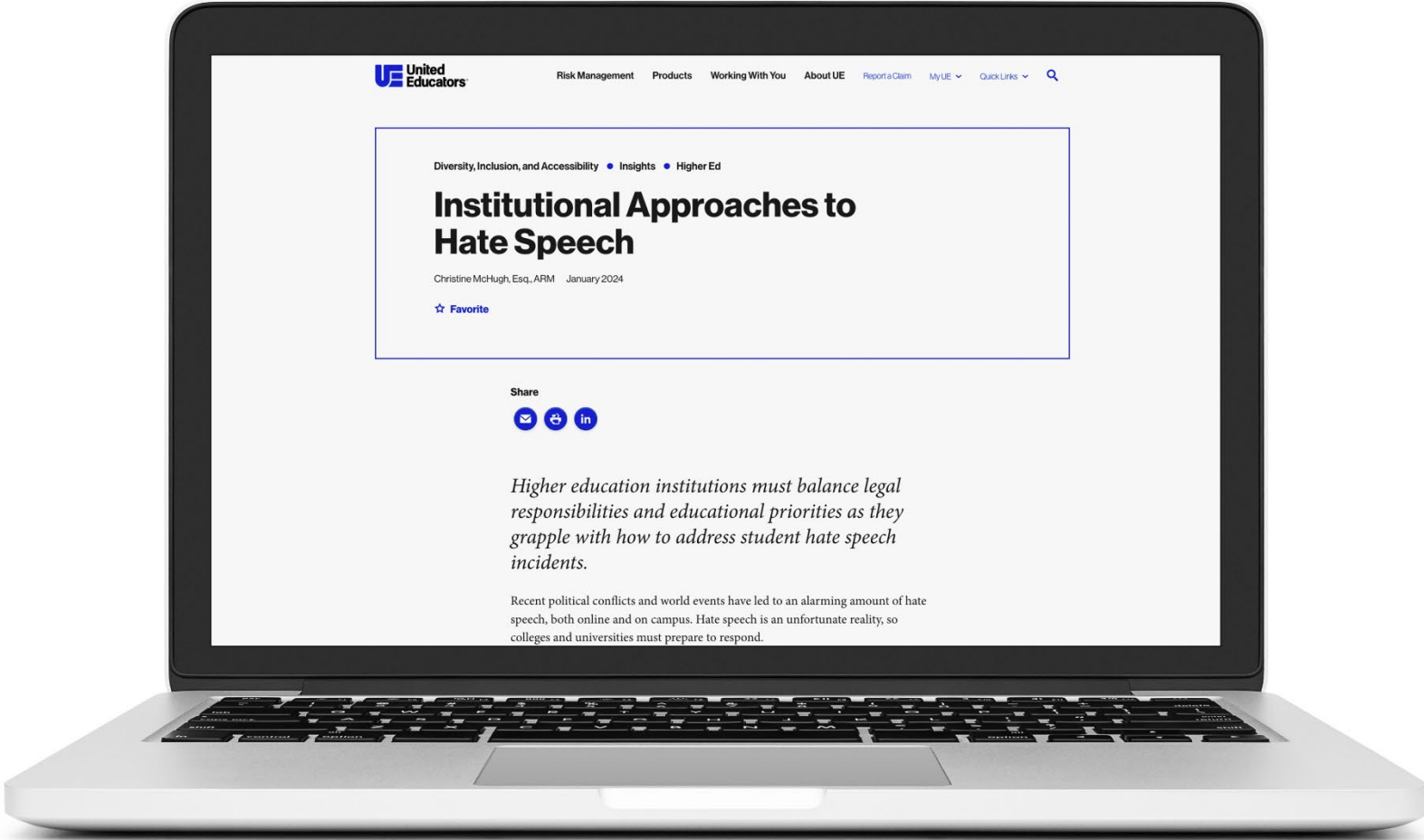
January *UE Insider* Newsletter



With no single right way to respond to conflicts on campus, every institution must draw upon its own values, policies, and relationships with stakeholders. Preparation can help you manage these heightened risks to expression, safety, and wellness. Here are some tips to help your institution.

1. Continue protecting all student and employee rights to an [environment free of discrimination](#).
2. Respond to [hate or bias incidents](#) by following your institutional policies, such as [accommodating employees' religious beliefs](#).
3. Understand the role of campus diversity, equity, and inclusion (DEI) staff and [coordinate campus efforts](#), including training, with them.
4. Follow freedom of expression policies, laws, and codes of conduct. Your institution's policies likely provide [guidance for what is and isn't](#) allowable speech for students, faculty, and staff.
5. Seek opportunities to educate and engage students and faculty, hopefully [offering a peaceful outlet](#) for reactions to current events.

New Resource on Student Hate Speech



Risk Management Partners

Staff connect with members and institutional leaders at industry conferences and events.

- National Association of Independent Schools (NAIS)
- National Business Officers Association (NBOA)
- National Association of College & University Attorneys (NACUA)
- University Risk Management & Insurance Association (URMIA)
- Association of Governing Boards (AGB)
- National Association of Student Affairs Professionals (NASPA)
- [“ContractsCon”](#)

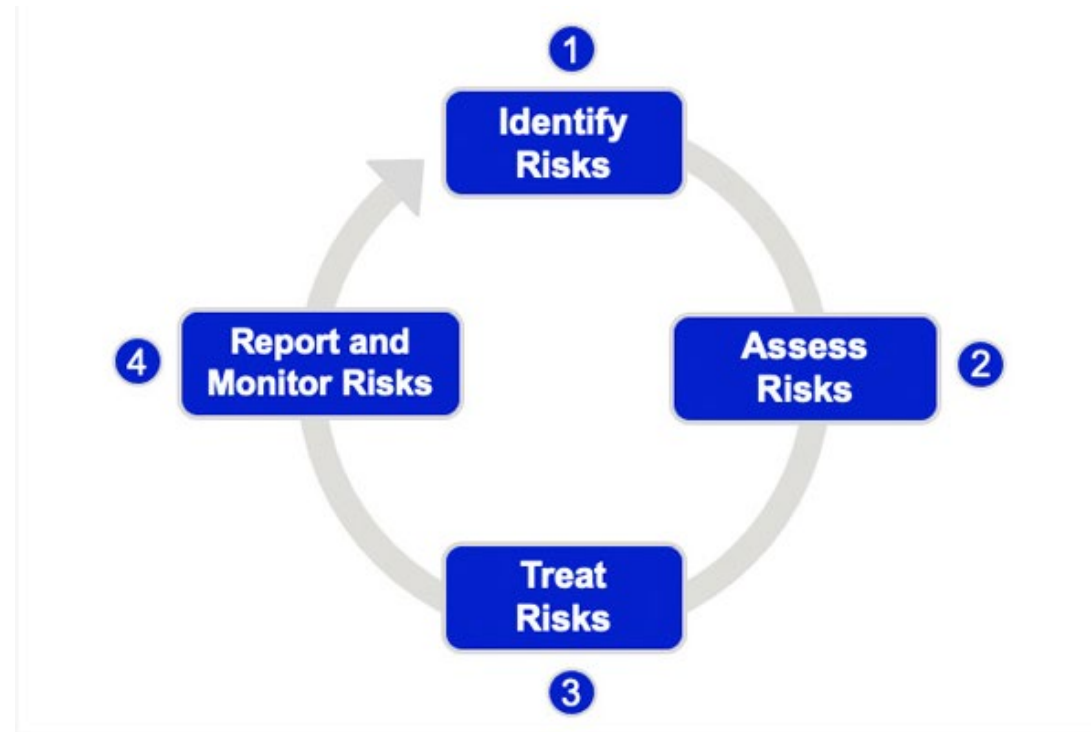
Risk Management Advisory Committee

New member participants joining the committee in 2024:

- **Juan Azcarate**, Dallas College
- **Gretchen Catlin**, University of Maine System
- **Andrea Gandy**, University of Central Florida
- **Quincy McLaughlin**, Greenhills School
- **Fitroy (“Fitz”) Smith**, American University
- **David Weil**, Harvard-Westlake School
- **Kevin Wysner**, Emory University
- **Lach Zemp**, Outward Bound

Take Action to Reduce Risk

Enterprise Risk Management (ERM) is a holistic process to manage risk at an institutional level.



2023 Risk Management Resource Rollup

United Educators

2023 Risk Management Resources

In 2023, we created or updated the following risk management content on a variety of risk topics:

Insights

New	Updates
<ul style="list-style-type: none">Assisting and Housing Refugees on Campus (HE)Avoid Misrepresentations to Prospective and Current Students (HE)Bats on Campus: Safety Considerations (K-12/HE)Clear and Maintain Campus Sidewalks (K-12/HE)Educate Board Members on Their Responsibilities to Mitigate Risk (HE)Improve Documentation Practices (K-12/HE)Increase Bounce House Safety (K-12/HE)Lessons Learned from UE's Catastrophic Bodily Injury Claims (K-12/HE)New Protections for Pregnant and Breastfeeding Employees (K-12/HE)Preventing Caste Discrimination on Campus (HE)Respond to Threats in the Workplace (K-12/HE)Risk Management Steps in Response to the Supreme Court's Admissions Ruling (HE)Take Care During Campus Repairs & Construction (K-12/HE)Training Faculty on Sexual Misconduct (HE)Use Hammocks Safely to Help Prevent Injury (K-12/HE)Use of Force Policies for Campus Law Enforcement (HE)	<ul style="list-style-type: none">Suicide Prevention Training (K-12)Surviving the Digital Normal on Campus (HE)

Reports

New	Updates
<ul style="list-style-type: none">2023 Top Risks Report: Insights For Higher Education (HE)2023 Top Risks Report: Insights for Independent K-12 Schools (K-12)Avoid Age Discrimination Lawsuits: Lessons Learned From Claims (K-12/HE)Domestic Student Travel: Guidance for Higher Education (HE)Gun Violence Claims: Trends and Lessons (K-12/HE)Higher Education: Manage Critical Risk Areas (HE)K-12 Schools: Manage Critical Risk Areas (K-12)Large Loss Report 2023 (K-12/HE)Lessons From Claims: Higher Ed Employee-on-Student Sexual Harassment and Assault (HE)Steps to Help Control Your Legal Costs (K-12/HE)Using Artificial Intelligence Tools in the HR Lifecycle: Risks to Consider (K-12/HE)	<ul style="list-style-type: none">Accommodating Employees' Religious Beliefs (K-12/HE)Guide to Prevent Sexual Misconduct by Campus Health Care Providers (HE)Guns on Campus: Shaping Your Institution's Culture (HE)Managing Student Data Privacy: A Guide for School Business Officers (K-12)Playground Safety: Keep Children Safe and Protect Your School (K-12)Reduce Serious Injuries in Residence Halls Through Informed Facility Management (K-12/HE)Science Lab Safety: Protecting Students From Injury (K-12/HE)Training Resident Assistants to Prevent Student Injuries (HE)When "Fight Songs" Turn to Fighting: Managing Violence at Sporting Events (K-12/HE)When to Alert Parents of Self-Harming Students (HE)

Reports

New

- 2023 Top Risks Report: Insights For Higher Education (HE)
- 2023 Top Risks Report: Insights for Independent K-12 Schools (K-12)
- Avoid Age Discrimination Lawsuits: Lessons Learned From Claims (K-12/HE)
- Domestic Student Travel: Guidance for Higher Education (HE)
- Gun Violence Claims: Trends and Lessons (K-12/HE)
- Higher Education: Manage Critical Risk Areas (HE)
- K-12 Schools: Manage Critical Risk Areas (K-12)
- Large Loss Report 2023 (K-12/HE)
- Lessons From Claims: Higher Ed Employee-on-Student Sexual Harassment and Assault (HE)
- Steps to Help Control Your Legal Costs (K-12/HE)
- Using Artificial Intelligence Tools in the HR Lifecycle: Risks to Consider (K-12/HE)

Updates

- Accommodating Employees' Religious Beliefs (K-12/HE)
- Guide to Prevent Sexual Misconduct by Campus Health Care Providers (HE)
- Guns on Campus: Shaping Your Institution's Culture (HE)
- Managing Student Data Privacy: A Guide for School Business Officers (K-12)
- Playground Safety: Keep Children Safe and Protect Your School (K-12)
- Reduce Serious Injuries in Residence Halls Through Informed Facility Management (K-12/HE)
- Science Lab Safety: Protecting Students From Injury (K-12/HE)
- Training Resident Assistants to Prevent Student Injuries (HE)
- When "Fight Songs" Turn to Fighting: Managing Violence at Sporting Events (K-12/HE)
- When to Alert Parents of Self-Harming Students (HE)

HE Resource Highlights

- [Institutional Approaches to Hate Speech](#)
- [Athletics Benefits: The Year in Review](#)
- [Know Your Support Animals](#)
- Height and Weight Employment Discrimination (coming soon!)
- Facility Use Checklist (coming soon!)

K-12 Resource Highlights

- [Playground Safety: Keep Children Safe and Protect Your School](#)
- [Adopt Tree Assessment and Removal Policies and Practices](#)
- [Preparticipation Exams for Athletes](#)
- [Improve Documentation Practices](#)
- [School Bathroom Safety](#)

UE Online Training Courses



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Award-Winning Online Training Created for Education

Complimentary to United Educators (UE) members. Available to all other K-12 schools, colleges, and universities through Canopy Programs®.

[UE Member? Start Training](#)[Not a UE Member? Visit Canopy Programs](#)

About Our Training Solutions



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learners



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Empower faculty, staff, and students to tackle education's unique challenges in today's rapidly changing world. Training topics include Title IX; workplace harassment and discrimination; protecting minors; student mental health; diversity, equity, and inclusion; contracting fundamentals; and more.


Our online courses are:

- Designed exclusively for education
- Data-driven and based on actual incidents
- Section 508/WCAG 2.0 compliant
- Compatible with all devices


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[Crisis Management](#)[Course](#)[K-12](#)

Targeted Campus Violence: Recognize the Warning Signs




508/WCAG Compliant



Watch Course Trailer

Part of **Canopy Programs®**



Favorite



Upcoming Communications and Final Thoughts

Joe Carter, Vice President of Business Development & UE Experience

Stay Connected



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