



2023 Broker Advisory Committee Meeting

Feb. 7, 2023

Agenda

Noon	Lunch
1:30 p.m.	Welcome and Opening Remarks <i>Joe Carter, VP of Business Development & United Educators (UE) Experience</i>
1:40 p.m.	State of UE in 2023 <i>Janice Abraham, President & CEO</i>
2:10 p.m.	What to Expect in 2023 <i>Ellie Kennedy, VP of Resolutions Management and General Counsel</i> <i>Erin Finn, AVP and Associate General Counsel for Resolutions Management</i>
2:50 p.m.	Risk Management Update <i>Cynthia Cook, Associate Vice President of Risk Management</i>
3:30 p.m.	Liability Market Scan (Breakout Discussions)
4:30 p.m.	Break
5:45 p.m.	Meet in Lobby to Walk to Dinners



State of UE in 2023

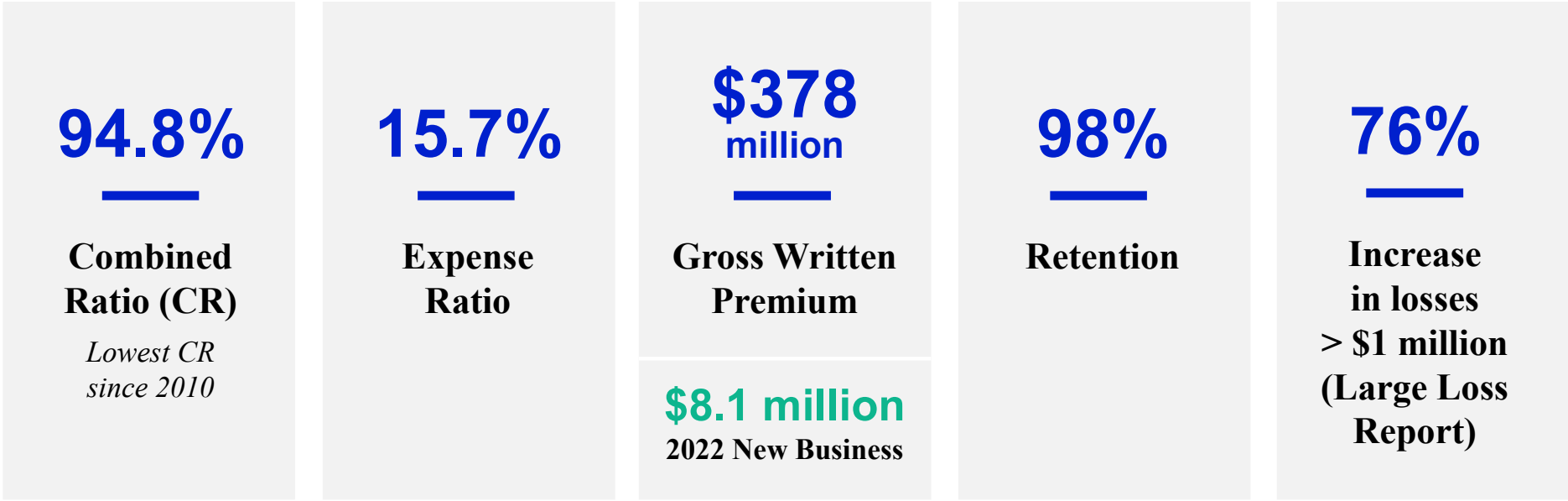
Janice Abraham, President & CEO





State of UE in 2023

Strength, growth, and bright future
2022 Results





State of UE in 2023

Strength, growth, and bright future 2022 Results

- Recovery of Voice of Constituent (VOC) Metrics (from members and brokers)
 - Net Promoter Score increased to 60%
 - CSAT increased to 90%
 - Carrier Preference maintained at 88%
 - Likelihood to Continue maintained at 90%

State of UE in 2023

Strength, growth, and bright future

- DEI Progress
 - Founding sponsor of Black Insurance Industry Collective
 - UE Board and Leadership engagement on DEI
 - Established Defense Counsel Advancement Program
 - Vendor Outreach



State of UE in 2023

Strength, growth, and bright future

- Modest premium and policy changes
- Strong, consistent reinsurance panel
- Strong balance sheet yet challenging investment environment
 - No 2023 dividends
- Continued focus on social inflation, litigation management, and growth
- Year of transition
 - Board Search Committee and Russell Reynolds



What to Expect in 2023

Ellie Kennedy, VP of Resolutions Management and General Counsel

Erin Finn, AVP and Associate General Counsel of Resolutions Management



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Challenges, but making progress



Challenges

- Pending Claim Counts Are Up YoY
 - ELL: 15%
 - CGL: 7%
- Race Discrimination Frequency Up 45% vs. 5-year average
- Civil Assault and Accidents Causing BI back to pre-pandemic frequency
- Social Inflation Not Going Away
 - Large Loss Report
 - Significant Verdicts



Making Progress

- Title IX frequency down 27% vs. 5-year average (impact of *Cummings*?)
- Age Discrimination frequency down 30% vs. 5-year average (due to 71% drop in RIFs?)
- Suicide frequency down 9% vs. 5-year average
- Recent improvements in defense costs
 - CGL defense down 45% for both total and average incurred
 - ELL total defense stable despite increased frequency

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What to Expect in 2023



Improved Online Claims Reporting

- Custom Reporter Reference ID now available
 - Allows members to add tracking ID through portal
 - Member tracking ID displays on UE claims correspondence going forward
- Ability to generate a PDF confirmation of the claim submission
- Secure portal document uploads to UE without risks of email transmission theft
- More to come – Use online claims reporting and continue to provide feedback



Strategic Defense Management

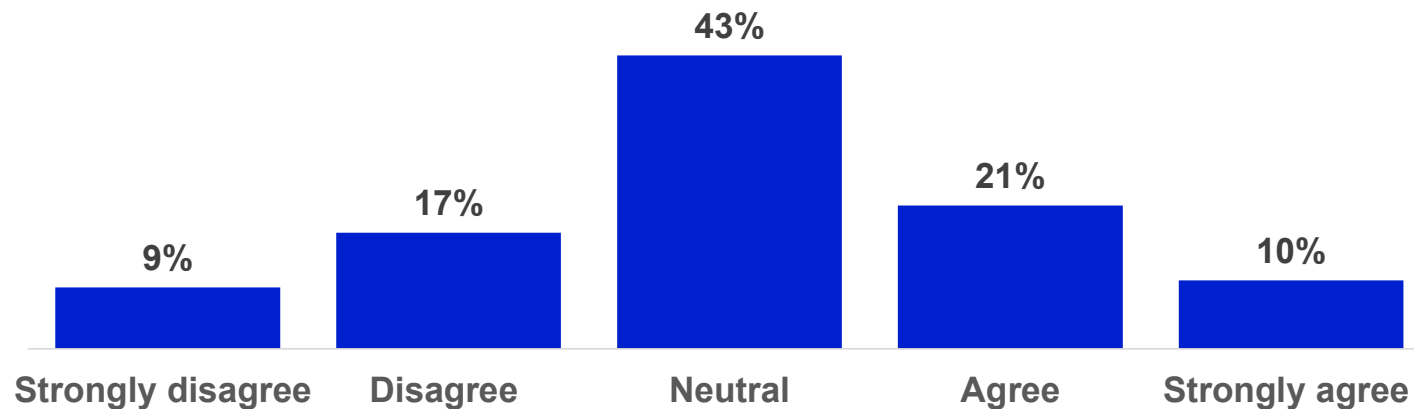
- Early Case Evaluation
- Criteria for Counsel Appointment – determining “right fit”
 - Value of claim, state vs. federal court, specific case experience, trial experience
- UE Counsel Options
 - Data-driven analysis of existing counsel
 - Higher frequency requires additional counsel
 - Diverse representation for better outcomes
- Strategic settlements
 - Mock juries
 - Focus groups



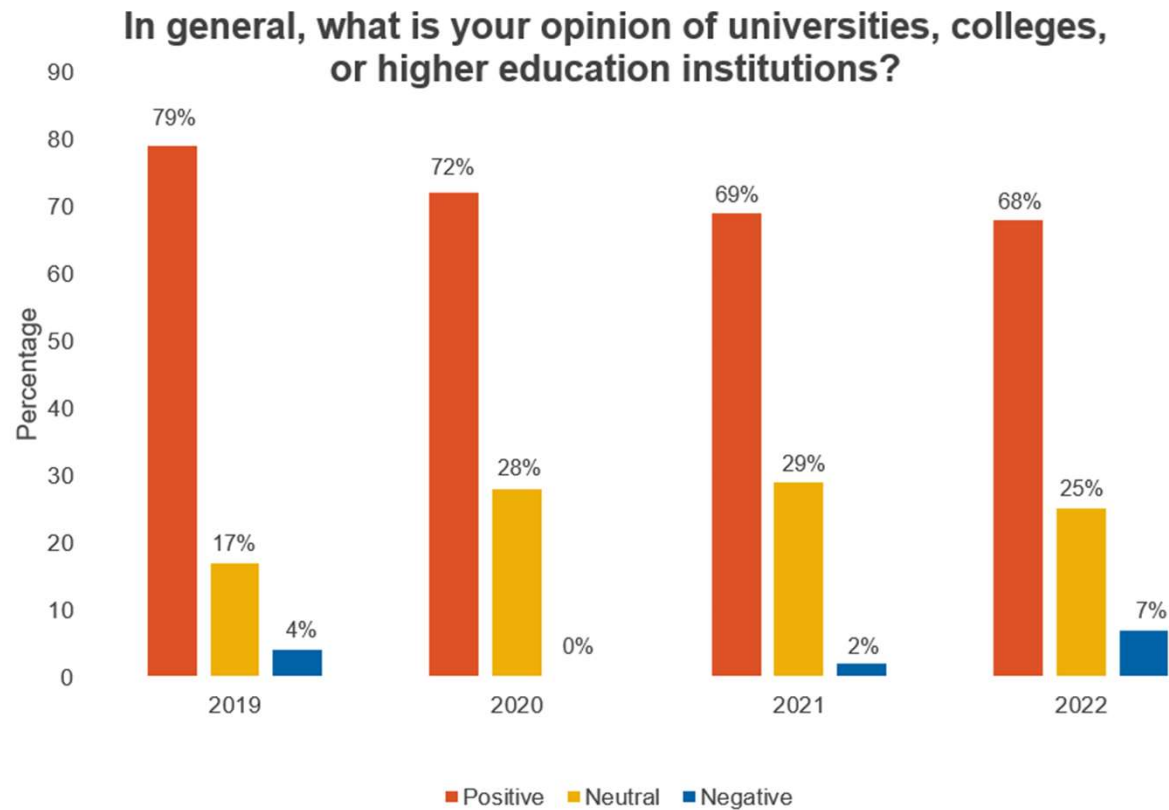
Continued Increases in Consumerism

- ~~Education is a milestone achievement~~ Education is a mere commodity
 - Class Actions: 30+ against UE members in 2022
 - Website accessibility lawsuits
 - Student-athlete compensation claims (NIL, FLSA, etc.)
 - Tuition refund class actions
 - Sherman antitrust admissions lawsuits
 - Consumer protection/fraud statutes

“I trust colleges and universities more than I trust large corporations.”



Opinions down 11 points over four years.





Next Employment Frontier

- COVID-related employment claims declining
- Next wave?
 - Remote work as an accommodation
 - Disabilities – non-COVID requests
 - Effect of COVID experience
 - Equal Pay Act class actions
 - Working to avoid education as a target



Potential Consequences of *SFFA v. Harvard & UNC*

- Cases pending in Supreme Court
 - Argument held Oct. 31, 2022
 - Decision expected by June 2023
 - New standard expected
- Consequences for higher ed institutions – more litigation!



Abuse Claims

- Sexual abuse claims here to stay
 - Continued child reviver acts (1/2 of states)
 - New adult reviver acts (NY/CA)
- New coach abuse claims
 - Physical (injury) or Verbal
 - Female athletes
 - International Students



Coach Abuse Claims

- Verbal abuse – bullying
- Forcing an athlete to play while injured, exacerbating prior injury
- Claims from both coaches (ELL) and athletes (CGL)
- Two recent high-profile matters
 - College women's hockey coach – not fired
 - University women's swimming coach - fired
- Expectations of students/parents
- Behavior that was accepted by coaches in the past no longer acceptable
- Students feel empowered to complain
- Parent involvement



Risk Management Update

Cynthia Cook, Associate Vice President of Risk Management

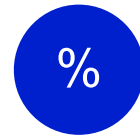


Risk Management at UE

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.



Publications library



Risk Management Premium
Credit (RMPC) program



Market research
and insights



Course collections for
faculty, staff, and students



Risk and liability
consulting



Resource Library

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.

Explore Resource Collections

- Alcohol and Substance Misuse
- Athletics
- Campus Violence Risk Management
- Contracts and Waivers
- Crisis Response Planning
- Diversity, Equity, Inclusion, and Belonging
- Educator Sexual Misconduct at K-12 Schools
- Employee Sexual Misconduct: Higher Ed
- Enterprise Risk Management
- Sexual Misconduct Investigation
- Slips and Falls
- Student Activities
- Student Mental Health
- Study Away
- Title IX and VAWA-Campus SaVE Act
- Transportation
- Workforce Management
- Workplace Harassment



Market Research & Insights

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.



Risk Advice through [Risk@ue.org](https://risk@ue.org)

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.

Risk Advice

Whether you need a sounding board for a policy or procedure you're revising or want to hear how other schools navigate a particular risk management issue, United Educators (UE) can help.

[Get Risk Advice](#)



Risk Advice through [Risk@ue.org](https://risk@ue.org)

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.

The most popular Risk Advice topics reflect the return to campus activities.

Topic	2022 rank	2022 count	2021 rank	2021 count
Activities and organizations	1	54	3	38
Sexual abuse and misconduct	2	52	2	45
Contracting and indemnification	3	48	T-7	21
ERM	4	46	T-7	21
Study abroad and field trips	5	43	9	20
Crisis response and business continuity	6	37	14	12
Vehicle and driving safely	7	35	6	27
Crime and security	8	25	15	11
Athletics — recreational and fitness	9	25	13	13
Waivers and releases	10	25	11	17

Topics that fell out of the top 10: COVID-19, premises safety and env. Hazards, health and safety (physical, mental health and suicide.



Risk Management Premium Credit (RMPC)

Member institutions have access to our education-specific risk management resource library, including consulting services, online courses, and publications.

Status: **COMPLETE**. Congratulations! Your institution has earned a 6% premium credit towards your next renewal. For more risk management resources, visit www.ue.org/risk-management/.



Submit Intake Form [Download Your Intake Form Responses](#)

Risk Area: Contracts

Risk Mitigation Activity:

Review (and revise as necessary) your campus contracts involving third parties/vendors for appropriate and consistent terms and provisions (e.g., ensuring the indemnification clause is unambiguous and is not one-sided in assigning responsibility to your institution)

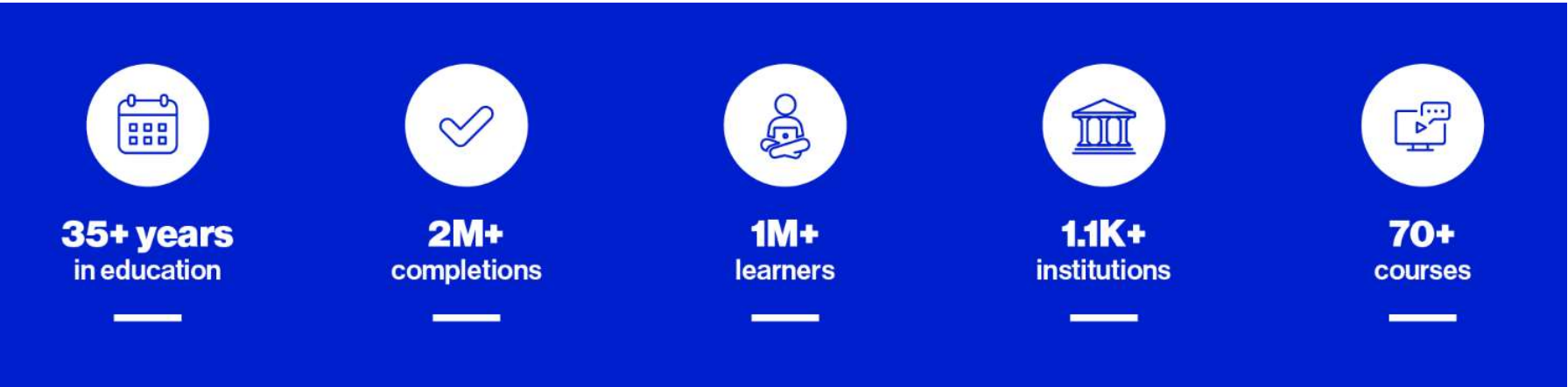


Submit Summary Form With Supporting Documentation [Download Your Summary Form Responses](#)



Online Training Collections

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Online Training Collections

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109%

reported increase in students' ability to obtain help if they or someone they know is sexually assaulted

(Impressions)

156%

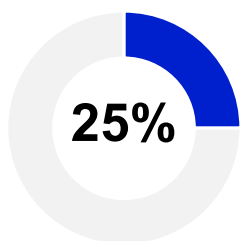
reported increase in employees' ability to determine when and where to report abuse

(Protecting Children)

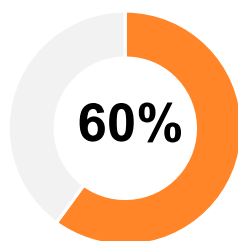


Data-Driven Approach

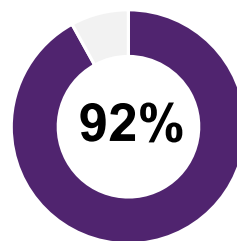
We have intensified our use of data and analytics to inform product innovation, decision-making, and measure the program's impact.



RMPC mitigation activities featured brand new work



RMPC mitigation activities involved revising, re-starting, or improving upon existing work



Member institutions leverage UE's publications, claims studies, insights, and blogs



Constituent satisfaction (CSAT) for Risk Advice

Top Risks for Higher Education

- ***Recruitment and Hiring*** jumped from 14th to third
- ***Student Mental Health***, ranked fifth*
- ***External Pressures*** returned to the top 10 after a two-year absence
- ***Sexual Misconduct*** risks have shrunk in priority in this year's survey, with Title IX slipping to 10th and Sexual Misconduct — falling to 18th

Top 10 Risks of 2022

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

Top Risks for Independent K-12 Schools

- ***Recruitment and Hiring*** jumped from 12th place to second
- ***Student Mental Health***, ranked seventh*
- ***Data Security*** fell from third to fourth
- ***External Pressures*** returned to the top 10 after a two-year absence

Top 10 Risks of 2022

1. Enrollment
2. Recruitment and Hiring
3. Operational Pressures
4. Data Security
5. Sexual Misconduct
6. External Pressures
- 7.* Student Mental Health
7. Public Safety
9. Diversity, Equity, and Inclusion (DEI)
10. Facilities and Deferred Maintenance

* Two risks tied for seventh.



Top Risks for Education

Your impressions?

- Anything surprise you?
- What additional risks would you put on our radar?



UE's Competitive Advantage

- Resolutions-to-Risk Management partnership
- Example: Athletic coach conduct and abuse claims trends
- RMAC roundtables and RMPC research partner focus group insights:
 - Mandatory policy review and signature by athletes and coaches
 - Coach turnover is an opportunity to reinforce behavioral expectations
 - In the IND K-12 setting, part-time coaches are less attuned to culture
 - Opportunity for formalized training

Upcoming Releases

Athlete Abuse



Podcast: Athlete abuse



Course: Athlete abuse and coach conduct



Claims study: Athlete abuse (HE)



Presentation: URMIA Annual Meeting

Other Topics

Courses

- Age Discrimination
- Race Discrimination
- Alcohol Sanctions
- Targeted Violence

Publication

- AI use in HR Processes

Tabletops

- Campus Demonstration
- Contagious Illness

Webinar

- Contracts and Waivers



“Risk Manager in a Box”



Needs Assessment

- How would you describe the need/opportunity?
- What are the characteristics of the institutions with this need?
- What are some of the challenges being described?
- What other signals are you receiving that support the need for this new offering?



Potential Prototype

Components

- Risk Advice and Consultations
- Full access to UE webinars
- Full access to UE.org
- Online course access through licensing
- Your UE Insider subscription
- UE subject matter expert books/literature

Liability Market Scan

(Breakout Discussions)



2023 Broker Advisory Committee Meeting

Feb. 8, 2023



Agenda

- 7:30 a.m. Breakfast
- 8 a.m. 2023 Premium Planning, Product Update Review and Member Spotlight
Michele Backus Konigsberg, AVP of Underwriting Operations
Sarah Braughler, VP of Risk Management
- 9 a.m. 2023 New Business Growth Planning (Breakout Discussions)
- 10:30 a.m. Upcoming Communications and Final Thoughts
Joe Carter, VP of Business Development and UE Experience
- 11 a.m. Adjourn (Box lunches available)



2023 Premium Planning, Product Update Review and Member Spotlight

Michele Backus Konigsberg, AVP of Underwriting Operations

Sarah Braughler, VP of Risk Management





2023 Underwriting Initiatives

Increased Travel

- Please let us know if any of your clients need personal contact
- We will not be able to see every member in person, but we hope to see many of them



2023 Premium Increases

Product	Average Premium Change
CGL	4%
GLX	5%
ELL	3%

- An average of low single-digit increases across core product lines
- **Not all members will get the average**; we underwrite each member individually
- Members with claims frequency or severity and those in difficult litigation environments **will get** higher than average premium increases

2023 Premium Increases

Early Estimate of Distribution of Premium Changes

Premium Change Range	CGL/BLX	ELL/ELX
0%-3%	54%	46%
4%-9%	37%	52%
10%+	9%	2%

2023 Premium Increases

Early Estimate of Distribution of Premium Changes

Premium Change Range	GLX
0%-4%	41%
5%-9%	56%
10%+	3%

2023 Product Changes

GL Products

- Creation of the Limited Health Services Coverage endorsement, which consolidates all claims-made medical service-related coverage in a single endorsement

EL Products

- Amending Wage-and-Hour exclusion



2023 Communication Plan

- **Dec. 16:** E-mail to BAC brokers with policy changes
- **Jan. 6:** E-mail to all brokers with policy change overview (reminder Jan. 23)
- **Jan. 31:** E-mail to members about policy changes
- **Feb. 27:** Account-level 2023 renewal pricing available
- [Liability Landscape | United Educators \(ue.org\)](https://ue.org)

UE Value



**Education-
specific insurance
coverage**



**Claims
insights**



**Risk
management
support**



**Meaningful
member
response**



Risk Management Support

Sexual Assault and Misconduct • Report • Higher Ed

Guide to Prevent Sexual Misconduct by Campus Health Care Providers


Christine McHugh, Esq. December 2022

Risk Management in Action



Colby Used UE Resources to Revise Policies

In response to recent notable cases and reports by UE, Colby's Assistant General Counsel and Director of Risk Management, Will Saxe, became aware of several new matters involving sexual misconduct in college health care settings. This led to the decision to update and expand the college's medical chaperone policies.

As part of the process, Saxe reviewed UE's [Guide to Prevent Sexual Misconduct by Campus Health Care Providers](#) and the [Best Practices for Sensitive Exams](#)  — an American College Health Association resource.

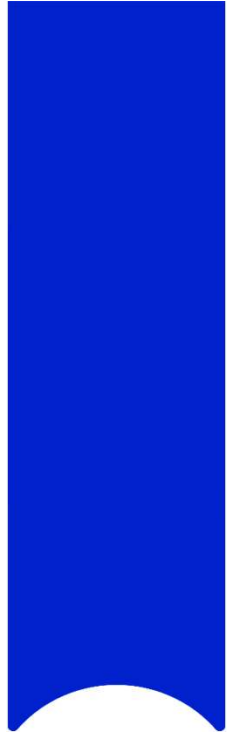
2023 New Business Growth Planning

(Breakout Discussions)



Upcoming Communications and Final Thoughts

Joe Carter, VP of Business Development and UE Experience



Thank You

Stay Connected



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