



Risk Management Advisory Committee (RMAC) Meeting

Nov. 9-10, 2022



Wednesday, Nov. 9

2:30 p.m. to 7:30 p.m.

Agenda

Wednesday, Nov. 9

- Welcome and Opening Remarks
- State of United Educators (UE) with UE President and CEO Janice Abraham
- Resolutions Overview and Claims Trends
- Education Risks: Understanding the Current Environment
- Dinner Reception in the Philadelphia Room of Marriott Bethesda Downtown at Marriott HQ

Adjourn at 7:30 p.m.



Welcome and Opening Remarks

Sarah Braugher, UE's Vice President of Risk Management

Welcome and Opening Remarks

- RMAC Role and Value
- UE's Risk Management Program
- Meeting Logistics

Risk Management Advisory Committee

Higher ed and K-12 leaders provide UE with insight on school and campus risks and help shape our offerings.

Risk Management Advisory Committee

The Risk Management Advisory Committee (RMAC), appointed by UE management, represents the diversity of our membership and meets annually. The RMAC is relied upon to provide feedback about pressing educational issues and UE risk management resources.

[View Committee Members](#)



Connection to Education

Risk Management staff establish deep connections with the education community.

- Advisory committees
 - Calls, focus groups, in-person events, program support
- Association collaborations
 - NAIS, NBOA, TABS, URMIA, HEPNet, NACUBO, NACUA
- Member meetings
 - “RM Connect” conversations
 - New member calls
 - Special program participation



**UE is a
member-owned insurance
and risk management company.**

Risk Research

Our education-specific risk management library has resources on a wide range of risk issues.



Claims studies



Articles



Reports



Podcasts



Checklists



Webinars

Risk Consulting

Our in-house consulting team engages with members to help make risk management actionable.

- Risk Advice
- Member success consulting
- Conferences, events, and presentations
- Risk Management Premium Credit program

Online Course Collection

Our online course collections for faculty, staff, and student learners help members scale risk management across large populations.

70+

courses

2M+

completions

1M+

learners

1.1K+

institutions

Risk Management tab of UE.org

Explore Resource Collections

Alcohol and Substance Misuse

[View Collection](#) →

Athletics

[View Collection](#) →

Campus Violence Risk Management

[View Collection](#) →

Contracts and Waivers

[View Collection](#) →

Crisis Response

[View Collection](#) →

Diversity, Equity, Inclusion, and Belonging

[View Collection](#) →

Educator Sexual Misconduct at K-12 Schools

[View Collection](#) →

Employee Sexual Misconduct: Higher Ed

[View Collection](#) →

Enterprise Risk Management

[View Collection](#) →

Sexual Misconduct Investigation

[View Collection](#) →

Slips and Falls

[View Collection](#) →

Student Activities

[View Collection](#) →

Student Mental Health

[View Collection](#) →

Study Away

[View Collection](#) →

Title IX and VAWA-Campus SaVE Act

[View Collection](#) →

Transportation

[View Collection](#) →

Workforce Management

[View Collection](#) →

Workplace Harassment

[View Collection](#) →

Recent RM Releases

Be on the lookout for these Fall 2022 risk management resource releases:

- [Addressing Demonstrations on Campus](#)
- [Bloodborne Pathogens Course](#)
- [Student Suicide Tabletop Exercise](#)
- [The SPACE Toolkit: A New Approach to Sexual Violence Prevention Podcast](#)
- [Boundary Training for Educators Course](#)
- [Responding to Injury Causing Incidents on Campus Audit Guide](#)
- [Prevent and Respond to Fentanyl Overdoses](#)

Meeting Logistics

- 5:30 p.m. – Dinner Marriott’s Philadelphia Room
- Tomorrow’s Agenda:
 - 8 a.m. – Breakfast
 - 9 a.m. – Program begins
- Luggage storage available
- Travel reimbursement

35
YEARS



State of UE 2022

Janice Abraham, President and CEO

Current State Of UE: 2022

Healthy business with strong loyalty

- New Business: expect to finish at planned \$7.2 million
- Retention above planned 96%
- Loss Ratio is improving
- Net Promoter Score and customer satisfaction are improving
- Strong enterprise risk management (ERM) program continues
- AM Best A (Excellent) Rating (24th consecutive year)
- Experienced Subscribers' Advisory Board
- Enviable position as diversity, equity, and inclusion (DEI) model for industry

Moving Forward: 2023 and Beyond

- ERM program to preserve coverage and financial strength
- Investment portfolios across the industry
- Pressure from both CPI inflation and social inflation
- Primary GL trends are challenging
 - Defense costs
 - Indemnity
- Reviver statute present continued challenges
- Serve an evolving and changing education landscape
- Provide guidance for members on current and emerging risks
- Successful transition of CEO leadership



Resolutions Overview and Claims Trends

Ellie Kennedy, Vice President for Resolutions Management and General Counsel

About Me



Resolutions Leadership Team

Ellie Kennedy
VP and General Counsel

Mike Krackov
AVP & Associate
General Counsel
Specialty Group

Ken June
AVP & Associate General
Counsel Operations and
Litigation Management

Erin Finn
AVP & Associate General
Counsel Comprehensive
Group

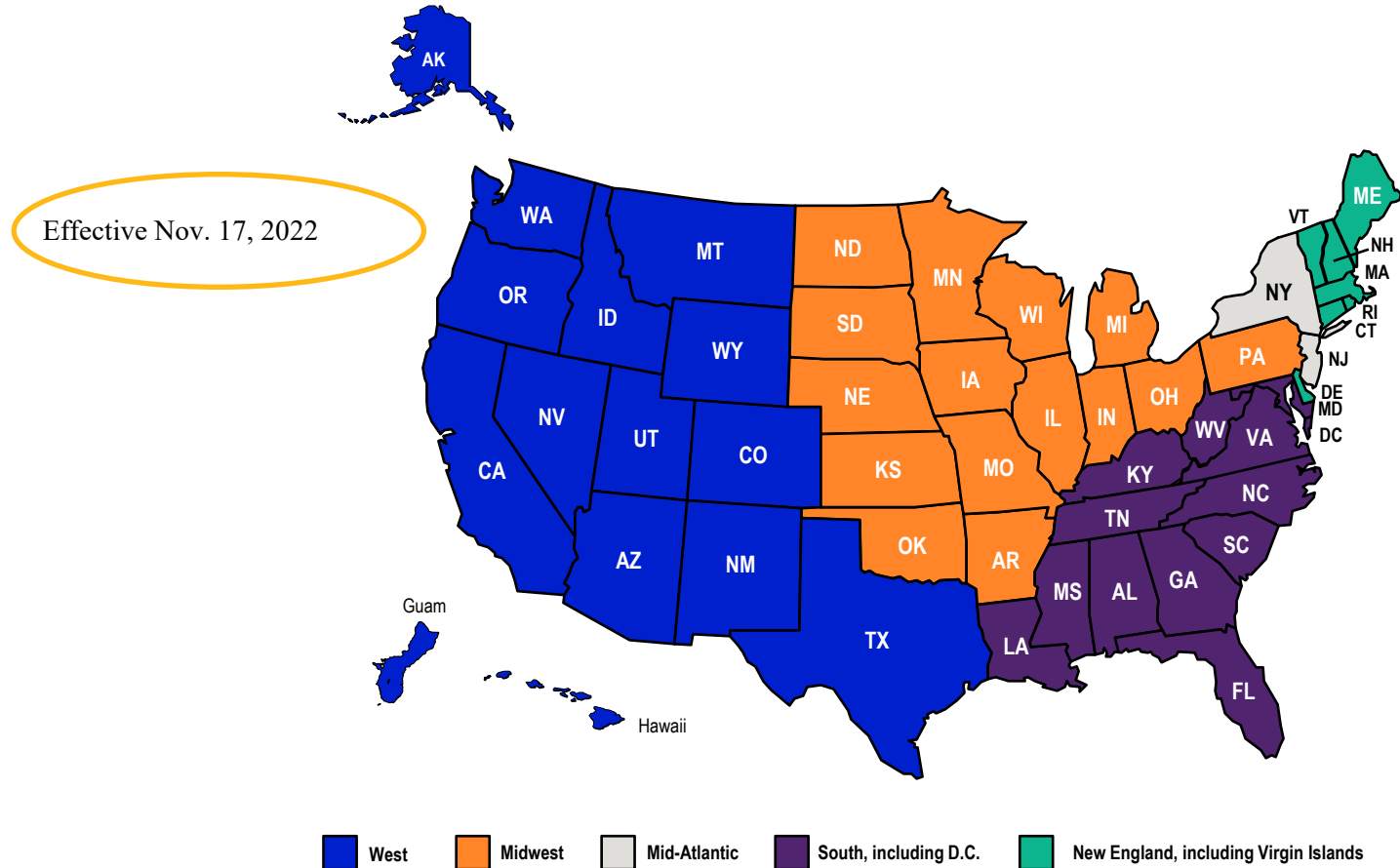
COMPREHENSIVE GROUP (CG)

- Higher frequency matters – routine slips and falls
- Non-tenure employment claims
- Third-party property damage
- ProResponse® claims

SPECIALTY GROUP (SG)

- Class actions
- Tenure denial
- Matters involving trustees
- Catastrophic injuries
- Hot-button issues

UE Resolutions Groups



What UE Members Should Expect

- Continued active management of claims from start to finish
- Renewed focus on appointment of counsel
 - Ensuring that appointed counsel is “right fit”
 - Key considerations: Value of claim, state vs. federal court, specific case experience, trial experience
- Expansion of select counsel options
 - More claims = more need for counsel
 - Data-driven analysis of existing counsel
 - Ensuring diverse representation
- Increased focus on strategic settlements
- More mock juries and focus groups to inform strategy
- Online claims reporting

Claim Trends

- Evolution of abuse claims
- Education as a mere commodity – a flood of “commercial” claims
- Next employment frontier
- Where does Title IX go from here?
- Potential consequences of *Students for Fair Admissions v. Harvard Coll. & UNC*

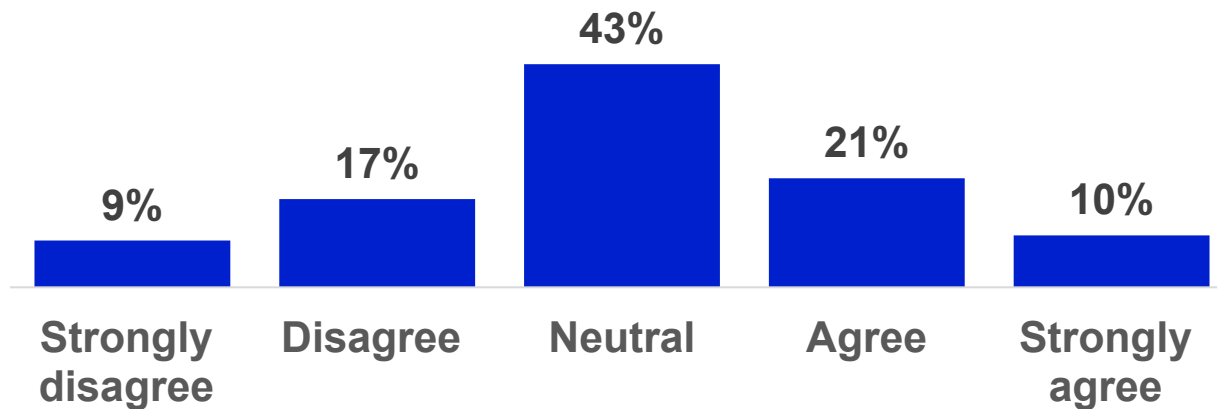
Evolution of Abuse Claims

- Sexual abuse claims here to stay
 - Reviver acts not going away
 - Some states still considering child reviver acts
 - States beginning to pass adult reviver acts
 - New York, New Jersey, California
 - Sexual abuse claims not going away
 - Social inflation in New York/California
 - Demands for investigations
- New abuse claims – coach abuse
 - Verbal and/or physical
 - Understanding generational differences key

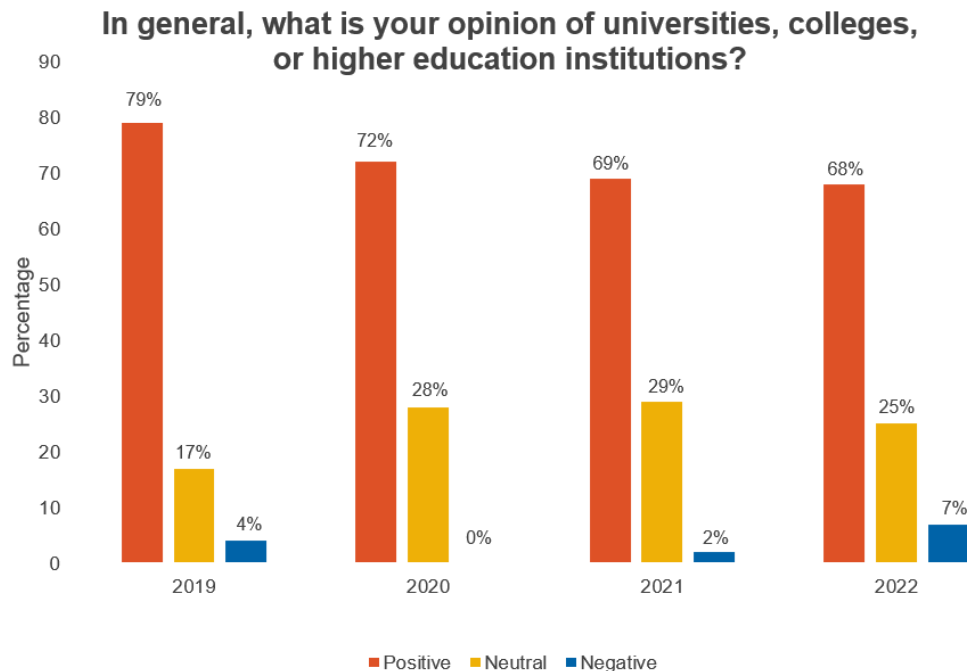
Education As a Commodity

- ~~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.”



Positive attitudes have dropped 11 points in 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
- Risk management is key
 - Careful documentation of work requirements
 - Pay studies by experienced third parties
 - UE Risk Management resources – more to come

Where Does Title IX Go From Here?

- Positive trend: *Cummings v. Premier Rehab Keller PLLC*
 - No emotional distress available for Spending Clause statutes
 - Effect on settlement value
 - Effect on new filings?
 - New ways to get around *Cummings* limitation?
- Potential negative trends – New application to independent schools?
 - PPP loan recipients
 - 501(c)(3) status enough?

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 institutions – more litigation!



Break

4 p.m. to 4:15 p.m.



Education Risks: Understanding the Current Environment

Education Risks: Understanding the Current Environment

- *Megan Mann, National Association of Independent Schools (NAIS) General Counsel & Vice President, Legal Education & Support*
- *Doug Lederman, Co-Founder and Editor, Inside Higher Education*
- *Sam Swartout, UE Manager of Risk Consulting*

INSIDE
HIGHER ED



The Landscape for American Higher Education, (Post-?)Pandemic Edition

United Educators RMAC Meeting
Nov. 9, 2022

Presenter

Doug Lederman
Editor/co-founder
Inside Higher Ed



What Is a SWOT Analysis?

SWOT ANALYSIS



Why Context Matters

- Leadership is harder – and more important – in turbulent times than in comfortable times.
- The traits leaders need can change depending on what's happening around them.
- Understanding the environment you're operating in is essential.



Limitations of the Analysis

- Higher education is so broad/diverse that one overarching analysis may not be the right approach.
- Moment in time – context changes. Analysis needs fairly constant updating.



Strengths

- Differentiation
- History of excellence
- Democratization
- (Relative) independence
- Tradition of liberal education
- Universities as knowledge producers/economic engines
- Colleges as community anchors



Weaknesses

- Unaffordability, real and perceived
- Labor intensiveness
- Complacency/resistance to change
- Lack of measurement/evidence of performance
- Decentralization
- Mission complexity/conflict



Opportunities

- Higher ed democratization elsewhere
- Push to upskill/reskill workforce, focus on lifelong learning, increase postsecondary completion
- Innovation/technology



Threats

- Changing demographics, declining enrollments
- The political divide
- Doubts about value
- More accountability
- Alternative pathways/providers
- Changing higher ed workforce



Impact of the Last 30 Months

- Set back higher ed access, while increasing pressure on colleges to diversify
- Created more supportive political environment, at least federally
- Intensified doubts about value – “should online cost as much as in-person?”
- Open question: are institutions more comfortable/open to experimenting?



Questions/Contact

Doug Lederman

Editor, *Inside Higher Ed*

doug.lederman@insidehighered.com

[Implementing Sustainable Change in Higher Education \(Stylus Publishing\)](#)



Break

5:15 p.m. to 5:30 p.m.



Dinner Reception at Marriott Hotel Bethesda, Philadelphia Room

5:30 p.m. to 7:30 p.m.



Risk Management Advisory Committee (RMAC) Meeting

Nov. 9-10, 2022



Thursday, Nov. 10

8 a.m. to 1 p.m.

Agenda

Thursday, Nov. 10

- Breakfast and Recognition of Graduating RMAC Members
- Sexual Misconduct Prevention Strategies
- Risk Management Tabletop Topic Discussion
- State of Student Mental Health on Campus
- Working Lunch

Adjourn at 1 p.m.

Breakfast and Recognition of Graduating RMAC Members

- *Virginia Arbour – Emma Willard School*
- *Denielle Burl – College of the Holy Cross*
- *Kathy Hargis – Lipscomb University*
- *Sue Liden – Pacific Lutheran University*
- *Will Saxe – Colby College*



Sexual Misconduct Prevention Strategies

Sexual Misconduct Prevention Strategies

*Presentation of research findings from the book *Sexual Citizens* followed by discussion regarding strategies for prevention.*

- Shamus Khan, PhD, Professor of Sociology and American Studies, Princeton University
- Jennifer Hirsch, PhD, Professor of Sociomedical Sciences, Mailman School of Public Health, Columbia University
- Melanie Bennett, UE Senior Risk Management Counsel



Break

10 a.m. to 10:15 a.m.



Risk Management Tabletop Topic Discussion

Risk Management Tabletop Topic Discussion

Insights RMAC members provided in small group discussion to inform UE's future risk management offerings.

Cynthia Cook, UE Associate Vice President of Risk Management

Alyssa Keehan, UE Director of Risk Management Research & Consulting

Risk Management Tabletop Topic Discussion

Insights RMAC members provided in small group discussion to inform UE's future risk management offerings.

Topics:

- Contracting
- Emotional Abuse by Athletic Coaches
- Employee Retention

Risk Management Tabletop: Contracting

- ❑ Does your institution have a contracting policy?
- ❑ Who is involved in developing the policy? How often is the policy reviewed?
Who participates in the review process?
- ❑ At your institution, what vulnerabilities exist with respect to contracting practices?
- ❑ Can you name any successful initiatives that have enhanced or improved your institution's contracting practices?
- ❑ How do you train your staff or faculty on adhering to your contracting policy?
- ❑ If your institution does not have a contracting policy, what resources are supplied to individuals involved in procurement?

Risk Management Tabletop: Emotional Abuse by Athletic Coaches

- Is emotional abuse by athletic coaches an emerging issue at your institution?
- Has your institution considered creating a policy on behavioral expectations and standards for coaching staff?
- How does your institution partner with coaching staff to define the criteria for a positive culture?
- What training does your institution conduct for coaching staff? Student-athletes?
- What requests or questions are you fielding from today's student-athletes in terms of resources and support services they need?

Risk Management Tabletop: Employee Retention

- ❑ How prevalent of an issue is employee retention, recruitment, and hiring at your institution?
- ❑ What is your institution doing differently in response to this challenge?
- ❑ What associated risks have emerged related to employee retention?
What steps has your institution taken to remediate these risks?
- ❑ What do you consider to be the training needs of newly hired employees?
How might UE support those needs?



State of Student Mental Health on Campus

State of Student Mental Health on Campus

Presentation of The Jed Foundation's (JED's) programs to protect emotional health and prevent suicide and discussion of campus needs and initiatives.

- Rebecca Benghiat, JED's President and Chief Operating Officer
- Justin Kollinger, UE Senior Risk Management Consultant



The Jed Foundation



The State of Student Mental Health On Campus

Rebecca Benghiat
President and COO
The Jed Foundation

United Educators
Risk Management Advisory Committee
November 10, 2022



The Jed Foundation: Mission and Vision

Mission: The Jed Foundation protects emotional health and prevents suicide for our nation's teens and young adults.

Vision: At JED, we envision a future where:

- All teens and young adults are supported and equipped to navigate mental health challenges, to seek and give help, and emotionally prepared to enter adulthood and fulfill their potential.
 - Every high school and college has a comprehensive system that supports and improves emotional health and reduces the risks of mental health challenges, substance misuse and suicide.
 - Our families, larger social groups and community systems demonstrably support the emotional well-being and mental health of teens and young adults.
 - Mental health is recognized as part of general health and wellness and is not associated with shame, secrecy, uncertainty or prejudice.
-



Of our 21 million college students, in the past 12 months:

- 41% screened positive for moderate to major depression
- 34% screened positive for anxiety disorder
- 53.6% struggle with loneliness
- 85.1% report severe psychological stress
- 26.5% had 5 or more drinks in a sitting in the last 2 weeks
- 29.5% screened positive for suicidal ideation
- 5% made a suicide plan
- 2.9% attempted suicide
- 1100 died by suicide
- Average of 12% of students seen at campus services:
 - Many in most serious risk do not present on their own
 - 20% of campus suicides were seen at CC/80% no contact

Source: ACHA-NCHA III, Spring 2022 AUCCCD, HMS 2021, Fall 2020



An assembly of 100 high school students. This year:

36 will experience persistent feelings of hopelessness

55 will experience emotional abuse outside of school

16 will be electronically bullied

7 will misuse opioids (each month)

16 will make a suicide plan

9 will attempt suicide; 3 will have an injury requiring medical treatment

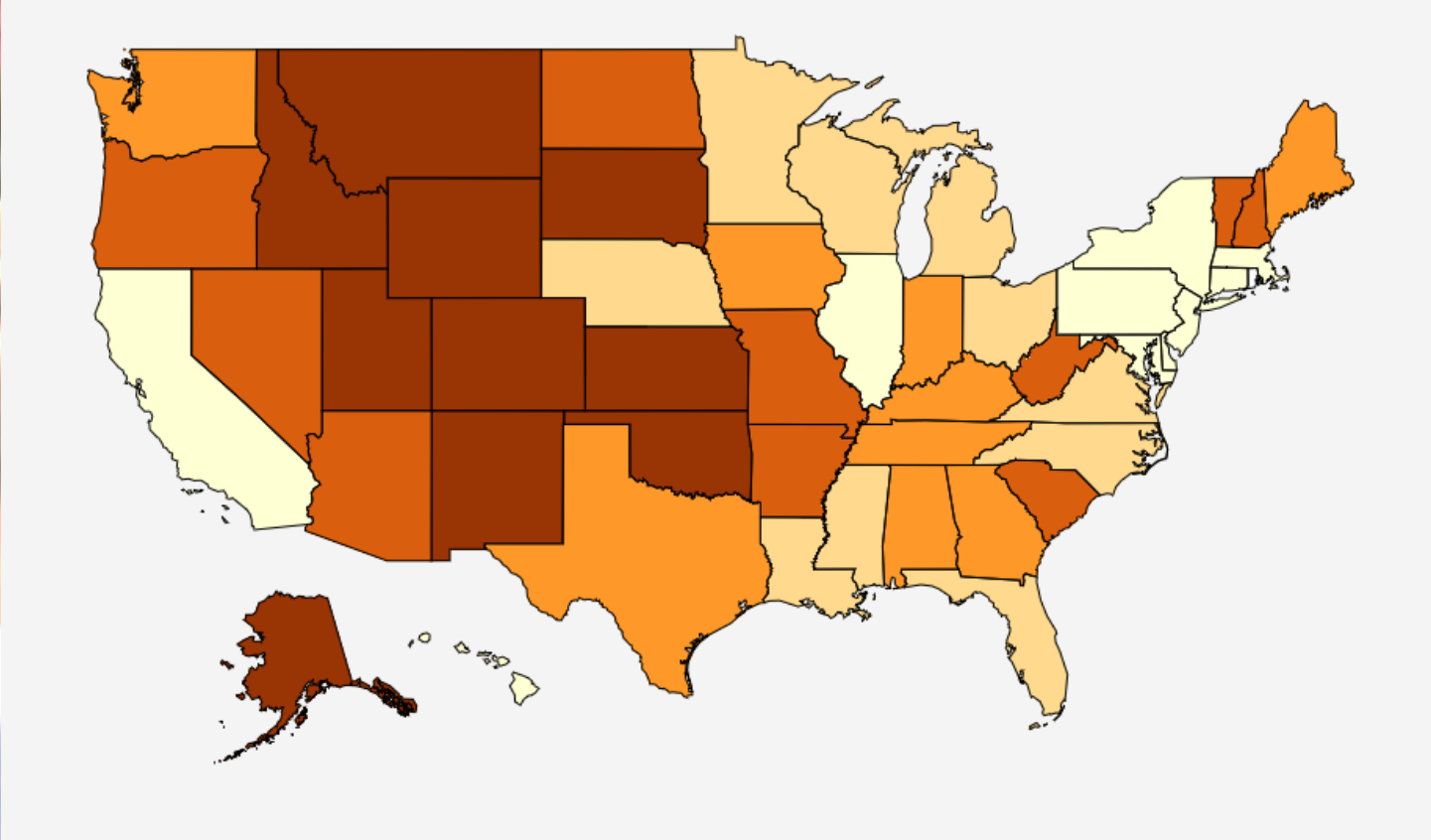
Source: CDC



Some groups are more affected:

- Almost half of lesbian, gay, or bisexual students and nearly one-third of students not sure of their sexual identity reported seriously considering suicide—far more than heterosexual students.
- The suicide rate among 13-30 year olds is growing fastest among non-Hispanic Blacks (80% increase from 2010 to 2020), White Hispanics (65 increase from 2010 to 2020%), and non-Hispanic Asians/Pacific Islanders (45% increase from 2010 to 2019).

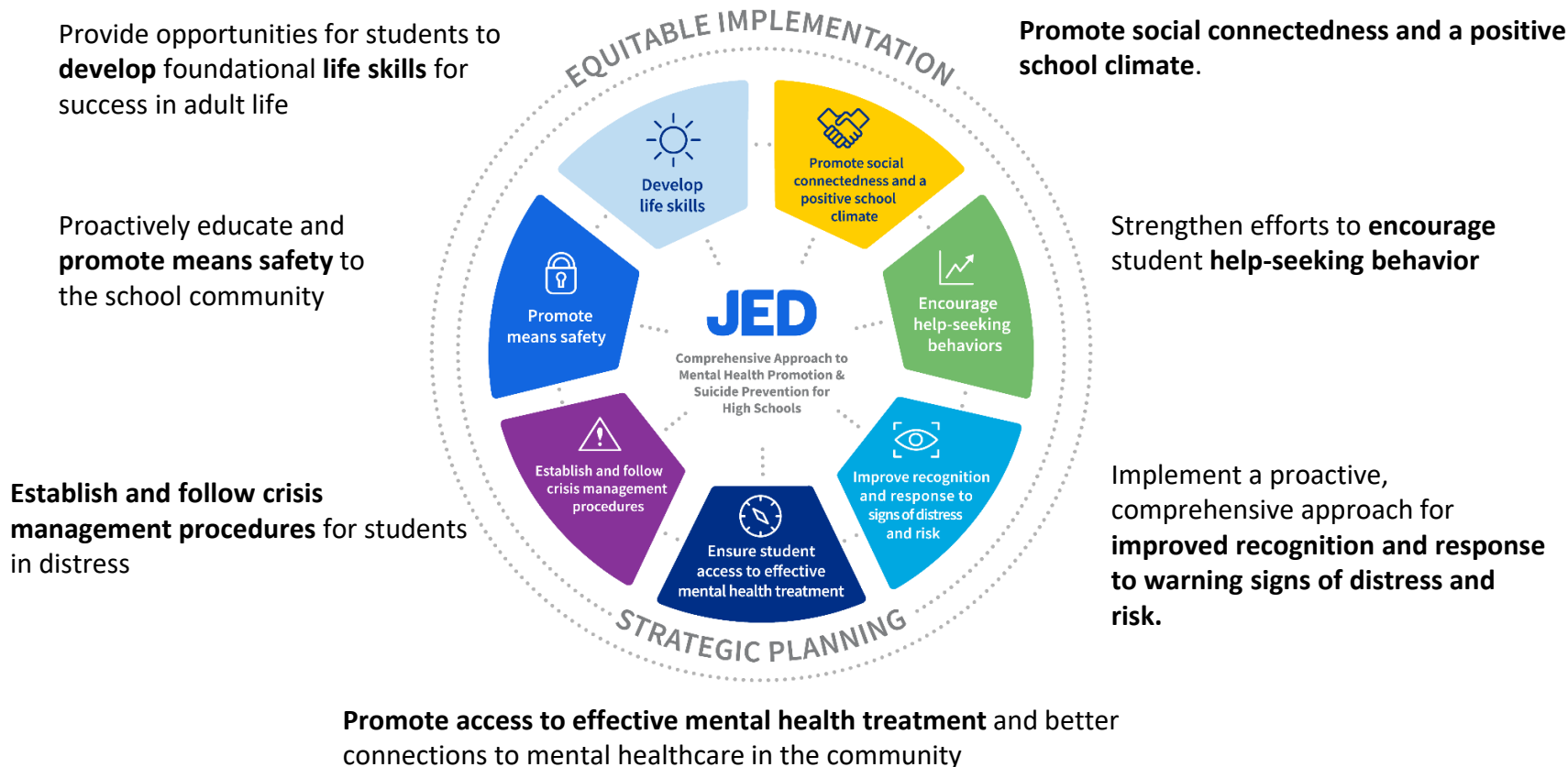
Source: CDC



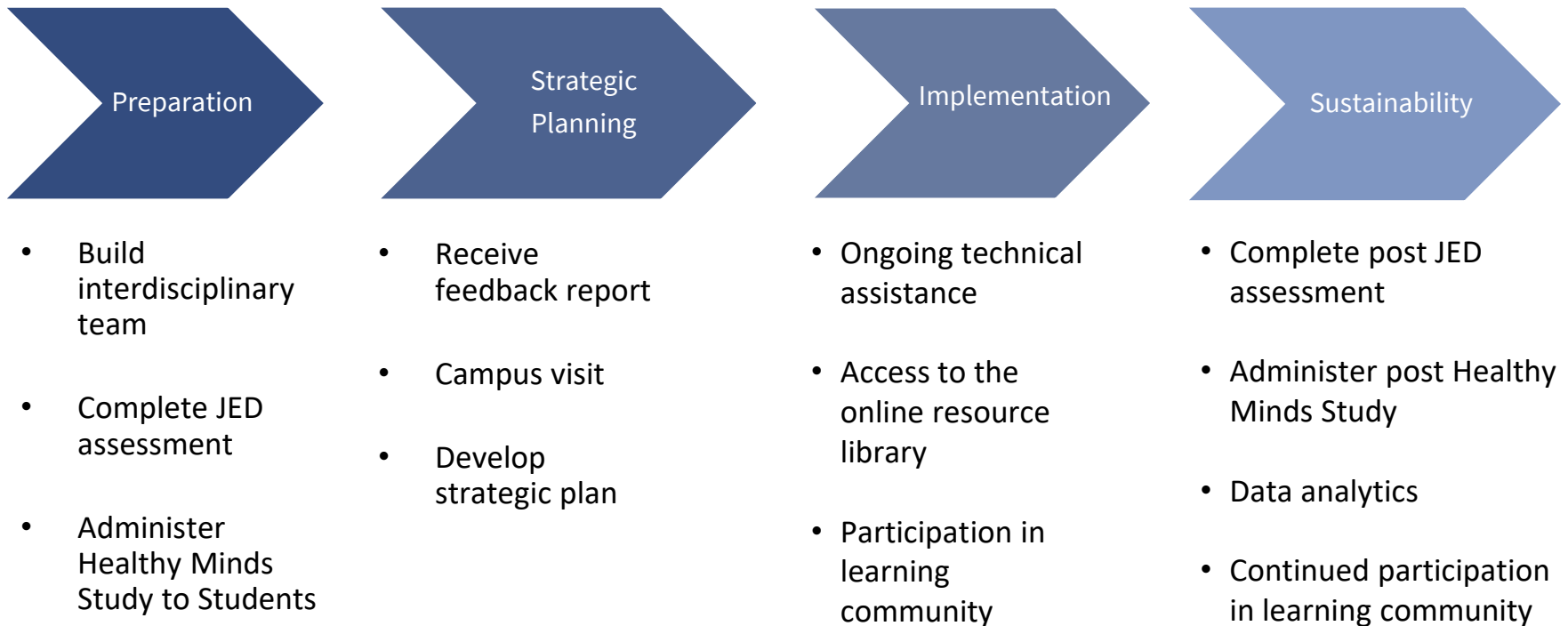
Suicide rates among 13-30 year-olds are highest in the western regions of the country, noted by the darker shades in the map below - the mountain west, southwest, and great plains regions (Source: [CDC/WISQARS, 2022](#)).



JED's Comprehensive Approach to Mental Health Promotion & Suicide Prevention



JED's Comprehensive Approach - Timeline





The Jed Foundation

**The Jed Foundation (JED) works to protect emotional health and prevent suicide
for our nation's teens and young adults**

Jedfoundation.org

Rebecca@jedfoundation.org



UE's Online Training

12:15 p.m. to 12:45 p.m.



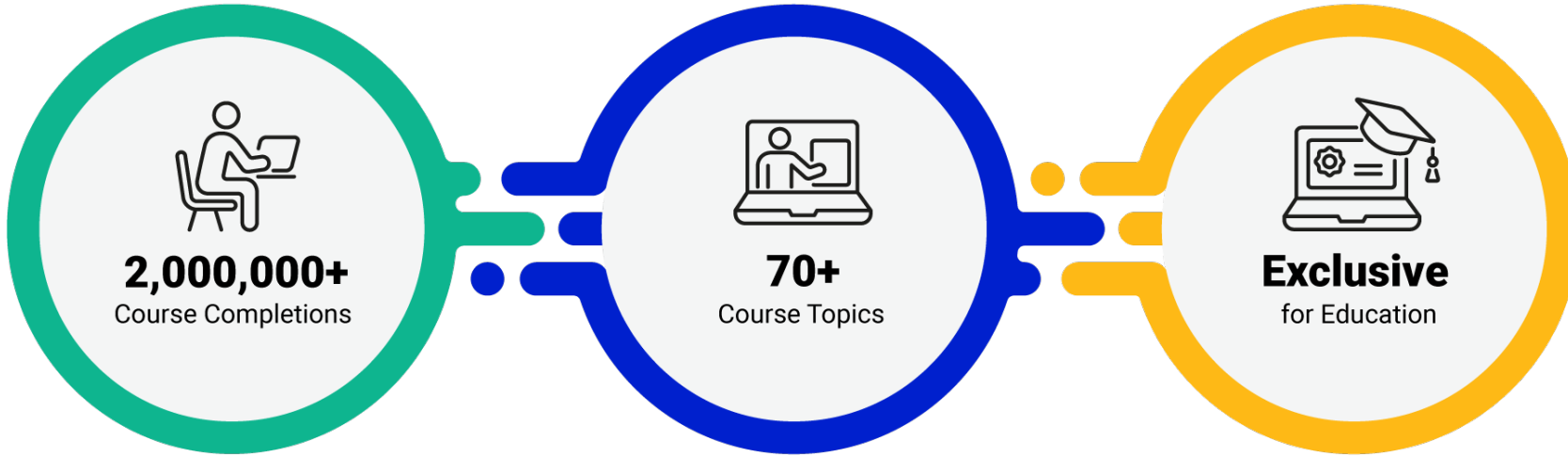
UE's Online Training Content and Platform

Erich Renken, Director of Learning Design and Enablement

Kevin Smith, Manager of Learning Enablement



UE United
Educators®



1,000,000+ Unique Learners



1,100+ Unique Educational Institutions

What advantages does UE have?

- Claims data
- Access to experts



What are our training philosophies?

- Applicability
- Diversity
- Accessibility



What do our learners say?

After taking the **Recognize and Prevent Hazing** course, learners were **179%** more confident they could **determine if an activity is hazing.**

After taking the **Mosaic: Prevent Discrimination and Harassment Together** course, learners were **65%** more confident they could **intervene in a harassment incident directed at someone else or report the incident to appropriate institution officials.**

After taking the **Protecting Children: Hiring Staff Who Work With Minors** course, learners were **354%** more confident they could **use interviewing techniques to help identify potential abusers.**

After taking the **Concussion Awareness: Athletes** course, learners were **154%** more confident they could **recognize when another athlete is describing non-observable symptoms that might indicate a possible concussion.**



Canopy Programs:

Our available custom services include:

- Tailored course content
- Course licensing

What courses are we working on?

- Targeted Campus Violence: Recognize the Warning Signs (HE/K12)
- Sanctions-based Student Alcohol Course (HE)
- Recognizing and Avoiding Retaliatory Behavior (HE/K12)
- How to Use an EpiPen (HE/K12)
- Student Mental Health and Bullying (K12)
- Avoiding Abusive Behavior for Coaches (HE/K12)
- Recreational Drug Abuse (HE)



Learning Platform Demonstration

Kevin Smith, Manager of Learning Enablement

Learning Enablement Philosophy

- Core Objective: Learners gain the knowledge needed to play their part in reducing risk on campus.
- Launching training should feel within reach for everyone
- The experience logging in, accessing, and completing training should be seamless
 - The experience should be accessible to all
- Our offerings should support the wide range of member training needs
- We seek to maintain a year-over-year relationship

Demo:

- UE's Primary Website:
 - <https://www.ue.org/>
- UE's Learning Portal
 - <https://learn.ue.org/Login2.aspx>

Canopy Programs:

Our available custom services include:

- Learning portal customization
- Single sign-on (SSO)
- Course licensing

Interested? Email canopy@ue.org for more information.

Platform Maintenance & Development

- Dedicated support contact
- Migration to SaaS deployment of Blackboard
- Pilot: Completion data pass back over SFTP
- Soft-Launch: Knowledge Pathways
- Evaluating our platform needs long-term

Questions?

Browse Our Courses

2M+ completions | 1M+ learners | 1.1K+ institutions | 70+ courses

The award-winning online training solutions from United Educators (UE) are designed exclusively for K-12 schools, colleges, and universities.

Transportation Safety Course Collection

This collection helps drivers mitigate common risks, learn strategies for accident avoidance, and more.

[View Collection](#) →

Slips, Trips, and Falls Course Collection

These courses offer best practices to help your employees identify potential hazards and strategies to avoid them.

[View Collection](#) →

Workplace Harassment and Discrimination


- Mosaic: Prevent Discrimination and Harassment Together – Employees (HE/K12)
- Mosaic: Prevent Discrimination and Harassment Together – Supervisors (HE/K12)

- Workplace Harassment Prevention – Faculty & Staff (HE)
- Workplace Harassment Prevention – Supervisors (HE)
- Preventing Sexual Harassment (HE)
- Bystander Intervention (HE)
- Preventing Cyber Harassment (HE)


Protecting Children

- Identifying and Reporting Sexual Misconduct (HE/K12)
- Boundary Training for Educators (HE/K12)
- Hiring Staff Who Work With Minors (HE/K12)
- Shine a Light (HE/K12)

Title IX

- Mosaic: Prevent Sexual Violence Together (HE)
- Impressions (HE) 
- Lasting Choices: Preventing Sexual Assault (HE)
- Intervene (HE)

Transportation Safety

- Driver Safety Fundamentals (HE/K12) 
- Defensive Driving Strategies: Get There Safely (HE/K12)
- Passenger Van Safety (HE/K12)
- Golf Cart Safety (HE/K12)


Data Security

- Phishing (HE/K12)
- Malware (HE/K12)
- Passwords (HE/K12)
- Mobile Devices and Third-Party Websites (HE/K12)
- Physical Security and Unintended Disclosures (HE/K12)

Athletics

- Concussion Awareness – Coaches and Athletic Staff (HE)
- Concussion Awareness – Athletes (HE)
- Concussion Recognition & Response (K12)
- Heat Illness Prevention (K12)

Health and Well-Being of Students

- Alcohol: Know Your Limit (HE)
- Alcohol and You (K12)
- Opioids: What You Need to Know (HE)
- Recognize and Prevent Hazing (HE)
- Healthy Relationships (HE)
- Show Some Respect! (HE)
- Mental Well-Being in College: A Guide (HE)
- Committing to Diversity, Equity, and Inclusion (HE/K12) 


Compliance

- FERPA: Protecting Student Privacy (HE)
- HIPAA: Protecting Patient Privacy (HE)
- Protecting Payment Card Information (HE)
- Understanding the Clery Act (HE)
- Red Flags: Preventing Identify Theft (HE)
- Bloodborne Pathogens: Protecting Yourself on Campus (HE/K12)

The Workplace

- Avoiding Conflicts of Interest (HE)
- Contracting Fundamentals (HE)
- Avoiding Supervisory Pitfalls (HE)
- Study Abroad Programs (HE)
- Slips, Trips, and Falls: A Balancing Act (HE)
- Preventing Slips, Trips, and Falls: Keeping Your Campus Safe (HE)
- Teaching Science Safely (HE/K12)
- Trust Betrayed: Safeguarding Your Students from Sexual Predators (HE)
- Committing to Diversity, Equity, and Inclusion (HE/K12)

Accommodating Student Disabilities

- Accommodating Students With Disabilities (HE)
- Creating Accessible Digital Materials (HE) 

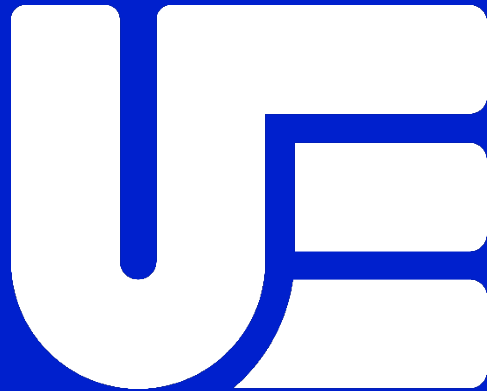
Crisis Response

- Crisis Within: Preparing Your Institution's Response (HE/K12)

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Thank you

Stay Connected



Risk Management department

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