

A background image showing a group of diverse students in a classroom, focused on their laptops. The students are in profile, looking towards the left. The image is slightly blurred, emphasizing the text overlaid on it.

Risk & Compliance Conference

The University of Alabama System

***They Got Sued for What? They Paid How Much?
Review of Recent National Claims***

United Educators

Prevention and Protection for Education™

- Education only
- 1,300+ nationally
- Member owned (97% retention rate)
- GL, ELL & LPL (no property/workers comp)
- Risk management focus



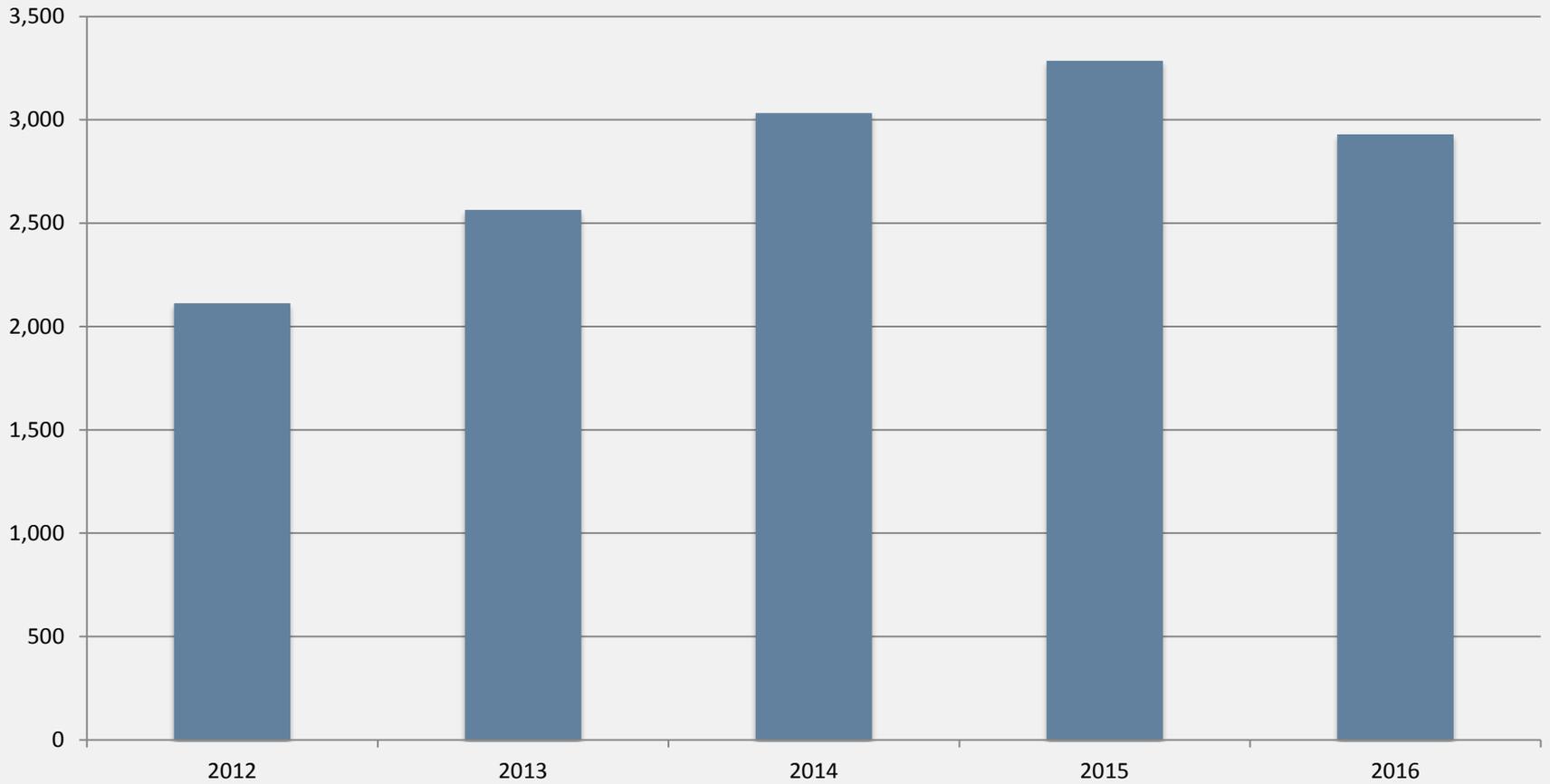
7700 Wisconsin Avenue
Bethesda, Maryland

United Educators Claims Study

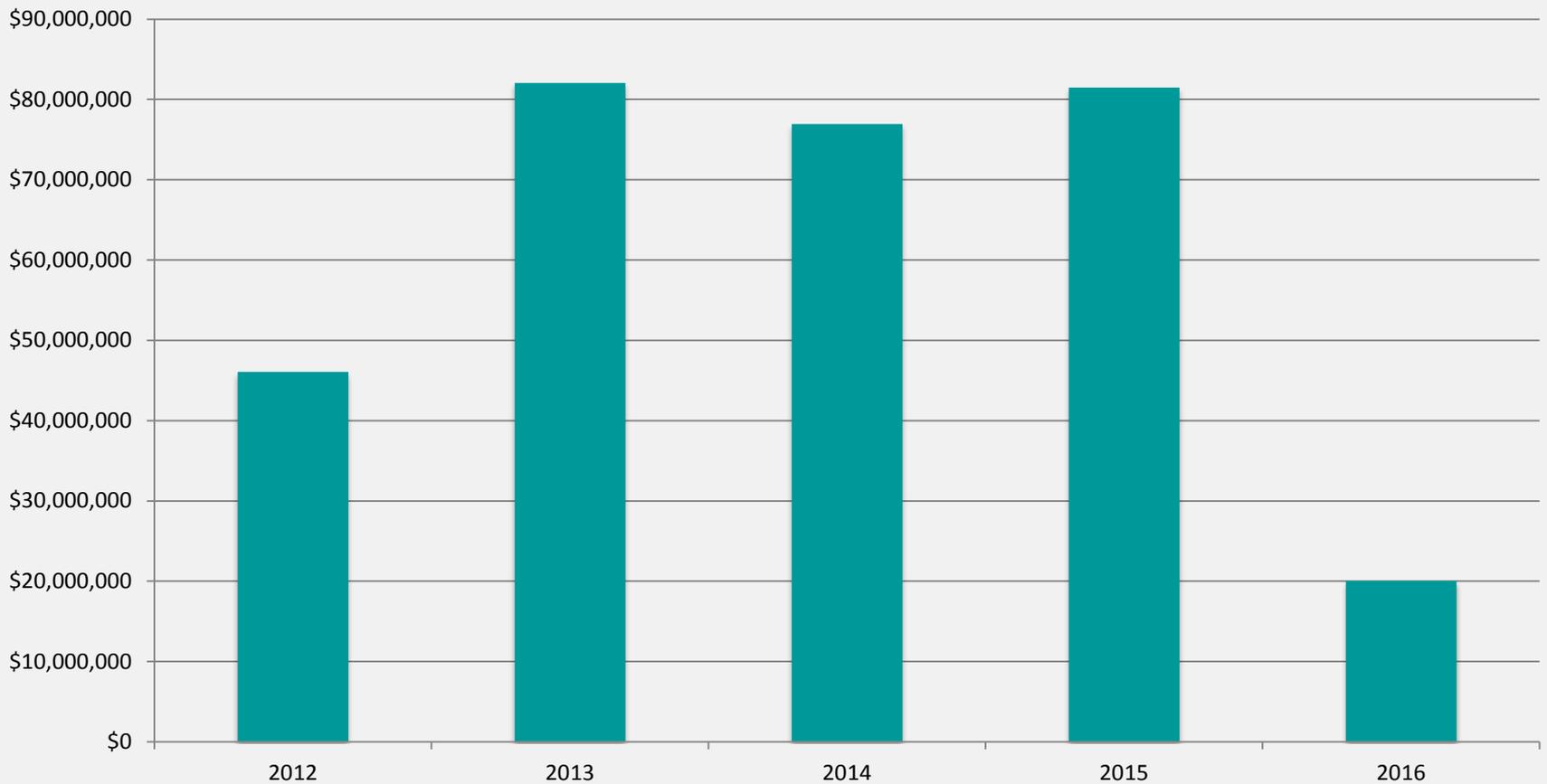
- Time period: 2012 – 2016 (5-years)
- Total number of claims: 13,923
- Number of claims with a loss: 3,449
- Claims resulting in loss: 24.77%
- Total losses incurred: \$306,554,662
- Average loss: \$88,882



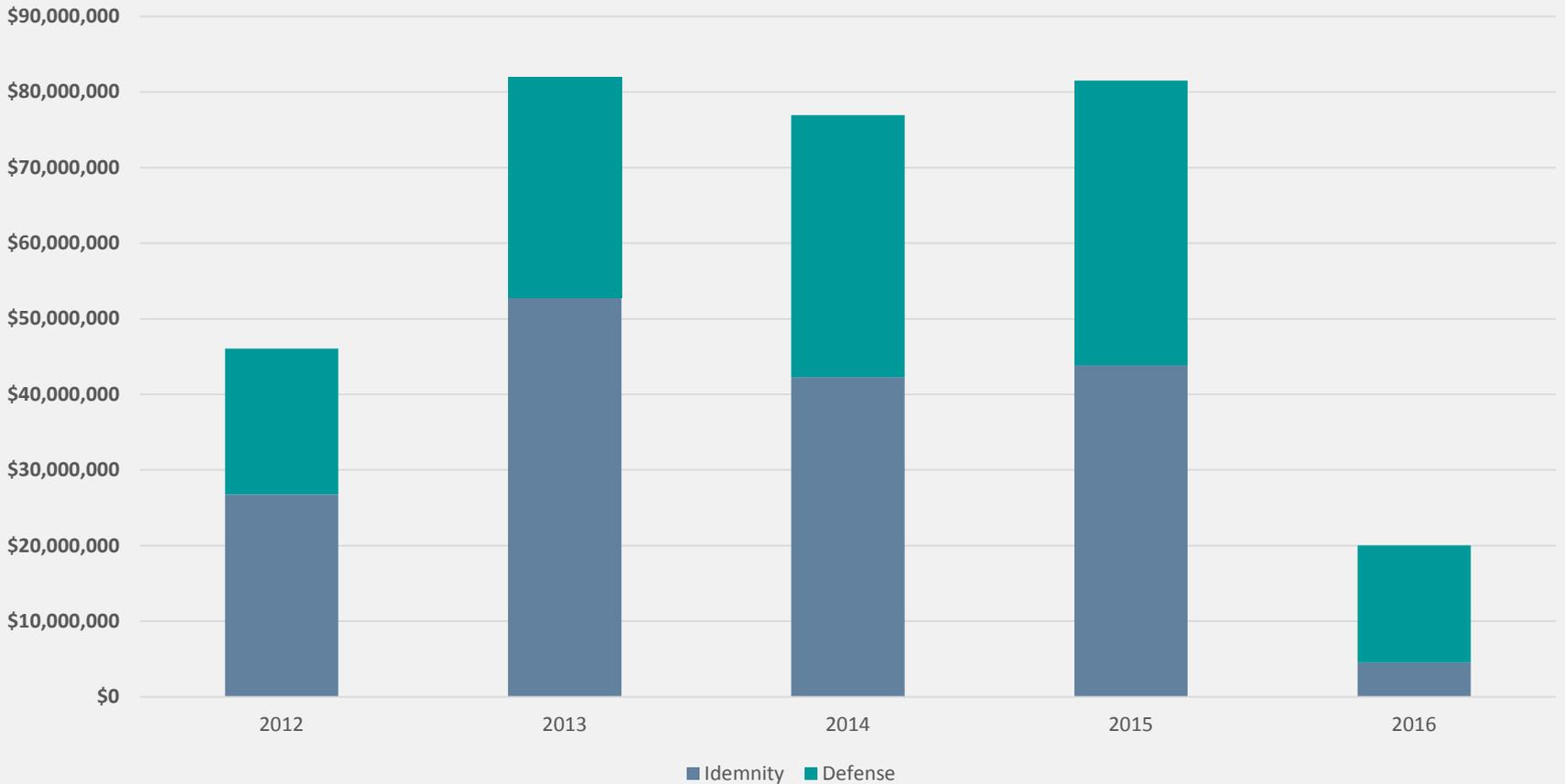
Claims Frequency by Year



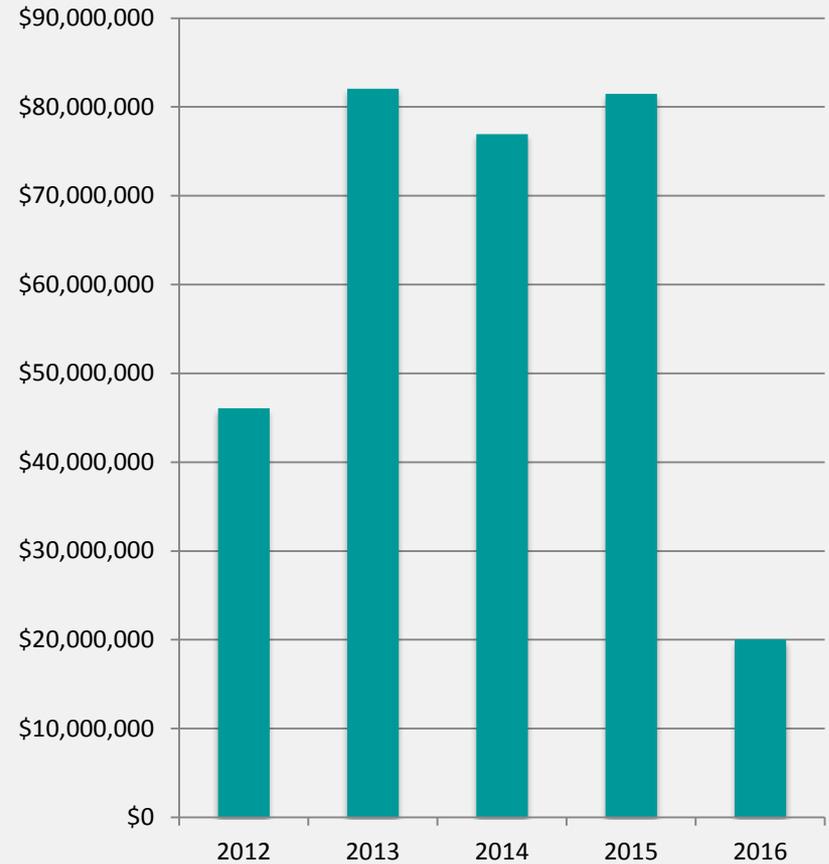
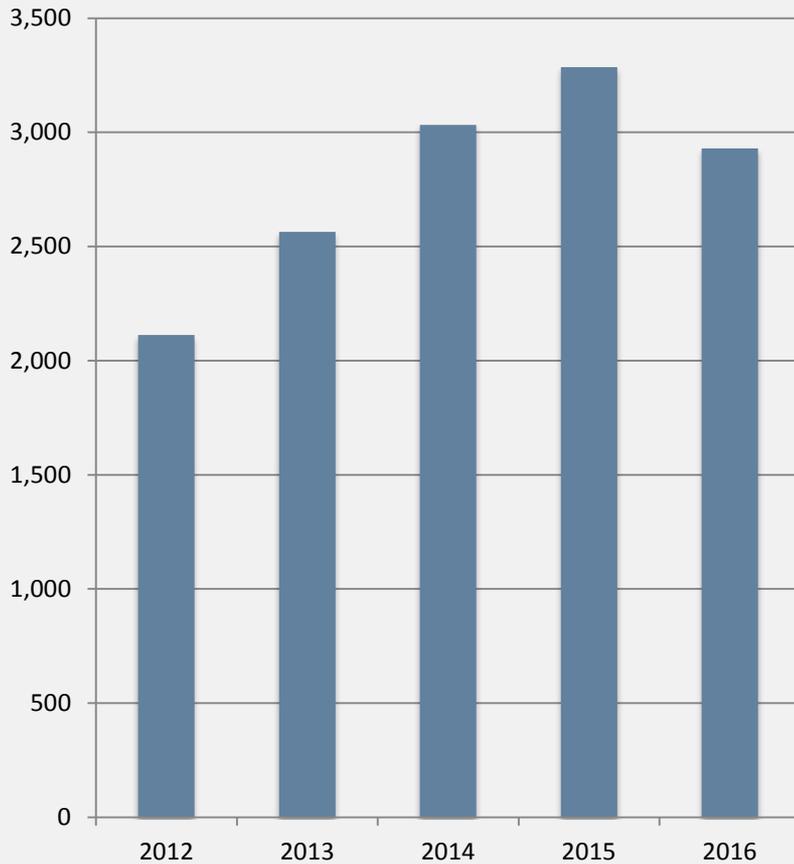
Claims Severity by Year



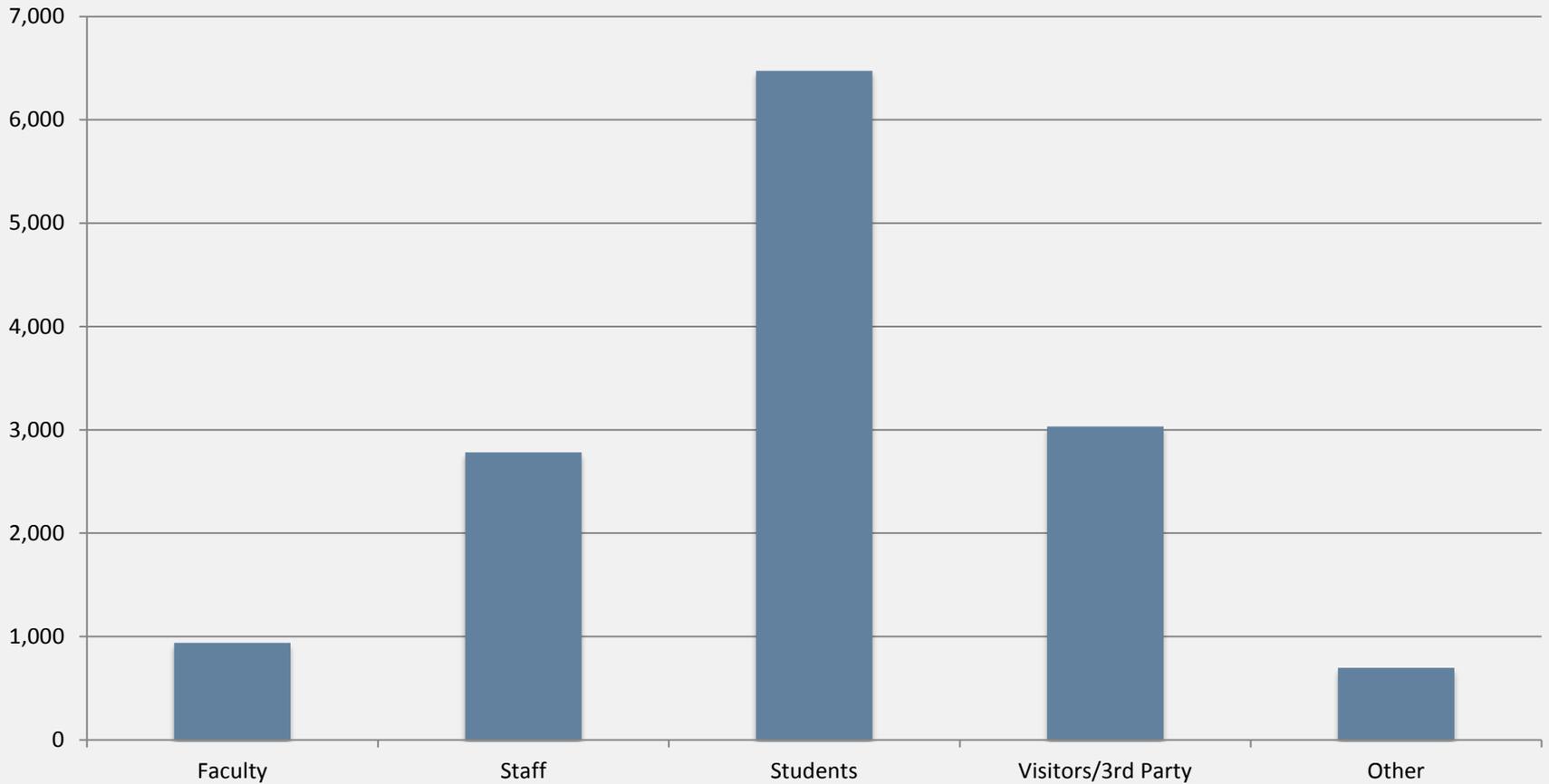
Indemnity vs. Defense Costs



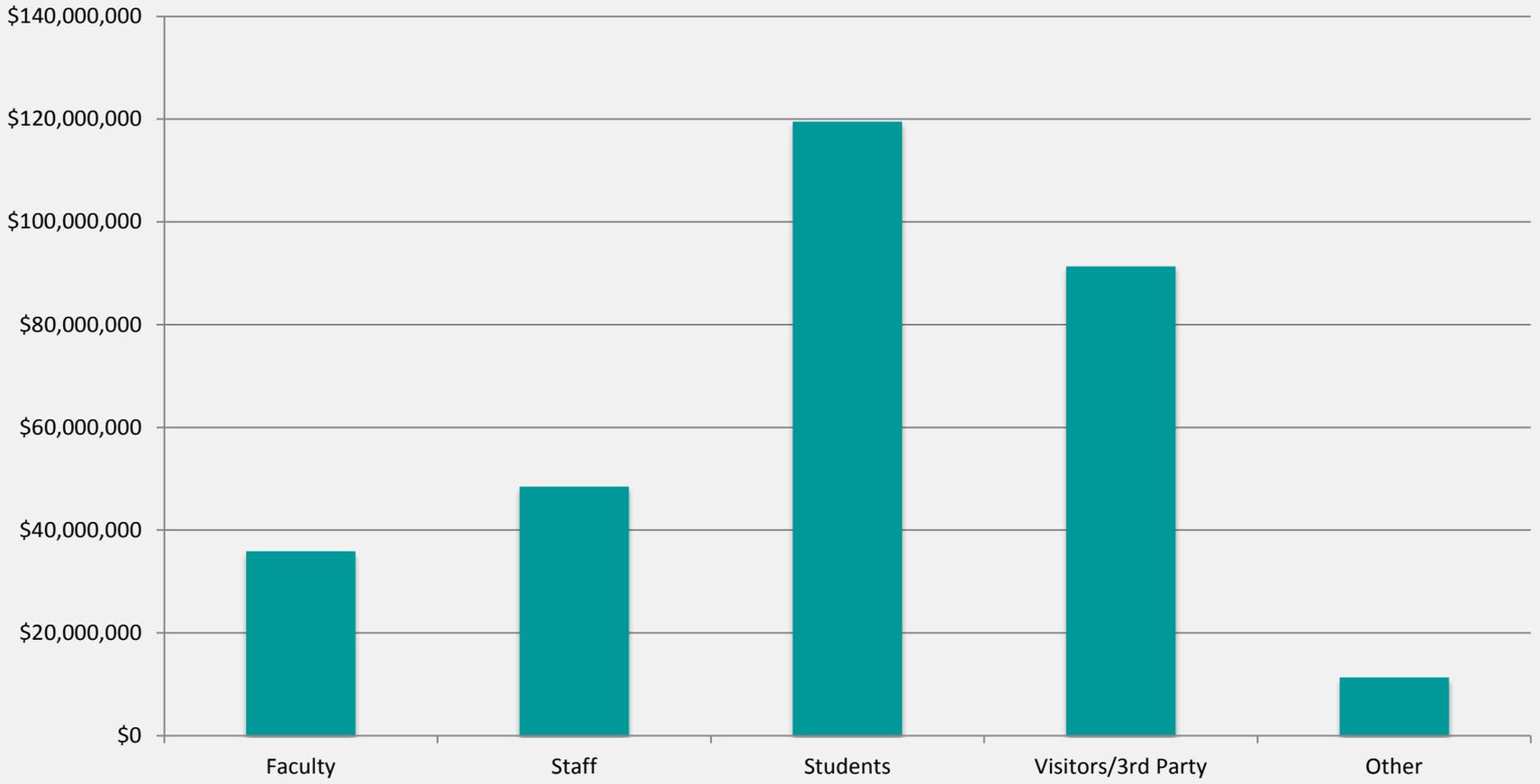
Claims Frequency vs. Severity by Year



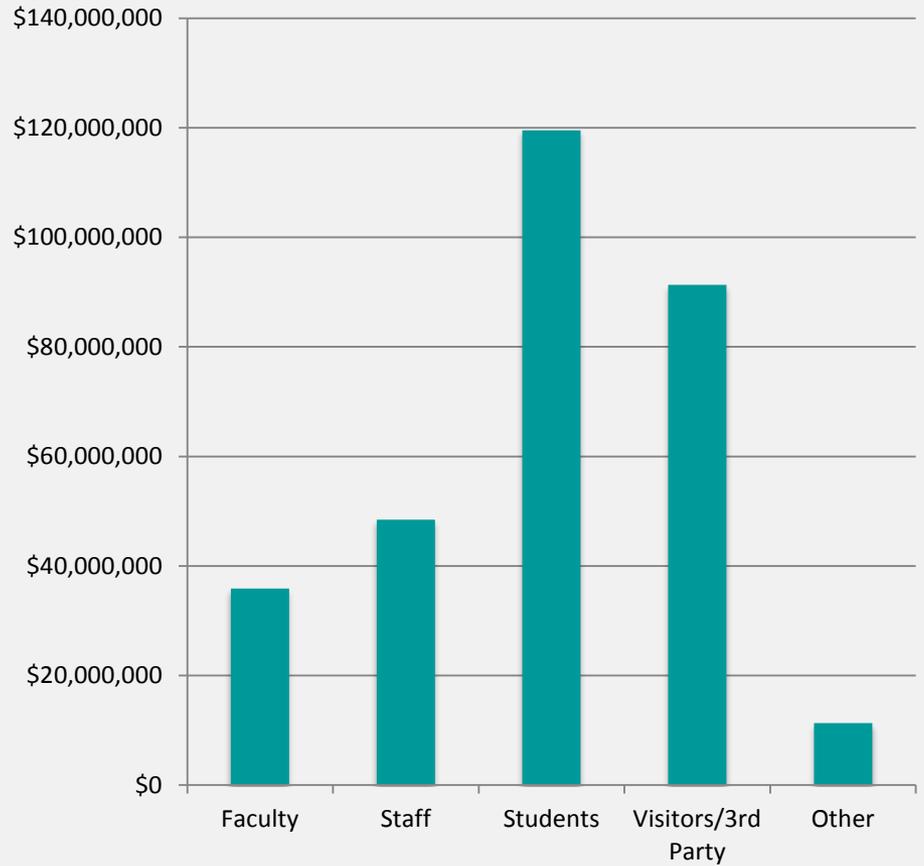
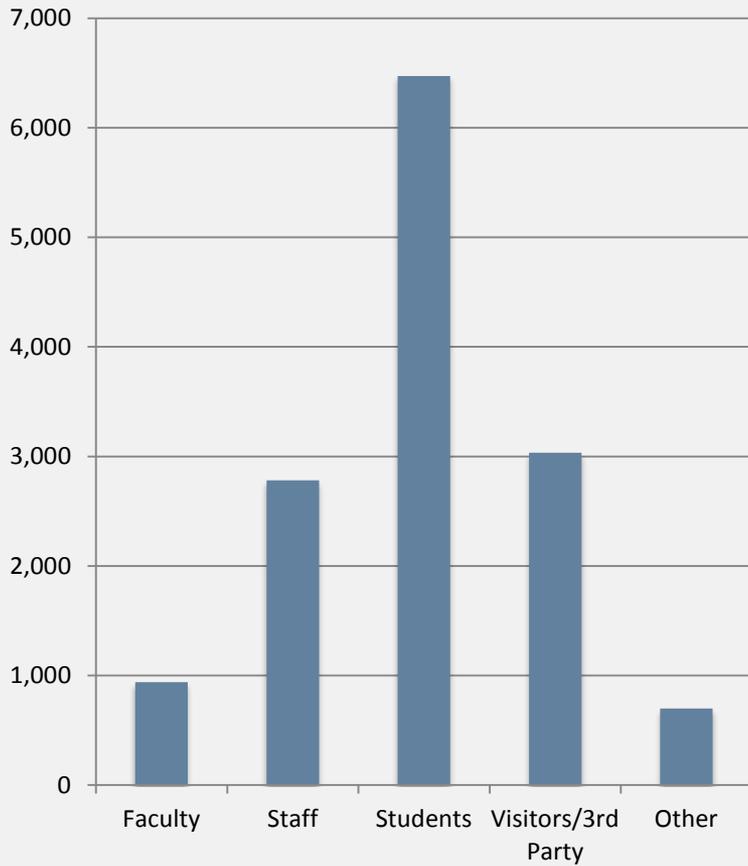
Frequency by Role



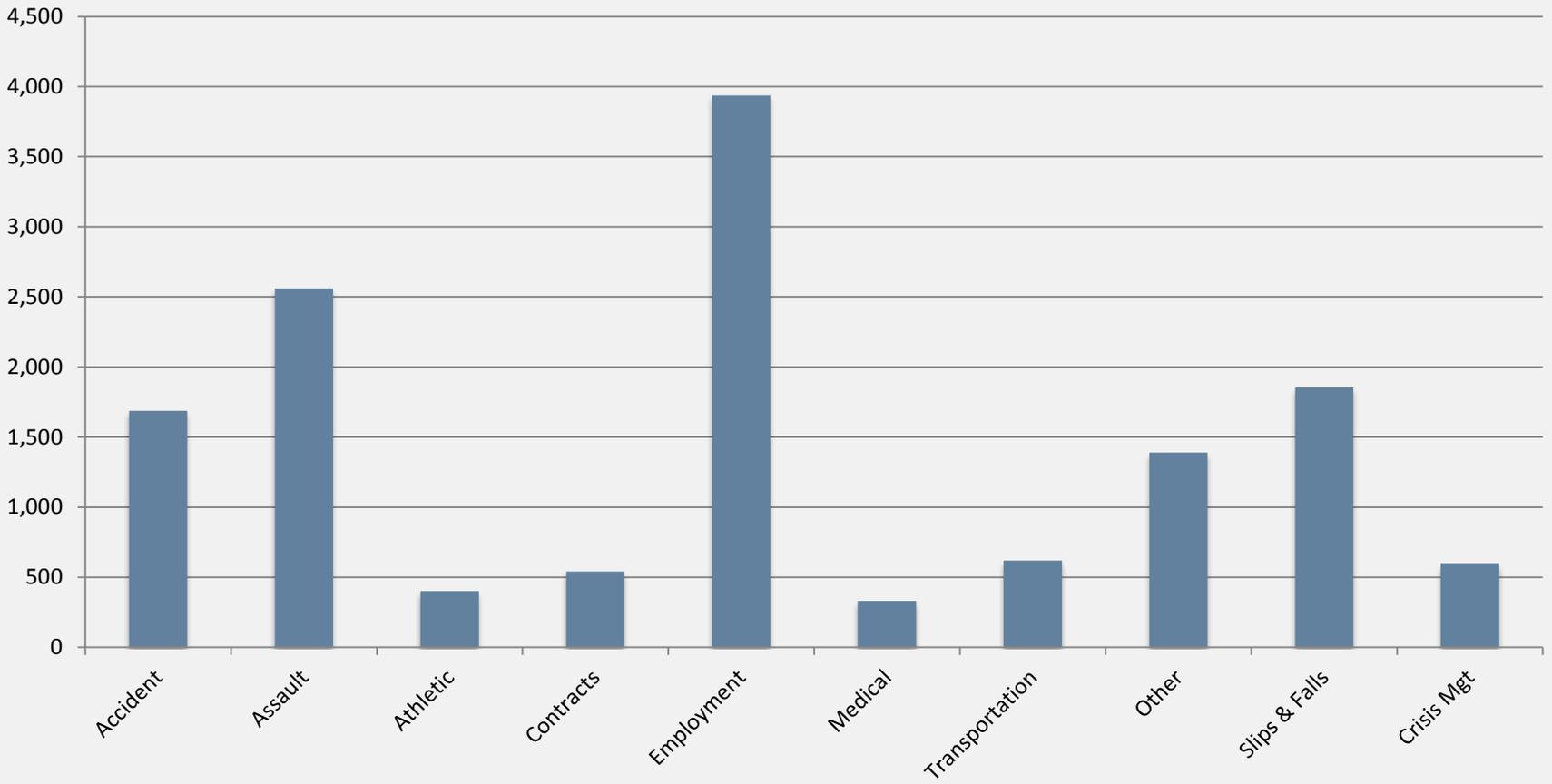
Severity by Role



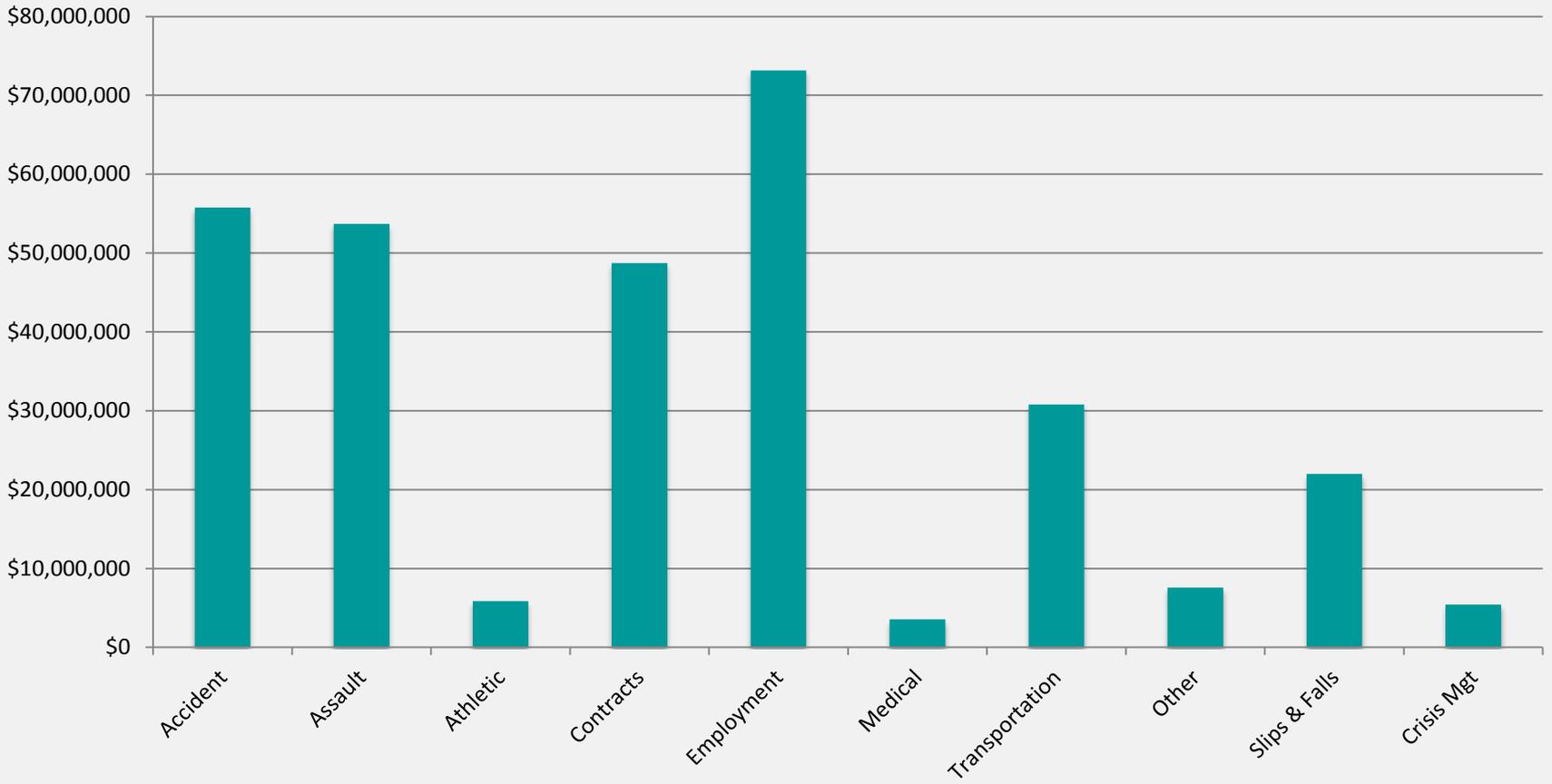
Role Frequency vs. Severity



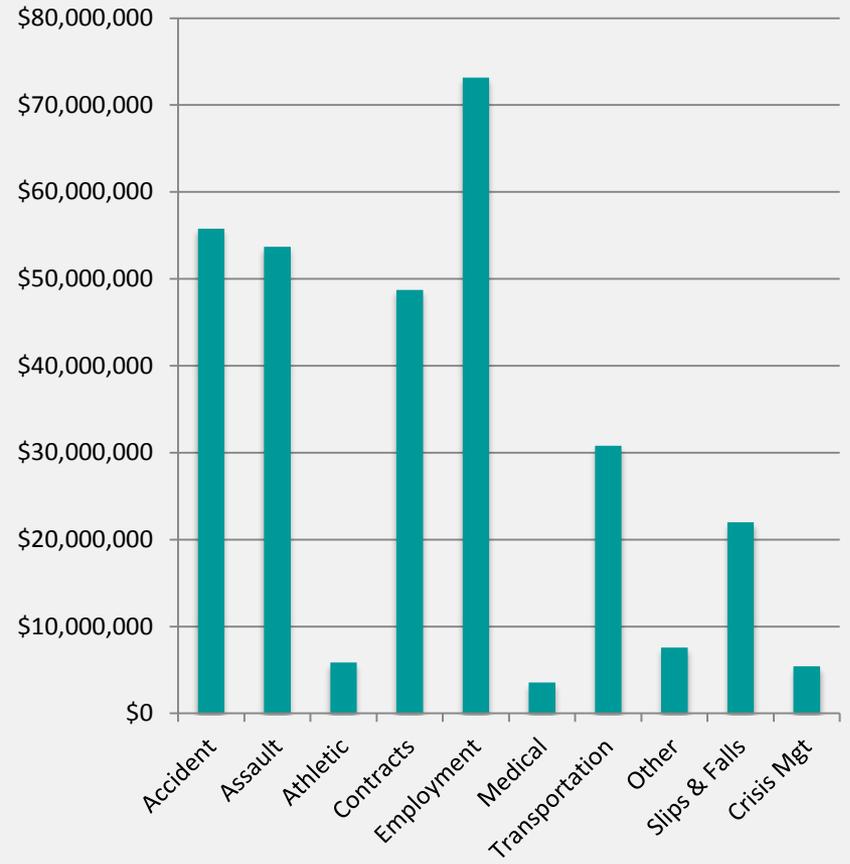
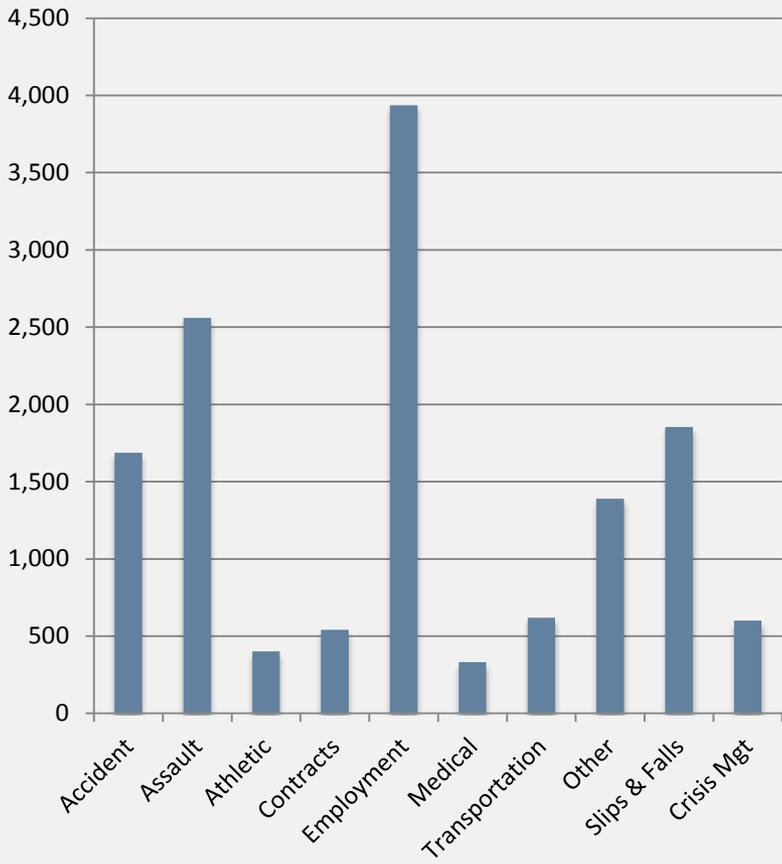
Frequency by Cause



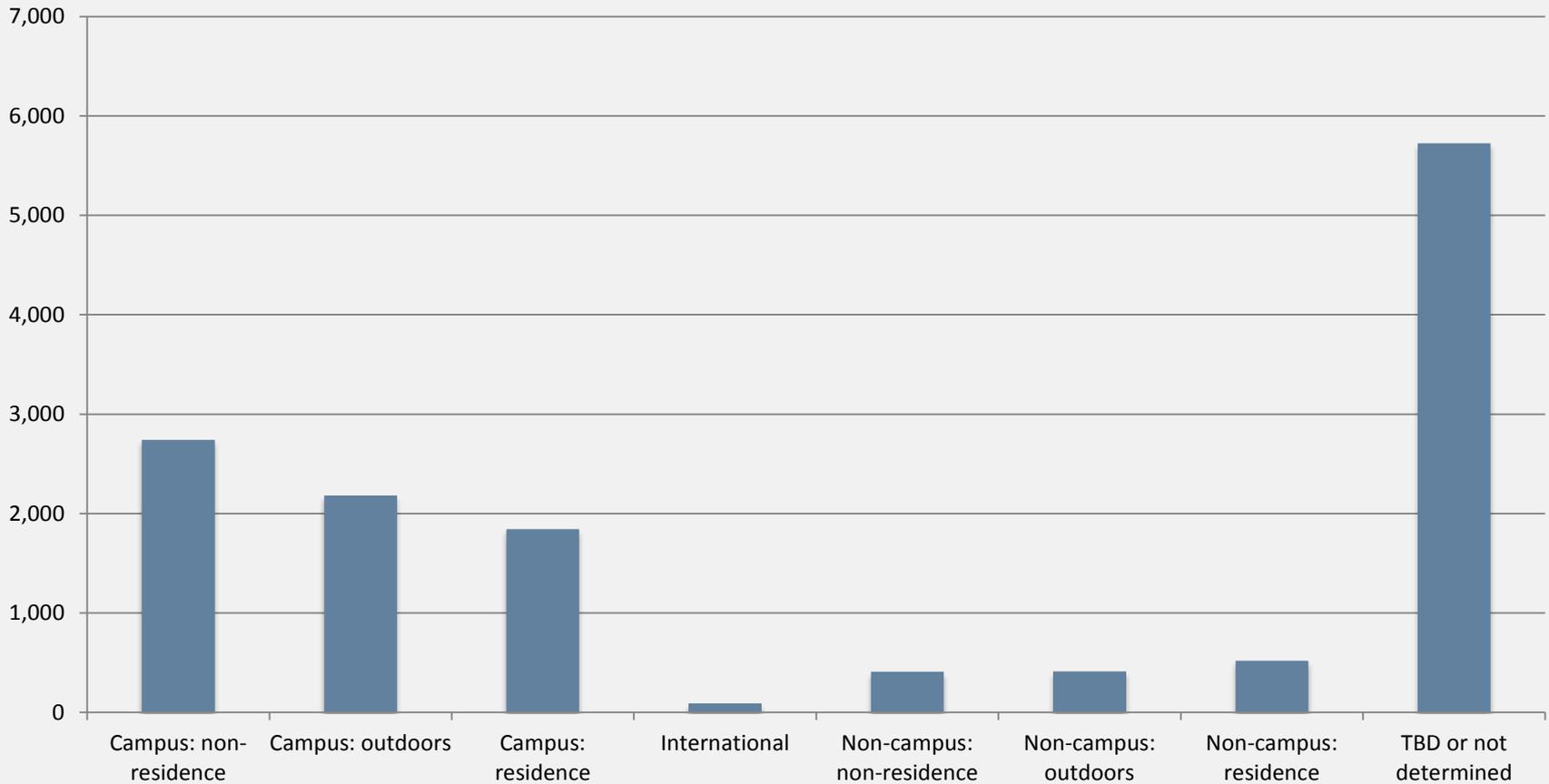
Severity by Cause



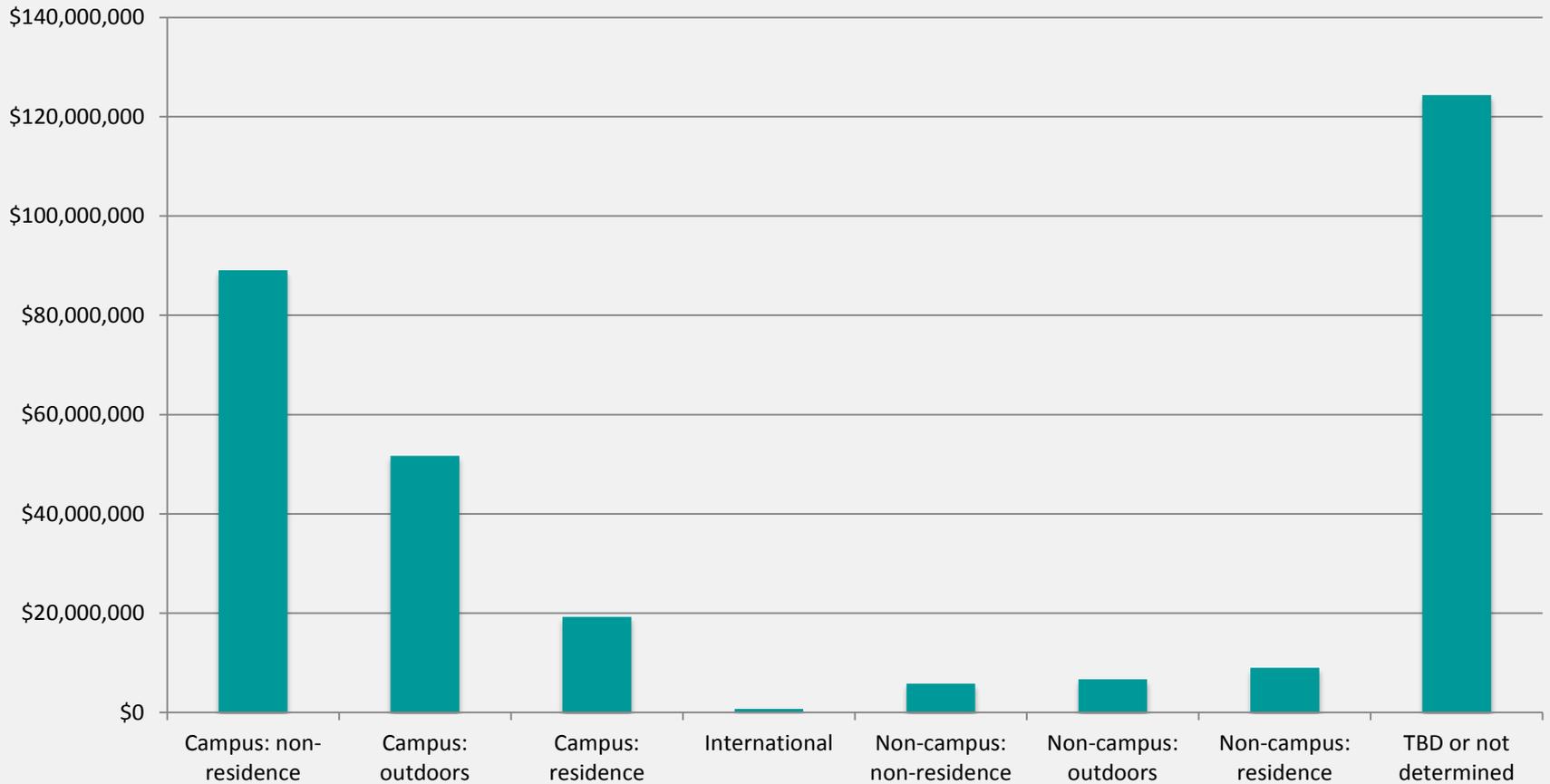
Cause Frequency vs. Severity



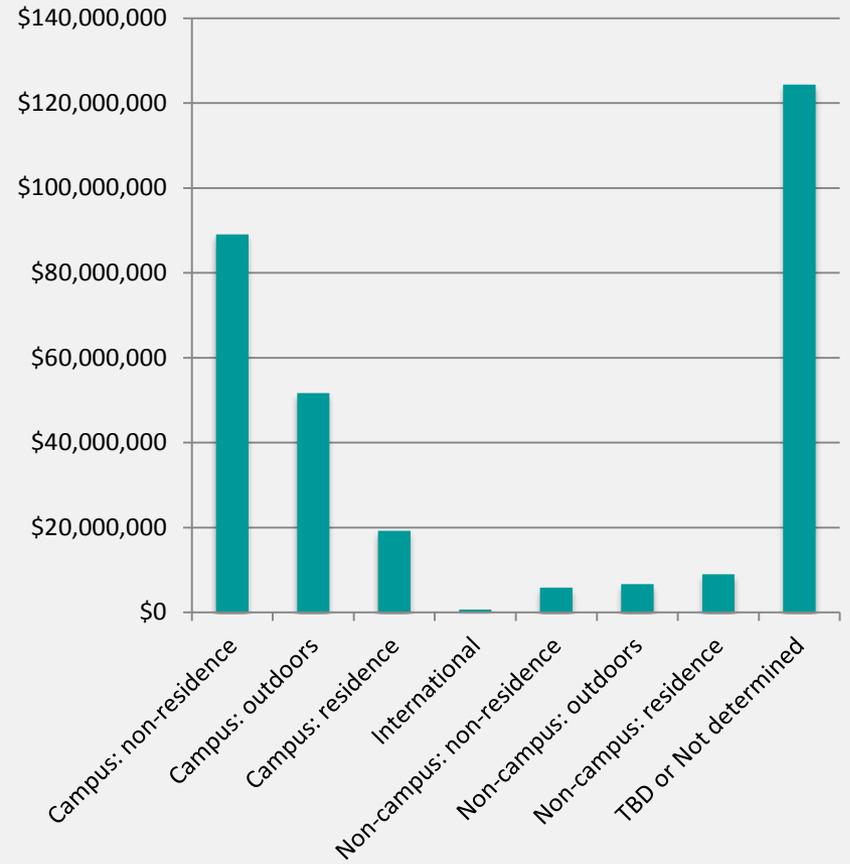
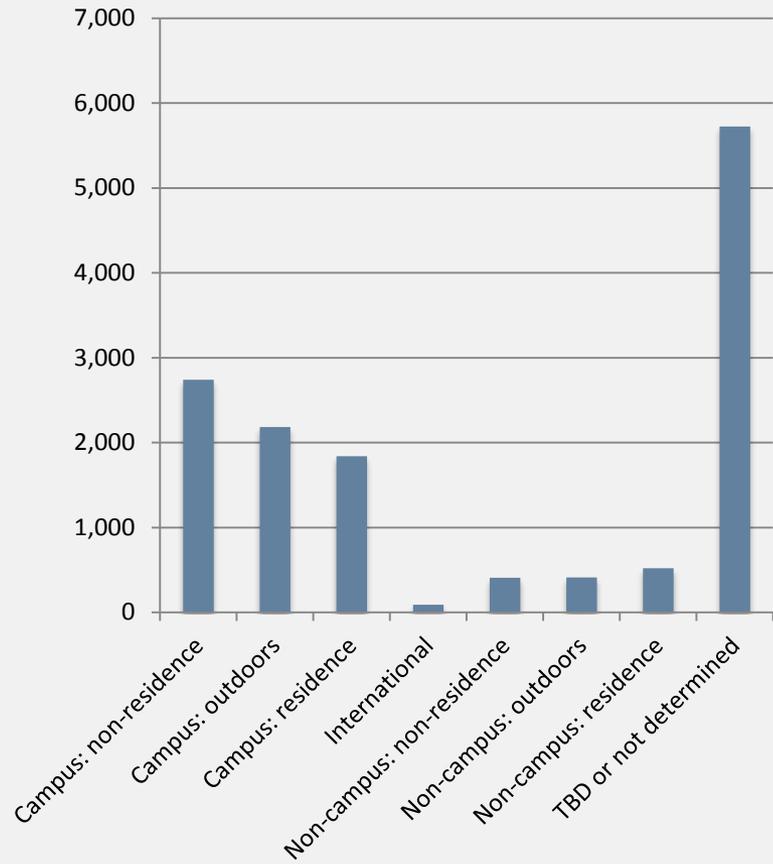
Frequency by Location



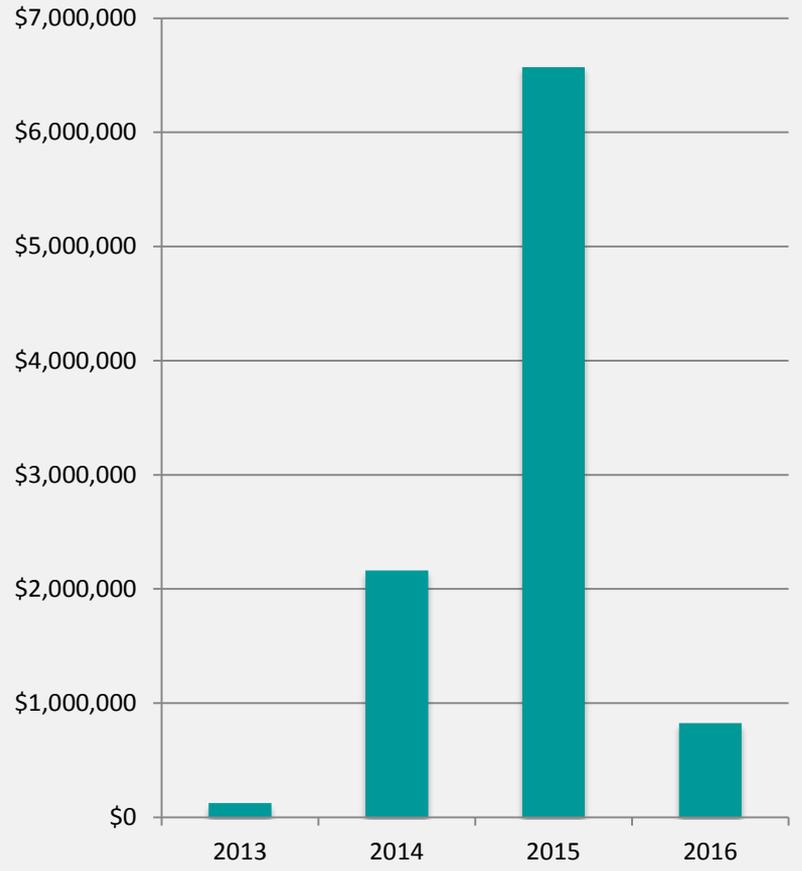
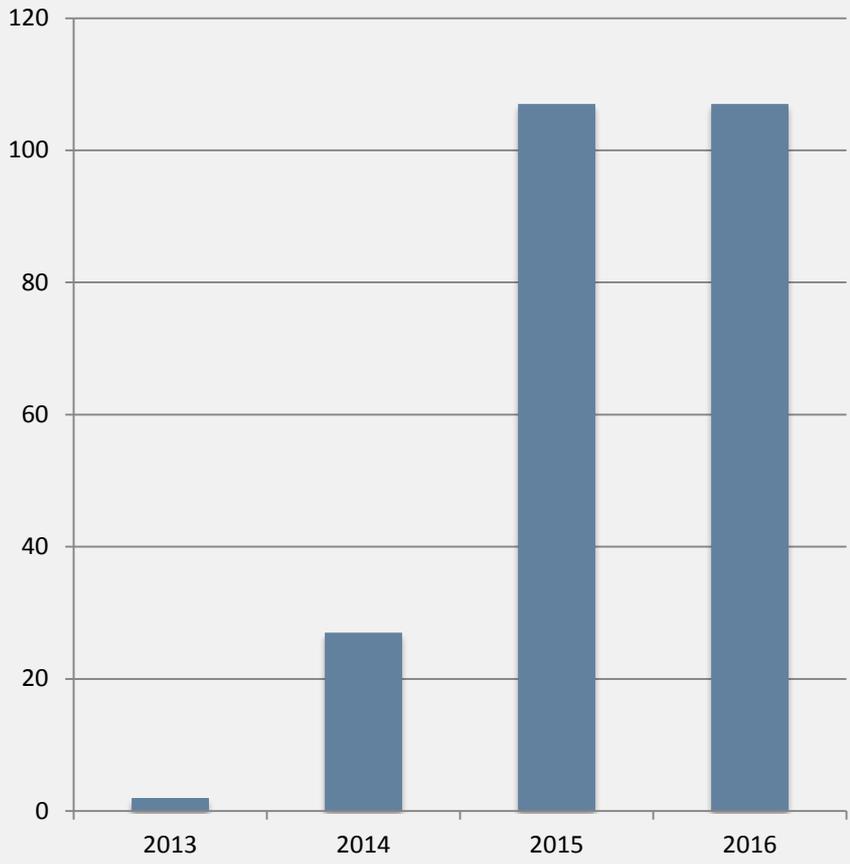
Severity by Location



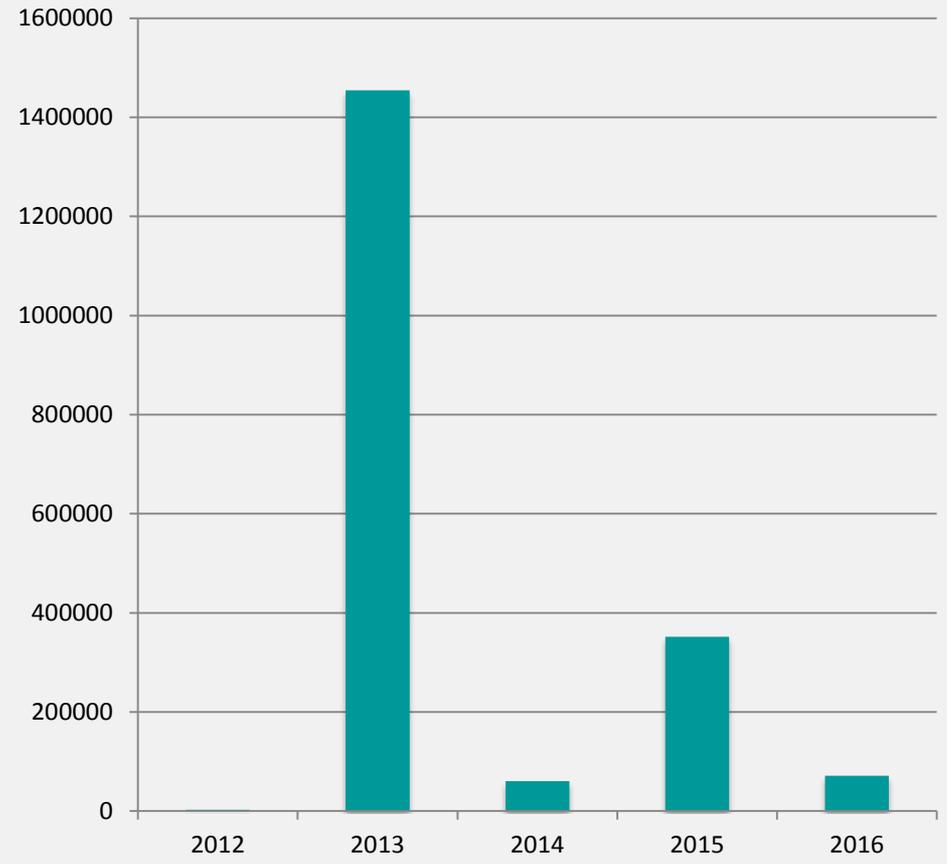
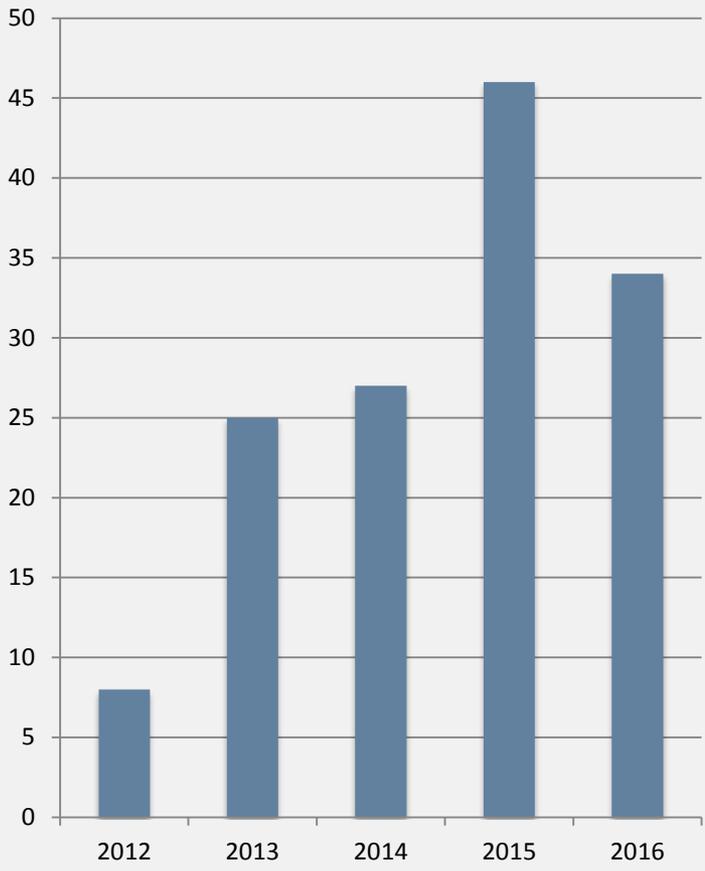
Location Frequency vs. Severity



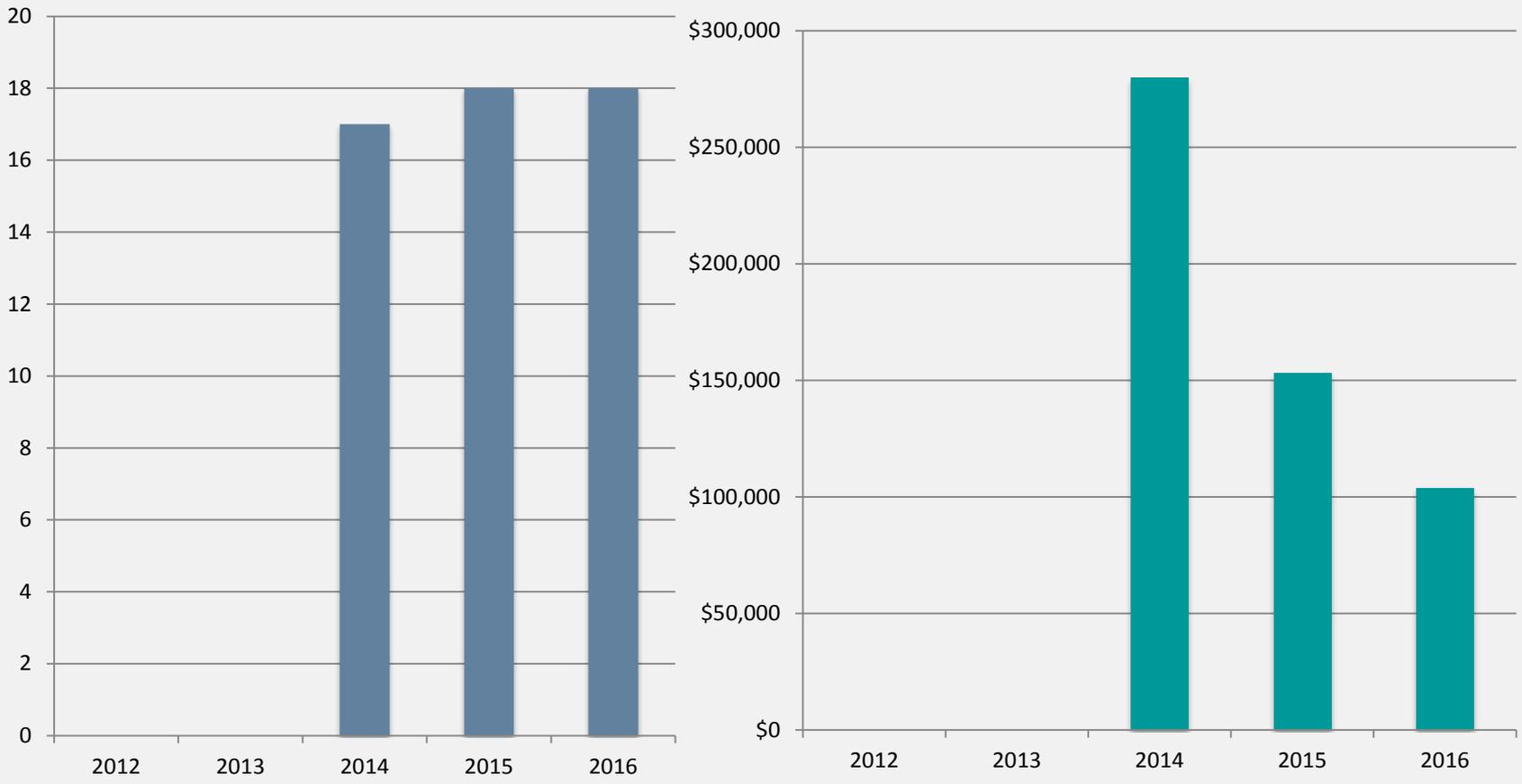
Title IX : Frequency vs. Severity



Sexual Harassment: Frequency vs. Severity



TBI: Frequency vs. Severity



Newsworthy Large Losses

- Major awards & settlements of \$250,000 or more
- Common areas of legal focus in education
- Newsworthy = reputational damage
- Demonstrates trends requiring risk management

The Boston Globe
Founded 1872

The New York Times

Chicago Tribune

**Los Angeles
Times**

The Washington Post



The Birmingham News



Discrimination

Detroit Free Press
PART OF THE USA TODAY NETWORK

Pregnant-belly-rubbing advice costs WSU \$850,000 payout to student

David Jesse, Detroit Free Press | Published 12:50 p.m. ET March 7, 2016 | Updated 5:05 p.m. ET March 7, 2016

A federal appeals court has upheld an \$850,000 judgment for a former social work student at Wayne State University who was told to wear looser clothing and not to rub her pregnant belly because it might excite the male clients she was working with at a rehab center

In April 2008, Varlesi was given a failing grade in the internship. That prevented her from fulfilling the requirements for graduation. Varlesi complained about the grade and filed a formal complaint with Wayne State. The university denied the claim, saying the School of Social Work already had investigated. However, social work school Dean Phyllis Vroom admitted during the trial that there had not been an investigation.



Takeaways

- Pregnancy discrimination can be vicious
- Being outside the classroom doesn't equate to being outside the law
- Investigations matter especially in matters of Title IX

Hazing



NORTH CAROLINA JUNE 21, 2016 4:40 PM UNC agrees to \$795,000 settlement in Jackson Boyer hazing case

Boyer was a non-scholarship wide receiver at UNC when on Aug. 4, 2014, he was involved in an altercation at the Aloft Hotel in Chapel Hill, where the football team stays during its weeks long preseason camp. The altercation didn't become public until weeks later, when Yahoo! Sports reported that Boyer had suffered a concussion during a hazing incident.

Since then it had been unclear whether UNC agreed that the altercation met its official definition of hazing. The university's settlement with Boyer provides clarity, though.

Boyer, who played in seven games during the 2014 season before transferring to the University of Southern California, where he's now a junior walk-on receiver, has never discussed the incident publicly.



Takeaways

- Off-campus supervision
- Strong reporting requirements
- Does USC now contend with the concussion situation?

Hiring and Firing



Chicago State University to finally pay whistleblower \$4.3 million

Former School Attorney James Crowley was fired after he refused to withhold documents about President Wayne Watson's employment that had been requested under the Illinois open records law. He also said he was retaliated against after reporting questionable university contracts to the attorney general's office.

A jury in 2014 found in Crowley's favor and ordered Chicago State to pay him more than \$3 million, including \$1 million in back pay and \$2 million in punitive damages, along with attorney fees. But the school had avoided payment while it challenged the jury verdict.

That decision was upheld by the Illinois Appellate Court last year, and the judgment amount grew with the addition of 6 percent interest earned since the verdict and "front pay" — money Crowley would have earned if he had worked between the time of the jury decision and the final order.

Takeaways

- Stronger awareness of what retaliation looks like
- Court delays can accrue interest on the award



Sexual Harassment

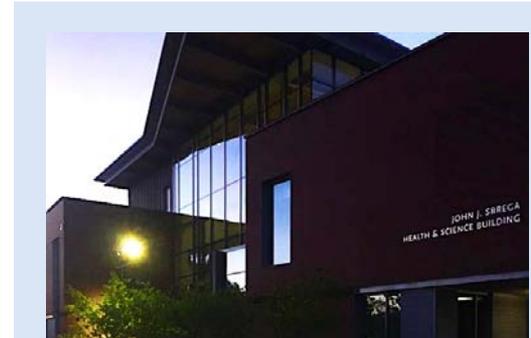


Ex-campus police officer awarded \$2.45M in harassment suit

Officer Ledoux complained to her Chief of Police that when she was put in charge of duty assignments, two male officers refused to take orders from her. The victim endured years of harassment including spreading a rumor that she was having an affair with the Chief and thus was getting special treatment.

The suit states Ledoux went to the Massachusetts Commission Against Discrimination, which ruled a hostile work environment existed due to sex/gender discrimination. She also alleged that VP of HR and Affirmative Action advised Ledoux to drop the MCAD action or will lose her job. That same day she claims while working her shift, a BCC student approached her and asked whether she was sleeping with the Chief Wood. Ledoux then went into a bathroom at BCC and collapsed.

She was diagnosed as experiencing a stress-induced seizure, took a medical leave during which she was treated with counseling and medication. Later, when she tried to return to work, BCC officials told her she hadn't provided medical proof that she could do all the tasks of her job, and so terminated her employment.



Takeaways

- Global training on harassment/discrimination prevention
- Bystander training
- Leadership direction of the culture

Title IX

Florida State settles Title IX lawsuit with Jameis Winston accuser for \$950,000

The Buccaneers quarterback and Erica Kinsman's cases against one another are still active.

by Alex Kirshner | @alex_kirshner | Jan 25, 2016, 2:09pm EST

Florida State has agreed to pay \$950,000 to settle a lawsuit with the former student who accused former Seminoles quarterback Jameis Winston of raping her in December 2012. The student, Erica Kinsman, sued Florida State over what she viewed as an indifferent and insufficient response to her accusation. She sued under Title IX, the federal statute that regulates public universities' handling of sexual assault and other sexually discriminant charges.

Winston was not charged criminally, and he was cleared in a university Title IX hearing.

Takeaways

- Strength of Title IX program
- Training/Awareness, etc.



Negligence

THE BALTIMORE SUN

Jury awards \$900,000 verdict to former Morgan football player injured in campus shooting

Baltimore city jury awarded \$900,000 to a former Morgan State University football player who was injured in a shooting on campus in 2012, and later sued the school, contending that it did not provide a safe environment for students.

The victim's attorney said, Morgan had a responsibility to keep its students safe, and failed his client who had lasting impacts from the shooting.

MSU spokesman said, "we were disappointed in the jury's verdict, given that the student was injured by someone who was not known to the University and whose actions we could not control."



Takeaways

- Audience Thoughts

Taxes and Fees

GOVERNING

THE STATES AND LOCALITIES

FINANCE | HEALTH | INFRASTRUCTURE | MANAGEMENT | ELECTIONS | POLITICS | PUBLIC SAFETY | URBAN

FINANCE

Princeton Settles Nonprofit Tax Lawsuit

BY STATELINE | OCTOBER 19, 2016

After fighting a property tax lawsuit for five years, Princeton University, the third-wealthiest endowed university in the country, has agreed to an \$18 million settlement with neighbors who claimed the university's tax-exempt status unfairly made their property taxes higher.

Under the agreement, the university will pay 869 homeowners in the neighborhood \$10 million from 2017 to 2022. It will pay nearly \$7 million to the Borough of Princeton and \$1.25 million to the Witherspoon Jackson Development Corp., a nonprofit group, to meet the housing needs of poorer residents.

Princeton neighbors filed suit, maintaining that their property taxes were kept artificially high by the fact that most of Princeton University's property is nonprofit and therefore, tax exempt.

Takeaways

- Audience Thoughts



Cyber Security



SOUTH CAROLINA MARCH 22, 2017 7:57 PM

Thieves allegedly steal over \$1 million from Coastal Carolina University

Coastal Carolina University was scammed out of approximately \$1.1 million and is working with multiple law enforcement agencies to investigate the phishing scams that happened in December, according to a news release.

The fraudsters provided “what appeared to be official documents that included the company’s logo, tax ID numbers and names of company officials,” the release stated. CCU says the employee checked the information then fulfilled the request.

Takeaways

- Audience Thoughts



Contract Disputes

News

Publication: The East Hampton Press

May 27, 2016 4:12 PM

Sandpebble To Be Awarded More Than \$750,000 In East Hampton School District Lawsuit

In 2006, Sandpebble claimed the district wrongfully terminated its \$80M contract, then signed a contract with a different construction firm for a larger, three-school renovation. In turn, the school district claimed Sandpebble Builders abandoned the contract.

Sandpebble was seeking \$3.7 million plus accrued interest in total damages against the school district. But the jury awarded damages of \$750,750, plus accrued interest for work the construction company performed.

That award could nearly double with interest, to almost \$1.4 million,



Takeaways

- Air-tight contract language
- Good internal project managers
- Court delays can accrue interest on the award

What does it all mean?

Will we all become more concerned with accountability?

THE CHRONICLE OF HIGHER EDUCATION

NEWS OPINION DATA ADVICE JOBS

SECTIONS

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LEADERSHIP & GOVERNANCE



In Spanier Case, College Leadership Goes on Trial

By Jack Stripling | MARCH 20, 2017 PREMIUM CONTENT FOR SUBSCRIBERS. **SUBSCRIBE TODAY**

The prosecution of Penn State's former president, charged with covering up Jerry Sandusky's abuse, will scrutinize administrative decision-making and feed on a growing culture of accountability.



What does it all mean?

MAR 21, 2017 @ 03:34 PM 2,840 VIEWS

Ranking the Most Dangerous Countries for Americans To Visit

Top 25 Countries by Travel Warnings Issued

Rank	Country	Travel Warnings
1	Mexico	28
2	Mali	26
3 (tie)	Israel	25
3 (tie)	Pakistan	25
4	Iraq	24
5 (tie)	Afghanistan	23
5 (tie)	Nigeria	23
5 (tie)	Syria	23
6 (tie)	Algeria	22
6 (tie)	Iran	22
6 (tie)	Yemen	22
7 (tie)	Burundi	21
7 (tie)	Central African Republic	21
8 (tie)	Kenya	20
8 (tie)	Lebanon	20
8 (tie)	Philippines	20
9 (tie)	Chad	19
9 (tie)	Libya	19
9 (tie)	Sudan	19
10 (tie)	Colombia	18
10 (tie)	Congo	18
10 (tie)	Eritrea	18
11	Mauritania	17
12 (tie)	Niger	16
12 (tie)	North Korea	16

Travel warnings issued between October 2009 and June 2016. Excludes natural disaster warnings.

Will there ever come a time when a list like this will become too big...and the risk too much to continue international programs?



This Week

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SECTIONS | FEATURED: [Penn State Scandal](#) [Spoiled Science](#) [Get the 2017 Trends Report](#) [Small Changes in Teaching](#)

FACULTY



Harassment Allegations Against a Star Scholar Put a Familiar Spotlight Back on Berkeley

By Sarah Brown | MARCH 24, 2017



INSIDE HIGHER ED

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Costs of UNC Athletics Scandal Near \$18M

By Emily Tate // March 27, 2017

0 COMMENTS

The University of North Carolina at Chapel Hill has accrued nearly \$18 million in legal costs stemming from the decades-long scandal involving fake classes that appeared to benefit athletes disproportionately, *The News & Observer* reported.

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3 Vernon Rodeo Team Members Killed by Crash

By Scott Jaschik // March 27, 2017

0 COMMENTS

Three students at Vernon College, members of the Texas institution's rodeo team, have died from injuries in a car crash last week, *The Times Record News* reported. Two were killed initially, and a third died Sunday. The college has created funds to help the families of the students.

Questions & Comments



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