Emerging from the HAZE

Hazing humiliates, degrades, abuses, and endangers students as early as high school. There is no magic formula for ending it, but some institutions are meeting the challenge. | 4

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Letter from the President

The Year of the Preventable Claim

My position as president and CEO gives me a unique window into the inner workings of schools, colleges, and universities. Every week I review a summary of the new claims or incidents reported to UE, and, after almost 13 years in this position, I have developed a sixth sense for spotting those that have the potential to become a big challenge for our members and UE. This practice also gives me a view of some trends that are emerging.

And I have been known to share insights from some incidents with my sophomore daughter. Since she is in a sorority at a big urban university, I often describe claims related to campus safety, alcohol, and hazing. I listen to her, too. When she was going through pledging, I paid particular attention during our phone conversations and texts for any hints of hazing. My daughter may tell you that I am certifiably paranoid, but I am also a realist, and my weekly review of claims reveals we all still have a lot of work to do to prevent horrible things from happening to our students.

Not every bad thing that happens is preventable, and not everything bad that happens is the “fault” of the institution. But that is one reason why UE is here: to work with you to help all parties recover, learn from the mistakes, and move on in the best possible way. It is the preventable claims that trouble me the most.

We write frequently on preventable claims, claims that, without extraordinary effort, can and should be avoided. In the Preventable Claims column in this issue, we describe those related to study abroad programs. For more on the topic, I urge you to go to Learn@UE to take our online course Short-Term International Programs. Some institutions attempt to protect themselves from liability by contracting with third parties, and that’s a perfect way to prevent your institution from incurring a claim, provided the contracts are sound. If you haven’t taken UE’s new online course Basic Contracting, I strongly urge you to do so. Sexual misconduct is another claim that should be preventable. Again, we have an online course at Learn@UE and lots of ideas in our Risk Management Library on preventing sexual misconduct.

As I write this, National Hazing Prevention Week is just ahead, Sept. 20 to 24. I am reminded that hazing is also preventable. The cover story in this issue addresses the pervasiveness of this practice—among bands, student groups, athletic teams, and Greek organizations, for example—and suggests ways to stop this behavior. Join me in making the 2010–2011 academic year the year to focus on preventable claims. And let’s begin by working to prevent that appalling activity of hazing.

Have a great and safe start to the new academic year and please call or email me with your questions and comments.

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UE Claims Handling: A Winning Ticket

Whether or not you’re a member with direct experience with UE in a court situation, you should be proud of your insurer’s winning record when it comes to litigation. This year alone, our members had 12 trials and prevailed in all but one. In an exceptional week in June, UE and its members went 4-for-4. Our most celebrated victory came that month with the Supreme Court’s decision in support of UE member Hastings College of the Law in *Christian Legal Society v. Martinez et al.*

The UE claims that go to court are few and far between. Every week United Educators receives 30 to 40 new claims, and only 42 percent result in lawsuits. Fewer than a dozen claims go to trial in any given year, and usually the wins and losses even out. This year has not been typical.

We worked hard to prevail—we always do—but as proud as we are of our trial victories, we don’t relish those days in court. With litigation, results are usually unpredictable and the cost is always high. From 2005 to 2009, the average cost of defending a defense verdict through trial and in some cases appeal was $266,000, whereas the price tag when the plaintiff prevailed (verdict, defense costs, and plaintiff’s fee award) was $577,000. From 2008 to 2009, UE won six employment-related trials, which cost on average $280,000. Six plaintiffs’ verdicts over the same time period ranged from $195,000 to $525,000, and UE and its members paid out an average of $700,000 in total costs, including verdicts and postverdict settlements. As expensive as a trial is for a member, these calculations don’t include the cost in time and morale. The days and weeks a campus spends preparing its case and responding to media questions are hours taken from other matters important to the institution’s educational mission. While UE is a proven victor in the courtroom, we would rather avoid litigation whenever possible.

Our 24 claims attorneys and 12 claims professionals as well as our Select Counsel nationwide take a cautious approach to spending members’ money and time. Rather, we search for the most effective approach for resolving a claim, which often means mediation. The approach, in which parties on both sides present their grievances, fits well with a campus community. Mediation can take less time and is often less expensive than a trial, and it frequently ends in understanding and reconciliation, a desirable resolution for any institution. News like that may not reach cable TV or the blogosphere, but good news rarely does.

Our hands-down preference for claims handling, though, is to prevent claims through risk management practices. UE monitors claims to see where trends are developing and advises members so that they can take steps to avoid serious incidents. Our Risk Management staff is available by email, phone, at meetings, and through our Risk Management Library to assist with questions on risk management practices.

While UE works tirelessly to resolve any claims that occur, we also work tirelessly to help members mitigate risks. An ounce of prevention through sound risk management practices can save many dollars in claims costs.

Is your institution doing all it can to protect itself from preventable claims? Find a wealth of resources in the Learn@UE section of www.ue.org.
Hazing can have deadly consequences. National Hazing Prevention Week, Sept. 20–24, is a good time to review hazing practices at your institution.

By Janet Willen

The Tragedy of Hazing

Deaths during hazing rituals are nothing new. A first-year student at Amherst College in 1847 died from an illness he contracted during a ritual known as “freshman visitation.” Describing the tragedy in his memoir years later, Amherst president Edward Hitchcock said students “entered [the freshman’s] sleeping room and drenched his bed with water,” and “Thus died Jonathan D. Torrance, of Enfield, the victim of a barbarous college custom.” Although the college banned the practice in 1862, schools today are still searching for ways to eliminate these harmful customs.

Forty-four states ban hazing, and most educational institutions have their own policies against it, but it persists. Although definitions of hazing vary, they usually refer to the practice as an activity that humiliates, degrades, abuses, or endangers a person but is required, whether the person is willing or not, for entry into a group.

Hazing exists in groups of all types—fire departments, armed services, restaurants, 4-H clubs, bands, scholastic organizations, and sports teams—and is often regarded as a rite of passage. Among students hazing is most prevalent in fraternities and sororities and athletics. Some fraternities and sororities require prospects to go through hazing before they admit them, while some sports teams haze newcomers before teammates acknowledge them as one of the gang. Even professional athletes are subjected to hazing. The blogosphere recently exploded with debate over the hazing of Tim Tebow, a Denver Bronco rookie football player, whose teammates gave him a Friar Tuck–style haircut—shaven on the top surrounded by a fringe. While some people see no harm in activities like haircuts, opponents of hazing warn that even apparently harmless rituals are risky. “Part of the problem with hazing is that once a member goes through with it, he or she wants to make the next group a little more humiliated or make the activity a little more dangerous. Hazing becomes incrementally more problematic year after year,” said Norm Pollard, dean of students at Alfred University, who conducted a study of hazing in athletics in 1999 and another on high school hazings a year later.

The Challenge of Change

Students do not give up their hazing traditions lightly. “Often young people’s identity is wrapped up with being part of a team or group,” Pollard said, but he called hazing “a failed attempt at creating a cohesive group. [Young people] just don’t know any better.”
Emerging from the Haze

Specific Steps on Fighting Hazing

A broad and deep approach is the most successful means to ending hazing. Following are some steps to consider as you develop a strategy for your institution.

1. **Issue a strong statement prohibiting hazing.** Be clear about what hazing is, but do not be restrictive. “If you provide students with a list of specific acts that constitute hazing, they’ll spend a lot of time trying to figure out how to haze without doing those acts,” said Linda Langford.

2. **Hold students to appropriate behavior wherever they are.** “All of our students are held accountable for their behavior on and off campus,” said Norm Pollard. “If we’re aware that they’ve been arrested or involved in some incident—substance abuse, assault, hazing—we’ll initiate our own judicial procedures.”

3. **Provide sanctions.** If a high school coach knows about hazing, terminate the coach, ban the group, and have criminal charges filed, said Elliot Hopkins. Tell parents that children who participate will be expelled, and tell the children that one incident will result in termination. Follow a similar policy at the college level.

4. **Ensure students understand the law.** “Inform them that hazing is criminal behavior and can subject the organization they hold dear to a loss of money, prestige, and respect,” said John A. Williams.

5. **Provide alternatives to hazing.** “Why not participate in Habitat for Humanity, adopt an elementary school and read to young children? Build sweat equity in a project in which all participate,” Hopkins suggested.

6. **Align activities with school’s mission.** Pledging activities at Doane College must be consistent with the school’s mission to teach students to think critically, integrate theories with practice, use problem-solving skills, and act ethically and lead responsibly.

7. **Allow students a way to bow out of activities without fear or shame.**

The National Pan-Hellenic Council, which governs fraternities and sororities at Historically Black Colleges and Universities, tried to control hazing when, at its 1990 convention, it voted to ban traditional pledging practices and replace them with a “New Member Intake Process.” The process prohibited hazing and designated certain people to oversee initiation. The move was in response to the fatal injuries an 18-year-old sophomore at Morehouse College suffered a year earlier while pledging Alpha Phi Alpha, the nation’s oldest fraternity for blacks.

The new process was flawed from the beginning, said John A. Williams, executive director of the Center for the Study of Pan-Hellenic Issues. The council leaders who authorized the policy had graduated from college decades earlier, and undergraduates resented that they did not have a chance to contribute to the discussion about policy, said Williams, who also serves as vice president for academic affairs and provost at Tuskegee University. “Students felt the leaders acted without any understanding of the impact the policy would have on their culture.” Since the new rules offered nothing as a replacement for hazing, fraternities and sororities on campuses developed ways to circumvent the policy, Williams said. Before an official and public initiation, fraternity and sorority members are likely to haze students who express interest in the group. In an underground initiation in 1993, for example, Omega Psi Phi fraternity brothers at the University of Maryland beat one pledge with hammers, whips, brushes, and a broken chair leg. The student suffered such physical and emotional damage that he called a suicide hot line and was hospitalized. A jury later awarded him $375,000 in a claim against the fraternity.

Another challenge administrators face in ending hazing is that students and alumni don’t often recognize it for what it is. A national study of hazing issued in 2008 found that 55 percent of college students who had participated in an organization or team had been subjected to at least one act that met the definition of hazing, such as participation in a drinking game, constraints on whom they could associate with, deprivation of sleep, performance of sex acts, or...
acting as a personal servant to other members. However, nine out of 10 of them did not characterize the act as hazing. “If they perceive people are willing to go along with the activity or that it was for a good cause, say, bonding, then they didn’t see it as hazing,” said Elizabeth Allan, associate professor at the University of Maine, who led the National Study of Student Hazing. The study surveyed 11,482 students at 53 postsecondary institutions. While many students justified the behavior as saying it promoted group cohesion, only 31 percent said the act made them feel like a part of the group, and only 22 percent said they felt a sense of accomplishment from participating in it.

Many Misconceptions
Many students believe hazing must involve physical force, such as paddling or tying up prospective members, and doesn’t include activities using psychological coercion or emotional abuse. In fact, physical force is often a part of hazing, and violent acts often make the national news. However, hazing events in which the repercussions are emotionally painful and not visible to the naked eye are more common and often have enduring psychological impact. These effects are known as the “hidden harm” of hazing. The victims often suffer in silence, and students who inflict the harm frequently are unaware of the pain they’re causing. For example, one student who is forced to observe or participate in a sexual simulation may find it amusing or even fun, but the activity can be disconcerting if not traumatic to someone who had been the victim of sexual abuse, Allan says. That trauma can last for years.

Nearly half of the students in the survey, 47 percent, had their first experience with hazing in high school. Hazing activities there run the gamut from polishing all the band equipment, carrying water and equipment for athletes, or chanting for the speech club, to washing undergarments or simulating sexual activity for the cheerleading team, said Elliot Hopkins, educational director of the National Federation of High School Associations. “When younger kids get to a new place, they do what they can to gain acceptance,” he said, “and because they fear what will happen if they don’t.”

Initiation activities often start small and escalate over the years. Hazing victims will rationalize and normalize what happened, at least superficially, Hopkins said. A student who is hazed in high school will haze in college and do something a little worse.

Stopping the Spiral
The resistance to ending hazing runs deep at many institutions. The most successful approach will be comprehensive, involving all areas of the campus community (see “A Framework for Change” and “Specific Steps on Fighting Hazing”). Some institutions are having success in doing it.

Alfred University took dramatic steps to end the practice. In 2002, a fraternity member was found dead following a beating at the hands of his fraternity brothers, who punished him for divulging information about the fraternity. Although the beating was not the immediate cause of death, it may have contributed to it, Pollard said. Three months after the incident, the university’s trustees, most of whom had been fraternity members themselves, decided to eliminate Greek letter organizations on campus. “But we obviously worry about hazing because it’s not just a Greek letter organization issue,” said Pollard. The university has a strict policy against hazing and instructs students about it as early as their first day on campus. Athletes get additional training, and the school assists all groups with safe team-building activities.

Hazing victims often suffer in silence, and students who inflict the harm frequently are unaware of the pain they’re causing.

Like Alfred University, Doane College forbids hazing, but it actively supports its fraternities and sororities, all of which are local groups. Approximately 25 percent of its students belong, and pledge week involves faculty and administration for eight days each spring. Training programs for faculty or staff advisors, student trainers, and pledges explain the laws against hazing, the need to protect pledges, and the different perceptions pledges may have to the same activity. It also specifies the procedures fraternities and sororities must follow to ensure pledges are comfortable with the activities and that no hazing is occurring.

Each group must provide the student leadership office with a description of every activity that pledges will undergo, including their purpose, potential risks, and the means to
address the risks, says Kim Jacobs, vice president for student leadership. Every fraternity and sorority selects two faculty or staff advisors, one of whom must be present for each activity.

The Greek life advisor or another member of the student leadership office has a private meeting with each pledge during Greek week. “We want to gauge how pledges are doing overall. If there are students who are fearful about saying something, we’re giving them an absolutely confidential opportunity to speak,” Jacobs said. Questions vary from how much sleep the pledges are getting to the most important thing they have learned about their group. Students who have concerns about their group can feel secure sharing the information since all pledges go through the meetings, Jacobs said.

There is no magic formula for ending hazing. Educational institutions face a formidable challenge in overcoming students’ passion for the rituals and traditions. But a battle to end humiliation, degradation, abuse, and danger is one worth fighting.

A FRAMEWORK FOR CHANGE

There is no simple way to prevent hazing on campus, but there are many resources to help educators develop a hazing-prevention initiative. Two good ones are from the U.S. Department of Education’s Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention: A Comprehensive Approach to Hazing Prevention in Higher Education Settings, which looks at the specific problem of hazing, and Preventing Violence and Promoting Safety in Higher Education Settings: Overview of a Comprehensive Approach, which offers a framework for addressing the many types of campus violence.

With hazing, as with all violence, “a continuum of behaviors is of concern,” said the author of both publications, Linda Langford, who is assistant director at the Higher Education Center. “We encourage people to pay attention to the whole continuum, including the conditions that lead up to hazing. A plan will be sounder if it is based on campus-specific data about the hazing,” says Langford, who suggests that administrators developing a hazing-prevention program consider the following:

- **What contributes to hazing on their particular campus.** An analysis should take into account the variety of factors that might lead to, or inhibit, hazing, which will vary among institutions because hazing at different campuses occurs in different contexts, places, and times. A successful initiative will address the multiple factors that contribute to hazing and support positive behaviors.

- **Multiple, coordinated, and sustained strategies.** “If we’re going to prevent hazing from occurring in the first place and not just respond to incidents after the fact, we have to change the factors that give rise to hazing. That includes not only what an individual knows and believes but also what the whole institution is signaling,” said Langford. A comprehensive hazing-prevention program should incorporate a range of approaches such as addressing perceptions about hazing, encouraging bystander intervention, setting clear expectations for the campus community, instituting policies and procedures, providing student support services, and including drug- and alcohol-prevention programs.

- **Concerted efforts.** One-time programs in isolation are not effective. Systematic and ongoing efforts, across different levels and incorporating many stakeholders, are necessary to make sustained change.

- **Defined goals and objectives.** Plans are likely to be effective when they develop from sound data and research and have clearly defined goals and objectives. The goals and objectives should be tied to the contributing factors targeted for change.

- **Collaborative work.** Hazing occurs across different kinds of student groups, and one person wouldn’t have jurisdiction in all areas. “If a campus is going to have a systemwide response to hazing across different areas, then multiple stakeholders on different levels will probably need to be involved. But it can be a barrier to say you need, say, 40 people around the table before you can do things differently,” said Langford. “A steering committee of just three or four people who reach out to other partners, gather information, and communicate back to the group can be effective.”

Campuses have unique cultures and use distinctive structures to effect change, Langford concluded. The idea is not to rely on information alone to end hazing. Rather, it is to involve the campus community in developing and implementing a comprehensive plan to eliminate hazing.
Michigan State University (MSU) has a proactive and collaborative approach to curbing potential violence and destruction from celebrating students and community members.

Coming Together
A string of riots resulting in serious injuries and property damage following athletic contests in the late 1990s and early 2000s prompted MSU leaders to create a committee to address their problems with celebratory events. Today, the Celebrations Committee is a group of 40 school, student, and community members, chaired by three university administrators and an East Lansing community leader. UE spoke with one of the co-chairs, Ginny Haas, the director of Community Relations at MSU, for insight into the committee’s experiences.

Selecting the Message
Following a task force’s collection of student feedback after a 2005 riot, the committee came to realize that “many students were mainly spectators ‘following the crowd,’” Haas explained. The students stated that previous campaigns such as “Celebrate Responsibly” didn’t work because their ambiguous messages left students confused about what they could and couldn’t do at large events.

The committee responded by making the rules regarding celebrations visible and well defined through an extensive and collaborative marketing initiative, sometimes referred to as “Need to Know” messages. Unlike previous campaigns, the committee cooperated with the local police department to clarify the legal consequences and to outline the “rules of engagement” for celebrations. The bullet point structure of many of the postings kept the messages clear and succinct.

Member Spotlight
Campus celebrations at their best welcome students back to campus and forge a connection with their school’s sports teams. When these celebrations get out of hand, however, both the school and community come under threat.
**A UE Expert at Your Fingertips**

It’s as good as having a UE expert at your desk when you go to UE’s Online Courses for our practical, comprehensive, and easy-to-use courses. UE offers four courses specifically to address the unique risks educational institutions face. Take them at your own pace and at your convenience—in one sitting or over several days or weeks.

**Contracting Fundamentals** is a must for any member of your administration, faculty, or staff who is likely to contract with an outside group for a service, no matter how big or small. The course provides valuable instruction in how to avoid contract disputes and problems by understanding and adopting good contracting practices.

**Protecting Children from Sexual Misconduct** tackles the all-important and tragic topic of molestation. The hundreds of claims UE has handled related to educator sexual misconduct tell us that this course is essential to any institution with children’s programs and activities, higher education as well as K-12. This course shares good practices for preventing incidents and responding properly when allegations occur.

**Short-Term International Programs** guides you through safety on programs of less than a semester to ensure a safe environment for students traveling abroad.

**Teaching Science Safely** focuses on protecting students, lab instructors, technicians, and others from harm in science labs and classrooms. The course is indispensable to employees who are involved in the administration or operation of science labs.

And more courses to come. Go to Learn@UE at www.ue.org for more details.
Students may look for once-in-a-lifetime experiences when they travel abroad, but some of them will find disaster instead. Increasing numbers of U.S. students have been facing dangers far from home in recent years. In 2007–2008, more than 262,000 Americans studied abroad, four times as many as in 1987–1988, according to the Institute of International Education. Even allowing for a drop in enrollment in the recession-stricken years since 2008, a staggering high number of U.S. students are participating in programs in Europe, Africa, Asia, and Latin America.

The very sense of adventure that motivates students to travel abroad may also make them susceptible to harm. Many of them will be eager to absorb all they can of the country, and many programs cater to that by promising a cultural immersion in which students live as locals rather than tourists. The goal is admirable, but it may entice students to take too many chances. In many claims, students who have been victims abroad assert that the institution did not warn them of specific risks.

While most students will return with glowing stories of their adventures, some will be victims of tragedy, including attacks that might have been avoided. Accidents make up a substantial portion of these tragedies, but crimes committed against students abroad range from small thefts to life-changing sexual assaults. News reports have highlighted many of these sexual attacks:

- A student in Mali alleged that a driver for her study abroad program raped her in his room after she accepted his invitation to join him for a cup of tea.
- A student claimed that her adviser at a program in Tanzania refused to let her register for classes unless she submitted to his sexual advances.
- A student in Jamaica was robbed, stabbed, and sexually assaulted while walking alone to her host family’s home late one night.

One of the most sensational news stories concerned Natalee Holloway, a high school graduate who traveled to Aruba in 2005 with 123 other students and seven adult escorts. She is presumed dead. Her companions became aware of her disappearance when she didn’t meet them in the hotel lobby for their trip home. Police think a suspect in the 2010 murder of a Peruvian woman may also be responsible for Holloway’s death.

Horrific events like these can and do occur in the United States as well. But when students are in foreign countries, far from the comforts of home, such incidents can be even more chilling and frightening to them as well as to their families and campus communities.

For the home campus, the consequences may take a financial toll as well. Should a lawsuit occur, the process can be prolonged and grueling. Suits involving accidental injuries, assaults, harassment, or other events abroad often settle out of court for undisclosed amounts, and it’s not unusual for victims or their families to reach six-figure agreements. Some institutions may limit their liability by contracting with...
a third-party provider to manage all aspects of study abroad, but even institutions that choose to sponsor study abroad programs directly can take steps to reduce the risk of a student suffering some type of injury during a trip and to mitigate the consequences should an injury nevertheless occur.

While schools cannot provide a list of do's and don’ts to cover every possible risk, they can alert students to common dangers, and those warnings may help keep students safe. Educating students about the risks should start as soon as they begin thinking about travel abroad.

**UE recommends that you do the following:**

- Provide mandatory instruction before students depart, when they reach their destination, and during their stay. The longer students stay abroad, the greater the chance that they’ll let down their guard.
  - Demonstrate that you take the training seriously. If they think you treat it perfunctorily, they’ll quickly dismiss it.
  - Ensure that students learn. Test them, have them write a paper, or get them to role play how they would handle different situations. Whatever technique you choose, help students understand what constitutes risky behavior in their particular location.
  - Have a police officer or another official from the host location provide on-site safety training.

- Prepare for the worst. The on-site administrator or host parent, or both, should be able to provide immediate help and support to a student who is assaulted or injured. The administrator or host parent should ensure that the student gets medical attention and emotional support, and should notify local authorities, officials at the home campus, and the student’s family. Laws vary in different parts of the world, so the institution should determine in advance how it would secure support if a student is attacked or injured.
  - Keep up-to-date on State Department warnings and alerts and inform students.
  - Have students, or (for minors) their parents, sign detailed liability waivers that specifically acknowledge the risks of traveling abroad.

**During the training, tell students and (for minors) their parents, to:**

- Take all the precautions they would at home—and more. Remind them that cultures are different and that their behavior could be misinterpreted. Warn them of the dangers of overindulging in alcohol and in leaving bars or clubs with strangers. Provide actual examples of attacks against U.S. students, which can serve as potent lessons.

- Recognize that many of the services your institution offers at home are not available abroad. Tell them what help is available and how they can access assistance should they need it. State bluntly that you cannot guarantee their safety and security overseas.

- Carry emergency phone numbers with them at all times. Students should know whom to contact at any hour.

For more extensive information on managing short-term international programs, including details on selecting and preparing program leaders, go to Learn@UE at the UE website and take our online course “Short-Term International Programs.”
NEW TO UE STAFF

United Educators is pleased to announce a new staff member in its Underwriting Department.

Anita Marlow joined UE in June as a senior underwriter. She has more than 20 years of underwriting experience, including work as an underwriting manager on school pools for Coregis Insurance Company, a subsidiary of GE Global Insurance, and for Trident Insurance Company through an acquisition of the Coregis subsidiary. She has also worked at CIGNA as a school and municipality underwriter and Brown & Brown as a program manager with broker responsibilities for the public entity sector. Marlow has a BA in business management from North Central College and a Master in Business Administration from the Keller Graduate School of Management.

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Kathleen A. Rinehart, partner, Whyte, Hirschboeck & Dudek, S.C.

Moderator
Hillary Pettegrew, UE Risk Counsel

To register, go to www.ue.org.