

Monterey Zen Board Meeting - February 28, 2021, Zoom

Bowed in at 10:04 a.m.

Present: Robert Reese, Susan Nine, Jana Clark, Mark Orrisch, Clara Nieto, Dina Stansbury, Diane Welles, June Poe
Sara Hunsaker

Absent: Kathy Whilden, Susan Brodey

1. Consensus

- Agenda
 - Minutes from 1/24/21
 - Treasurer's report
 - Diane reported a large number of donations, greatly appreciated
 - Retreat report: no subcommittee report

Moved, seconded and accepted

2. D & O Insurance

Robert provided a brief overview of the D & O policy he distributed. He invited Ben Jonas, the broker, to respond to our questions today. He is open to questions/comments to lead to a more comprehensive insurance plan tailored to MBZC needs:

- MBZC is incorporated
- How should Teaching Council (TC) be described so that it will be covered
- Groundless lawsuits can be filed. Good to have coverage for defense
- Clarify definition of religious organizations
- Exclusion on sexual harassment and abuse. Do we need coverage for defense of accusations
- Coverage of 3rd party acts out against MBZC unbeknownst to Board. Need coverage for legal defense
- We need guidelines on how to deal with difficult people
- We can check with other Zen groups (SF, SC) on how they deal with sexual issues re: insurance and policies

Ben Jonas arrived 10:28

Ben gave a brief overview in lay terms of what will be covered/uncovered.

- Travelers Insurance is the management insurance group
- Mismanaging of funds is the most common suit (there is a list of exclusions). D & O will take on legal process, attorney fees, up to one million damages to claimant
- Questions asked:
 1. what about protection against allegations of misconduct and abuse. Ben's concern is the delicate interplay between mental health and emotional well-being. A charge of negligence is possible. Improper Behavior Insurance is available as is Insurance for Social Service professionals
 2. What about protection for the TC both in 1:1 interactions in closed room and during classes, workshops, sessions
- All insurance policies have listed the "named insured-all Directors, Officers, employees and volunteers, specific names i.e. MBZC.
- Three separate insurance policies are available. Improper Behavior Insurance, General Liability (GL), and D & O
- Is \$1,000,000 too high? Answer: It's an industry norm. The lowest used, a starting point.

- It may not be possible for it to be lower. Might not lower price of insurance. Forget it.
- General Liability question: Are we covered under the organization we rent from for property damage etc.? Answer: For MBZC to be covered we need to be listed as additional insured or as specific named.
 - Usually non-profits need to carry their own insurance.
 - Should we have a general liability policy instead of D & O policy? Answer: In State of CA if organization has D&O, personal assets of directors and officers cannot be touched.
 1. Slips, trips, falls most common suit against non profits. Those would be covered under GL not D&O
 2. Financial misconduct charge very unlikely
 3. One program wrap D&O and sexual harassment
 4. Financial cost range for GL (700-1000/yr); separate D&O (600-1000), Social Service Professionals (1000-2000), Improper Sexual Conduct (600-1000)
 - Cherry Center liability covers groups. Why would MBZC need additional GL? Answer: GL insurance needed by MBZC if main insured doesn't name MBZC as covered. Usually event holder must show insurance too. MBZC should document St. James insurance showing we are covered.
 - Would MBZC assets be protected under D & O? Answer: Yes. With a one million dollar cap, all in excess of that number would be responsibility of MBZC
 - Could Ben put together packages of insurance for us? Answer: Yes with no obligation to buy. Bids are free. Can build policy over time, customized to MBZC in future
 - Are there policies more geared to clergy related activity? Answer: Ben will check with expert on religious coverage. There are insurance companies that work with religious groups. The key for us is to define what work MBZC/TC are doing, then align language in policy to cover that work
 - Comment: Some members of the TC work in prison and hospital. Do we need to name those activities as work of MBZC or is that work independent of MBZC? Answer: We need to define if they are independent contractors. Clergy liability policy available

Ben's opinion: Start D&O as we move into in-person activity then reconnect to discuss GL, Social Service Professionals, and Improper Sexual Behavior. Ben will reach out to all underwriters for 4 policies, then discuss.

30 days have elapsed since Ben's quotation. Can we move forward on it anyway? Answer: Most likely, Ben will inquire. MBZC will sign that we are not aware of any impending actions against us.

Ben chose Travelers because coverage for D & O will cover Katherine Thanas Fund. He will look at other insurers for other coverages. Bundling packages will not save money.

Thanks to Ben.

11:15 Ben left meeting

Robert will get back to him. Thanks to Robert

Discussion:

- Robert called Tova Green at Branching Streams for information about their insurance. He also reached out to Norman Fischer's Everyday Zen Center.
- D&O and GL good to have
- GL liability should be main concern for getting insurance, not financial mismanagement.
- Some people will not join boards that don't carry D&O
- Clarify how we collect and allocate earmarked donations
- Shall we wait till next Board meeting to approve
- D&O

1. No purpose
2. Good beginning especially as GL not now necessary
3. We have been wanting D&O coverage for a long time
4. Misunderstanding, thought D&O covered GL issues
5. Fear if D&O purchased, the Board won't approve purchase of GL in the future

Moved and seconded that MBZC accept proposed D & O Insurance Policy proposal and proceed with purchase.

Not passed, no consensus. Continued to next meeting with additional quotes

3. We need an ethical behavior statement for MBZC which should be put on the website

Sara Bowed out 12:00

Appreciations

Compassionate Communication Workshop March 7 10-noon

Next meeting: March 28 10-noon zoom

Bowed out