

# The BoardSource Sponsored Directors' & Officers' (D&O) Liability Insurance Program Provided Exclusively by Aon Association Services

## 10% premium discount for all BoardSource Members

*Additional discounts available for Members who contracted and received facilitating governance-related consulting/training services from BoardSource within the past twelve (12) months, or who utilized the BoardSource Board Self-Assessment Tool.*

**This BoardSource Sponsored Program provides mismanagement protection against D&O related lawsuits, limits of liability begin at \$1,000,000.**

### **Coverage for Excess Benefits Transaction Penalties:**

The 1996 Tax Payers Bill of Rights II Act exposes nonprofit organizations to an excise tax equal to 10% of the excess benefit. An "excess benefits transaction" is one in which the nonprofit organization provides an economic benefit to the "disqualified person" in excess of the fair market value of the goods or services that the organization receives in return.\*

### **Outside Directorship Coverage:**

This automatic extension provides coverage for INSUREDS serving on other nonprofit boards as part of their duties.

### **Defense Outside the Limit of Liability:**

This important feature prevents defense costs from eroding the limit of liability. This feature is available but subject to underwriting approval.

### **Spousal Extension:**

Expands traditional Estates and Legal Representatives coverage to include coverage for a lawful spouse under certain conditions.

### **\$100,000 Fiduciary Liability (ERISA) Sublimit Defense Costs Coverage Extension:**

Most of our competitors' D&O policies exclude this coverage. This program provides this defense cost provision automatically and free of charge. We encourage all nonprofits to consider purchasing a stand alone Fiduciary Liability (ERISA) policy as well. Please ask us for more details.\*

### **Entity Coverage:**

D&O-related lawsuits nearly always name the nonprofit itself as a defendant. There are D&O policies that do not provide coverage for liability incurred by the organization. This program makes sure your organization is covered.

### **Duty-to-Defend Coverage:**

A Duty-to-Defend policy requires the insurer to front CLAIMS EXPENSES in the event of a CLAIM - even if the allegations are groundless or false - rather than reimbursing after the CLAIM is closed. Aon Association Services is also required to assign experienced, defense counsel.

### **Employment Practices Liability Coverage:**

Coverage for *Employment-related claims* (i.e. discrimination, wrongful dismissal, sexual harassment, retaliation, employment related mental anguish and emotional distress, EEOC proceedings) is included as well as any alleged violations of the following statutes:

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| a) Title VII of the Civil Rights Act of 1964   | d) The Equal Pay Act of 1963                              |
| b) The Americans with Disabilities Act of 1990 | e) Sections 503 and 504 of the Rehabilitation Act of 1974 |
| c) The Age Discrimination Act of 1967          |   |

### **Broad Coverage:**

The policy specifies any past, present or future director, officer, trustee, employee, volunteer or committee member as an INSURED.

### **Personal Injury and Publisher's Liability Protection:**

CLAIMS alleging libel, slander, copyright or trademark infringements are covered.

\*These features are not available for New York insureds.

**Call or have your agent call 1-800-432-7465 or Visit us Online at [www.boardsourceinsurance.com](http://www.boardsourceinsurance.com)**

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**Please note that the precise coverage afforded is subject to the terms, conditions and exclusions of the policy as issued. Not all features are available in all states.**

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