

COMMUNITY Risk Management & Insurance

 A publication of the Nonprofit Risk Management Center

Volume 14, No. 2, May/June 2005

Stepping Around or Stepping Up?

Coping with difficult risk management issues

by Linda Varnado

Recently, my newspaper in San Antonio—and many others across the nation—carried an article¹ with a startling headline: “Body lay in kitchen for 2 years.” The headline compelled me to read the short news item. The story reported that an elderly woman in California had fallen in her kitchen in mid-2003, died a couple of weeks later of her injuries, and was not found until March 2005. That sounded plausible, especially if the person lived alone and had no close neighbors. But that wasn’t the case here. As it turns out the woman’s son and husband had just stepped around her body and continued to use the kitchen for all that time. The situation was investigated only after a neighbor reported not seeing the woman in about a year. I shook my head at those images and then went on with my work.

That article did not go away so easily, however. The more I thought about that particular situation, the more I believed it could be a metaphor for many situations. Then I began to think about risk management in nonprofit organizations. Nonprofits have become increasingly skilled at identifying and managing obvious risks. And slowly but surely we’re getting more astute at recognizing subtle risks. But are there times when we step around delicate or difficult risk management issues? Some of the situations that immediately came to mind were:

■ People issues

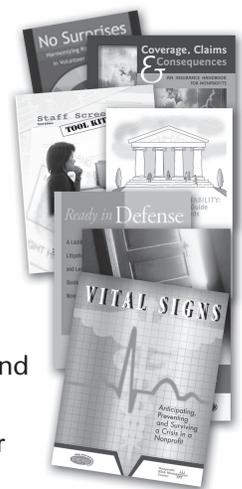
Every nonprofit has a stack of rules (often collected in the form of an Employee Handbook or Volunteer Handbook) that describe key policies. But many organization leaders avoid confronting the issue of an employee (or volunteer) who isn’t performing as expected and needed. Consider the situation where everyone knows that an employee’s work is substandard, but management fails to take action.

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Stepping Around or Stepping Up?

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- ❑ Sally is always the last to arrive and the first to leave each work day. She is personable and can find hundreds of things to do to help her colleagues, but when it comes to doing her own work, some things never seem to get done on time. The accounting reports take extra time since she doesn't know how to use the software properly. Her process for getting materials ready for a board meeting is frustrating for management and the outcome isn't always accurate.
- ❑ Jim is a willing volunteer and always wants to be part of anything the organization's doing. He seems to be related to some major donors in some way. The problem is that whenever Jim's involved in an activity, the volunteer director can count on spending a lot of time soothing hurt feelings of other volunteers—and trying to keep Jim focused on what he's supposed to be doing.

■ Property issues

Nonprofit leaders understand that facilities and equipment make it possible to deliver mission-critical services. Yet some organizations fail to implement policies and procedures to safeguard the physical resources necessary for service delivery. "We don't need any more rules!" or words to that effect, are heard throughout agencies. It would be refreshing to operate in an environment where everyone knows intuitively what to do and how to do it. That, unfortunately, is not the case.

- ❑ The agency has several vehicles to be used for business purposes—going to health fairs, taking supplies to shelters, and handling all the routine day-to-day transportation activities. Keys are in a box on the receptionist's desk and easily accessed. There is no process for

verifying that drivers are licensed or have good driving records and there is no checkout process for the vehicles. One day, the executive director is involved in a serious accident in a car that was scheduled for maintenance. After an investigation, it is learned that he



has been cited for reckless driving several times in the past few months.

- ❑ The agency has a nice facility except for one thing—the roof leaks almost every time it rains. The solution has been to put buckets under the leaks and make sure the floor is wiped up. There has been no examination of the roof itself since the board has not been told of the recurring incidents.

■ Financial issues

The risk of not receiving an expected grant or a precipitous drop in donations may be left out of an otherwise comprehensive risk management plan. Yet these risks are shared by virtually all nonprofits and in some cases are among the risks most likely to materialize. Sometimes nonprofit leaders are so focused on one aspect of an organization's operations or the big-picture mission they fail to see the daily details.

- ❑ Agencies with sizeable bequests often

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Stepping Around or Stepping Up?

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feel that their money worries are over. Making payroll is no longer a cause for heartburn and gone are the days of scraping every dollar together in the eleventh hour. But the nonprofit will rapidly return to the original, money-challenged state if actions aren't taken to sustain fundraising. What's the board's commitment to take action?

- ❑ The organization has had its signature special event for the last ten years. The event earned its peak profit of \$75,000 in year 5 of the event. The event has been on the decline (from a financial standpoint) since then, raising a net of \$47,000 most recently. The event's long-time proponent has been having health problems and no one else knows the intricacies of the operation.



■ Goodwill issues

What organization can afford to lose the support of the community it serves or the community at large? That's what's at risk every day in every organization if we don't operate with honesty and integrity.

- ❑ Is your agency seen as "the" place in town to volunteer? Are you regarded as open and inclusive, or just an organization run by a small clique? Are there opportunities for everyone—or just "some" people? Are perceptions about your nonprofit accurate?



- ❑ When your organization asks for funding—or reports its activities to the community—is this accomplished by presenting clear, honest information, or is the information manipulated to present a not-so-accurate picture of your activities? Does your annual report, for example, stand up to questioning?

Every time we fail to take responsible action about people issues, property challenges, financial issues, or maintaining goodwill, we are just stepping over that body in our own kitchen. If something doesn't change, someone from outside is going to realize that something has been missing for several years and will make a report that requires follow up and action. The question is, are you willing to identify your situations, then resolve your issues before outsiders arrive? The choice of stepping over—or stepping up—must be answered by management and leadership. The choice made affects all stakeholder groups in a nonprofit.

Linda Varnado is Volunteer Program Director, Audit Services at the American Red Cross and also serves on the Board of Directors of the Nonprofit Risk Management Center. Linda can be reached at: varnadol@usa.redcross.org.

¹ Phillips, Kelli. [Knight-Ridder] "Body lay in kitchen for 2 years." *San Antonio Express News*, 22 March 2005: Nation.

"Every time we fail to take responsible action about people issues, property challenges, financial issues, or maintaining goodwill, we are just stepping over that body in our own kitchen. If something doesn't change, someone from outside is going to realize that something has been missing for several years and will make a report that requires follow up and action. "

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Love Those Deductibles!

by George L. Head, PhD, CPCU,
ARM, CSP, CLU

Love?

Shouldn't it be "Hate Those Deductibles?"—those devilish clauses in many property and liability insurance policies that make us as insureds pay the first part of almost every loss? Isn't it because of deductibles that insurance never seems to do the whole job—always leaving us to pay a good bit of every loss before the insurer pays anything? And if the loss is less than the deductible, the insurer never pays anything—even though we always pay our premiums. What a deal—for insurers, that is!

I appreciate these thoughts, and hopefully I understand why many leaders of nonprofits, hostile toward deductibles, try to choose the smallest ones that their insurers will allow. Yet I will try here to be "the devil's advocate," to explain why any organization, nonprofit or profit seeking, should choose the *largest* deductibles it can safely afford. My central point: opting for the biggest affordable deductibles (1) lowers an organization's long-run average loss costs, (2) motivates its staff and management to operate safely, and (3) leads to the best allocation of its overall insurance budget.

Types of Deductibles

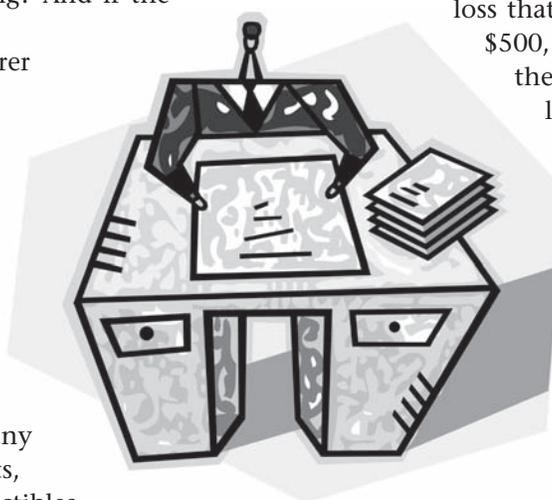
This reasoning applies to any type of deductible. The most popular form of deductible is a *straight per-loss* deductible. For example, a \$500 straight per-loss deductible in a \$20,000 property insurance policy, an insurer pays

nothing for any loss that is \$500 or less; It pays \$1 for a \$501 loss; it pays \$600 for an \$1,100 loss; and only for a loss of at least \$20,500 will this policy pay its \$20,000 face. In contrast, with a \$500 *franchise* deductible, this \$20,000 policy again pays nothing for losses of \$500 or less, but it pays the full amount of any loss that exceeds \$500: \$501 for a \$501 loss; \$1,100 for a \$1,100 loss, up to the \$20,000 for a \$20,000 loss. In still further contrast, a \$500 *disappearing* deductible, disappearing at \$10,000, would still pay nothing for a loss that did not exceed \$500, but it would pay the full amount of any loss that was between \$10,000 and the \$20,000 face amount of the policy. For any loss between \$500 and \$10,000, the policy would pay *more than 100%* of the portion of the loss over \$500—this percentage increasing as the loss approaches \$10,000.

These types of deductibles—straight per-loss, franchise, and disappearing—all apply to each event that a given property or liability insurance policy covers. As an alternative, deductibles can apply to time periods, such as a year, with the deductible aggregating all the insured losses that occur during that time period.

For example, a \$100,000 annual aggregate deductible in a \$1 Million general or professional liability policy would pay nothing toward any of three otherwise covered judgments \$50,000, \$6,000, and \$40,000—against an insured that may occur early in this insured's policy year. These judgments would total only \$96,000, or \$4,000 short of

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Love Those Deductibles!

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the \$100,000 annual aggregate deductible. But if the next judgment against this insured were \$25,000, the insurer would pay \$21,000 of it, which is the remainder of the total claim after the insured has absorbed the \$4,000 left of the \$100,000 annual aggregate deductible. For any further judgments during the rest of this insured's policy year, the insurer would pay the full amount of the judgement, up to \$1 Million per judgment.

Still thinking about different types of deductibles, there is one more important difference between deductibles in property policies and in liability policies. In property policies, the insurer is not involved at all with losses that fall within a deductible. The insured pays both for the loss itself and for the "loss adjustment," which is the cost of arranging for the repairs—cleaning up, getting bids, obtaining building permits, and the like. A property insurer is happy leaving these administrative costs to the insured when the loss clearly falls within the deductible. But in liability insurance, there is almost always the possibility that even the most minor claim, if improperly handled, may mushroom into a very large lawsuit. To prevent this, most liability insurers want to be informed of every claim and to supervise and to absorb the cost of settling or defending every potentially insured claim. In liability insurance, defense is too crucial to the ultimate cost of even



the apparently smallest claim to be left to an insured. Hence, in liability insurance, only the actual amount of paid claims (not the liability loss adjustment costs) are charged as part of the deductible the insured must absorb.

This background on deductibles makes it clearer why embracing deductibles in its insurance policies lowers an organization's loss financing costs, motivates better loss control throughout its operations, and helps it allocate its insurance budget to the loss exposures for which insurance is most needed.

Cut Premium Rates and Risk Financing Costs

Hopefully, none of us insures against such foreseeable, budgetable losses that we all know are coming in our personal lives: automobile tires that go flat or broken backdoor windows, for example. These are "accidents," conceptually no different than automobiles crashing on highways or hurricanes blowing down whole houses. Yet, if we were to try to insure against flat tires or broken backdoor panes, think how our Homeowners and Family Automobile policy premiums would skyrocket! And

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"In property policies, the insurer is not involved at all with losses that fall within a deductible. The insured pays both for the loss itself and for the "loss adjustment," which is the cost of arranging for the repairs—cleaning up, getting bids, obtaining building permits, and the like."



2005 Risk Management and Finance Summit for Nonprofits

About the Conference

The *Risk Management and Finance Summit for Nonprofits* (formerly the *Nonprofit Risk Management Institutes*) is an educational event that draws leaders from nonprofits in every corner of the USA, as well as professional advisors (lawyers, CPAs and insurance professionals) who assist nonprofits. The Summit offers a time and place for the sharing of ideas, the

opportunity to acquire information for informed decision-making and a welcoming environment for champions of risk management in the nonprofit sector. With educational sessions covering a broad spectrum of hot topics in the field, the Summit is a not-to-be-

missed event for those who want to strengthen risk management in their organizations and thereby enable greater focus and resources to be devoted to mission fulfillment.

The principal sponsor of the conference is the **Nonprofit Risk Management Center**, a nonprofit resource center based in Washington, D.C. For more than 15 years, the Center has provided a wide range of free and affordable services to U.S. nonprofits and those in other parts of the world. This year's conference is brought to you through a collaboration of leading California-based organizations: California Association of Nonprofits (www.CAnonprofits.org), CompassPoint Nonprofit Services

(www.compasspoint.org), and the Nonprofits' Insurance Alliance of California (www.niac.org).

About the Format

The *Risk Management and Finance Summit for Nonprofits* offers a unique "conference within a conference" format. By collaborating, the principal sponsors have joined forces to provide an affordable, content-filled program suitable for risk management, finance and other professionals working in the nonprofit sector. The program consists of three overlapping conference agendas.

The first agenda, sponsored by the *Nonprofit Risk Management Center*, covers a wide range of risk management topics with three concurrent tracks. Scheduled workshops include sessions on "Managing the Risk of Sexual Abuse," "Workplace Safety," "Negligent Supervision Suits," "Transportation Risks," "Charitable Immunity and Tort Reform," among others.

The second agenda, sponsored by *CompassPoint Nonprofit Services*, is "Beyond the Bottom Line," a program for nonprofit finance professionals who play a senior role at their organizations and have 5+ years of finance experience. Scheduled sessions include "Time Tracking: What Staff Really Do and How It's Paid For," "Case Studies: Peer Presentations of Real-life Financial Challenges and Solutions," and "Risk of Fraud: What's the Role of the Audit Committee and the Board of Directors?"

The third agenda, sponsored by the *California Association of Nonprofits*, is a nonprofit accounting boot camp, suitable for both new and veteran finance and program managers who work for nonprofits or who act as advisors to nonprofits. A specially discounted registration fee is available

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to persons who register for all three programs. Keep in mind that you may choose to attend sessions from one, two or all three agendas.

Who Should Attend?

The 2005 Summit is designed for nonprofit CEOs, CFOs, finance professionals, risk managers, program managers, board members, department heads and professional advisors serving nonprofit organizations. Veteran nonprofit professionals and new managers will feel at home at this challenging, information-packed educational event.

Headquarters Hotel

All conference workshops and activities will be held at the **Argonaut Hotel**, conveniently located on Fisherman's Wharf in San Francisco. Overnight accommodations are available at the hotel for the special conference rate of \$175 per night. This special rate is guaranteed for reservations made before September 1, 2005. To reserve a room at the Argonaut, call **(866) 415-0704**.

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The Center is grateful to the following organizations for their generous sponsorship of the Summit:

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- Mutual of America
- Nonprofits' Insurance Alliance of California
- Philadelphia Insurance Companies
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Scholarships

The Center is also grateful to the *Public Entity Risk Institute* (PERI) for once again sponsoring the conference scholarships program. To learn more about the program, visit www.nonprofitrisk.org and click on the link for the Summit.

Forum for Insurance Brokers and Agents

Wednesday, September 28, 9:30 am-12:30 pm

Each fall insurance agents and brokers who specialize in serving nonprofits gather to share wisdom and insight and discuss current and emerging challenges. For insurance specialists, the Forum has become a highlight and "not-to-miss" component of the Nonprofit Risk Management Center's annual conference. This year's program continues that tradition. If you are an agent or broker with a sizeable or growing book of nonprofit accounts, plan to join your comrades in the industry for a fast-paced Forum covering three critical topics:

- "Resources for Nonprofit Insureds"**—Learn what's available, how you can help your insureds locate useful resources, and how doing so brings a "value-added" component to your menu of services.
- "How to Conduct a Risk Assessment"**—Do you offer to conduct "risk assessments" for your nonprofit insureds? If so you'll want to find out how to go about conducting a risk assessment that your insureds will value.
- "Risk Management for Your Agency or Brokerage"**—With regard to risk management, is your agency like the shoeless cobbler's child? It's time to focus on the risks you face and adopt practical strategies for managing those risks.

Love Those Deductibles!

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it might take an insurance adjuster weeks to come see our flat tire—three weeks we couldn't drive our car with the flat tire. It is just cheaper and easier to pay these losses ourselves and save our insurance for the big things!

The same is true for organizations. It is a fact of nature that small losses, the “flat tires” of an organization's normal activities, happen rather frequently in the overall scheme of an organization's life; the hard-to-foresee “head-on collisions” in the life-span of an organization are really quite rare. By relying on insurance for only these potentially catastrophic events in an organization's life, we can cut down both our organization's insurance premiums this year and, in the long run our total costs of paying—from our own organization's pocket, or through truly needed insurance for major, unforeseeable casualties—for all the setbacks our enterprise may suffer. By choosing the types and levels of the deductibles in our insurance policies, we can control how much we reduce our organization's costs of the events we can truly consider “major accidents” as opposed to prudently budgetable costs.

Encourage Loss Control

Another way to make more costs of “accidents” more predictable is to encourage safety as part of the organization's “way,” or “culture,” in performing everyday activities. Emphasizing insurance deductibles to let management and staff know that we all have to “eat” the first dollars of most otherwise-insured losses—and that these dollars come out of a department's or the whole organization's reported financial results—can be a strong motivator for safety, for everyone's

personal “ownership” of the overall safety record. For better safety to be an effective motivator, it usually must be presented as a positive reward for the group, not as a negative threat to individuals so unfortunate as to have been involved in particular accidents. Focusing on financial results as affected by choices of deductibles provides a positive, objectively impersonal framework for conveying this message.

Improve Allocation of Insurance Budget

Insurance premiums and overall risk financing dollars that are saved by choosing substantial deductibles in insurance policies for controllable exposures become dollars that can be put to higher and better risk

management uses. Dollars not spent to cover fairly routine, reasonably budgetable, automobile collision losses usually are better spent to buy higher limits of business interruption or professional liability insurance—insurance against the truly catastrophic events that, potentially but very truly, can destroy an organization, ending its pursuit of its mission.

Once again, save the insurance for the really big, otherwise unmanageable, unforeseeable events in your organization's life. Love the adequate high limits of insurance you need for the really rare occasions when only adequate policy limits can save your enterprise; and love the deductibles for helping you reach the decisions through which you make the best use of your risk-financing and overall risk management dollars.

George Head is Special Advisor to the Nonprofit Risk Management Center. He welcomes calls and messages from readers of Community Risk Management and Insurance. Dr. Head can be reached at (610) 644-2100, x7108 or George@nonprofitrisk.org.

“Dollars not spent to cover fairly routine, reasonably budgetable, automobile collision losses usually are better spent to buy higher limits of business interruption or professional liability insurance—insurance against the truly catastrophic events that, potentially but very truly, can destroy an organization, ending its pursuit of its mission.”



Now Available from the Nonprofit Risk Management Center

Risk management text published by Wiley & Sons can be purchased from NRMCM

Through a special arrangement with the publisher, the Center is pleased to make available *Managing Risk in Nonprofit Organizations: A Comprehensive Guide* for the special price of \$20. Published by Wiley & Sons in 2004, the authors of this hard-cover text include the Center's executive director, Melanie Herman and special advisor, George Head.

Too often, nonprofit managers unwittingly adopt an unrealistic attitude toward risk management. They acknowledge the risks inherent in the nonprofit's operations—from serving a vulnerable population while using volunteers to deliver services, to relying on the kindness of strangers for donations to meet payroll and other expenses. Yet their risk management strategy seeks only to avoid or eliminate risk. Not only does this stance fail to account for the fact that many risks in nonprofit work are plainly unavoidable, but it further fails to recognize the inherently positive component of risk-taking. An organization that designs its risk management activities solely around the goal of minimizing or avoiding risk will miss out on opportunities to strengthen the organization's assets, offer more meaningful services to individuals or a wider community, and attract a steadily growing constituency of donors, supporters, and volunteers. You'll learn how to minimize the negative and maximize the positive consequences of risk-taking when you read *Managing Risk in Nonprofit Organizations: A Comprehensive Guide*.

The authors of this book analyze every facet of the risk management process, including identifying and prioritizing risk, selecting and implementing risk management techniques, and monitoring risk

management for the long term. They begin by highlighting five reasons why risk management should be a top priority for all nonprofit personnel, from the governing board to unpaid volunteers:

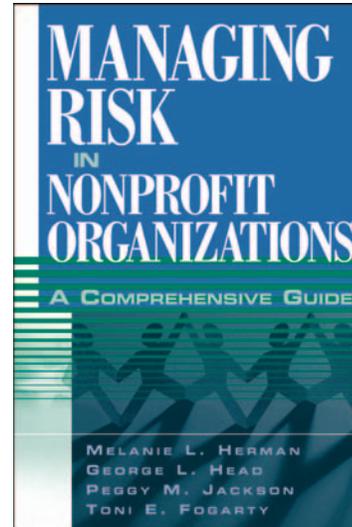
- Asset stewardship
- Achieving public accountability
- Attracting stakeholders
- Freeing up resources for mission
- Staying true to mission

The authors systematically explain how risk management can be leveraged in a time-sensitive manner in each of these and other areas, recognizing the myriad pressures and competing concerns that every nonprofit staff faces. Diagrams of the risk management cycle and "dimensions of risk" graphics further illustrate process implementation.

Risk management should be viewed not as a bit of unpleasant housekeeping, but rather as an opportunity to achieve your organization's full potential. With this practical guide, nonprofit managers will learn how to reap the considerable benefits that proper risk management has to offer.

2004 / ISBN - 0-471-23674-8 / 322 pages / \$20.00

To order a copy of this text, call (202) 785-3891, visit www.nonprofitrisk.org, or use the order form on page 15.



Risk Management MARKETPLACE

Welcome to the **Risk Management Marketplace**, a regular feature in *Community Risk Management & Insurance*. Inclusion in the Marketplace does not constitute an endorsement by the Nonprofit Risk Management Center. To inquire about space availability for future editions of the Risk Management Marketplace, contact Suzanne@nonprofitrisk.org.

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June 8	The Board's Role in Risk Management (<i>Melanie Herman</i>)
July 6	Responding to Allegations of Abuse (<i>John Patterson</i>)
August 3	Insurance Basics for Nonprofits (<i>Melanie Herman</i>)
September 7	Contracting Do's, Don'ts & Musts for Nonprofits (<i>Melanie Herman</i>)
October 5	Conducting Effective Performance Appraisals in a Nonprofit (<i>Melanie Herman</i>)
November 2	Staff Screening: What's New and What You Need to Know (<i>John Patterson</i>)
December 7	Managing Transportation Risk in a Nonprofit (<i>Melanie Herman</i>)
January 4	Managing Legal Risks in a Nonprofit (<i>Melanie Herman</i>)

About the Faculty: *Melanie Herman* is executive director of the Nonprofit Risk Management Center. Melanie advises nonprofits of all sizes on issues ranging from managing legal risks to employment practices to insurance buying. *John Patterson* is senior program director at the Center and a nationally known expert on youth protection issues, volunteer risk management and staff screening.



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