

# NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

## **INDEMNIFICATION OF BOARD MEMBERS, NON-UNIONIZED EMPLOYEES AND INDIVIDUALS HIRED UNDER PERSONAL SERVICES CONTRACTS**

**PB 14.0  
NPS 12-00**

### **POLICY:**

IT SHALL BE THE POLICY OF THE NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD to indemnify and hold harmless members of the Board, its non-unionized employees and individuals hired under personal services contracts of legal liability and legal expense arising out of an act, error or omission when an individual was acting on behalf of the Board and where the Board liability insurance does not offer protection for the individuals.

### **REGULATIONS:**

#### **A. Indemnification shall apply when:**

1. The individual was acting in good faith and in accordance with applicable Board policies.
2. The individual did not intentionally breach the relevant statute or regulation.
3. The individual provides full information to the Board and its agents, in a timely manner, with respect to the incident and surrounding circumstances and cooperates fully with the Board and its agents with respect to the investigation, negotiation, settlement, and defence of the claim, charge, etc.
4.
  - a) The acts, errors or omissions occurred during the performance of an individual's duty while working for the Board, even if the individual is no longer working for the Board; or
  - b) The acts, errors or omissions occurred during the performance of the member's duty while a member of the Board, even if the individual is no longer a member of the Board.

#### **B. Indemnification shall not apply when:**

1. The claim arises out of a matter personal to the individual.
2. It is prohibited by a specific order of a court or board of competent jurisdiction or the Education Act.
3. The individual retains his/her own legal counsel and pleads guilty to a charge.

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### PROCEDURES:

1. All claims for damages shall be reported to the liability insurer.
2. If the liability insurer denies the claim for damages, the Board will determine if the claim is subject to Part A or Part B of the regulations.
3. Upon determination that the claim is subject to Part A of the regulations, the Board shall appoint legal counsel and any and all experts as the Board considers necessary.
4. The Board shall have the full right to defend in the name of and on behalf of the individual, and make such investigations and conduct such negotiations and settlements of any claim, complaint, or prosecution as may be deemed necessary or expedient.
5.
  - a) Upon determination that the claim is subject to Part B of the regulations, the Board may, notwithstanding Part B of the regulation, in its sole and absolute discretion, decide whether it will appoint legal counsel and any and all experts as the Board considers necessary.
  - b) If the Board decides to appoint legal counsel or any experts in accordance with article 5 of the procedures, it shall have the same rights as stipulated in article 4 of the procedures.
6. Notwithstanding that the Board decides not to appoint legal counsel or any experts in accordance with article 5, it may in its sole and absolute discretion decide to reimburse the individual in whole or in part for legal fees and any other costs incurred during the prosecution or hearing, or upon the completion thereof.