

## 72 INDEMNIFICATION BYLAW

Because they are members of an agency of government whose powers and duties can only be exercised by a decision of the majority of trustees and only when the Board is officially in session, trustees and the Board's employees act as agents of the Board. None of these individuals should be placed in a position of personal liability for the performance of responsibilities vested in them by the *School Act* or assigned them by the Board.

- 72.1 The Board may indemnify a trustee, officer, or employee of the Board:
- (a) against a claim for damages against a trustee, officer or employee of the Board arising out of performance of his/her duties; or
  - (b) where an inquiry under Part 2 of the Inquiry Act or other proceeding involves the administration and conduct of the business of the School District;
  - (c) and, in addition, may pay legal costs incurred in proceedings arising out of the claim or inquiry or other proceeding.
- 72.2 A Board may, by an affirmative vote of not less than two-thirds of all its members, pay:
- (a) any sum required to indemnify a trustee, officer, or employee of the Board where a prosecution arises out of the performance of his/her duties for the Board; and
  - (b) costs necessarily incurred;
  - (c) but the Board shall not pay a fine imposed on a trustee, officer or employee as a result of his/her conviction.
- 72.3 A Board shall not seek indemnity against a trustee, officer or employee of the Board in respect of any action of the trustee, officer or employee that results in a claim for damages against the Board; but the Board may seek indemnity.
- (a) against a trustee, officer or employee where the claim for damages arises out of the gross negligence of the trustee, officer or employee; or
  - (b) against an officer or employee where, in relation to the action that gave rise to the claim for damages against an officer or employee, the officer or employee wilfully acted contrary to:
    - (i) the terms of his/her employment, or
    - (ii) an order of a superior.