

SCHOOL DISTRICT NO. 53 (Okanagan Similkameen)
Indemnification Bylaw No. 24

A bylaw respecting indemnification of a trustee, officer, or employee of the Board, pursuant to Section 95(1) of the School Act.

1. The Board agrees to indemnify a trustee, officer, or employee of the Board against all damages awarded in a judgment against the individual, and all legal costs actually and reasonably incurred by the individual, in a civil or administrative action or proceeding arising out of the performance of his/her duties or involving the administration and conduct of the business of the school district, subject to the following:
 - 1.1 This bylaw applies to individuals who are trustees, officers, or employees of the Board of Education at the time that a claim for indemnification is made, or who were trustees, officers, or employees of the Board of Education at the time that the occurrence took place that gives rise to the claim for indemnification.
 - 1.2 This bylaw does not apply to officers and employees who are parties to contracts or collective agreements with the Board that contain indemnification provisions, except where those indemnification provisions incorporate this bylaw by reference.
 - 1.3 The board shall not indemnify a trustee, officer or employee for any matters for which insurance coverage is available to cover the liability of the trustee, officer or employee.
 - 1.4 The individual must have acted reasonably and in good faith.
 - 1.5 In the case of an administrative action or proceeding, the individual must have had reasonable grounds for believing his/her conduct was lawful.
 - 1.6 The Board may retain counsel of its choice to defend an action or proceeding against the individual. The direction of the defense and the acceptance of any compromise or settlement will then lie in the sole direction of the Board. If the Board chooses to retain such legal counsel, it has no obligation to indemnify the individual for any legal fees associated with any legal representation the individual may choose to retain thereafter.
 - 1.6.1 The Board may delegate some or all of its powers under section 1.6 to a senior Board officer.
 - 1.7 The Board may, in its sole discretion, advance funds to the individual prior to the final resolution of a claim or action, in order to prevent undue hardship being suffered by the individual.
 - 1.8 Damages in a civil action or proceeding shall include amounts paid by the individual, with the prior consent of the board, to settle an action.

1.9 This indemnity does not apply to:

1.9.1 Legal costs associated with any appeal by the individual of any judgment or order.

1.9.2 Legal costs associated with any action or proceeding taken by the Board against the individual or the individual against the Board or its officers or employees.

1.10 With respect to proceedings by or before the council or the discipline committee of the College of Teachers, this indemnity shall only apply where the Board determines that the individual acted properly in the performance of his/her duties.

1.11 In order for these provisions to be binding upon the Board, the individual must immediately notify the Board, in writing, of any incident or course of events about which he/she becomes aware that may lead to any legal proceedings or action against him/her.

2. This bylaw may be cited as "School District No. 53 (Okanagan Similkameen) Indemnification Bylaw No. 24".

Read a first time the 19th day of November, 2008

Read a second time the 19th day of November, 2008

Read a third time, passed and adopted the 19th day of November, 2008

(Corporate Seal)

Chairperson of the Board

Secretary-Treasurer