



KAWARTHA PINE RIDGE DISTRICT SCHOOL BOARD

POLICY STATEMENT

Section: Board and Community

• **General**

Policy: INDEMNIFICATION

Policy Code: B-1.3

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The Kawartha Pine Ridge District School Board shall provide indemnification in support of the members of the Board and its employees as they perform their duties and carry out their responsibilities, acting in good faith and in a manner consistent with Board policies and regulations.

1. The Board shall indemnify and hold harmless, members of the Board and its employees with respect to any and all claims, complaints, or charges, and in particular, to pay on their behalf all fines, awards, and reasonable sums which the individual shall become obligated to pay by reason of any court order or sentence or any award and any liability imposed by law upon such individual, provided however, that the legal liability arises out of an act, error, or omission by the individual acting on behalf of the Board, and also provided:
 - 1.1 the individual was acting in good faith, in accordance with Board policies or regulations;
 - 1.2 the individual did not intentionally breach the relevant statutes or regulation, or Board policies or regulations, and provided that this indemnification shall not apply to any charges pursuant to the Criminal Code of Canada (except that Subsection 171(1)18 of the Education Act, R.S.O. 1990, c.E2 shall apply) Canada Food and Drugs Act, or Controlled Drugs and Substances Act;
 - 1.3 the claim does not arise out of a matter personal to the individual;
 - 1.4 the individual provides full information to the Board and its agents, in a timely manner, with respect to the incident and surrounding circumstances and co-operates fully with the Board and its agents with respect to the investigation, negotiation, settlement, and defence of the claim, charge, etc.; and
 - 1.5 the indemnification is subject to the specific order of a court or board of competent jurisdiction prohibiting indemnification.
2. With respect to any claims for damages, all of the provisions in the Board's insurance policy or policies as well as any internal policy or regulation with respect to procedure and coverage will apply.
 - 2.1 With respect to charges or complaints against an individual, subject to the exceptions set out in subclauses 1.1, 1.2, 1.3, and 1.4, the Board shall appoint counsel and any and all experts as the Board considers necessary.

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- 2.2 With respect to charges pursuant to the Criminal Code of Canada, Canada Food and Drugs Act, or Controlled Drugs and Substances Act, the Board may, in its sole and absolute discretion, determine whether it will appoint counsel and any and all experts as the Board considers necessary. In any such case, the Board shall have the full right to defend in the name of and on behalf of the individual and make such investigation and conduct such negotiations and settlements of any claim, complaint, or prosecution as may be deemed necessary or expedient by the Board.
- 2.3 Where an individual is charged or is subject to a complaint under an act or regulation or under the Criminal Code of Canada, and chooses to appoint their counsel or experts, the Board shall not be obligated to pay legal or expert costs, but shall in its sole discretion determine what, if any amount of such legal or expert costs the Board will reimburse to the individual, either during the prosecution or hearing, or after the completion of the prosecution or hearing.
- 2.4 Where an individual appoints their own counsel and pleads guilty to a charge, this indemnification shall not apply.
- 2.5 Where an individual appoints their own counsel and there is a conviction after trial or award after a hearing, the indemnification will apply subject to the limitations set out above.
3. The Board reserves the right to take whatever steps it deems necessary with respect to a member of the Board and in particular, those steps set out in Policy No. B-1.2, Code of Conduct, as it presently exists or as amended, if the member has not acted in good faith or in accordance with Board policies or regulations, or in accordance with Policy No. B-1.2. The Board also reserves the right to dispense whatever discipline, including possible termination of employment in accordance with other Board contracts, policies or regulations, as it may deem appropriate, if the employee does not act in good faith or in accordance with Board policies or regulations, or goes beyond, or short of, or breaches what would be considered normal and prudent conduct.
4. The indemnification covers a member of the Board for any act, error, or omission which occurred during the performance of the member's duty while a member of the Board; and also covers employees and ex-employees for any act, error, or omission which occurred during the performance of an employee's duty while employed with the Board.

Established: April 16, 1998

Reviewed/Revised:

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