

## **INDEMNIFICATION OF SUPERVISORY PERSONNEL**

### **Background**

The District employs a number of supervisory personnel (hereinafter referred to as "Supervisors"). These Supervisors are not members of any union. As these Supervisors are carrying out Supervisory, management, and other duties assigned by the District or required by the *School Act* and are from time to time acting on behalf of the District in an administrative capacity, it is necessary that they be indemnified by the District.

The District therefore agrees to indemnify these Supervisors against all legal costs actually and reasonably incurred by them in a civil, criminal, or administrative action or proceeding which is brought against them by reason of being or having been a Supervisor, subject to the following procedures

### **Procedures**

1. The Supervisor must have acted reasonably and in good faith.
2. In the case of a criminal or administrative action or proceeding, the Supervisor must have had reasonable grounds for believing his conduct was lawful.
3. In order for these provisions to be binding upon the District, the Supervisor must immediately notify the District, in writing, of any incident or course of events about which he becomes aware that may lead to any legal proceedings or action against him.
4. The District may retain legal counsel of its choice to defend an action or proceeding against a Supervisor. The direction of the defence and the acceptance of any compromise or settlement will then lie in the sole discretion of the District. If the District chooses to retain such legal counsel, it has no obligation to indemnify the Supervisor for any legal fees associated with any legal representation the Supervisor may choose to obtain thereafter.
5. Legal Costs
  - 5.1. Legal costs in a criminal proceeding shall include legal costs incurred during a police investigation of a charge or allegation.
  - 5.2. Legal costs in a civil action or proceeding shall include amounts paid by the Supervisor to settle an action or satisfy a judgment.
6. This indemnity does not apply to:
  - 6.1. Any fines, penalties, or orders made on a conviction for a criminal offence;
  - 6.2. Costs, charges, and expenses associated with any appeal by the Supervisor of any conviction, sentence, judgment, or order; and
  - 6.3. Costs, charges, and expenses associated with any action or proceeding taken by the District against the Supervisor.

7. With respect to proceedings by or before the council or discipline committee of the Teacher Regulation Branch, this indemnity shall only apply where the Supervisor, in the opinion of the District, acted properly in the performance of his duties.
8. The District may, at its discretion, advance funds to the Supervisor prior to the final resolution of a claim or action or prosecution, in order to prevent undue hardship being suffered by the Supervisor.

Reference: Sections 17, 20, 22, 65, 85 School Act

Adopted: October 3, 1989

Revised: May XX, 2019