

## SCHOOL DISTRICT NO. 78 (FRASER-CASCADE)

### BYLAW

NO: 10

DATE: 1996-12-02

REVISED:

SUBJECT: **INDEMNIFICATION**

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A bylaw to provide that the School Board shall indemnify a trustee, an officer or an employee of the Board against a claim for damages arising out of the legal performance of his duties; and for an inquiry or proceeding involving the administration and conduct of the business of the school district; and will pay legal costs incurred in a court proceeding arising out of the claim or the legal costs arising from such inquiries or proceedings.

WHEREAS the *School Act*, S.B.C. 1989, c.61 provides that the School Board may by bylaw provide that the Board will indemnify a trustee, and officer or an employee of the Board against a claim for damages against the trustee, officer or employee of the Board arising out of the legal performance of his duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim;

AND WHEREAS the *School Act*, S.B.C. 1989, c.61 also provides that the Board may by bylaw indemnify a trustee, an officer or an employee of the Board where an inquiry under the *Inquiry Act* or other proceedings involving the administration and conduct of the business of the school district, and also pay legal costs incurred in such inquiries or proceedings;

NOW THEREFORE the Board of School Trustees of School District No. 78 (Fraser-Cascade) in open meeting assembled enacts as follows:

### **1. Interpretation**

In this bylaw:

- a) "trustee" means a member of the Board of School Trustees of School District No. 78 (Fraser-Cascade);
- b) "officer" means a Superintendent, Secretary-Treasurer or administrative officer;
- c) "employee" means all teaching and non-teaching personnel other than officers;
- d) wherever the singular or masculine or neuter is used in this Bylaw, the same shall be construed as meaning the plural, the feminine or the body corporate whenever the context so requires.

### **2. Indemnification**

- a) The School Board shall indemnify a school trustee, an officer or an employee of the Board against a claim for damages against the trustee, officer or employee arising out of the legal performance of his duties, and, in addition, pay the actual costs incurred by the trustee, officer or employee in a court proceeding arising out of the claim;

- b) The School Board shall indemnify a school trustee, an officer or an employee where an inquiry under the *Inquiry Act* or other proceedings involving the administration and conduct of the business of the school district, and also pay legal costs incurred in such inquiries or proceedings;
- c) Sections 2(a) and 2(b) apply in respect of a person who was a trustee, and officer or an employee of the Board at the time he performed the legal duties out of which the claim, inquiry or other proceeding arose, whether or not he is a trustee, an officer or an employee at the time the claim for damages, inquiry or other proceeding arises, or any legal action arising out of the claim, inquiry or other proceeding is commenced or concluded;
- d) This bylaw applies to:
  - (i) the legal performance of duties by a trustee, an officer or an employee; and
  - (ii) inquiries or proceedings arising out of the administration and conduct of the business of the school district.

**3. Contracts**

This bylaw refers to officer and employee employment contracts, including collective agreements, now in force or in force in the future.

**4. Severability**

If any section or lesser portion of this bylaw is held invalid, the invalidity shall not affect the validity of the remaining portions of this bylaw.

**5. Citation**

This bylaw may be cited for all purposes as:

"Board of School Trustees of School District No. 78 (Fraser-Cascade) Indemnification Bylaw No. 10".