

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 their duties; and for an inquiry or proceeding involving the administration and conduct of the business of the school district; and will pay legal court proceeding arising out of the claim or the legal costs arising from such inquiries or proceedings.

WHEREAS the *School Act*, Section 95(1)(a) provides that the School Board may, by bylaw, provide that the Board will indemnify a trustee, 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 or her duties and, in addition, pay legal costs incurred in a court proceeding arising out of the claim or inquiry of other proceedings;

AND WHEREAS the *School Act*, Section 95(1)(b) also provides that the Board may, by bylaw, indemnify a trustee, an officer or an employee of the Board where an inquiry under the *Public 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 Education of School District No. 48 (Sea to Sky) in open meeting assembled enacts as follows:

### **1. Interpretation**

In this bylaw:

- 1.1 "trustee" means a member of the Board of Education of School District No. 48 (Sea to Sky);
- 1.2 "officer" means a Superintendent, Assistant Superintendent, Secretary-Treasurer, Assistant Secretary-Treasurer, Director, Principal or Vice Principal;
- 1.3 "employee" means all other teaching and support personnel;

### **2. Indemnification**

- 2.1 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 their duties, and, in addition, pay the actual costs incurred by the trustee, officer or employee in a court proceeding arising out of the claim;
- 2.2 The School Board shall indemnify a school trustee, an officer or an employee where an inquiry under the *Public Inquiry Act* or other proceeding involving the administration and conduct of the business of the school district, and also pay legal costs incurred in such inquiries or proceedings;

2.3 Sections 2.1 and 2.2 apply in respect of a person who was a trustee, and officer or an employee of the Board at the time they performed the legal duties out of which the claim, inquiry or other proceeding arose, whether or not they are 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;

2.4 This bylaw applies to:

2.4.1 The legal performance of duties by a trustee, an officer or an employee; and

2.4.2 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.

Adopted: June 9, 1999  
Revised: April 8, 2009  
Reviewed: September 12, 2018