

1 The Transylvania County Board of Education (the “board”) shall defend, hold harmless, and
2 indemnify the current board members, former board members, the current superintendent, and/or
3 former superintendents from any and all demands, claims, suits, actions, and legal proceedings
4 brought against the board or the superintendent in their individual capacities, or in their
5 capacities as agents and employees of the board, provided the incident giving rise to any such
6 demand, claim, suit, action or legal proceeding arises pursuant to the scope of their duties.

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8 A. The board shall provide for the defense of any civil or criminal action or proceeding
9 brought against any current or former member of the board or any current or former
10 superintendent brought against him or her in either his or her official or individual
11 capacity, or both, on account of any act done or omission made, or any act allegedly done
12 or omission allegedly made, in the scope and course of his or her duty as a member of the
13 Transylvania County Board of Education or as superintendent of the Transylvania
14 County Schools. The defense shall be provided by the board by its own counsel, or by
15 employing other counsel, or by purchasing insurance which requires that the insurer
16 provide the defense.

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18 B. The board shall budget funds for the purpose of paying all of a claim made or any civil
19 judgment entered against any of its current or former members or any current or former
20 superintendent when such claim is made or such judgment is rendered as damages on
21 account of any act done or omission made, or any act allegedly done or omission
22 allegedly made, in the scope and course of his or her duty as a member of the
23 Transylvania County Board of Education or as superintendent of the Transylvania
24 County Schools. This policy shall not apply if the board finds that such current or former
25 member or any current or former superintendent acted or failed to act because of actual
26 fraud, corruption, or actual malice on her or her part.

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28 The board may budget for and purchase insurance coverage for payment of claims or
29 judgments pursuant to this policy.

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31 C. Section B of this policy shall not authorize the board to pay all or part of a claim made or
32 civil judgment entered or to provide a defense to a criminal charge unless notice of the
33 claim or litigation is given to the board prior to the time that the claim is settled or civil
34 judgment is entered.

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36 Legal References:

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38 Cross References:

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40 Adopted: September 9, 1991

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42 Revised: [DATE]