

1 If not already revised by insurance or through its participation in the North Carolina School  
2 Boards Trust, the Transylvania County Board of Education (the “board”) shall provide a cost of  
3 defense defend, hold harmless, and indemnify for the current board members, former board  
4 members, the current superintendent, and/or former superintendents from any and all demands,  
5 claims, suits, actions, and legal proceedings brought against the board or the superintendent in  
6 their individual capacities, or in their capacities as agents and employees of the board, provided  
7 the incident giving rise to any such demand, claim, suit, action or legal proceeding arises  
8 pursuant to the scope of their duties. The defense shall be provided by the board’s own counsel  
9 or by employing separate legal counsel.

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

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

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31 ~~The board may budget for and purchase insurance coverage for payment of claims or~~  
32 ~~judgments pursuant to this policy.~~

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

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39 Legal References:

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41 Cross References:

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43 Adopted: September 9, 1991  
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45 **Revised:** [DATE]

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