

1 The [Transylvania County Board of Education \(the “board”\)](#) will provide for the defense of any
2 civil or criminal action or proceeding brought against an employee in his or her official or
3 individual capacity, or both, on account of an act done or an omission so long as all of the
4 following conditions are met.

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- 6 1. The act or omission occurred in the scope and course of employment.
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- 8 2. Defense of the action would not create a conflict of interest between the board and the
9 employee.
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- 11 3. The employee did not act or fail to act because of fraud, corruption, or malice on his or
12 her part.
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14 In order for the board to provide for the defense pursuant to this policy, the employee must
15 provide a written request to the superintendent as soon as possible upon learning of the claim or
16 action.

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18 The superintendent, with advice from the board attorney, shall make a recommendation to the
19 board as to whether the board will provide legal representation for the employee. Board
20 approval of an employee’s request to provide legal representation will only relate to the initial
21 trial or proceeding. The employee must make an additional request in writing to the board for
22 legal representation at each subsequent stage of the appeal of the action or proceeding.

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24 If an employee’s request for legal representation in any civil or criminal action or proceeding is
25 denied and subsequently the employee is found not to be liable or guilty, the board may
26 reimburse the employee a reasonable attorney’s fee upon written request of the employee.

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28 To protect its own financial resources, the board will provide for sufficient liability coverage for
29 personnel, workers’ compensation coverage, and unemployment compensation insurance.

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31 Legal References: G.S. 115C-43

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33 Cross References:

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35 Adopted:

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