

~~— (a) The Transylvania County Board of Education shall provide for the defense of any civil or criminal action or proceeding brought against any member or former member of the Board or any Superintendent or former Superintendent brought against him in either his official or individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his duty as a member of the Transylvania County Board of Education or Superintendent. The defense shall be provided by the Transylvania County Board of Education by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense.~~

~~— (b) The Transylvania County Board of Education shall budget funds for the purpose of paying all of a claim made or any civil judgment entered against any of its members or former members or any Superintendent or former Superintendent, when such claim is made or such judgment is rendered as damages on account of any act done or omission made or any act allegedly done or omission allegedly made in the scope and course of his duty as Superintendent or a member of the Transylvania County Board of Education. This policy shall not apply if the Transylvania County Board of Education finds that such member or former member or any Superintendent or former Superintendent acted or failed to act because of actual fraud, corruption or actual malice on his part.~~

~~— The Transylvania County Board of Education may budget for and purchase insurance coverage for payment of claims or judgments pursuant to this policy.~~

~~— (c) Section (b) of these rules shall not authorize the Transylvania County Board of Education to pay all or part of a claim made or civil judgment entered or to provide a defense to a criminal charge unless notice of the claim or litigation is given to the Transylvania County Board of Education prior to the time that the claim is settled or civil judgment is entered.~~

~~APPROVED BY BOARD
AND EFFECTIVE 9/9/91~~