

FOX CHAPEL AREA SCHOOL DISTRICT

SECTION: OPERATIONS

TITLE: INDEMNIFICATION

ADOPTED: May 10, 2010

REVISED:

813.1. INDEMNIFICATION	
1. Purpose 42 Pa. C.S.A. Sec. 8548	<p>The Board adopts this policy for all employees, administrators and elected officials of the school district in accordance with the Political Subdivision Tort Claims Act for the purpose of providing a comprehensive procedure for the filing of tort claims against the school district and for the exercise of governmental immunity.</p>
2. Authority 42 Pa. C.S.A. Sec. 8548	<p>The Political Subdivision Tort Claims Act provides that employees and elected officials of a school district are liable for civil damages on account of any injury to a person or property caused by his/her acts or omissions only to the same extent as the school district and permits such employee or elected official to assert as a legal defense on his/her behalf that:</p> <ol style="list-style-type: none">1. The conduct of the person which gave rise to the claim was authorized or required by law, or that s/he in good faith reasonably believed the conduct was authorized or required by law.2. The act or omission of the person which gave rise to the claim was within the policy-making discretion granted to the employee by law. <p>The Act requires certain mandatory provisions of legal assistance and indemnity by the school district to its employees and elected officials and permits certain other forms of legal assistance and indemnity.</p>
3. Guidelines	<p>The school district shall defend, or cause its insurance carrier to defend, any district employee, including elected and appointed School Board members against any action brought for civil damages under the Act, whether or not it is alleged that the act or omission of the employee was within the scope of the office or duties of the employees.</p> <p>The duty to defend its employees shall continue until such time as the Court enters an appropriate Order of Withdrawal or it is judicially determined that the act or mission constituted a crime, actual fraud, actual malice or willful misconduct.</p>

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The school district shall indemnify, or cause its insurance carrier to indemnify, any employee for the payment of any judgment entered in any action brought under the Act, where it is judicially determined that the act or omission which gave rise to the judgment was, or was reasonably believed in good faith by the employee to be, within the scope of his/her office or duties.

The duty to indemnify its employees shall not apply to any judgment where it is judicially determined that the act or omission which gave rise to the judgment constituted a crime, actual fraud, actual malice or willful misconduct.