

Policy Title	Indemnification of Board Employees and Trustees		
Date of Issue	October 17, 2000	Related Procedure	
Revision Dates	February 21, 2012 (rev. Rationale-Strategic Plan); October 15, 2013; February 19, 2019	Related Forms	
Review Date	February 1, 2024	Originator	Board of Trustees
References			
Municipal Conflict of Interest Act; Food and Drugs Act; Criminal Code; Controlled Drugs and Substances Act; Education Act; Good Samaritan Act			

1.0 RATIONALE

- 1.1 Bluewater District School Board policies will support and provide direction necessary to achieve the board’s Vision, Mission and Strategic Plan priorities.
- 1.2 Bluewater District School Board believes that the provision of indemnification for its employees and trustees, in regards to acts or omissions covered by this policy, will support its employees and trustees in their good faith efforts to perform their duties.

2.0 POLICY

- 2.1 It is the policy of Bluewater District School Board to indemnify and hold harmless its employees and trustees in respect of action or proceeding arising out of acts or omissions done or made by them in their capacity as an employee or member of the board.
- 2.2 Notwithstanding the foregoing, the board will not indemnify any costs or damages whatsoever arising out of a breach of the: Municipal Conflict of Interest Act; Food and Drugs Act; Criminal Code (except that ss. 171(1) 18 of the Education Act, R.S.O. 1990, c.E.2 shall apply); Controlled Drugs and Substances Act; or, where the claim arises out of a matter personal to the individual.

3.0 SYSTEM EXPECTATIONS

- 3.1 The board will indemnify and hold harmless its employees and trustees provided that:
 - a) the person was acting in good faith, in accordance with board policy and in accordance with the person’s duties and responsibilities as an employee or member of the board;
 - b) the individual did not act wilfully, knowingly, intentionally or negligently;
 - c) the individual provides full and complete information to the board and its agents and counsel, in a timely manner, of the matter and the surrounding circumstances and co-operates fully with the board and its agents with respect to the investigation, negotiation, settlement and defense of the matter;
- 3.2 The indemnification of any employee or trustee is subject to the laws of Ontario and Canada, and to any order of a Court, tribunal or board prohibiting indemnification.
- 3.3 The terms and conditions of the board’s insurance policy or policies, as well as any internal board policy shall apply with respect to any claim for indemnification.

- 3.4 The board shall have the full right to defend any matter referred to in section 3.1 above, in the name of and on behalf of an employee or trustee, and undertake such inquiries and investigations and conduct such negotiations and settlement discussions as deemed necessary or expedient by the board.
- 3.5 The board reserves the right to retain and appoint legal counsel in respect of any matter referred to in section 3.1.
- 3.6 With respect to charges pursuant to the *Criminal Code*, *Food and Drugs Act*, or *Controlled Drugs and Substances Act*, the board may, in its sole discretion, determine the extent if any, to which the person will be indemnified for legal expenses.