

0148 BOARD MEMBER INDEMNIFICATION

The Board of Education will indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding is brought against a Board member for any act or omission arising out of and in the course of the performance of his/her duties as Board member. In the case of a criminal or quasi-criminal action which results in a final disposition in favor of the Board member, the Board will defray all costs of defending the action, including reasonable counsel fees and expenses, together with costs of appeal, and will save harmless and protect the Board member from any financial loss resulting from the action. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4.

The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

Indemnification for Exemplary or Punitive Damages

The Board of Education may indemnify Board Members for exemplary or punitive damages resulting from the Board members' civil violation of State or federal law if, in the opinion of the Board of Education, the act or acts committed by the Board member upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

This indemnification, if so authorized by the Board of Education, shall occur regardless of the existence of insurance coverage covering such damages.

N.J.S.A. 18A:11.1; 18A:12-20; 18A:16-6;
18A:16-6.1; 18A:18A-46; 18A:18A-47

Adopted: 7 December 2009

Revised: 6 February 2012

