

BY-LAW**INDEMNITY OF BOARD MEMBERS**

Board Members should not be deterred from carrying out their duties conscientiously or from making difficult or unpopular decisions by fear of legal action.

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.

Date: January 18, 1983

Date Revised: April 27, 2009

<u>Legal References:</u>	N.J.S.A. 18A:12-20	Indemnity of members of boards of education against cost of defense of civil and criminal action; insurance coverage
	N.J.S.A. 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:16-6	Indemnity of officers and employees against civil actions
	N.J.S.A. 18A:16-6-1	Indemnity of officers and employees in certain criminal actions
	N.J.S.A. 18A:18A-46	No action for damages for action by officials
	N.J.S.A. 18A:18A-47	Indemnity agreement with the United States, etc.
	N.J.S.A. 59:10-4	Local public entities; authority to indemnify