

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

BYLAWS
0148/page 1 of 1
Board Member Indemnification

0148 BOARD MEMBER INDEMNIFICATION

The Board of Education shall indemnify Board members in accordance with law whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding ~~has been or shall be~~ brought against a Board member for any act or omission arising out of and in the course of the performance of ~~his~~their/her duties as a Board member. In the case of a criminal or quasi-criminal action ~~resulting which results~~ in a final disposition in favor of the Board member, the Board will ~~assume~~ 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 of Education may indemnify a Board member for exemplary or punitive damages resulting from the Board member's civil violation of State or federal law if, in the opinion of the Board, the 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. The Board may determine to indemnify Board members in these instances on a case-by-case basis, taking into account the Board's prior practices and the good faith of the particular Board member for whom indemnification is considered.

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

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

Cross Reference: 8750

Initial Adoption: October 21, 2002

First Reading: October 7, 2002 February 22, 2021

Second Reading: October 21, 2002 March 15, 2021

Adopted: October 21, 2002 Latest Adoption: