

## DEFENSE AND INDEMNIFICATION OF EMPLOYEES

In addition to other policies relating to the defense of lawsuits against teachers and other employees, the East Baton Rouge Parish School Board shall provide a defense to an employee when the employee is sued for damages by any student or any person qualified to bring suit on behalf of a student based on any action or statement or the omission of any action or statement by such employee when in the proper course and scope of the employee's duties as defined by the School Board employing such employee. Under those circumstances, the School Board shall provide a legal defense to such a lawsuit including reasonable attorney's fees, investigatory costs, and other related expenses.

In the event any such employee is cast in judgment for damages in such a suit, the School Board shall indemnify the employee against such a judgment including all principal, interest, and costs, except that the School Board shall not be responsible for any costs which the court stipulates are to be borne by a party other than the employee or the School Board.

If the School Board provides an employee with a defense under the foregoing circumstances and the judgment makes an award to the employee for damages or other awards for costs or any fees, the employee shall reimburse the School Board for its costs incurred in the defense. The requirement of reimbursement by the employee shall not exceed the amount received by the employee.

However, nothing in this policy requires the School Board to indemnify an employee against a judgment wherein there is a specific decree in the judgment that the action of the employee was maliciously, willfully, and deliberately intended to cause bodily harm or to harass or intimidate the student. Further, nothing in this policy shall require the School Board to indemnify an employee where it is determined that the employee was acting outside the proper course and scope of the employee's duties as defined by School Board policy.

The School Board shall notify each of its employees of the provisions of this policy for a legal defense and indemnification. Notice shall be given in writing in a clear and concise manner on an annual basis prior to the beginning of each school year.

Ref: La. Rev. Stat. Ann. '17:416.4.