

BOARD MEMBER INDEMNIFICATION

The members of the Board and its employees and agents act as agents of the District. None of these individuals shall be placed in a position of personal liability for the performance of the responsibilities vested in them by the voters of Sunapee or the State or Federal government.

In order to protect the individual members of the Board, its employees and other agents, and the educational interest of the community, the Board shall purchase, from public school funds, in the absence of governmental immunity or in coordination with governmental immunity, adequate insurance to indemnify Board members and agents of the District for their official actions in the service to the District.

It is the intent of this policy to provide the members of the Board with the full protection of NH RSA 31:104 which protects board members from civil damages for any vote, resolution, or decision made by that member acting in their official capacity in good faith and within the scope of their authority.

This policy also reflects the vote of the school board to indemnify and save harmless its members, officers, superintendents, employees and agents from personal financial loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property, provided the above referenced individuals at the time of the accident resulting in injury, damage or destruction are acting in the scope of their employment of office, all as provided in RSA 31:105.

It is also the intent of the board to indemnify and save harmless its members, officers, superintendents, employees and agents from liability for civil rights suits in accordance with RSA 31:106.

Nothing herein, however, shall be construed as obligating the Board to defend, indemnify, or hold harmless any person who violates the oath of office, or otherwise engages in criminal activity, official misconduct, fraud, intentional or willful and wanton misconduct, or acts beyond the authority properly vested in the individual.

Statutory References:

RSA 31:104, Liability of Municipal Executives
RSA 31:105, Indemnification for Damages
RSA 31:106 Indemnification of Civil Rights Suits
RSA 31:107 Purchase of Insurance

First Reading:	September 17, 2002
Second Reading & Approval:	November 5, 2002
Review:	December 4, 2013
First Reading:	June 1, 2022
Second Reading & Approval:	August 24, 2022