

BOARD MEMBER LIABILITY AND INDEMNIFICATION

Board members shall act in good faith in carrying out the duties and responsibilities of their office. Board members shall not be held personally liable for any actions taken in the performance of those duties and responsibilities vested in them by the laws of the State of Iowa and the members of the school district community.

The District shall defend, save harmless and indemnify Board members against tort claims or demands, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their official duties, unless that act or omission constitutes a willful or wanton act or omission. However, the District shall not save harmless or indemnify Board members for punitive damages.

The manner in which a defense is provided is the decision of the Board and will be made in consultation with the Board's attorneys. The Board's duty to defend a Board member may cease if the Board member declines the Board's group defense and retains private counsel, takes the plaintiff's position, or, without the Board's permission, negotiates his/her own settlement.

Legal Ref.: Wood vs. Strickland, 420 U.S. 308 (1975).
42 U.S.C. 1983, 1985 (2012).
Iowa Code § 670 (2013).

Cross Ref.: 207.0 Legal Counsel
704.4 Risk Management

ADOPTED: 4/26/93
1/10/05
3/26/18

Reviewed: 11/92, 1/99, 11/14/02, 12/2/04, 9/3/09, 12/5/13, 2/1/18, 4/6/23