

SUBJECT: Liability Insurance

I. Board Member Liability

The College may purchase insurance to protect itself and its Trustees from the cost and expense of defending litigation brought against them individually for acts or omissions committed by them in the good faith discharge of their official duties and against an award of damages where the College is not immune. The Board may not purchase insurance to indemnify its Trustees in situations where it is not itself exposed, actually or potentially, to a similar liability.

II. Tort Claims Act Liability

The College may purchase insurance protection against claims for bodily injury arising out of the negligence, wrongful act, or omission of the College's officers or employees, acting within the scope of their employment or office, arising from the operation or use of a motor vehicle under circumstances where such officers or employees would be personally liable to the claimant in accordance with the laws of this state.

III. Employee Liability

As an element of College employees' compensation, the College may purchase necessary liability insurance in the name of such employees who are exposed to individual liability by virtue of their official duties.

The College may pay actual damages, court costs, and attorney's fees adjudged against an employee if the damages are based on an act or omission by the employee in the course and scope of his or her employment and arise out of a cause of action for negligence, except a willful or wrongful act or omission or an act or omission constituting gross negligence, or official misconduct.

The College may provide counsel to represent a defendant in a cause or action covered by this policy. Counsel may be an attorney regularly employed by the College unless there is a potential conflict of interest between the defendant and the College, in which case the College may hire private counsel to defend the suit.

By adopting this policy, the College does not waive or modify any defense, immunity, or jurisdictional bar available to the College or its employees. No policy of insurance providing coverage to an official or employee of the College is modified or changed by this policy.