

## EMPLOYEE LIABILITY AND INDEMNIFICATION

Employees shall act in good faith in carrying out their assigned duties and responsibilities. Employees 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 Iowa and the policies of the Waterloo Community School District.

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

The manner in which and by whom a defense is provided is the decision of the Board and will be made in consultation with the Board's attorneys. If it is determined by the Board's attorney that a conflict of interest exists in the representation by that attorney of both the District and the employee, the Board will select another attorney to provide the employee's defense. The Board's duty to defend an employee will cease if the employee declines the Board's 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.  
Iowa Code 670A.

Cross Ref.: 207.0 Legal Counsel

ADOPTED: 12/14/92  
2/28/94  
2/14/00

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**POLICY**