

Subject: Indemnification of Employees, District Education Council Members, Parent School Support Committee members, Volunteers and Student Teachers

Effective: January 1990

Revised: June 1994; July 1, 2001; October 1, 2003

1.0 PURPOSE

This policy describes how Provincial Administration Manual Policy [AD-3108](#) – Personal Liability Protection and section 52 of the [Education Act](#) applies to employees, Parent School Support Committee members, District Education Council members, volunteers and student teachers.

This policy was formerly numbered Policy 123 – Indemnification of School Trustees, Volunteers and Student Teachers.

2.0 APPLICATION

This policy applies to all Part I employees of the Department of Education, and all Part II employees, Parent School Support Committee members, District Education Council members, volunteers and student teachers in the performance of their authorized duties on behalf of the public education system.

3.0 DEFINITIONS

None

4.0 LEGAL AUTHORITY

[Financial Administration Act](#) – subparagraph 6(1)(i)

Provincial Administration Manual Policy [AD-3108](#) – Personal Liability Protection

[Education Act](#) – section

52 On such terms and conditions as the Minister considers appropriate, the Minister may indemnify and defend

(a) members of the Parent School Support Committees and the District Education Councils and student teachers, in respect of any claim for damages or otherwise arising from any act done or omitted in good faith in the execution or intended execution of any duty or authority under this Act or the regulations, and

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(b) volunteers, in respect of any claim for damages or otherwise arising from any act done or omitted in good faith in the execution or intended execution of any instruction on behalf and with the knowledge and consent of the superintendent concerned.

5.0 GOALS / PRINCIPLES

- 5.1** All persons who carry out their duties in good faith should be confident that they will be supported and protected in performing those duties.
- 5.2** The Department of Education values the commitment and dedication of the many volunteers who contribute to and enrich the quality of the public education system.

6.0 REQUIREMENTS / STANDARDS

- 6.1** The Province of New Brunswick will indemnify and defend members of the Parent School Support Committees and the District Education Councils, volunteers, and student teachers in the same way as employees, in accordance with the principles and processes identified in Provincial Administration Manual Policy [AD-3108](#) – Personal Liability Protection.
- 6.2** The Department of Education must be notified immediately, in accordance with [Policy 126](#) – The Provision of Legal Advice to District Education Councils, if an employee, Committee or Council member, volunteer or student teacher has encountered a legal problem associated with the performance of his/her duties.

7.0 GUIDELINES / RECOMMENDATIONS

None

8.0 DISTRICT EDUCATION COUNCIL POLICY-MAKING

- 8.1** A District Education Council may make policies respecting the use of volunteers.
- 8.2** A District Education Council may make policies respecting issues of liability and the handling of legal matters not inconsistent with this policy or [Policy 126](#) – The Provision of Legal Advice to District Education Councils.

9.0 REFERENCES

[Policy 126](#) – The Provision of Legal Advice to District Education Councils

10.0 CONTACTS FOR ADDITIONAL INFORMATION

Department of Education – Human Resources Branch
(506) 458-2030

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