

POLICY: 4.9.6. (III.P) **Defense and Indemnification**

Revised: July 23, 2001.

Last Reviewed: September 29, 2022; September 24, 2019; September 10, 2018; and June 23, 2005.

Adopted: July 23, 2001.



POLICY:

In accordance with O.C.G.A. § 45-9-1 and O.C.G.A. § 45-9-4, any System or Technical College employee, including any member of the State Board or a local board, who is exposed to personal liability for damages arising out of the performance of their duties or in any way connected in addition to that shall be indemnified against expenses, including attorneys' fees, judgments, fines, and amounts paid in settlement.

To qualify for defense and indemnification, the board member, officer or employee shall promptly advise the Commissioner in writing upon being served with any summons, complaint, process, notice, demand, or pleading. Such notice shall include the date the employee was served and the method of such service. If an employee or former employee fails to cooperate entirely with the defense of any such matter, then the employee or former employee shall forfeit any right to indemnification.

When approved by the Attorney General, the System Office shall provide reimbursement to an officer, official, or employee for reasonable legal fees and other expenses incurred in the successful defense of a criminal action arising from the performance of their official duties.

When approved by the Attorney General, the System Office shall provide for the reimbursement to an officer, official, or employee who is required to maintain a professional license for reasonable legal fees and other expenses incurred in the successful defense of a charge arising out of the performance of his or her official duties in proceedings before a professional licensing board, disciplinary Board or commission.

The Board reserves the right to provide legal counsel for the benefit of any officer, official, or employee, current or former, and to negotiate, settle, or otherwise manage the defense of any action, suit, or proceeding on the employee's behalf.

The Board authorizes the Commissioner of administrative services to provide liability insurance coverage or contracts of indemnification for the TCSG's officers, officials, and employees as provided by O.C.G.A. § 45-9-4(a).

RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of Board.

O.C.G.A. § 20-4-14 – TCSG Established; Powers and Duties.

O.C.G.A. § 45-9-1 – General Provisions.

O.C.G.A. § 45-9-4 – Purchasing of Insurance or Indemnity Contracts; Self-Insurance Program; Hazardous Materials Liability Reserve Fund; Insurer Insolvency; Liability Coverage to Nonprofit Agencies and Employees Contracting with State Agencies.