

Descriptor Term: JOB-RELATED LEGAL EXPENSES

Descriptor Code: GABA

Board Approved: 6/26/2006

Rescinds: GBRFA

Previously Approved: 11/02/1998

The Gulfport School District acknowledges a responsibility to assure reasonable protection for teachers and other school employees against harassment and unjustified legal charges filed against them by parents or other citizens whenever such harassment and charges stem from the normal and proper discharge of contractual duties and responsibilities as an employee of Gulfport School District; however, the District recognizes no such responsibility in those instances in which reasonable cause exists to believe the employee has violated applicable statutes, regulations or policies of the Board of Trustees.

In the event of charges being filed against a teacher or other employee, the Board recognizes the right of said teacher or other employee to representation by legal counsel privately retained, available through a personal liability policy, or provided by an organization in which the teacher or employee holds membership. The Board directs the Superintendent and any other administrators who may be involved to cooperate in an appropriate manner with the teacher or employee and such attorney to furnish the teacher or employee an appropriate defense.

Similarly, if the teacher or other school employee being charged so requests in writing, the Board authorizes the Superintendent to make a preliminary investigation to ascertain (1) if the charges arise from the discharge by the employee of school or other assignment related duties and (2) whether the charges against the employee lack reasonable cause, as described above. If the Superintendent reports in the affirmative to the Board on both such inquiries, the Board, in its sole discretion, may authorize the Superintendent to offer to the employee the legal services of an attorney selected and employed by the Board to defend the employee. The employee may accept or reject such representation at his or her option.

The protection afforded employees by this policy is not to be construed as automatic or as an employee benefit to which any employee is legally entitled. The Board reserves the right to weigh each case of charges filed against a teacher or other school employee to determine if the provisions of this policy are to be made available to the teacher or other school employee. While not necessarily conclusive, indictment of the employee by a grand jury or a finding of guilt on the charges by any court or administrative body having jurisdiction thereof will constitute highly persuasive evidence of the existence of reasonable cause.

The Board reserves the right, in its sole discretion, with or without cause, to withdraw its defense of any employee upon fifteen (15) days written notice of such withdrawal.

Nothing in this policy will be construed to require or authorize the District to pay any fine, penalty or judgment assessed against any teacher or other employee.