

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: COMPENSATION AND EMPLOYEE BENEFITS

Policy 804.4 – Indemnification

Adopted: December 10, 1973; Revised: November 18, 1999

Effective: November 18, 1999

Board policy

A. Montana University System officers and employees are entitled to immunization, defense, and indemnification when sued civilly for their actions taken within the course and scope of their employment. This policy shall apply to the Commissioner of Higher Education, employees with the Commissioner's office, and Board members themselves, as well as presidents and other unit employees.

1. In addition to notifying the campus president or chancellor, an officer or employee who has been sued civilly for actions taken within the course and scope of employment shall notify the Commissioner of Higher Education of the lawsuit. A unit may provide an internal mechanism to achieve the notification of the Commissioner. In the case of non-campus based persons covered by this policy, employee notification that the person is being sued civilly shall be directly to the Commissioner.
2. If the Board of Regents, the Commissioner or Chief Legal Counsel determine that the conduct upon which the claim is brought arises out of the course and scope of the officer's or employee's employment, they may so acknowledge.
3. No defense, indemnification nor immunity will be granted to an employee by the Board if (1) the conduct of the employee constitutes a criminal offense; (2) the employee compromises or settles the claim without the consent of the Board; or (3) the employee fails or refuses to cooperate reasonably in the defense of the case.

History:

Board minutes, December 10, 1973; Item 44-003-R0784, Indemnification, Montana University System (Revised); as revised November 18, 1999 (Item 104-103-R0999).