

Policy GBG Staff Welfare/Protection (Including Legal and Medical Aid)

Issued ~~4/17~~ 00/21

The district may be obligated by law to defend employees in legal actions resulting from acts done or omitted in good faith in the course of their employment. This requirement applies to civil or criminal actions or special proceedings in the courts of this state or of the United States.

Any employee needing legal assistance in a legal action arising out of his/her employment must submit a request in writing to the superintendent. The superintendent will bring the request to the board's attention to determine whether legal assistance will be provided to the employee appropriately and consistently with the intent of the law.

Reporting Violence and Threats of Violence

When violence and threats of violence are not handled, they generally spawn more of the same. Therefore, all school-related acts of violence and threats of violence to an employee's person and/or property will be made a matter of record, and when adequate proof can be established, appropriate action will be taken.

The board directs that all district employees report promptly on the appropriate form (Exhibit 1) to the appropriate district official any activities or threats of that nature considered by the employees concerned to be genuine. For the purposes of this policy, the director for risk management will be the designated official.

The policy of the district will be:

- To appear and defend any employee who is prosecuted in any action, civil or criminal, or special proceeding in the courts ~~of~~ the State of South Carolina, or of the United States, by reason of any act done or omitted in good faith in the course of his employment, when requested in writing by any such employee and when judged to be in the best interest of the district and the employee.
- To furnish legal counsel in the same fashion for any of its employees who bring criminal charges against others while the employee is acting in the line of duty, provided the duly appointed board attorney gives his/her approval, is allowed to assist in the preparation of the charges and to represent the employee at the ensuing trial.
- To recognize the right of its employees in the line of duty to use reasonable and prudent force to ward off or stop physical attacks upon themselves, their fellow employees, and/or students.
- The board will have the right to require the employee to be examined periodically by a board-designated doctor to establish the length of time the employee may be absent from his duties because of injuries incurred in an assault. The district will pay the cost of these mandatory examinations, if the cost is not covered by insurance or worker's compensation.
- To furnish concerned employees a copy of any reports connected with assault cases ~~which~~ that are to be made a part of their personnel files.

Adopted 11/23/99; Revised 4/25/17; 00/00/21

Legal References:

S.C. Code, 1976, as amended:

[Section1-7-50](#) - Duty to defend public employees acting in good faith in course of employment.

[Section59-17-110](#) - Duty of school districts to defend employees in actions or proceedings when requested in writing.

Attorney General's Opinion:

S.C. Att'y Gen. Op. (Sept. 14, 1995) - No duty to defend school district employees against criminal actions.

Richland County School District One