

**JAMES BAY LOWLANDS
SECONDARY SCHOOL BOARD**

**BOARD GOVERNANCE POLICY
NO. GOV-34**

Date Adopted	October 24, 2018
Last Revised	
Board Motion	5598-10-18

BOARD LIABILITY INSURANCE

1. PURPOSE

The James Bay Lowlands Secondary School Board has developed this policy to describe the different types of liability insurance provided by the Board.

2. DEFINITION

Liability Insurance: The purpose of liability insurance is to protect a person or entity (such as a school board) against any legal responsibility arising out of a negligent act or failure to act as a prudent person would have, which causes bodily injury or property damage to another party. [Ontario School Boards' Insurance Exchange (OSBIE)]

3. GUIDING PRINCIPLES

The James Bay Lowlands Secondary School Board is committed to effective stewardship of its resources and managing the resources entrusted to it in a manner that upholds public confidence. [*Education Act, Duties and Powers of Boards; paragraphs 169.1 (1) and (5)*]

4. POLICY

The James Bay Lowlands Secondary School Board, in order to protect the Board and its agents and to comply with the relevant sections of the *Education Act*, shall purchase insurance coverage to cover general, automobile, and professional liability.

5. BOARD EXPECTATIONS

5.1 General Liability Insurance Coverage

5.1.1 This protection is for liability arising from any negligent act, actual or implied, and it applies to any Board or school-approved activity within or outside Canada (e.g. field trips, excursions, extra-curricular activities).

5.1.2 The insurance policy will be worded to include all employees and volunteers as "additional named insured".

5.1.3 Situations not covered are:

- injuries to employees during the course of their employment, and
- intentional acts

5.2 Automobile Liability Coverage

5.2.1 This protection is for liability arising from accidents occurring when the Board employees are driving Board-owned vehicles and from accidents occurring when Board employees or volunteers are using their own automobile or a rented automobile to transport students or for other designated Board business. In such situations the volunteer drivers must complete Volunteer Driver Authorization to Transport Students Forms as provided by the Ontario School Board Insurance Exchange.

5.2.2 The Board will carry “excess” coverage which would apply if the judgment of a court, resulting from a claim, is greater than that covered by the owner’s or renter’s insurance.

5.2.3 All school bus operators under the jurisdiction of the James Bay Lowlands Secondary School Board shall carry a minimum of \$5,000,000.00 road and passenger liability insurance.

5.3 Professional Liability Insurance Coverage

5.3.1 This coverage protects the Board trustees, employees, and volunteers while acting on behalf of the Board in the performances of their duties.

5.3.2 The insurance policy will provide that the insurer will pay damages for claims resulting from actual or alleged errors or omissions or breach of duty other than supervision.

5.3.3 The Board will ensure that the insurer’s exclusions under this policy are clearly defined.

5.3.4 Examples of standard exclusions are:

- a) any dishonest, fraudulent or malicious act;
- b) willful or reckless violation of any statute (e.g. acts performed while intoxicated).

REFERENCE DOCUMENTS

Legal:

Education Act, paragraphs 169.1 (1) and (5): Duties and Powers of Boards: Effective stewardship of resources; managing resources; upholding public confidence

Education Act, section 170 (1)14: Duties of Boards: Vehicle Insurance

Education Act, section 171 (1) 46: Powers of Boards: Insurance

Education Act, section 176: Benefits: Powers of Board--Insurance

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-02 Role of the Corporate Board

Board Policy GOV-03 Role of the Supervisory Officer

Board Policy GOV-35 Student Transportation

Board Policy GOV-36 Board Use of Non-Owned Vehicles

Board Policy GOV-37 Security: Property Damage, Theft, Break-in

Administrative Procedure 143 Student Accidents and Illness

Administrative Procedure 205 Land Based Learning

Administrative Procedure 206 School Excursions

Administrative Procedure 528 Key Control

Administrative Procedure 590 Student Accident Insurance