

**JAMES BAY LOWLANDS
SECONDARY SCHOOL BOARD**

**BOARD GOVERNANCE POLICY
NO. GOV-36**

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

BOARD USE OF NON-OWNED VEHICLES

1. PURPOSE

The James Bay Lowlands Secondary School Board has developed this policy to describe Board expectations for the use of personal vehicles while on Board business.

2. DEFINITIONS

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)]

Trip Driver: A trip driver is defined as a trustee, committee member, staff member or volunteer authorized as per Board policy by an agent of the Board, to use their personal vehicle while on Board business.

Agent of the Board: In the context of this policy and for the purposes of authorizing the use of a personal vehicle, an agent of the Board is the principal, the supervisory officer, and the finance and human resources administrator.

3. GUIDING PRINCIPLES

The James Bay Lowlands Secondary School Board is committed to promoting the well-being of students and the effective stewardship of its resource. [*Education Act, Duties and Powers of Boards; section 169.1*]

4. POLICY

The James Bay Lowlands Secondary School Board recognizes that occasions may arise when staff, trustees, volunteers, etc., may be asked to use their own vehicles on Board business.

BOARD EXPECTATIONS**5. Insurance Coverage**

- 5.1 The trip driver/owner must have a minimum of \$1,000,000 underlying general liability insurance coverage on himself/herself and the vehicle in question. That is, the Board's insurance coverage is in addition to, and not in replacement of, any coverage which the owner/driver may carry, to the limits as specified by the Board's carrier.
- 5.2 The trip driver/owner is responsible for ensuring that the motor vehicle insurance includes coverage for business use of the vehicle.
- 5.3 The Board will not reimburse the costs of insurance coverage for business use, physical damage, or liability.
- 5.4 The Board is not responsible for reimbursing deductible amounts related to insurance coverage.
- 5.5 In the event of an accident, the trip driver/owner will not be permitted to make a claim to the Board for any resulting damages.

6. Use of a Vehicle on Board Business

- 6.1 The vehicle is to be used for Board business and be operated within the parameters of Board policy.
- 6.2 The authority to use a vehicle on Board business is given as follows:
 - 6.2.1 By Board motion approving this policy:
 - a) individuals defined as trip drivers who regularly use their vehicles on Board business;
 - b) trustees, ad hoc committee members, and volunteers; and
 - c) urgent medical situations where use of a vehicle is deemed necessary.
 - 6.2.2 The authority to use a vehicle on Board business is also given by written authorization from an agent of the Board for:
 - a) transportation of students for curricular or special transportation needs; and
 - b) those instances which the agent of the Board deems not within any of the above.
- 6.3 This policy will not contravene any other policy of the Board related to the use of vehicles for Board business.

7. Special Situations

7.1 Special consideration and conditions are as follows:

7.1.1 The Board hereby assumes, but only to the extent that the Board's insurance policy with the current insurance company covers the loss due to such liability, the liability for bodily injury to, or the death of, any person or damage to property of others, imposed by law upon:

- a) a trustee or employee of the Board for liability which arises out of the use or operation by such trustee or employee of a non-board owned automobile; or
- b) any other person who has been authorized as a "trip driver" by an agent of the Board for liability which arises out of the use or operation by such "trip drivers" of a non-board owned automobile; or
- c) the owner of a non-board owned automobile for liability which arises out of the use or operation of such automobile by a trustee or employee of the Board or by a "trip driver".

7.2 Such assumptions of liability are to be subject, however, to the following limitations, exclusions and conditions:

7.2.1 This assumption of liability applies only to a trip on the business of the Board. Such trips shall be deemed to have commenced when the trustee or employee of the Board or "trip driver" leaves his/her dwelling or place of regular employment for the purpose of going on such trips, whichever last occurs and shall continue until such time as (s)he returns to his/her dwelling or place of regular employment, whichever first occurs. However, this assumption of liability **does not** apply to:

- a) that portion of a trip on the business of the Board which is an extension or interruption in such trip for purposes other than the business of the Board;
- b) customary travel by an officer or employee to and from his/her place of regular employment.

7.3 This assumption of liability **does not** apply unless and until:

7.3.1 the trustee, employee, "trip driver", or owner has given to the Board prompt written notice, with all available particulars, of any accident arising out of the use of a non-board owned automobile during a trip on the business of the Board and one or both of:

- a) the licensed automobile, which was being used or operated by a trustee or employee of the Board or "trip driver" at the time of the accident, was insured for Third Party Liability insurance at that time; and
- b) the trustee, employee of the Board or "trip driver" operating the licensed vehicle has insurance which would apply to a loss resulting from liability.

7.4 This assumption of liability is limited to an amount which, when combined with the liability insurance referred to under paragraphs 7.3.1 (a) and (b) above, totals \$1,000,000 regardless of the number of claims arising from any one accident and the number of entities or persons covered by this assumption of liability.

- 7.5 In addition, this assumption of liability shall cover investigation, adjusting, and legal expenses and interest, but only to the extent that such expenses and interests are recoverable by the Board from its insurance company.

REFERENCE DOCUMENTS

Legal:

Education Act, section 169.1 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-34 Board Liability Insurance

Board Policy GOV-35 Student Transportation

Administrative Procedure 110 Alcohol and Illegal Drugs on Board Property

Administrative Procedure 143 Student Accidents and Illness

Administrative Procedure 205 Land Based Learning

Administrative Procedure 206 School Excursions

Administrative Procedure 319 Anaphylaxis

Administrative Procedure 320 Supporting Students with Prevalent Medical Conditions (Anaphylaxis, Asthma, Diabetes, and/or Epilepsy)