

Indemnification of Employees

Applies to: All employees

Policy Statement:

Dartmouth College will indemnify an employee of the College against liability and associated costs if the conduct that is the subject of the claim or action occurred within the scope of the employee's duties and the employee was acting in good faith, without criminal or other misconduct, and in the reasonable belief that his or her action was in the best interests of the College. Ordinarily, indemnification will not be available if the claim against the employee involves work paid for by someone other than the College.

Indemnification is conditioned on the employee's compliance with the conditions set forth in Item 5 ("Procedure") below.

Covered expenses include defense costs and the payment of judgments, fines, penalties, settlements, and other expenses an employee would reasonably incur in connection with the defense of the claim or action.

Procedure:

The decision whether to provide indemnification will be made by the Office of General Counsel or the Board of Trustees upon recommendation of the Office of General Counsel.

As a condition of receiving indemnification, an employee must:

- 1) give prompt notification of a claim or action to the Office of the General Counsel (<http://www.dartmouth.edu/~legal/advice/contacts.html>);
- 2) permit the College to select legal counsel to defend the claim or action;
- 3) cooperate with the College and its designated legal counsel in the defense of the claim or action;
- 4) refrain from making any public statements, oral or written, regarding the claim or action without the prior written permission of the Office of the General Counsel; and
- 5) refrain from entering into any settlement or compromise of the claim or action without the prior written approval of the Office of the General Counsel.

Documentation:

Employees should promptly notify the Office of the General Counsel, in writing, of any claim or action. The Office of the General Counsel will advise the employee, in writing, of its decision regarding the request for indemnification.