



Section 1. PURPOSE AND SCOPE

Clark generally furnishes employees with legal defense through legal counsel selected by the University and with payment of judgments, fines, penalties, settlements and any other expenses actually and reasonably incurred in connection with an actual or threatened civil, criminal, or administrative action, claim, or proceeding (an "Action") brought against such employees by reason of being an employee of the University or serving at the University's request as a member of or representative to an entity outside the University.

Defense and/or payment under this Policy shall be available only if all of the following conditions are met to the satisfaction of the University, in its sole discretion:

The employee's actions or omissions were within the scope of their duties and authority.

The employee's actions or omissions were in good faith, and in a manner reasonably believed to be lawful and in the best interests of Clark.

The acts or omissions did not constitute dishonesty, recklessness, willful misconduct, the intentional infliction of harm, or a violation of the law, public policy, or Clark University policy, and the employee did not receive any financial profit or advantage to which they were not legally entitled.

The original or a copy of any summons, complaint, notice, demand, letter, or other



The benefits of this Policy shall not enlarge the rights which would have been available to any third-party plaintiff or claimant in the absence of this Policy.

The University reserves the right to change or withdraw this Policy in its sole discretion, except as to any Action for which it has previously agreed to furnish defense counsel and an indemnity and in those cases, subject to the terms of the policy in existence at the time it agreed to furnish defense counsel and an indemnity.

Related Information

History/Revision Information

Responsible Office/Division: Office of General Counsel

Effective Date: July 22, 2021

Last Amended Date: March 14, 2023

Next Review Date: July 22, 2024

Also Found In: