

# Procedure: 4.9.6p. (III.P)

## Defense and Indemnification

**Revised:**

**Last Reviewed:** September 10, 2018, June 23, 2005

**Adopted:** August 21, 2001



### I.PURPOSE:

### II.RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board

O.C.G.A. § 20-4-14 – TCSG Powers and Duties

State Board POLICY: 4.9.6. Defense and Indemnification

### III.APPLICABILITY:

All work units and technical colleges associated with the Technical College System of Georgia.

### IV.DEFINITIONS:

Under Georgia's Tort Claims Act:

**"state officer or employee"** means any officer or employee of the State, including elected or appointed officials, law enforcement officers, and persons acting on behalf or in service of the State in an official capacity, whether with or without compensation, but the term does not include an independent contractor doing business with the State.

The term **state officer or employee** also includes any natural person who is a member of a board, commission, committee, task force, or similar body established to perform specific tasks or advisory functions, with or without compensation, for the state or a state government entity, and any natural person who is a volunteer participating as a volunteer, with or without compensation, in a structured volunteer program organized, controlled, and directed by a state government entity for the purposes of carrying out the functions of the state entity. An employee shall also include foster parents and foster children.

The term shall not include a corporation whether for profit or not for profit, or any private firm, business proprietorship, company, trust, partnership, association or other such private entity.

Under the System's general liability insurance, **"Insured"** means any person employed, appointed to a board, elected, hired or allowed to assume a temporary or permanent position or office or any others authorized by the Georgia General Assembly to be an insured in or with the State of Georgia or any of its departments, bureaus, offices, agencies, authorities, boards, or community service boards which have elected to purchase coverage in this policy. The election to accept coverage under this policy shall be exclusively determined by organizations electing to purchase this coverage.

**V.ATTACHMENTS:** n/a

**VI.PROCEDURE:**

**VII.RECORD RETENTION:** n/a