



THE UNIVERSITY OF WINNIPEG
POLICY

NUMBER L-2

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INITIALS JH

TITLE: LEGAL PROTECTION

EFFECTIVE DATE: June 1, 1990

AUTHORITY: Vice-President (Administration)

Purpose

The purpose of this policy is to define the conditions under which the University will provide legal counsel for an executive officer, director, trustee, member of the Board of Regents, member of the executive, or employee of the University.

Scope

This policy and the procedures outlined herein apply to all employees of The University of Winnipeg, as well as to trustees, members of the Board of Regents, and members of the executive.

Responsibility

The Vice-President (Administration) is responsible for the communication, administration, and interpretation of this policy.

Policy

This policy relates to individuals involved in law suits arising from their acts or omissions in the course of their employment with the University:

1. (a) If an executive officer, trustee, member of the Board of Regents, member of the executive, or any employee of the University (hereinafter referred to as "the individual") in carrying out his/her respective designated duties for the University, is named or may be named as a defendant in civil proceedings the University shall cause any such proceedings and negotiations preceding such proceedings, to be represented and defended on behalf of the individual by legal counsel of the University's choosing at the University's expense, provided that:



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- (i) the individual has acted, in the sole opinion of the Board of Regents, in good faith and without malice and not contrary to the express instructions of the University;
 - (ii) there is no conflict of interest, either real, apparent or potential, in the sole opinion of the Board of Regents, between the University and the individual;
 - (iii) the individual has executed a copy of the Legal Representation Request form as attached hereto and being Appendix A to this policy;
 - (iv) the individual fully cooperates with legal counsel chosen by the University to conduct such defense and representation; and,
 - (v) the individual does not act (or omit to act) in any way that he/she ought reasonably to know may prejudice the defence or other representation by counsel.
- (b) If the individual breaches the provisions of 1 (a) (iv) or (v) above, during the course of his/her defense or representation by the University's selected legal counsel, such defence and representation shall thereafter, whether or not the said legal counsel is able for whatever reason to withdraw from the record, be at the sole expense of the individual and all expenses so incurred by the University on the individual's behalf shall be a debt due and owing to the University.
- (c) If at any time during the course of the individual's defense or representation by the University's selected legal counsel, the individual wishes to be defended or represented by legal counsel of his/her own choosing, the individual may retain such other legal counsel and the University's selected legal counsel shall no longer represent or defend the individual. From that point thereon the individual shall be solely responsible for his/her own expenses, defense or representation associated therewith as well as for all expenses incurred by the University on the individual's behalf to that time, which expense shall be a debt due and owing to the University.



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2. For the purpose of this policy, the term "expense" shall include all legal fees and disbursements, witness fees and may include, upon approval of the Board of Regents, all monies to be paid by the individual under the terms of any settlement and all monies which the individual shall become obliged to pay by reason of the liability imposed upon such individual by a court of law.



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APPENDIX A

REQUEST FOR LEGAL REPRESENTATION

1. I _____, pursuant to the policy and procedure number _____, entitled Legal Protection, of the University of Winnipeg, hereby request that the University appoint legal counsel of its own choosing to represent and defend me in respect of the claim, demand, or action brought or anticipated to be brought, by _____.
2. I hereby acknowledge that I have read and understand the terms of the policy respecting Legal Protection as attached hereto, and agree to be bound by the terms prescribed in Section 1 (a) (b) and (c) and Section 2 as if such terms had been included within this document.
3. I hereby waive any claim that I might have against the act or omission of the legal counsel appointed by the University in respect of the defense or representation hereunder.

Signed the _____ day of _____, 19 ____.

Witness

(A Commissioner for Oaths
My commission expires the
_____ day of _____,
19 ____.)

Request for Legal Representation approved and accepted this _____ day of _____
_____, by the Board of Regents per
_____.