

**IC 21-38-4**

**Chapter 4. Litigation Expenses**

**IC 21-38-4-1**

**Applicability of section; powers of the board of trustees of state educational institutions**

Sec. 1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) The board of trustees of a state educational institution may provide:

- (1) for the defense of persons described in IC 21-38-3-1 and members of the board of trustees in any suit arising out of the performance of the person's duties for, or employment with, the state educational institution, whenever the board of trustees, by resolution, determines that the action was taken in good faith; and
- (2) for protecting any person described in IC 21-38-3-1 or a member of the board of trustees harmless from any liability, cost, or damage in connection with the performance of the person's duties for, or employment with, the state educational institution, including the payment of any legal fees, except when the liability, cost, or damage is:
  - (A) predicated on, or arises out of, the bad faith of the person; or
  - (B) based on the person's malfeasance in office or employment.

*As added by P.L.2-2007, SEC.279.*