



Nunavut Teachers' Association

Policy 8.6.7 - Legal Assistance

1. GENERAL

The following principles shall govern the provision of legal assistance to members:

- a) The procedure shall provide for natural justice.
- b) The Association shall direct all legal counsel.
- c) Members requiring legal advice or assistance on matters relating to teaching may contact the President or the NTA Executive Director who will obtain, on their behalf, any legal advice or assistance considered necessary.
- d) **Members failing to obtain the prior written authorization of the Association shall not be reimbursed for legal expenses.**
- e) Active members shall, **on written request**, be provided with legal assistance, up to and including the time of trial, in defending themselves against any charge arising directly out of their practice of the teaching profession. This includes regularly assigned duties, approved extra curricular activities and approved field trips. It does not include such things as a meeting initiated by a teacher outside of school premises.
- f) Non-active members, which for the purpose of this policy shall mean former active members, may be provided with legal assistance up to and including the time of trial. Such assistance shall only be considered provided they were a dues paying active member at the time of the incident giving rise to the requirement for legal assistance.
- g) Legal assistance to non-active members requires the approval of the Central Executive
- h) A member suing or taking action against another member shall not be provided with legal assistance.
- i) Legal assistance to a member to pursue a civil suit against a non-member shall be provided only when the Central Executive deems that such action is likely to succeed in establishing a desirable precedent for members in general.
- j) Notwithstanding, 1.e, the Association reserves the right to refuse or withdraw support for any case and/or limit the reimbursement of legal costs.

k) If the Central Executive decides to accept a recommendation made in consultation with a solicitor that member shall be advised of the decision in writing. The member shall have the right to appeal the decision before Central Executive.

l) A solicitor retained by the Association shall be used in the defence of a member, unless there is some critical reason for not using that solicitor. Such reasons would include conflicting prior involvement in an aspect of the case or a conflict of interest between the firm and the member in another case.

m) Legal advice or assistance shall not be provided to an individual for any action that occurred prior to their becoming a member of the Northwest Territories Teachers' Association or the Nunavut Teachers' Association.

n) The NTA shall not be responsible for legal costs incurred by either the plaintiff or the accused involved in a discipline hearing nor any appeal arising from a discipline hearing.

4. CRIMINAL CASES

Requests for assistance in criminal cases arising out of the practice of teaching shall be governed by the following principles:

a) A request for legal assistance must be in writing.

b) The member shall, with the approval of Central Executive, be provided with legal representation.

c) A member appealing a criminal conviction shall be provided with legal assistance only upon approval of Central Executive. When time is of the essence, an appeal may be filed, but legal assistance for the appeal shall be subject to ratification by Central Executive.

d) Notwithstanding any other provision in this policy, the legal assistance provided by the NTA for criminal charges and/or appeals shall be as follows:

i) The accused shall be responsible for the payment of the first two hundred dollars (\$200) of incurred costs.

ii) The accused shall be responsible for the payment of twenty percent (20%) of all incurred costs between the first two hundred dollars (\$200) and twenty thousand dollars (\$20,000).

iii) Any costs in excess of twenty thousand dollars (\$20,000) shall be paid thirty percent (30%) by the accused.

e) The limit for such financial assistance shall be thirty-five thousand dollars (\$35,000.00).

Date: _____

I _____ am requesting legal assistance in accordance with Policy 8.6.7 of the NTA By-Laws and Policies. I have read and I understand the attached policies as they relate to me.

Signature