

Policy History
<b>Policy No.</b> IM4
<b>Approving Jurisdiction:</b> President
<b>Administrative Responsibility:</b> Vice President, Human Resources
<b>Effective Date:</b> November 30, 2022

## Confidentiality Procedure

### A. DEFINITIONS

1. **Allegations:** reports or assertions made about the behaviour of an individual or individuals that have not been proven
2. **Appropriate supervisor or vice-president:** usually the appropriate supervisor is the person in charge of the unit in which the employee works or in which the behaviour of concern occurred/is occurring. For faculty, this is usually the dean of the Faculty. The appropriate vice-president is the senior University official with overall responsibility for the area or whomever the President may designate as equivalent.
3. **Bad faith disclosure or report:** information provided which the discloser knows, or should reasonably have known, is false, and/or is based on inadequate evidence, and/or is intended to cause harm to an individual and/or to the University.
4. **Breach of Confidentiality:** the unauthorized disclosure of Confidential Information.
5. **Confidentiality:** held in a state of trust; not disclosed to any person not entitled to have the information.
6. **Confidential Information:** in the context of this IM4 Confidentiality Policy and Procedure, Confidential Information means all non-public information, records or materials in the custody or under the control of the University that relate to University or third party business or affairs which have been created or supplied with the expectation and intention that the information, record or material will not be disclosed. For greater clarity, it is not sufficient for the records or materials simply to be marked as confidential, or arbitrarily to assert in representations that they were created or supplied in confidence; there must be an objective basis to support confidential treatment. Notwithstanding the foregoing, Confidential Information shall not include any information, record or material that (i) is or becomes generally known to the public without breach of any obligation owed to the disclosing party, (ii) was known to the receiving party prior to its disclosure by the disclosing party without breach of any obligation owed to the disclosing party, or (iii) is received from a third party without breach of any obligation owed to

the disclosing party. For the purposes of this IM4 Confidentiality Policy and Procedure, Confidential Information does not include Personal Information. Personal Information is defined and addressed in IM8 Privacy Policy and Procedure.

7. **Disclosure**: any written submission of information reporting alleged misconduct, wrongdoing, or irregularity in an acceptable form outlined in the Protected Disclosure Policy to a responsible to the appropriate University official; a discloser is one who makes a disclosure.
8. **Good-faith disclosure or report**: information provided which is based on the discloser's best understanding of the situation and/or is based on adequate evidence, and is made in the best interests of the University.
9. **Impartial, impartiality**: disinterested, independent behaviour that is free of favouritism and prejudice; treating all parties with the same consideration.
10. **Personal advantage or consideration**: Any financial, reputational, professional benefit or other benefit that affects employment or academic standing, that devolves to the individual or any related party.
11. **Position of trust**: a person who is confidently relied upon to act truthfully, justly and honestly.
12. **Records**: anything on which information is recorded or stored by graphic, electronic, mechanical or other means, including emails, books, documents, maps, drawings, photographs, letters, notes, vouchers, papers, audio or video recordings, etc., within the scope of FIPPA in the custody or control of the University.
13. **Related party**: a KPU employee's immediate family (e.g., spouse, partner, parent, child, or sibling), or person living in the same household, any other person with whom the KPU employee shares a financial interest, either directly or indirectly, or any entity in which the KPU employee has an ownership interest of greater than 5%.
14. **Reprisal, either direct or indirect**: any action taken by the University or a member of the University community against another member of the University community that adversely affects the status or well-being of the latter. This includes, but is not limited to, disciplinary action, termination, adversely affecting employment conditions, a threat to do any of the above; threatening, intimidating or coercing, discriminating, or retaliating in any manner that affects academic standing, grades, enrolment status or any other rights, opportunities, or privileges of such person or otherwise disadvantages the individual or denies that individual a benefit.
15. **Reputation**: the overall quality or character as seen or judged by people in general; place in public esteem or regard.
16. **Student**: A KPU student is defined as an individual who is registered in credit courses or has commenced studies in non-credit courses and has maintained his/her eligibility to register.
17. **University**: in this policy, University refers to Kwantlen Polytechnic University (KPU).

18. **University official:** includes but is not limited to a manager, supervisor, dean, director, vice-president, or President or equivalent as designated by the President.

## B. PROCEDURES

### 1. KNOWLEDGE OF POLICIES AND STANDARDS

- a. The University will make reasonable attempts to inform employees of new policies and changes to KPU policies. It is the responsibility of every KPU employee to be familiar with all KPU policies and any changes to them as they are made.
- b. In order to ensure the security and confidentiality of University information, University-wide rules and standards which can be applied to specific areas of the University will be developed and distributed with the approval of the Vice-President Human Resources and the President.
- c. Unit level administrators will develop a set of guidelines addressing confidentiality issues appropriate for their work area based on the University-wide rules and standards to assist employee adherence to the policy. These must be made known to employees in each area.
- d. Contravention of guidelines developed in specific work areas will be deemed a contravention of this policy.
- e. To avoid a possible breach of confidentiality, an employee shall seek guidance from his/her supervisor before releasing any information in circumstances not specifically addressed in this policy or in area-specific guidelines.

### 2. REPORTING ACTUAL, SUSPECTED OR POTENTIAL BREACHES OF UNIVERSITY CONFIDENTIALITY

- a. Self-reporting: Any employee who suspects or becomes aware that she/he has, or may have, breached University confidentiality is expected to promptly inform his/her immediate supervisor or the appropriate vice-president providing all pertinent details surrounding the breach.
- b. Reporting suspected breaches of this policy: Any employee who believes that a breach of confidentiality has gone unreported is expected to promptly inform his/her immediate supervisor or the appropriate vice-president, or designate, of the situation causing concern providing all pertinent details surrounding the alleged breach.
- c. Reporting situations that put KPU at risk: Each employee is expected to inform his/her immediate supervisor or the appropriate vice-president as early as possible of any situation which may create, or may be perceived as creating, the risk of a breach of confidentiality.
- d. Report format: Reports should be made in writing as soon as possible after the employee becomes aware of the situation causing concern and should contain as much pertinent information as possible to facilitate investigation and remediation.
- e. Optional reporting channels: Only if the regular reporting channels prove ineffective or are inappropriate in the circumstances should employees or former employees make use of the special provisions of the Protected Disclosure Policy. Whatever channel is used for disclosure, the processes of impartial investigation and reporting outlined in this policy will apply to perceived breaches of the Confidentiality Policy.

- f. Disposition of reports: Any supervisor who receives a report of actual, suspected or potential breaches of University confidentiality must inform his/her dean or director or the appropriate vice-president immediately.

### 3. INVESTIGATION OF ACTUAL, SUSPECTED, OR POTENTIAL BREACHES OF UNIVERSITY CONFIDENTIALITY

- a. The University shall take all appropriate action to carefully and fully investigate all reports of breaches of confidentiality, actual, suspected, or potential, in an impartial and timely manner.
- b. When the University, after receiving a report from an employee, or on its own initiative, determines that an actual or potential breach of confidentiality has, or may have, arisen, the appropriate University official, after consulting with the affected employee and his/her immediate supervisor and ensuring that sufficient pertinent details of the actual, suspected or potential breach are available, will determine the steps s/he considers appropriate to investigate and/or remedy the situation.
- c. The University official will report the plan for investigating the situation to the Vice-President, Human Resources in writing within three (3) working days. The Vice-President, Human Resources will confirm its appropriateness and adequacy within five (5) working days.
- d. The provisions of the Protected Disclosure Policy regarding protection of those who make a good faith report regarding a breach of confidentiality, those who are investigated as the result of such a report, and the information collected in relation to the ensuing investigation of the report will be adhered to in all investigations of actual, suspected, or potential breaches of confidentiality.
- e. Any person(s) named in a reported breach of confidentiality will be given an opportunity to respond to the allegation in writing.

#### 4. RESULTS OF INVESTIGATIONS

- a. KPU expects that investigations of actual, suspected, or potential breaches of University confidentiality will be completed in twenty (20) working days, and a report with recommendations for appropriate remedial and/or disciplinary action provided to the Vice-President, Human Resources within ten (10) working days.
- b. The President will adjudicate any review of a decision regarding a breach of confidentiality or the disciplinary action recommended.
- c. The person making the report will be informed of the results of the investigation. This communication is confidential.

#### 5. ADDITIONAL PROCEDURES

- a. Any supervisor, manager, or other University official who does not respond appropriately to disclosures of breaches of confidentiality, actual, suspected, or potential, will be subject to disciplinary action, up to and including termination, as appropriate.
- b. Any person who knowingly makes a bad faith report of a breach of the Confidentiality Policy will be subject to disciplinary action, up to and including termination, as appropriate.
- c. KPU will not tolerate any reprisal, either direct or indirect, against anyone who, in good faith, discloses a suspected breach of University confidentiality, and the University will investigate and take all appropriate steps to address all allegations of reprisal.

### **C. RELATED POLICY**

See IM4 *Confidentiality Policy*