

# MIDDLE BUCKS INSTITUTE OF TECHNOLOGY

SECTION: BOARD PROCEDURES

TITLE: CONFIDENTIALITY

ADOPTED: August 9, 2010

REVISED:

## 006.1. CONFIDENTIALITY

### Section 1. Purpose

The Executive Council recognizes the value of maintaining the confidentiality of student/employee records and personnel files as well as matters or initiatives under consideration for implementation. The purpose of this policy is to ensure that individuals in decision making roles as well as those individuals providing input to the decision making process maintain confidentiality and refrain from contact with the media until decisions are reached and conveyed publicly by Administration. It is the intent of the Executive Council, in recognizing the importance and necessity of candor in deliberations, to protect the expectation of confidentiality necessary to reach consensus and understanding. Therefore, it is the policy of the Executive Council that confidential information shall not be revealed.

### Section 2. Definition

Matters of a confidential nature go beyond those matters identified in law, including but not limited to:

- a. Labor relations.
- b. Personnel matters.
- c. Litigation.
- d. Real estate matters.
- e. Student records.
- f. Matters appropriately discussed in Executive Session pursuant to the Sunshine Law

Matters deemed confidential include proposed courses of action, possible new initiatives and other such matters involving the school's actions, policies or plans, which have not been made public by the Executive Council or Administrative Director..

Section 3. Guidelines

- a. All communications, whether written or oral, which are directed to the Executive Council, to any Executive Council member or to any member of Administration, shall be deemed privileged communications and shall be deemed confidential.

No such communications, in whole or part, shall be divulged or disseminated to members of the public, including but not limited to:

1. The news media.
  2. By any Executive Council member or member of the Administration, unless or until the privilege relating has been waived or by a majority vote of the Executive Council.
  3. Any communication which is required to be provided pursuant to Right to Know request but only after the Right to Know process is effectuated.
- b. Matters discussed in executive session will not be discussed with any individual not directly associated with the Executive Council.
- c. The Executive Session shall consist of nine (9) members, the Administrative Director, the Superintendent of Record and the Solicitor. In the event that the Executive Council or a subcommittee invites other individuals into discussions of Executive Council matters at an executive session or subcommittee meeting, such individuals may not reveal or discuss the matter(s) with anyone other than those present for the initial discussion. The only exception to this guideline is if an individual attending the session or meeting is directed by the Executive Council President or committee chairperson to discuss a matter with an individual(s) who was not in attendance.
- d. If an individual is in doubt, or question arises as to the confidential nature of the information or subject matter, the individual should question the conveyor of such information or the chair of the discussion as to whether the matter is to be treated as confidential. In the absence of clarification, the discussion or written information shall be treated and kept as confidential.

- e. When decisions, plans or initiatives or other such school matters are conveyed publicly, the positions held by the various individuals involved in the formulating process of such matters shall be treated and kept as confidential.
- f. In the event an individual violates this Policy, said individual shall be responsible for the consequences of said action and the school will report said individual to his/her employer or sending district for possible sanctions. In the event a disclosure of information by an individual subject to this policy results in a claim being made by a third party, it is understood and agreed that the school will not provide a defense for the individual who violates this policy.
- g. Should one's service as an Executive Council member cease or one's employment with the school be severed, it is expected that confidential matters will remain as such and will not be revealed or discussed.

References:

Sunshine Act – 65 Pa. C.S.A. Sec. 701 et seq.