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## Confidentiality

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In the course of executing their official duties, Officers, Councilors, and Negotiators have the right and responsibility to receive and consider information that, by its very nature, is sensitive and confidential. With this right comes the obligation to protect this confidential information, and to prevent its inappropriate disclosure, either intentionally or inadvertently.

The need for confidentiality is driven by two factors: the protection of an individual's right to privacy (such as in a grievance) and the assurance that certain sensitive processes continue without unwarranted influences (such as in negotiations).

### **Confidential Information Defined**

Confidential information includes, but is not necessarily limited to, the following:

- Negotiations between AFA and the District,
- Personnel matters including those that are at any stage of the conciliation and/or grievance process,
- Negotiations, personnel or organizational matters under discussion with legal counsel, and
- All other matters specifically identified as confidential, or for which there is a reasonable and mutual expectation of confidentiality.

Confidential information is disclosed or discussed during:

- Closed sessions of the Executive Council meetings and retreats;
- AFA Negotiations Team meetings;
- Negotiations sessions with District negotiators;
- Cabinet meetings;
- Meetings and/or conversations with the Conciliation/Grievance Officer.

Information that is specifically identified as confidential, or reasonably and mutually assumed to be confidential, is sometimes disclosed or discussed during meetings and/or conversations between Officers, Councilors and/or Negotiators, acting in their capacity as representatives of AFA, and any of the following:

- Faculty members;
- Administrators;
- Classified Staff;
- Other District employees;
- Students;
- AFA Staff members;
- AFA's legal counsel.

### **Confidentiality Requirements**

Confidential information shall not be discussed except in closed sessions of the Executive Council or in other discussions that are necessary for the proper operation of the AFA and only in such circumstances and surroundings that the confidentiality of the information is not breached. (Staff members are subject to provisions under a separate Confidentiality Agreement signed upon beginning employment.)

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## Process

The process for determining whether a Councilor, Officer, or Negotiator has committed a breach of confidentiality shall be as follows:

1. Any Councilor, Officer, or Negotiator knowing of a possible breach of confidence shall report this matter to two Officers not actively involved in the matter (one of whom must be the President if possible).
2. The two Officers shall bring the matter to the next Cabinet meeting, and, if the Cabinet determines it necessary to pursue the matter, it shall appoint a subcommittee of the Cabinet to do so.
3. The subcommittee shall notify the involved parties of the particulars of the matter, accept their input on the matter, and collect other relevant facts in a timely manner for the Cabinet.
4. After examining and discussing the report of the subcommittee, the Cabinet shall recommend whether to bring the matter to the Council during a closed session of a meeting.
5. At the Cabinet's request, the President shall place the matter on a meeting agenda as a "closed session" item. Alternatively, any Councilor may request during "Member Concerns" that any such matter previously brought to the attention of the Cabinet (as described in 1 and 2) be placed on the agenda. At this time, the nature or details (including the names of those involved) of the matter shall not be discussed until closed session.
6. During closed session, the President shall present the findings of the Cabinet to the Council. All Councilors, Officers, or Negotiators shall have the right to present evidence or facts in explanation or mitigation.
7. Upon considering the evidence presented, the Council may move the matter to an action item by a two-thirds vote, and then shall decide by two-thirds vote whether a Councilor, Officer, or Negotiator has committed a breach of confidentiality. If the Council does not find that a Councilor, Officer, or Negotiator has committed a breach, the matter shall be considered closed.

## Sanctions

If the Council finds that a breach of confidentiality has occurred (as described in 6 above), it may decide by two-thirds vote whether, as a sanction, the subject shall be:

- censured by the Council;
- removed from closed sessions of the Council for a prescribed period of time;
- removed from all, or particular portions of, Council meetings for a prescribed period of time, and/or
- removed from the Council.

The name of the Officer, Councilor or Negotiator who committed the breach and the nature of the sanction shall be published in the Council meeting minutes.

Any standing sanction may be reversed by a two-thirds vote of the Council.

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I hereby acknowledge that I have read and am bound by the AFA Policy on Confidentiality,  
and that I have been given a copy of the policy for my records.

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Signature

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Date

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Print name