Proprietary Information Policy

Institutions are expected to disclose all information that is material to their accreditation status with the Commission, and the refusal of an institution to share any material information is grounds for imposition of a sanction or denial of accreditation (see CFR 1.8). As a general rule, the Commission considers information it receives in connection with its accreditation of institutions to be confidential and will not make such information available to the general public. The Commission’s general policies on the treatment of institutional information, including an explanation of where disclosure is permitted, can be found in the Public Disclosure of Accreditation Documents and Commission Actions Policy. However, the Commission recognizes the need for special confidentiality protections where the information is proprietary in nature.

This policy sets forth special protections that the Commission will extend to proprietary information. Proprietary information is defined as:

1. Information that is not known to the general public and is considered sensitive and confidential by the institution.
2. Information that has been treated as confidential and provided special protection by the institution.
3. Information that has economic value to the institution because it is not generally known to the public. Institutions will have an opportunity to request redaction of proprietary information before an evaluation team report is finalized and published on the WSCUC website. If requested by Commission staff, the institution will be expected to provide evidence that reasonably supports its claim that the identified information is proprietary. Commission staff and the evaluation team chair will consider this request under the definition provided above and confirm or deny the designation of such information as proprietary.

The Commission will act as follows with regard to information designated as proprietary:

1. Use proprietary information only in connection with the accreditation of the institution and take reasonable measures to ensure that all persons given access understand and agree that they are only to use such information in connection with the accreditation of the institution.
2. Not disclose proprietary information to persons aside from Commission members, staff, peer evaluators, and other representatives and advisors who have a need to know the information in connection with the accreditation of the institution, unless compelled to do so by subpoena, law, statute or governmental regulation and provide the institution with reasonable prior notice of such disclosure.
3. Prohibit the disclosure of proprietary information in any team report, action letter, or any other WSCUC document that is made available to the general public, unless such proprietary information serves as the basis of a substantial factor in any Commission or evaluation team or review panel finding, recommended action, or similar action, in which case the Commission or its peer evaluators may disclose such information to the minimal extent reasonably necessary to publicize such finding, recommended action, or similar statement. Commission staff will provide the institution with prior notice of such disclosure.
4. If any outside company, such as a CPA firm, is used to analyze proprietary information, inform the institution of:
   a. the identity of the outside company prior to sharing such proprietary information,
b. the content of the proprietary information being shared, and take reasonable measures to ensure that the outside company protects the confidentiality of such information.

Any work papers or other internal memoranda and records generated by members of the Commission, Commission staff, evaluation teams, review panels, committees or the Commission that deal with or concern observations relating to such proprietary information shall at all times remain the Commission’s property, and decisions concerning the continued retention of such information shall be in accordance with the Records Retention Policy.

Nothing in this policy regarding information determined to be proprietary or other Commission policies regarding confidential treatment of institutional information shall restrict the Commission from disclosing any such information in connection with legal proceedings, lawfully issued subpoenas, government investigations or requests for information, and other similar circumstances.

In the event that an institution uses a public forum to comment on a Commission action in a way that the Commission believes is inaccurate, false or otherwise misrepresents the Commission action or the underlying review process, the Commission may use any information in its possession, including information protected under this policy or other Commission policy regarding confidential treatment of institutional information, to the extent the Commission believes that the information to be disclosed is related to the subject matter of the institution’s comment and disclosure is appropriate to correct the institution’s public statements.

Approved by the Commission, June 2012
Revised, June 2016