

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, denial, or termination of accreditation. The Commission recognizes that some information that an institution is required to provide to the Commission may be proprietary or commercially sensitive in nature. This policy describes the Commission's requirements for maintaining the confidentiality of such information and the conditions under which information may be disclosed.

Definitions

Proprietary information is defined as one or more of the following:

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.

Treatment of Proprietary Information

The Commission will treat proprietary information it receives in connection with the accreditation of an institution as follows:

1. The Commission will 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. The Commission will not disclose proprietary information to persons aside from Commission members, staff, peer reviewers, 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 government regulation. Where permissible, the Commission will provide the institution with reasonable prior notice of such disclosure.
3. The Commission will 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 a recommended action by a peer review team or a Commission action, in which case the Commission may disclose such information to the minimal extent necessary to publicize such action. The Commission will provide the institution with prior notice of such disclosure.
4. Institutions will have an opportunity to request redaction of proprietary information before a peer review 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 peer review

team chair will consider this request under the definition provided above and decide about redaction.

5. If the Commission uses an outside company, such as a certified public accounting or law firm to analyze proprietary information, it will inform the institution of:
 - a. the identity of the outside company prior to sharing such proprietary information, and
 - 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.
6. Any work papers or other internal memoranda and records generated by members of the Commission, Commission staff, peer review 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.
7. 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.
8. 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.

Related Commission Policies

The Commission's [Standards of Conduct, Confidentiality Agreement and Conflict of Interest Disclosure Form](#) assures that volunteers, staff, and representatives of the Commission safeguard the confidentiality of all information reviewed and the confidences of all parties interviewed while conducting Commission business.

[Public Disclosure of Accreditation Documents and Commission Actions Policy](#) provides for the public disclosure of Commission action letters and peer review reports, directory information about institutions that routinely appears on the Commission's website and the information, including institutional reports and materials that the Commission considers to be confidential. The policy also includes a timeline indicating when Commission actions are provided to the Secretary of Education, other accreditors, and state licensing agencies and when they are made public on the Commission's website.