

University of Prince Edward Island	Policy No. admhrdohs0003	Revision No. 0
Policy Title: Non-Disclosure Agreements in Harassment and Discrimination		Page 1 of 3
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Policy Approval Authority: Board of Governors	Designated Executive Officer: Vice-President People and Culture	WWW Access: Yes

1. Purpose

- 1.1 The purpose of this policy is to regulate the use of Non-Disclosure Agreements by the University of Prince Edward Island (the “University”) in the contexts of harassment and discrimination.
- 1.2 More particularly, this policy is intended to ensure compliance with the provisions of the *Non-disclosure Agreements Act*.

2. Guiding Principles

- 2.1 The University is committed to maintaining a respectful study and work environment that is free of Harassment and Discrimination, and one in which all persons are treated with respect and dignity.
- 2.2 Non-Disclosure Agreements should not be used to silence those who have experienced harassment and discrimination and to deny institutional accountability for preventing harassment and discrimination.
- 2.3 In making this policy, the University intends to foster an environment in which those who have experienced harassment and discrimination remain free to speak about their experiences.

3. Definitions

3.1 In this Policy:

- (a) “Act” means the *Non-disclosure Agreements Act*, R.S.P.E.I. 1988, c N-3.02;
- (a) “Discrimination” means discrimination as defined in the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12;
- (b) “Harassment” means harassment as defined in the Act;
- (c) “Non-Disclosure Agreement” means a provision in writing in a Settlement Agreement, however described, between a Relevant Person and
 - (i) the Party Responsible, or

- (ii) the person who committed or is alleged to have committed the harassment or discrimination,

whereby the Relevant Person agrees not to disclose any material information about the circumstances of a dispute between them concerning allegations of harassment or discrimination that are unlawful under an enactment or Act of Parliament;

- (d) “Party Responsible” means a person who has an obligation in law to take reasonable steps to prevent harassment and discrimination in the place where the harassment or discrimination occurred or is alleged to have occurred;
- (e) “Relevant Person” means the person who has experienced or made allegations about harassment or discrimination;
- (f) “Settlement Agreement” means an agreement between two or more parties that disposes of one or more issues in dispute between the parties in relation to allegations of harassment or discrimination
- (g) “University Community” means everyone who works, studies, or volunteers at the University.

4. **Responsibility**

- 4.1 The University’s Board of Governors is responsible for the establishment and amendment of this policy.

5. **Administration**

- 5.1 The Vice President, People & Culture is responsible for oversight of this policy.

6. **General Prohibition re the University**

- 6.1 The University shall not enter into a Non-Disclosure Agreement except in accordance with this policy.

- 6.2 The University may enter into a Non-Disclosure Agreement if:

- (a) the Non-Disclosure Agreement is permitted by, and is enforceable under, the Act;
- (b) the Non-Disclosure Agreement does not have the purpose or effect of restricting the Relevant Person from disclosing the fact of settlement or the existence of a Settlement Agreement; and
- (c) the President and the Vice President, People & Culture authorize the University in writing to enter into the Non-Disclosure Agreement, except in the following circumstances:

- (i) if the Non-Disclosure Agreement relates to the conduct of, or to allegations against, the Chair of the Board of Governors, authorization for the University to enter into the Non-Disclosure Agreement must be obtained from the Board of Governors in the absence of the Chair;
- (ii) if the Non-Disclosure Agreement relates to the conduct of, or to allegations against, the President, authorization for the University to enter into the Non-Disclosure Agreement must be obtained from the Board of Governors in the absence of the President;
- (iii) if the Non-Disclosure Agreement relates to the conduct of, or to allegations against, a member of the Board of Governors, authorization for the University to enter into the Non-Disclosure Agreement must be obtained from the Board of Governors in the absence of the member; or
- (iv) if the Non-Disclosure Agreement relates to the conduct of, or to allegations against, a Vice President of the University, written authorization for the University to enter into the Non-Disclosure Agreement must be obtained from the Chair of the Board of Governors and the President.

7. **Review**

7.1 The Board of Governors will review this policy at least once every five years.