



CONFIDENTIALITY AND TRANSPARENCY - QUICK TIPS

Five quick tips to help you with information-sensitive situations.

Know that Confidentiality and Transparency Are Critical

Your role will require you to handle touchy subjects ranging from small complaints to career-changing events for others. How these matters are managed in your unit will affect the mission of the unit and your reputation. Choices you can make in this area often require balancing two important values: confidentiality and transparency. While certain information must remain private, other information should be shared to build trust and a sense of fairness in the environment. There is tension between these values; it can be challenging to achieve the right balance between them.

Not everyone needs to know, or gets to know, everything all the time. The hardest problems will be where you are completely prevented from sharing information that others feel entitled to have, such as what personnel action has been taken in response to a complaint filed. The person who suffered a wrong may want--or maybe even need, closure--that information, and you may be prevented from sharing it by a legal right to privacy about personnel actions. You and your institution may be prohibited from sharing information that it feels just to share, not only with the most directly affected individuals, but also with the larger community. These will be the hardest cases you likely face.

To manage these complex issues successfully, there are two prerequisites: 1) familiarizing yourself with the relevant policies and regulations of your institution, and 2) coming to terms with your own discomforts (if any) in setting and enforcing boundaries. The more serious the situation, the more the written rules and policies should guide your choices and actions.

Rules are the Foundation and Compass

Policies on confidentiality and transparency are institution-dependent and turn on multiple factors (e.g., whether the institution is public or private; the institution's own rules and norms; etc.). Each college or university has its own norms on how to handle sensitive information. For example, in public institutions, the content of university e-mail or salary information can generally be easily acquired because of freedom of information regulations, while this information may be seen as highly confidential in some private institutions.

Know when to shut up and live with it--sometimes, it will just be bad and there's no way around it. Develop some personal scripts for what you'll say to set and maintain boundaries:

- * I wish I could share more, and I am prohibited from doing so by the right to privacy of others involved in this situation. Let's talk about ways I can work with you to help get things on a better path for you.

SAMPLE SCRIPTS
for keeping
boundaries





Create a Culture of Mutual Trust/Respect and Justice: Maintain a Level Playing Field

A recurring theme among experienced leaders is how critical it is to find ways wherever possible to demonstrate that rules are the same for everyone: that all participants will be heard and information is evaluated without respect to rank. Your reputation as a person of integrity committed to equity and mutual respect will be central to your success as a leader. Your habits and choices will set a tone and reverberate beyond individual events.

A common pitfall that damages many leaders is to make secret side deals with individuals in your unit. These deals almost always leak out, and when that happens, the culture of trust in your unit will be badly damaged.

Navigate Grey Areas Professionally (Where Rules Do Not Clearly State What To Do)

Determining when to keep information confidential and when to share is not always straightforward. There will be many grey areas, where governing rules, regulations, or policies may not provide a clear path. When you would like to share information and are limited, seek permission to make the clearest statement permissible in the situation.

One frequently successful approach is the ability to make a generic statement like the following:

- * **Our process, when allegations of [X] occur, is to [Y]. Penalties ranging from [Z to A] are provided by our policies. We take these matters seriously and respond to each and every incident" (if this is true).**

SAMPLE SCRIPTS
for clear statements

You are Not Alone

Most cases that require you to balance the competing values of confidentiality and transparency are not time-sensitive, so take the time to gather information and reach out for guidance and help. Getting a fresh insight and interpretation not only increases a chance of successful case resolution but also reduces your anxiety and panic. Turn to the confidential resources you can trust (e.g., lawyer, HR, someone in reporting chain, compliance officer). Ask important questions before taking actions.

- * Tell me more about that. / And then what happened?
- * How do you see that fitting with our department's goals?
- * What are some of the positive and negative consequences of that decision?

SAMPLE SCRIPTS
for effective listening

