



Acadia and King's Become First Universities in Canada to Take Pledge Ending Misuse of NDAs

The universities have made history by vowing not to use NDAs in cases of harassment, discrimination and other abuses

DECEMBER 7, 2023 — Two major Nova Scotia universities have made history by becoming the first post-secondary institutions in Canada to voluntarily sign a pledge vowing not to use non-disclosure agreements, or NDAs, in cases of harassment, discrimination and other abuses.

Officials at the University of King's College in Halifax, Nova Scotia, and Acadia University in Wolfville, Nova Scotia, made the joint announcement on Thursday, December 7.

"This is an important pledge we're proud to sign. The misuse of NDAs can create a harmful culture of silence surrounding sexual violence, harassment, and other forms of abuse," says Dr. Jeff Hennessy, President and Vice-Chancellor of Acadia. "It's important that victims and our community not only recognize the support readily available but also feel empowered to openly share their experiences."

"For a long time now, King's has been engaged in difficult and necessary work to create the cultural shift required so that our community is truly safe and welcoming to all," says University of King's College President William Lahey. "By adopting this pledge, we are taking an important step forward on that journey."

Both universities worked closely with [Can't Buy My Silence](#), an international advocacy group dedicated to stopping the misuse of non-disclosure agreements. The pledge reads:

We [our vice-chancellor and higher education provider] commit to not using Non-Disclosure Agreements to silence people who come forward to raise complaints of sexual harassment, abuse or misconduct, or other forms of harassment and bullying.

Signing the pledge means the institutions agree to never use NDAs in cases involving sexual harassment, discrimination, bullying or other forms of misconduct. They also ensure that victims can speak about their experiences, and that harmful behaviour is not hidden. The pledge does not apply to NDAs used to protect commercially sensitive information, such as intellectual property.

"We applaud Acadia and King's for taking this important step to protect students, faculty and staff," says Dr. Julie Macfarlane, Emerita Distinguished Professor of Law at the University of Windsor and Member of the Order of Canada, who co-founded Can't Buy My Silence with Zelda Perkins, the first person to break her NDA with Harvey Weinstein. "Leaders in academia, government, business and other areas of society are beginning to understand the harm that NDAs do, and they're standing up and saying, 'This is unacceptable.'"

Earlier this year, the Ontario government enacted the [Strengthening Post-Secondary Education](#) amendment, which prohibits Ontario universities from using NDAs to cover up faculty sexual misconduct. At the same time, the [English parliament](#) passed a law prohibiting universities from using NDAs in cases of sexual misconduct, abuse, bullying, harassment or discrimination.

The changes are part of a rapid shift in the use of NDAs. In Canada, anti-NDA bills have been tabled in [British Columbia](#), [Saskatchewan](#), [Manitoba](#), [Ontario](#) and [Nova Scotia](#), and passed in [PEI](#). Federally, Senator Marilou McPhedran [tabled a bill](#) that would prohibit the use of federal dollars to fund or enforce non-disclosure agreements in cases of harassment and discrimination. Earlier this year, [Canadian Bar Association members voted over 90 percent in favour](#) of discouraging the use of non-disclosure agreements in cases of harassment and discrimination, and advocating for governments to limit their use. Twenty-one U.S. states have now introduced or passed legislation to restrict the use of NDAs.

Last Thursday, the Nova Scotia Federation of Labour — which represents 70,000 workers at more than 350 union locals — [announced it had voted unanimously](#) to lobby Tim Houston's Progressive Conservative government to ban the use of NDAs in cases of workplace sexual harassment, discrimination and other abuses in the province.

Both the Nova Scotia Federation of Labour vote and the Acadia and King's pledges come just weeks after Nova Scotia Attorney General and Minister of Justice Brad Johns created a firestorm of controversy when he [announced](#) the government would not pass NDA legislation, but could not clearly explain why.

Non-disclosure agreements were initially used in workplaces to protect trade secrets. However, they are increasingly used to cover up abuses in businesses, schools, youth clubs, universities, religious institutions, and other organizations. Meanwhile, victims and whistleblowers experience an added layer of harm as they are prevented from speaking with friends, loved ones, coworkers and even therapists about the abuses they've experienced.

Almost six times as many women report signing NDAs as men, likely because complaints of sexual harassment and pregnancy discrimination routinely end with NDAs. Confidentiality agreements are also used disproportionately against people of colour — Black women are nearly three times more likely to have signed one than their white counterparts — and against people with disabilities. In studies, the vast majority of people who have signed NDAs report regretting their decision.

"There is a sea change happening, and we encourage all post-secondary institutions, businesses and organizations to follow the lead of Acadia University and University of King's College," says Macfarlane.

"The longer we wait to take action, the more victims get silenced and the more perpetrators get protected, which allows them to move on to other victims with impunity. It's high time we put an end to this shameful practice and adopt policies that ensure survivors get to speak their truth," she says. "And the institutions leading that charge will be on the right side of history."

Media Contacts:

- **Stacey Buchholzer**, Can't Buy My Silence Campaign Coordinator: info@cantbuymysilence.com
- **Robyn McBain**, Acadia University, media.relations@acadiau.ca, 902-585-1705
- **Elizabeth Grant**, University of King's College, Elizabeth.grant@ukings.ca, 902.719.9187
- [More information](#) and [victim testimonies](#) at [Can't Buy My Silence](#)