



Ethicsology 101: Guidance on Principle 9 of the College Code of Ethics

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The Code of Ethics of the College was revised in 2012. The current Code includes 9 principles with specific standards attached to each principle, framed "to meet this principle, members must..." The Code is actionable in that a member's professional and personal conduct can be assessed against these principles and standards in the event of a discipline matter.

This column provides guidance to members on the application of Principle 9 of the Code of Ethics, which states:

A member must recognize the duty to address poor conduct and/or practice of another member in order to protect the public interest, the profession, and the reputation of the College.

To meet this principle the member must:

- address the conduct issue while respecting the rights and reputation of the other member;
- where one College member believes another College member has engaged in poor practice and/or conduct, i.e. has contravened the College Act and/or Rules, the member making the allegations should, where possible, approach the other member privately to seek clarification of the actions before making any public statements or notifying the College. In undertaking this approach the member must:
 - make every effort to maintain respectful regard; and
 - not maliciously or negligently injure the reputation of the other member;
- where it is not possible for a College member to raise a matter of poor practice or conduct directly with the other College member, or where discussions between College members have not resolved the situation satisfactorily, and where the member is of the opinion that the matter merits



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the attention of the College, the member must report the allegations by filing a complaint with the College in accordance with the Act and Rules.

What does the College mean by poor conduct or practice?

The College of Applied Biology Act identifies the circumstances where the conduct or practice of a member may warrant the attention of the College. The circumstances are:

1. Professional misconduct which is defined as: misconduct by a member of the College relating to the performance of duties undertaken while engaged in applied biology, and includes a breach of the rules;
2. Conduct unbecoming a practicing member, which is defined as conduct that:
 - a. Brings the college or its members into disrepute (note that this can include behavior in a member's personal life that reflects poorly on the profession as a whole),
 - b. Undermines the scientific methods and principles that are the foundation of the applied biological sciences, or
 - c. Undermines the principles of stewardship of aquatic and terrestrial ecosystems and biological resources,
3. A breach of the Act or Rules,
4. Incompetent performance of duties undertaken while engaged in applied biology.

Why should I address poor conduct or practice of another member?

If you think of other professions such as lawyers, medical doctors, engineers etc., poor practice or conduct by one professional can tarnish the reputation or credibility of all those who practice the profession. We can all think of examples where this has occurred. The same is true of the College – if there are members that are not meeting the standards set out in the Code of Ethics in their professional or personal life, then it has implications for how all members of the College are perceived.



The College relies on its members to recognize poor conduct and/or practice of another member and address it.

Why doesn't the College initiate action against members on its own?

The College does have the ability to initiate and investigate an issue that comes to its attention. The College conducts proactive audits of a portion of our members each year to identify potential practice-related issues, and works with members to improve practice, where necessary. However, the College does not specifically monitor members' reports, advice, or behavior in professional or private life to ensure they meet the standards of the College. Therefore, in most cases, the discipline process is triggered by a complaint from another member or from the public.

What is my first step when I notice poor conduct or practice of another member?

If you suspect a College member of poor conduct or practice, evaluate the situation carefully before taking action. If safety of the public/workers is the concern, act immediately (Principle 5 of the Code of Ethics). In other matters, here are some things to keep in mind:

- Biologists/technologists can disagree without one or the other necessarily being wrong or violating the Code of Ethics. Scientific debate is a cornerstone of good science.
- Approaching an issue as a misunderstanding or honest mistake instead of assuming incompetence or unethical behavior can help frame the issue in a non-adversarial light.
- People have different perceptions of risk, and how individuals apply trade-offs can lead to conflicts, but differences in risk tolerance do not necessarily indicate incompetent or unethical behavior.

If possible, the best approach is to contact the member directly to discuss the issue in a professional manner. Even though it may be uncomfortable or difficult to initiate the discussion, it is an important first step, and allows the member to respond and clarify the situation. When initiating the discussion, be respectful and specific. Here are some suggestions when engaging the member on a sensitive issue:



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- Focus on issues rather than personality.
- Avoid statements such as “you always...” or “you never...”, and avoid insults (stupid, idiot, biased, ridiculous – I’m sure you can think of a few others).
- Ask questions to clarify the reasoning behind an action, decision, or recommendation. Examples:
 - Instead of positioning your view as “you’re wrong”, ask questions and elicit an explanation, such as “I have concerns about recommendation 1 for x, y, z reasons; can you explain how you came to this recommendation?”
 - Ask how they considered the information expressed in omitted references, suggesting that the information could be pertinent to the discussion, rather than accusing a member of bias and purposely omitting valid references.
 - Ask “why did you decide to use method x instead of method y?” instead of implying incompetence by saying “method x is not appropriate in this situation.”
 - At all times conduct yourself professionally. Standards for respectful interactions are outlined in Principle 8 of the Code of Ethics.

What if I can't approach the other person directly?

The College recognizes that occasionally there are situations where it may not be possible to discuss the issue with the other member directly. In that case you should consider whether the situation warrants making a complaint to the College.

So when should I should lay a complaint with the College?

If discussion with the member does not resolve your concerns, or if you feel you cannot directly approach the member, you must decide whether you believe the matter warrants consideration by the College.

Before laying the complaint, review the Code of Ethics and supporting documents to ensure that you have a clear understanding of the basis for your



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concern. Complaints must be based on the Code, or the Act and Rules. Any complaint that comes before the Discipline Committee will be assessed by the standards outlined in the Code. If, after review, you feel strongly that the member's conduct violates the Code or is unbecoming to a member of the College, make a complaint to the College. Remember, a professional disagreement of opinion is not necessarily a violation of the Code.

How do I lay a complaint?

Before laying a complaint, make sure that the person was a member of the College at the time of the alleged infraction by contacting the Registrar of the College. Once you are sure that the person was a member, forward the following to the College by mail, attention of the Registrar: details of your complaint including your name and contact information; the member(s) name(s); quote the section of the Code of Ethics, Act or Rules which you believe the member has *contravened*; and any supporting documentation.

I have reviewed the Code of Ethics and have strong concerns about the conduct/practice of another member, but I don't want to ruin his/her career. What should I do?

It can be a difficult decision to make a complaint against another member but it's your professional responsibility. Be assured that the discipline process is fair and the penalty, if any, will be commensurate with the issue. The test for discipline is a clear violation of the Code of Ethics, or personal or professional misconduct as identified in the Act or Rules. When you bring a matter to the attention of the College, the College will assess the situation to determine whether the complaint warrants the attention of the Discipline Committee. Once a complaint is referred to the Discipline Committee they take over all aspects of the matter.

A new tool called a Practice Review is currently being developed and will be used where a member's conduct or practice is questionable but does not meet the test of a discipline case. Look for more information from the College in a future edition of *College Matters*.

I am worried that if I lay a complaint with the College I will lose my job/client or will be subject to retaliation.



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This is a difficult subject. Making your employer/client or coworkers aware of your responsibilities as a professional can help. The Code of Ethics is clear on your responsibility, and can be used to support your actions where your conduct is measured and professional.

Addressing the conduct or practice of your colleagues is never an easy matter but it is a professional responsibility where misconduct or poor behavior or practice is suspected. The Act, Rules, Code of Ethics, and College policies are designed to uphold the public interest and the professional reputation of the College and its members, while being fair to both Subject Members and Complainants.

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