

# ADDRESSING BIAS IN COLLEGE COMMITTEE DECISIONS

**How do the College’s Inquiries, Complaints and Reports Committee, the Fitness to Practice Committee and the Discipline Committee work to ensure that their decisions are not influenced by bias or conflict of interest?**

The College employs a variety of processes to help address bias including regular education and discussion. No system or process is free from the bias that humans can bring to the table, however, it is our job as a regulator to do everything we can to help identify and address bias. This means that although our approach is comprehensive, it must continually improve.



## > WHY IS IT IMPORTANT?



### THE WORK OF COMMITTEES IS FOUNDED ON LEGISLATION.

The regulatory committees of the College are required by Ontario law. Jurisdiction for the committees is set out in the Regulated Health Professions Act (RHPA). It is the duty of the Ontario Minister of Health to ensure that health professionals are regulated and coordinated in the public's interest and that appropriate standards are maintained. It is the duty of the College to work in consultation with the Minister to ensure, as a matter of public interest, that Ontarians have access to an adequate number of qualified, skilled and competent regulated health professionals.



### FAIR AND OBJECTIVE

In Canada, the principles of fairness are embedded in the law. These principles include the right to an unbiased decision-maker, sufficient notice about a matter and the right to be heard. The College's processes meet and often exceed these requirements for fairness. The College prioritizes fairness, which includes providing notice to individuals whose interests might be affected by a particular matter, providing an opportunity for them to respond to the concerns; and considering their response when deciding.

Committees must always make their decisions fairly and objectively and avoid any apprehension of bias. Every member considering a matter must remain fair and objective. This is our accountability and the focus of our work to ensure a fair process.



### CONFIDENTIALITY

Committee members deal with sensitive information about patients, members and other individuals. Subject to exceptions in law, they must keep all information that comes to their attention confidential. (RPHA 36. (1)) Breaching confidentiality is an offence punishable by a fine. It can also be grounds for removal from a Committee or Council.



## WHAT IS BIAS AND CONFLICT OF INTEREST?

Conflict of interest and bias can create the appearance of a lack of objectivity.

A member of Council or a committee is in a **conflict of interest** when:

- A.** the member has an association, relationship, non-financial interest or activity that is incompatible with their responsibilities as an impartial decision-maker;
- B.** a reasonable person knowing the relevant facts would conclude or perceive that the member's decision was not impartial nor based solely on the evidence or information properly received by Council or the committee, but rather influenced by the existence of personal extraneous factors, such as a member's connection with the issues or connections with the people involved.

Conflict of interest is when a person's personal or financial interest appears to conflict with their duties.



### PERSONAL CONFLICT OF INTEREST

Personal relationships between a committee member and a complainant, a dentist or a witness that create a reasonable apprehension of bias are avoided. Examples include family members and friends.



### FINANCIAL CONFLICT OF INTEREST

Committee members cannot have a financial relationship with a complainant, dentist or witness. Examples: a dentist who was a competitor; or a person who has provided referrals; a person who owns a business that the committee member is invested in.



### ISSUE-BASED CONFLICT OF INTEREST

Committee members must declare a conflict if they have taken a public stance on an issue that relates to the complaint or the investigation. Examples: a complaint involves misleading reports to an insurer and a committee member has written on LinkedIn that the insurer has problematic practices; the complaint involves the use of a device, and the committee member has published a critique or an endorsement of the device.



## ACKNOWLEDGING AND ADDRESSING BIAS

Anywhere there is subjective assessment, there is room for bias. The role of the College and all committee members is to identify, acknowledge and understand their own biases and the biases of others so that bias can be managed appropriately.

Bias has been defined by the courts as “a leaning, inclination, bent or predisposition towards one side or another or a particular result” ([2003 SCC 45 \(CanLII\) | Wewaykum Indian Band v. Canada | CanLII](#))

Bias can take many forms.

### PERCEPTION OF BIAS

Though there may not be an actual conflict of interest, it is important to ask if a reasonable person would perceive a conflict.

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#### **Anchoring Bias:**

is when one relies too much on the first piece of information one learns. The first piece of information becomes the anchor for subsequent judgements or decisions.

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#### **Affinity bias:**

is the tendency to favour people with similar interests, backgrounds and experiences.

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#### **Relational bias:**

the tendency to like or approve of people whom we know well and share similar interests with.

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#### **Personal:**

refers to one’s learned beliefs, opinions or attitudes that reinforce stereotypes. It can be a natural inclination for or against an individual or group.

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## HOW DOES THE COLLEGE ADDRESS CONFLICT OF INTEREST AND BIAS?

### WE TRAIN. OFTEN.

Committee and panel members receive regular training in conflict of interest and bias. In the training they are encouraged to ask questions and have open discussions about how to avoid bias in their decisions and how to identify real and perceived conflicts.

In 2022, ICRC received training in effective decision-making (including Equity, Diversity and Inclusion principles as well as trauma-informed regulation practices.

In 2023 and 2024, ICRC received training in the considerations of equity in investigations and decision-making.

The manual for the ICRC work is updated every two years, incorporating the most recent best practices in addressing bias and conflict of interest.

Returning committee members participate in the training too.

### WE ASK. OFTEN.

In addition to regular training of committee members to identify bias and conflicts, before materials are sent to committee members, they are sent a “conflict check” email. It will include a list of names of the parties involved in the matter. Committee members are asked to report any real or perceived conflicts to the administrator immediately. The matter will then be reassigned.

When committee members receive materials, they are asked to review them to see if there are any conflicts. If they do see a name they know or a bias they perceive, they are instructed to stop reading and inform the administrator. If they are unsure if they have a conflict or bias, a Committee member may consult legal counsel. The case will be removed from their folder.

If a committee member realizes they have a bias or conflict of interest during a meeting, they are required to immediately speak with the administrator. The administrator connects them with legal counsel for a private discussion. It is encouraged to interrupt the meeting to declare a conflict of interest, but committee members are not to say why as it may taint the other members.



## WE CHALLENGE OUR ASSUMPTIONS.

Committee and panel members are trained to examine and look for systemic barriers that could get in the way of a fair process.

- We examine language that may present a barrier to understanding

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- We consider the impact on those who need to understand, apply or follow requirements

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- We consider the potential for disproportionate impact on those who need to understand, follow or apply requirements.

Committee and panel members receive training in identifying racism, both their own biases as well as in the issues before them. Racism can manifest in a variety of practices and social norms that work to reproduce or enhance a racial hierarchy. The result can be a variety of negative outcomes including prejudice, attitudes, stereotyping, microaggressions and targeted discrimination. Committee and panel members are held accountable for bringing an equity lens to the work they do at the College and the College is committed to ensuring panels have ongoing training and resources to do that well. If for any reason they are unable to do so related to a particular matter, the matter will be reassigned.



**CONTACT US**

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