



File 17-03

Subject Member: Registered Professional Biologist

Complaint Submitted: May 31, 2017

Date of Decision: March 22, 2018

Complaint Summary:

A complaint was submitted against a member of the College alleging unethical conduct. In particular, the allegations were that the subject member:

- a) did not follow procedural fairness
- b) proffered advice that was not within their professional designation
- c) colluded with another biologist on a report submission
- d) made implied threats
- e) was in a conflict of interest

Decision:

For items a) through d), the Discipline Committee determined the evidence provided did not support the allegations.

Regarding item e), the Discipline Committee investigated the issue of conflict of interest. The complainant alleged the subject member was in a conflict of interest in their decision-making role regarding a complaint filed by the subject member against another College member. The investigation concluded that the filing of a complaint does not automatically put a member in a conflict of interest situation. Section 9 of the College's Code of Ethics clearly states that members have the obligation to "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" and provides that this duty is mandatory in certain circumstances:

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 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. [Emphasis added.]

The Committee has determined that, in filing the complaint, the subject member was complying with the College's Code of Ethics, and absent evidence that the complaint was vexatious or brought for an



improper purpose, the filing of the complaint cannot be deemed to have placed the subject member into a conflict of interest.

Further, the Committee was satisfied that the subject member took their professional obligations seriously, in good faith, and with considerable due diligence, and that their consultations with both the College and legal counsel concerning their obligations reflect reasonable conduct in the circumstances. The Committee concluded that it would not be in the public interest to discipline a member where the member was acting in good faith and in compliance with their professional obligations in filing a complaint against a fellow member, and then undertook appropriate due diligence to assess their professional obligations in carrying out their employment duties after filing the complaint.

Accordingly, after a full and careful consideration of the material contained in this file it is the decision of the Discipline Committee that this complaint be dismissed as per Rule 15.19 as “not one in which further proceedings would be in the public interest; and should be dismissed or deferred” and that the file be closed.