



Guidelines for being biased, handling bias, and guidance on assessing bias at the Royal Institute of Art

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Introduction	page 2
General guidelines for bias	page 2
Guidelines for handling bias at the Royal Institute of Art	page 6
Guidance on assessing bias	page 7

Introduction

This document consists of general guidelines for handling bias at all higher education institutions, including the Royal Institute of Art, specific guidelines for bias at the Royal Institute of Art, and guidance on the assessment of bias. The document is based on the Instrument of Government and the Administrative Procedure Act. Responsible for follow-up: HR department. Responsible for follow-up: HR unit.

General guidelines for what apply to bias

Representative for the state

The Royal Institute of Art (KKH) is a state authority, which means that the institution is subject to the regulations that apply to public administration, i.e., state and municipal administrative authorities.

The principle of objectivity

The state requires that matters handled by authorities such as KKH be conducted in accordance with the principle of objectivity. Chapter 1, Section 9 of the Instrument of Government and Section 11 of the Administrative Procedure Act contain provisions stipulating that the handling of cases and decision-making by a public authority must be objective and impartial and is therefore subject to rules on bias. However, the rules on bias do not apply to the performance of so-called factual acts, such as teaching, research, and healthcare.



Who may be biased?

Those involved in the processing of cases, including experts, and those involved in decision-making may be biased. As a rule, the registration, printing, and dispatch of decisions and other tasks of a purely administrative nature do not entail a risk of bias for those who perform them.

When does one become biased?

Often, one knows whether one is biased when the case process begins. However, a person who is initially unbiased may become biased during the decision-making process, for example, by being subjected to pressure that is difficult to resist or by entering a relationship with the person on whom the decision is to be made.

When does bias arise?

Bias can arise in all types of decision-making matters but rarely apply to recurring administrative and collegial decisions. It is more common in matters concerning individuals who have the right to appeal. What can be appealed to? According to the document UKÄ 2018: HÖGSKOLORNAS HANDLÄGGNING AV ÖVERKLAGANDEN (Higher Education Institutions' Handling of Appeals), the following decisions can be appealed to the Appeals Board (ÖNH) in accordance with Chapter 12, Section 2 of the Higher Education Ordinance (1993:100):

1. decisions on employment at a higher education institution, except for decisions on employment as a doctoral student or as a senior lecturer in connection with a promotion pursuant to Chapter 4, Section 12 c of the Higher Education Ordinance,
2. decisions pursuant to Chapter 4, Section 13 to reject an application for promotion,
3. decisions that an applicant does not meet the eligibility requirements for admission to undergraduate or advanced level education and decisions not to make exceptions to the eligibility requirements in cases referred to in Chapter 7, Section 3, second sentence, or Section 28, second paragraph of the Higher Education Ordinance,
4. decisions on the recognition of prior learning or professional experience,
5. rejection of a student's request for exemption from a compulsory course,



6. decisions to withdraw resources for a doctoral student's education in accordance with Chapter 6, Section 30 of the Higher Education Ordinance and decisions that a doctoral student shall not have the resources returned in accordance with Chapter 6, Section 31 of the same ordinance,
7. rejection of a student's request for a degree certificate or course certificate, and
8. decisions not to grant a person admitted to undergraduate or advanced level education a deferral to begin their studies or to continue their studies after a break in their studies.

The following decisions may also be appealed to the ÖNH:

- Certain decisions by a university or college under state authority on the grounds that the decision violates the prohibition of discrimination or the prohibition of reprisals under the Discrimination Act (2008:576)
- Decisions to reclaim educational grants for doctoral students under the Ordinance (1995:938) on educational grants for doctoral students).

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- Decisions to reclaim educational grants for doctoral students under the Ordinance (1995:938) on educational grants for doctoral students)
- Decisions by a university or college to grant a student association the status of a student union, or to revoke such status from a student union, in accordance with the Student Union Ordinance (2009:769)
- Decision to suspend a student who has not paid their tuition fees in accordance with the Ordinance (2010:543) on application fees and tuition fees at universities and colleges¹¹ | UKÄ 2018: COLLEGES' HANDLING OF APPEALS
- Decisions on educational grants in accordance with the Ordinance (2016:706) on supplementary teacher training leading to a subject teacher degree for persons who have a degree at the doctoral level



- Certain decisions in accordance with Section 12 of the Administrative Procedure Act (2017:900) to reject a request for the university to decide on a matter.

In addition, decisions may be appealed to other authorities, such as the Labor Court in cases concerning the Personnel Liability Board and the Administrative Court in disciplinary cases. They may also be subject to judicial review in a regular court of law. Bribery falls under the Penal Code but is, of course, also grounds for bias.

If there is no authority that can review whether bias has occurred or whether a bias review should have been conducted, an appeal is not possible. The university should therefore pay particular attention to important cases in which bias could be relevant to the decision, but where there is no obvious authority to which an appeal can be made, such as in the case of exams and examinations. This is because the university strives to make decisions that are as objective and transparent as possible.

What is bias?

There are several types of bias

- when the case concerns them or someone close to them who is a party to the case or who can otherwise be assumed to be affected by the decision to a not insignificant extent. i.e. bias due to being a party to the case or having an interest in the case.
- When the person or someone close to them is or has been a representative or agent for a party in the case or for someone else who can be assumed to be affected by the decision to a significant extent, i.e., representative and agent bias.
- When the case concerns a relative or someone close to them, i.e., relative and kinship bias.
- they have participated in the final handling of a case at another authority and, as a result, have already taken a position on issues that the authority is to examine in its capacity as a higher instance, i.e., dual-instance conflict of interest.
- there are other special circumstances that could call into question their impartiality in the case, such as close friendships, sexual relationships, and long-term working relationships, i.e., delicacy bias.



If the question of impartiality is irrelevant, the authority shall disregard the bias.

Effect of bias

Anyone who considers themselves to be biased shall notify the authority as soon as possible. Anyone who is biased shall not participate in the handling or decision-making process. In the case of a meeting where several matters are being dealt with and decided upon, the person with a conflict of interest shall not express an opinion or participate in the decision on the matter and shall leave the meeting.

He or she may neither take any preparatory measures nor participate in the decision on the matter. However, he or she may take measures that no one else can take without undue delay.

In urgent cases that cannot be postponed, the person who is biased may even decide if this is necessary due to time constraints. However, these exceptions should be avoided and only applied if necessary.

Bias of a case worker or decision-maker may also be reported by someone other than the person considered to be biased, for example a party or a colleague at the authority.

Review of bias

Normally, the person who is biased will voluntarily disclose this and thereby refrain from any involvement in the case, and a replacement will be called in. If there is uncertainty or if someone other than the person considered biased raises the issue of bias and the person named does not admit bias, a formal review of the bias issue must be conducted.

In general, the decision reached in the review of bias cannot be appealed until afterwards, in connection with the case that gave rise to the review of bias having been or being appealed or proceeding to another legal review.

The Higher Education Ordinance states that certain decisions may not be appealed, including decisions on grades and the appointment of doctoral positions. This means that the question of bias cannot be examined in connection with an appeal against the decision on the merits of the case. In such cases, it is of the utmost importance that any grounds for bias are revealed and examined before a decision is made. However, the fact that a decision cannot be appealed to under, for example, the Higher Education Ordinance does not prevent it from being invalid on other grounds.



Guidelines for handling bias at the Royal Institute of Art

In decision-making organs where the assessment of bias may be of significance, each case in which a bias is relevant shall begin with a special examination of the issue of bias if it concerns decisions affecting individuals who have the right to appeal decisions that are unfavorable to them.

This occurs at KKH in the Teacher and Doctoral Candidate Proposal Committee, the Department Committees, the Admissions Committees, the Disciplinary Committee, and the Personnel Responsibility Committee. This is done at the Royal Institute of Art in the Teacher and Doctoral Candidate Nomination Committee, the Department Committees, the Admissions Committees, the Disciplinary Committee, and the Personnel Responsibility Committee.

Case workers, including experts and decision-makers, shall assess whether they are biased in a specific case and notify as early as possible, and shall refrain entirely from participating in the further handling of the case. It is therefore not possible to claim, for example, that the biased person can participate in the assessment of a group of applicants for a job and only make exceptions from the assessment of those with whom the biased person has a conflict of interest.

If there is uncertainty as to whether a case worker or decision-maker is biased, or if someone claims that a case worker or decision-maker is biased and the person named does not admit bias, and if the assessment cannot be made at the table, the administrative manager, or the person or persons appointed by the administrative manager, shall conduct a bias assessment of the person who may be considered to be biased. Regardless of how the assessment is conducted, it must result in a formal decision.

If the bias assessment leads to the conclusion that the person concerned is not considered biased, they may continue as before in their role as case worker or decision-maker.

If the bias assessment leads to the person concerned being deemed biased, they shall not participate in the further handling of the case.

If someone declares themselves to be biased or is deemed to be biased, they shall be replaced by another case worker or decision-maker.

The decision of the bias review cannot be appealed to by the person deemed to be biased.

The minutes of meetings where a matter is discussed in which the issue of bias may be relevant must always include a statement that the issue of bias has been raised.



If a departmental board finds itself in a situation where it is unable to decide due to bias, the vice-chancellor may choose to transfer the matter to the other departmental board for a decision. This situation could arise, for example, in employment matters involving final candidates who are already working in the department.

Guidance on assessing bias

The Swedish Government Offices' 2014 publication "Introduction to the common values for government employees" summarizes the grounds for bias as follows:

You are biased if the decision is of considerable benefit or detriment to yourself or a close relative, or to an organization over which you have a decisive influence. If a case is appealed to a higher court, you cannot participate in the decision if you have been involved in it in the lower court. You are also biased if there are any other circumstances that could undermine confidence in your impartiality. This could include friendship/enmity with or financial dependence on any party or stakeholder in the case. You may also be considered biased if you are so involved in a matter that you could be suspected of not being impartial.

In many cases, it is obvious that a person is biased, for example in cases of kinship, close cooperation, business relationships, and representation. Just as often, it is difficult to determine whether someone is biased or not, especially in cases of delicate bias. This can, for example, lead to unnecessarily strict assessments, which is problematic in small sectors where many people know each other. Here is a guide on how to approach the assessment of bias. However, it should be noted that this guide is only advisory, as each assessment of bias must be understood in its own context. To facilitate its work, the Swedish Arts Council has developed guidelines for the application of bias based on the provisions of the Administrative Procedure Act (Guidelines for handling bias at the Swedish Arts Council, 2018). These can serve as guidance for the work of the KKH in cases involving artistic assessment, but also in other contexts:

Obvious friendship/obvious enmity.

Obvious friendship/enmity is characterized by strong feelings that are mutual.

Obvious friendship refers to strong bonds of friendship where the parties socialize outside of work. They have a lasting and deep relationship in their private lives. Merely knowing someone does not constitute bias.

Obvious enmity refers to strong feelings such as disgust and hatred. The fact that the parties have different opinions on an issue where one considers themselves



to be disadvantaged does not constitute an example of bias. Nor does being angry with someone constitute obvious enmity.

Completed, ongoing, and planned collaborations.

The decisive factor in determining whether a collaboration constitutes grounds for bias is the role that the party concerned has or has had in the collaboration.

Provided that none of the points in sections 1–3 is applicable, the following does not constitute bias.

- having or having had a peripheral role in a project should be reported where the party is concerned.
- is driving or has an active role in an ongoing collaboration.
- has been driving or has had an active role in a collaboration that ended less than six months before the decision was made. If an applicant for a position at KKH is already employed or has recently been employed at KKH, it is likely that the members of the Teacher and Doctoral Candidate Nomination Committee and the Department Committee have collaborated in some way with the applicant, as KKH is a small institution. In such cases, the focus should be on whether the member has been a driving force and active in the collaboration with the applicant, on the size and nature of the collaboration, and whether the collaboration has given rise to strong feelings of connection in accordance with what is stated above. Working at the same workplace is not sufficient grounds for being declared biased.
- will be a driving force or play an active role in a future collaboration that is planned or established when a decision on a matter is to be made.

Member of the same organization.

Membership in an association or organization does not constitute bias. However, the bias of interest should be discussed if the parties concerned sit on the same board.

Other

Bias should be considered if someone expresses strong commitment, deep goodwill, or maintains clearly negative opinions in a matter.

In addition to what the Swedish Arts Council has compiled, the Swedish Association of Universities and Colleges' publication *Jävsregler i högskolan* (Rules of Bias in Higher Education, 1997) can also serve as a guide:



To be considered a party in a case, you must have legal standing, i.e., be so affected by the matter that you have the right to appeal a decision in the case if it has gone against you. It is not enough to have a strong personal interest in the outcome of the case. A decision by an authority on its budget or internal organization is an example of a decision where there is no party with legal standing, even though the consequences of such decisions can be quite extensive for both institutions and individuals within or outside the authority. As a rule, a complainant does not have the status of a party either.