

Complaints Policy – Sexual Misconduct

NSCSW's Approach to Sexual Misconduct Complaints

Trauma-informed approach

The College aims to ground all procedures relating to complaints alleging sexual misconduct in a trauma-informed approach. College staff and committee members responsible for dealing with complaints of sexual misconduct shall undergo trauma-informed training.

With the goal of minimizing harm, the College shall make an independent navigator with training in the College's professional conduct processes available to assist complainants involved with sexual misconduct. Upon request, the navigator shall assist complainants with the College's process.

The College shall:

- ensure emotionally and physically safe environments for complainants;
- provide clear information and consistent expectations about its processes;
- advise complainants regarding the confidentiality of complaints and the limits to confidentiality;
- with the complainant's fully informed consent, explore the potential for restorative justice outcomes through the College's informal resolution process, including via mediation, dialogue, circles and conferencing models;
- encourage complainants to bring a supportive person with them to meetings or appointments;
- actively support the well-being and self-care of its staff that handle sexual misconduct complaints;
- advise complainants of material updates and/or changes throughout the process on a timely basis; and
- regularly review its processes with the goal of minimizing harm.

Sanctions

The College recognizes the authority of the Discipline Committee to make findings and to determine the sanctions of matters brought before them, pursuant to the *Social Workers Act*.

As a party in a proceeding, the College will take the following positions:

- a) Sexual misconduct involving a current client or a vulnerable former client constitutes professional misconduct and/or conduct unbecoming.
- b) Sexualized conduct by a social worker with a former client that runs contrary to Standard 1.7 also constitutes professional misconduct and/or conduct unbecoming.



- c) Sexualized conduct by a social worker that is entirely unconnected to the social worker's practice, their status as a social worker, or the social work profession may constitute conduct unbecoming.
- d) Where there is a finding of either professional misconduct or conduct unbecoming that constitutes sexual abuse, the College will seek the revocation of the social worker's license.
- e) Where there is a finding of professional misconduct or conduct unbecoming arising from a finding of sexual misconduct that does not constitute sexual abuse, the College will seek a licensing sanction against the social worker. The licensing sanction will be commensurate with the relevant circumstances. A licensing sanction creates a disciplinary record for the social worker, and can include one or more of:
 - i. reprimand;
 - ii. conditions or restrictions;
 - iii. periods of suspension from practice; or
 - iv. revocation of the social worker's license.
- f) Where there is any other finding of a breach of this Standard, the College will seek a disposition that is commensurate with the relevant circumstances.

Consent

For the purposes of the NSCSW's Standards, consent of the client is not considered a defence to an allegation of sexual misconduct.

This policy was informed by:

- *NSCN Sexual Misconduct Standard of Practice for Nurses*
- *CPSNS Professional Standards and Guidelines Regarding Sexual Misconduct by Physicians*