

## NSCN's Position on Disposition for Sexual Misconduct Matters

NSCN recognizes the authority of the professional conduct committee to make findings and resolve matters as authorized by the *Nursing Act*.

As a party to a proceeding before the professional conduct committee, NSCN will take the following positions regarding the disposition of matters where allegations of sexual misconduct are before the committee:

1. Sexual misconduct, as defined in the Sexual Misconduct Standard of Practice for Nurses, involving a current client or a vulnerable former client constitutes professional misconduct within the meaning of the *Nursing Act*.
2. Any form of sexual behaviour with a former client may be professional misconduct. In forming its position, NSCN will consider all of the relevant circumstances.
3. Conduct in a registrant's personal or private capacity may constitute conduct unbecoming as defined in the *Nursing Act* if the conduct tends to bring discredit upon registrants or the nursing profession.
4. Sexual misconduct, as defined in the Sexual Misconduct Standard of Practice for Nurses, by a nurse towards colleagues constitutes professional misconduct within the meaning of the *Nursing Act*.
5. Where the professional conduct committee finds that a registrant has engaged in professional misconduct by reason of sexual misconduct, in addition to any other terms the committee may order pursuant to the *Nursing Act*, NSCN will seek a licensing sanction including the following:
  - a. reprimand of the registrant;
  - b. if the sexual misconduct does not consist of or include sexual abuse as defined in the Sexual Misconduct Standard, NSCN will seek a licencing sanction that is proportionate to the circumstances, which may include one or more of the following: terms and conditions on the registrant's licence, a period of suspension, a fine or revocation of the registrant's licence and registration; and,
  - c. if the sexual misconduct consists of or includes sexual abuse as defined in the Sexual Misconduct Standard for Nurses, NSCN will seek revocation of the registrant's licence and registration.
6. Where intimate care is provided that is clinically indicated, but is performed contrary to acceptable standards in a manner that does not constitute sexual misconduct, NSCN may address the registrant's competence as defined by the *Nursing Act*, or as a matter that should lead to a non-disciplinary outcome such as advice, remedial education, or a caution.
7. Where there is any other finding of a breach of the LPN, RN, or NP standards, NSCN will seek a disposition that is proportionate with the circumstances.

*Defined terms in the College's Sexual Misconduct Standard of Practice for Nurses have the same meaning in this Policy Statement.*