



Walking the regulatory tightrope: Protecting the public and being fair to all parties in sexual misconduct complaints

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Why this topic

- Sexual misconduct affects us all, whether we are survivors ourselves or know someone who is
- Causes unique harm
- Power imbalances & vulnerability are key features – a lot of power imbalances in regulated professions
- It's emotional work



Regulatory Context

- Uniquely challenging for regulators
- Cannot be treated the same as other regulatory complaints due to the trauma, harm, vulnerability, risk(s) & sensitivity involved
- Requires specific knowledge & experience; agility, flexibility in complaint process



Some Dos...

- Ensure fairness in complaints process for both parties
- Acknowledge the risks for the parties
- Recognize & understand the complexity of sexual misconduct complaints
- Build in agility & flexibility in your complaints & investigation process



More dos...

- Support & trust the staff and/or external contractors doing the work
- Make efforts to engage stakeholders, build relationships to create awareness, lessen stigma
- Debrief cases to learn from & strengthen your complaint & investigation processes



Some do nots....

- Leave yourself open to claims of unfairness or bias (reputational harm, litigation risk)
- Cause further harm to the parties
- Assign staff who are inexperienced in handling sexual misconduct or trauma
- Meddle with external investigation processes



More do not's....

- Create more barriers in complaint process
- Isolate staff doing the work
- Approach sexual misconduct complaints like other types of complaints



Why these dos and don'ts

- Strive to enhance protecting the public & regulating the profession
- Mitigating risk of litigation & damage to regulator's reputation
- Mitigating internal issues of staff burnout, turnover





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Thank You

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