

Discipline Decision Summary

This summary of the Discipline Committee's Reasons for Decision, Decision and Order (dated July 6, 2010) is published pursuant to the Discipline Committee's penalty order.

By publishing this summary, the College endeavours to:

- illustrate for social workers, social service workers and members of the public, what does or does not constitute professional misconduct;
- provide social workers and social service workers with direction about the College's standards of practice and professional behaviour, to be applied in future, should they find themselves in similar circumstances;
- implement the Discipline Committee's decision; and
- provide social workers, social service workers and members of the public with an understanding of the College's discipline process.

PROFESSIONAL MISCONDUCT

Disgraceful, Dishonourable and Unprofessional Conduct Member, RSW

AGREED STATEMENT OF FACT

The College and the Member submitted a written statement to the Discipline Committee in which the following facts were agreed:

1. At all times relevant to the allegations, the Member was employed by an educational council and worked at a secondary school.
2. From in or about January to April 2008, as part of the Member's employment duties, the Member supervised a female social service work student from a community college, who was doing a placement at the school.
3. In January 2008, the student sustained soft tissue injuries to the neck as a result of an automobile accident. The student advised the Member that, as a result of the accident and the injuries, the student required time off from the placement to care for herself. The student also advised the Member that she was a single parent and that her mother, who was not well, was assisting with the care of her young child.
4. Following these disclosures, the Member established a personal relationship with the student and subsequently made a number of sexually suggestive and inappropriate comments to the student including the following (or comments to the same effect):
 - a) "You have a nice rack. You have nice sized or large breasts."
 - b) "My girlfriend likes the missionary position when we're having sex, but I'd like to try new things."
 - c) "I'd like to bone every girl I see."
 - d) "Don't you have any tight ones (tops) I like those."
 - e) "It's ok for us to talk this way because we get along so well" and "you act promiscuous."
5. During term evaluations, the Member told the student, "If you sit on my lap you might get a better grade" and that "You look cute when you fidget."
6. On a day that the student was doing stretches designed to help with her soft tissue injuries, the Member said "do it again" while looking directly at her breasts.

7. The student eventually informed the Member that she had been diagnosed with post traumatic stress disorder as a result of someone making sexually inappropriate comments to her followed by an assault on her person. Although the student hoped that, as a result of sharing this information with the Member, the Member would stop this inappropriate behaviour, the Member continued to make sexually inappropriate comments to her.
8. Following the Member's behaviour towards her, the student was diagnosed with Acute Stress Disorder, connected to her pre-existing post-traumatic stress disorder and triggered and/or affected by the Member's inappropriate conduct.

Allegations and Plea

The Discipline Committee accepted the Member's plea, admitting the allegations that the Member:

1. Violated section 2.2 of Ontario Regulation 384/00 (Professional Misconduct) made under the *Social Work and Social Service Work Act* (the "Act"), and Principal I of the Handbook, as commented on in Interpretations 1.5, 1.6 and 1.7 of the Standards of Practice, by failing to be aware of the Member's values, attitudes and needs and how those impacted on the Member's professional relationships with clients; failing to distinguish the Member's needs and interests from those of the Member's clients; failing to ensure that the Member's clients' needs and interests remain paramount and failing to maintain an awareness and consideration of the purpose, mandate and function of the Member's employer when the Member repeatedly made sexually suggestive comments to and sexually harassed the student the Member was supervising.
2. Violated section 2.2 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act, and Principal II of the Handbook, as commented on in Interpretations 2.1.5, 2.2, 2.2.1, 2.2.3 and 2.2.8, by failing to maintain clear and appropriate boundaries in professional relationships; engaging in a professional relationship that constituted a conflict of interest or in a situation in which the Member knew (or ought reasonably to have known) that a client would be at risk; using the Member's professional position of authority to coerce, improperly influence, harass, abuse or exploit a student or trainee; and engaging in conduct which could reasonably be perceived as reflecting negatively on the profession of social work when the Member repeatedly made sexually suggestive comments to and sexually harassed the student whom the Member was supervising.
3. Violated section 2.2 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act, and Principal III of the Handbook, as commented on in Interpretations 3.7 and 3.8, by placing him/herself in a conflict of interest and/or engaging in a dual relationship with the student which could have impaired the Member's professional judgment or increased the risk of exploitation or harm to the student when the Member repeatedly made sexually suggestive comments to and sexually harassed the student the Member was supervising and established a personal relationship with the student.
4. Violated section 2.2 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act, and Principal VIII of the Handbook, as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, and 8.4.1, by engaging in behaviour or making

remarks of a sexual nature to a client when the Member repeatedly made sexually suggestive comments to and sexually harassed the student the Member was supervising and established a personal relationship with the student.

5. Violated section 2.36 of Ontario Regulation 384/00 (Professional Misconduct) made under the Act by engaging in conduct or performing an act relevant to the practice of the profession that having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional when the Member repeatedly made sexually suggestive comments to and sexually harassed the student the Member was supervising and established a personal relationship with the student.

Penalty Order

The panel of the Discipline Committee concluded that the Joint Submission as to Penalty submitted by the College and the Member, was reasonable and in the public interest and addresses the circumstances surrounding the “serious acts of professional misconduct engaged in” by the Member. The panel made the following order, in accordance with the terms of the Joint Submission as to Penalty:

1. That the Member be reprimanded in writing by the Discipline Committee and the fact and nature of the reprimand be recorded on the College’s Register;
2. That the Registrar is directed to suspend the Member’s Certificate of Registration for a period of 24 months, which suspension shall be suspended and shall not be imposed if the Member provides evidence satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed by the Discipline Committee.
3. That the Discipline Committee’s finding and Order (or a summary thereof) be published, with identifying information removed, in the College’s official publication (including the College’s website) and the results of the hearing be recorded on the Register.
 - a) Requiring the Member to provide an undertaking to the College to immediately notify the College Registrar, in writing, of any proposed change in the Member’s professional practice and shall advise the College Registrar, in advance, of the nature and particulars of any future professional employment or practice in which the Member proposes to engage.
 - b) Requiring the Member to engage in intensive insight-oriented psychotherapy with a therapist approved by the Registrar of the College for a period of two (2) years from the date of the Discipline Committee’s Order, with quarterly written reports as to the substance of that psychotherapy and the progress of the Member to be provided to the Registrar of the College by the therapist. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two year period, direct that the psychotherapy be discontinued.
 - c) Requiring the Member, at the Member’s own expense, to participate in and successfully complete boundary prescriptive and/or social work ethics training, as prescribed by and acceptable to the College.
 - d) Prohibiting the Member from providing psychotherapy services or counselling services, as defined in Principle VIII, footnotes 6 and 7 of the Standards of

- Practice of the College (other than those psychotherapy services or counselling services that the Member provides in the Member's current position); and
- e) Prohibiting the Member from applying under section 29 of the *Social Work and Social Service Work Act*, for the removal or modification of the terms, conditions or limitations imposed on the Member's Certificate of Registration for a period of two (2) years from the date on which those terms conditions and limitations were recorded on the Register.

The panel of the Discipline Committee was also of the view that the penalty order:

- Sends a message to the Member, the membership and the public, that the profession will not tolerate this kind of conduct, thereby upholding the public interest;
- Reflects the fact that the Member co-operated with the College and, by agreeing to the facts and proposed penalty, has accepted responsibility for his actions; and
- Took into account that the Member was very remorseful for his conduct.