



## DISCIPLINE DECISION SUMMARY

This summary of the Discipline Committee's decision and reasons, including the name of the former member of the College who is the subject of the decision, is published pursuant to the Discipline Committee's penalty order.

By publishing such summaries, 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; and
- implement the Discipline Committee's decisions concerning publication of its findings in particular cases.

For a copy of the full text of the Discipline Committee's decision and reasons in the following matter, contact Sam Title, Communication Manager, at 416-972-9882 or 1-877-828-9380, ext. 219.

### **DISGRACEFUL, DISHONOURABLE AND UNPROFESSIONAL CONDUCT**

**Michaela B. Ackermann**

**Member # 420995**

#### **Allegations and Plea**

The College's allegations refer to the member's sexual exploitation of a former client. The member did not appear at the hearing although duly served with notice of the hearing.

#### **Evidence**

The Discipline Committee received an Agreed Statement of Fact and a Joint Book of Documents in which the member acknowledged, among other matters, that she provided therapy to her former client in relation to bipolar mood disorder and depression, and that the former client had a history of having been sexually abused, of hospitalization for suicide attempts and of engaging in self-harming behaviour. The member recognized that the former client was extremely vulnerable.

The member transferred the client to another counsellor at the same agency that employed the member, because the member was sexually attracted to the former client. The member had a number of professional contacts with the former client after the transfer for the purpose of contracting safety plans with the former client, who was actively suicidal. During one of those contacts, the member gave the former client her home telephone number and invited the former client to contact her, suggesting they become friends.

The member acknowledged that she made sexual overtures toward the former client, initiated a sexual relationship with the former client, and had sexual relations with the former client. The member further acknowledged that she was in a position of power in relation to the former client, which originated in and survived the termination of the therapeutic relationship. The member subsequently terminated the sexual relationship with the former client.

The Discipline Committee heard evidence from an expert witness in the area of sexual abuse of clients and the counsellor to whom the former client had been transferred. The former client also provided a sworn victim impact statement about the impact of the member's conduct. In addition to pre-existing problems, the former client now has added health problems, substance abuse issues and experiences increased social isolation.

### **Finding**

The Discipline Committee found that the College proved the allegation that the member engaged in conduct or performed an act relevant to the practice of social work that, "having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional."<sup>1</sup>

Specifically the Discipline Committee found that:

1. The member established a personal and/or sexual relationship with a client to whom she provided counselling services and/or psychotherapy services and who remained a client of her employer, an agency in Orangeville; and
2. The member behaved in a manner that showed patent disregard and indifference to the well being of her client while she satisfied her own sexual curiosity at the expense of her client, who had already suffered childhood sexual assault and rape.

### **Submissions on Penalty**

As, prior to the hearing, the member's certificate of registration as a social worker was suspended and subsequently cancelled further to her resignation, Counsel for the College sought an order that:

- the member be reprimanded, in writing and in person, and that the fact of the reprimand be recorded on the College Register for an unlimited period
- the Discipline Committee's findings and order be published, with the member's name, in the College's newsletter, on the College's Web site and in the Orangeville area on the newswire; and that
- the Discipline Committee's findings and order be made known to social work regulators in other provinces and to the American Association of Marriage and Family Therapists.

### **Penalty**

In imposing the penalty proposed by the College, the Discipline Committee gave the following reasons:

- the expert witness had described the member's conduct as conduct involving the most severe form of abuse
- the member has shown no remorse for her conduct
- the member told the former client to keep their relationship secret and later blamed the former client for "ruining her life"
- the member has consistently concerned herself with fulfillment of her own needs only, without regard for the impact of her behaviour on the former client; and
- the member's conduct has impacted the former client very seriously.

*For more information on the College's complaints and discipline process (unrelated to this case), please contact Marlene Zagdanski, Director of Complaints and Discipline, at 416-972-9882 or 1-877-828-9380, ext. 208. E-mail: [mzagdanski@ocswssw.org](mailto:mzagdanski@ocswssw.org)*

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<sup>1</sup> Section 2.36, O. Reg. 334/00 (Professional Misconduct), made under the *Social Work and Social Service Work Act*.