



Ontario College of
Social Workers and
Social Service Workers

Ordre des travailleurs
sociaux et des techniciens
en travail social de l'Ontario

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**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Connie Marangwanda, 2019 ONCSWSSW 1

Decision date: 20190321

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

CONNIE MARANGWANDA

PANEL: Charlene Crews Chair, Professional Member
Andy Kusi-Appiah Public Member
Sanjay Govindaraj Professional Member

Appearances: Jill Dougherty, counsel for the Ontario College of Social Workers and Social Service Workers
Gary Srebrolow, counsel for the Member
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: February 12, 2019

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing before a panel of the Discipline Committee (the “**Panel**”) on February 12, 2019 at the Ontario College of Social Workers and Social Service Workers (the “**College**”).

The Allegations

[2] In the Notice of Hearing dated July 13, 2017, the Member is alleged to be guilty of professional misconduct pursuant to the *Social Work and Social Service Work Act, 1998*, S.O. 1998, c. 31 (the “**Act**”) in that she is alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the “**Professional Misconduct Regulation**”), Schedule “A” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the “**Code of Ethics**”), and Schedule “B” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the “**Handbook**”).

[3] Two of the allegations contained in the Notice of Hearing were revised somewhat by the parties in the Agreed Statement of Facts, which is set out later in these reasons. The Member’s plea was taken based on the allegations as they were set out in the Agreed Statement of Facts. Accordingly, the allegations in the Notice of Hearing as revised in the Agreed Statement of Facts, and the particulars of those allegations as set out in the Notice of Hearing, are as follows:

I. The following are particulars of the said allegations:

1. Since in or about 2005, you have been (and are currently) a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "College").
2. At all times relevant to the allegations in this matter, you worked as a social worker at Burlington Family Health Team ("BFHT").
3. From in or about May of 2015 to in or about December of 2015, you provided social work services (including counselling and/or psychotherapy) to “J”, a client of BFHT (the "Client"). J was receiving counselling in relation to panic attacks, anxiety and issues with transitioning to his identified gender (male).
4. You characterized your therapeutic approach with the Client as consisting of and/or including DBT (Dialectical Behaviour Therapy, referred to as "DBT")-informed support. You purported to provide that DBT-informed support by engaging in extensive contact with the Client, outside of scheduled counselling sessions and in a manner that was not therapeutic and/or not consistent with or supported by principles of DBT/ DBT-informed therapy. That contact with the Client included:
 - a) communicating with the Client after hours, often for extended periods of time and/or late at night/in the early hours of the morning, by various media, including Skype, text, e-mail, and an app called "Words With Friends";
 - b) communicating with the Client on a daily basis through text messaging;
 - c) dealing in a light-hearted way with the Client sending you a picture of his bare buttocks, by making a "meme" out of the picture and then sending it

back to the Client with a humorous comment or comments;

- d) talking about your own personal life and personal problems and/or making inappropriate personal disclosures in a manner that was not therapeutic;
 - e) sending the Client personal photographs of you and your child(ren), and/or having your young children on video chats with the Client,
 - f) sending the Client a Skype message with a poem you wrote and confirming that the poem was about sex; and/or
 - g) communicating with the Client over an app called "Words With Friends" (WWF) and then acknowledging that your words were "...sometimes inappropriate", refraining from putting those communications in the Client's chart and suggesting to the Client that the conversation be erased.
5. You failed to appropriately and/ or fully document some or all of the above out-of-session communications with the Client in the clinical file at BFHT.
6. You failed to appropriately identify and/or manage issues relating to the blurring, crossing and/or violation of client/ professional boundaries in your therapeutic relationship with the Client, failed to properly document in the clinical record your discussions (if any) concerning boundary issues relating to the Client, and/or failed to obtain consultation or supervision in respect of such boundary issues.
7. In or about December of 2015, the Client and/or the Client's girlfriend raised concerns about your failure to maintain appropriate boundaries in the professional/ client relationship with him. The Client also sought to stop seeing his current family doctor and to change to a different family doctor affiliated with BFHT.
8. BFHT was unable or unwilling to accommodate the Client's request, with the result that the Client ceased to be a patient of BFHT, in or about late December of 2015 or early January of 2016, and ceased to be eligible to continue to receive treatment from other professionals affiliated with BFHT, including you and BFHT's consulting psychiatrist (who had previously been providing treatment to the Client).
9. In light of the concerns raised by the Client, the Executive Director of BHFT instructed you to terminate your therapeutic relationship with him. You did so in or about late December of 2015, without holding a termination session with the Client and without making reasonable efforts to arrange alternative or replacement services or giving the Client a reasonable opportunity to do so.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act, in that you violated:

1. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the**

Handbook (commented on in Interpretation 2.2) by failing to establish and maintain clear and appropriate boundaries in your professional relationships for the protection of your client when you failed to maintain clear and appropriate boundaries in your professional relationship with the Client, a client to whom you provided counseling services and/or psychotherapy services;

2. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.4, 2.1.5 and 2.2)** by failing to ensure that any professional recommendations or opinions you provided were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge and by failing to engage in the process of self-review and evaluation of your practice and seek timely consultation where appropriate when you failed to maintain clear and appropriate boundaries in your professional relationship with the Client, a client to whom you provided counseling services and/or psychotherapy services, and/or purported to provide [the Client] with DBT-informed therapy;
3. **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.1, 3.9 and 3.10)** by discontinuing professional services that were needed, when instructed to do so by the BFHT Executive Director, without making reasonable efforts to hold a termination session with the client;
4. **Sections 2.2 and 2.20 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.1)** by failing to record information in a manner that conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and/or is in a format that facilitates the monitoring and evaluation of the effects of the service/intervention, when you failed to fully and accurately document in the social work record your communications and interactions with the Client, a client to whom you provided counseling services and/or psychotherapy services; and/or
5. **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable or unprofessional when you failed to maintain clear and appropriate boundaries in your professional relationship with the Client, a client to whom you provided counseling services and/or psychotherapy services.

Member's Position

[4] The Member admitted the allegations set out in the Notice of Hearing as amended in the Agreed Statement of Fact. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

[5] The evidence was tendered by way of an Agreed Statement of Facts, which provided in relevant part as follows.

1. Now and at all times relevant to the allegations, Connie Marie Marangwanda (the “**Member**”) was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the “**College**”) working as a social worker at Burlington Family Health Team (“**BFHT**”).
2. From approximately May 2015 to December 2015, the Member provided social work services to a client of BFHT (the “**Client**”). The Client was receiving counselling and psychotherapy in relation to panic attacks, anxiety, and issues with transitioning to his identified gender (male). During the course of treatment, other emergent matters arose which the Client sought support from the Member about, namely, allegations of domestic violence, homelessness, drug misuse and worries of overdose, suicidal ideation and medical concerns which impacted the Client’s ability to attend to the office for face-to face sessions. During this period, the Client saw the Member anywhere between once a week to once every three weeks for counselling sessions.
3. Beginning in July 2015, the Member and Client began communicating outside of counselling sessions. This began after the Client broke up with his girlfriend, resulting in homelessness and also after the Client underwent surgery/and or experienced complications, which impacted his ability to attend for office visits. On September 24, 2015, the Member provided the Client with her Skype username, as Skype was an approved method of communication by the employer at the time.
4. The Member characterized her therapeutic approach with the Client as consisting of Dialectical Behaviour Therapy (“**DBT**”) informed support. That contact with the Client included:
 - a. communicating with the Client for extended periods of time (often late at night or early in the morning) outside of her working hours, including (after September 24, 2015) by Skype (including voice calls, video calls, but mostly Skype messaging, text, email, and some use of an app called “Words with Friends” (“**WWF**”) communicating with the Client frequently on a daily basis, often multiple times a day, through online and/or text messaging, sometimes sharing personal details of her life;
 - b. communicating with the Client about inappropriate topics and using inappropriate words, including:
 - i. discussing her current and past relationship, for example, that her husband is gentle, loving and her soulmate;
 - ii. discussing a relative, who she described as an “asshole” and “useless bastard”, which were made at a very difficult time, which

was approximately at the one year anniversary of her aunt's murder;

- iii. ending a conversation with "sweet dreams", which was made in response to the Client advising that he was going to go to sleep;
 - iv. discussing her placenta, which she stated was kept in her freezer, which was made in the context of a discussion with the Client about day-to-day occurrences in the Member's life, which included that a refrigerator broke in her house and therefore, her husband had to move everything to their other refrigerator;
 - v. answering the Client's question about whether she was still breastfeeding, when the Client asked, and sharing the fact that she could not continue due to developing an infection. In hindsight, Ms. Marangwanda realizes that she should have told the Client that this was too personal; and/or
 - vi. sending the Client a link to a website containing an audio recording of a "fart sound" in the context of a humorous exchange.
- c. turning a picture of the Client's partially bare buttocks that he sent to the Member, without permission, into a "meme" with a squirrel and sending it back to the Client with a humorous comment, following a discussion regarding how the Client got in trouble for taking a picture of his buttocks in a store. If the Member were to testify, she would state that she used this approach to address the Client's behaviour and expressed her displeasure with him sending this picture at all;
 - d. sending the Client photographs of her and her children, which, in hindsight, the Member acknowledges was inappropriate;
 - e. sending the Client a Skype message with a published poem about love and sex she wrote and confirming (in response to the Client's inquiry) that the poem was about sex, but also confirming with the Client that the poem was not specifically about him and, subsequently, that it was sent to highlight that creative pieces can come out of difficulty ; and/or
 - f. acknowledging that some words she used in WWF might be viewed as "inappropriate", including the word "porny", which was a word spelled with no hidden meanings, was approved of by the game system and was made during the game to use up available letters;
5. If the Member were to testify, she would state that when she was providing therapy to the Client, she believed that her therapeutic approach was consistent with Dialectical Behaviour Therapy ("DBT") informed support, which she understood could include after-hours support and the use of self-disclosure. In retrospect, the Member now acknowledges that the nature and frequency of the

contact which she had with the Client outside of scheduled counselling, and the sharing of personal details of her life, were not consistent with (and went beyond) the principles of DBT informed support.

6. The Member failed to document in the clinical chart at BFHT many of the out-of-session communications with the Client listed in paragraph 4 but did discuss after hours contacts with the employer and did not delete any Skype messages. Emails sent to the Client were from the Member's BFHT email and accessible to the employer at any juncture.
7. While several Skype conversations with the Client were documented in the clinical file on December 21, 2015, and in November, 2015, the Member documented few out-of-session communications with the Client before then, despite the fact that she communicated with him frequently on a daily basis and often multiple times a day, for a period of several months prior. Likewise, the Member failed to document in the clinical chart any conversations with the Client in the WWF app.
8. By virtue of the conduct described in paragraph 4 above, the Member failed to establish and maintain clear and appropriate boundaries in her professional relationship with the Client.
9. The Member failed to adequately document in the clinical record any discussions with the Client regarding boundary issues. If she were to testify, the Member would state that she discussed boundaries in early November and again in December during scheduled consultations with Dr. "S". In hindsight, the Member acknowledges that it would have been appropriate to clearly document these matters in the Client's chart. The only documentation in the clinical file of discussions regarding boundaries were entered on December 22, 2015, the day the Member terminated the patient-client relationship with the Client. The Member failed to obtain timely consultation or supervision with respect to the boundary issues she was experiencing with the Client. The Member only sought guidance from her supervisor, regarding boundary issues in November and/or December 2015, despite the fact that such issues had been occurring for several months prior.
10. In mid-to-late December 2015, the Client and the Member both raised the fact that boundary issues had arisen in their relationship. As a result, in late-December 2015, the Member terminated the therapeutic relationship with the Client based on instructions she received from the BFHT Executive Director, who advised her to end the therapeutic relationship with the Client. The Member terminated the therapeutic relationship upon following the instructions from the Executive Director, and without herself holding any termination session with the Client.
11. The Member admits that by reason of engaging in the conduct outlined above, she is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act*:

- a. In that she violated **section 2.2 and Principle II of the Handbook (commented on in Interpretation 2.2)** by failing to establish and maintain clear and appropriate boundaries in her professional relationship for the protection of her client when she failed to maintain clear and appropriate boundaries in her professional relationship with the Client, a client to whom she provided counseling services and/or psychotherapy services.
- b. In that she violated **section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.4, 2.1.5 and 2.2)** by failing to ensure that any professional recommendations or opinions she provided were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge and by failing to engage in the process of self-review and evaluation of her practice and seek timely consultation where appropriate when she failed to maintain clear and appropriate boundaries in her professional relationship with the Client, a client to whom she provided counseling services and/or psychotherapy services, and/or purported to provide [the Client] with DBT-informed therapy.
- c. In that she violated **section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.1, 3.9 and 3.10)** by discontinuing professional services that were needed, when instructed to do so by the BFHT Executive Director, without making reasonable efforts to hold a termination session with the client.
- d. In that she violated **sections 2.2 and 2.20 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.1)** by failing to record information in a manner that conforms with accepted service or intervention standards and protocols within the profession of social work, relevant to the services provided, and/or is in a format that facilitates the monitoring and evaluation of the effects of the service/intervention, when she failed to fully and accurately document in the social work record her communications and interactions with the Client, a client to whom she provided counseling services and/or psychotherapy services.
- e. In that she violated **Section 2.36 of the Professional Misconduct Regulation** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable or unprofessional when she failed to maintain clear and appropriate boundaries in her professional relationship with the Client, a client to whom she provided counseling services and/or psychotherapy services.

[6] The Agreed Statement of Facts confirmed the Member's understanding of the consequences of her admissions, in terms similar to the questions the Panel posed of the Member during the oral plea inquiry.

Decision of the Panel

[7] Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Facts, and the submissions of counsel, the Panel finds that the Member committed the acts of professional misconduct alleged in the Notice of Hearing as amended in the Agreed Statement of Facts. With respect to allegation 5, the Panel finds that the Member's conduct would reasonably be regarded by members as dishonourable and unprofessional.

Reasons for Decision

[8] After careful consideration, the Panel accepted that the Agreed Statement of Facts proved on a balance of probabilities each of the allegations against the Member.

[9] With respect to allegation (1) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 and Principle II of the Handbook by failing to establish and maintain clear and appropriate boundaries in her professional relationship with the Client. The Member communicated with the Client frequently on a daily basis, often multiple times a day for extended periods of time late at night or in the early hours of the morning using various media, and sometimes also sharing personal details. The Member communicated about inappropriate topics such as "discussing her placenta being kept in a freezer" or answering personal questions such as "why she stopped breastfeeding". The Member also used inappropriate words such as "asshole", "useless bastard", "sweets dreams" and "porny". The nature of these communications and the extent of the contact outside of scheduled counselling were not appropriate within the professional therapeutic relationship. The Member also crossed the boundaries of professional relationship by turning a picture of the Client's partially bare buttocks into a "meme" along with sharing personal pictures of herself and her children, and a poem about love and sex.

[10] With respect to allegation (2) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (Interpretation 2.1.4, 2.1.5 and 2.2) by failing to ensure that her professional recommendations and opinions were appropriately substantiated by evidence and supported by a credible body of professional social work knowledge. The inappropriate nature and frequency of the Member's contact with the Client outside of scheduled counselling sessions and her conduct in sharing with him personal details of her life, were not consistent with and went beyond the principles of DBT-informed support. The Member also failed to engage in the process of self-review and evaluation of her practice. Further, the Member did not seek timely consultation and supervision when she failed to maintain clear and appropriate boundaries. It was not until November and December of 2015 that the Member sought guidance from her supervisor in dealing with the Client, despite the fact that there had been boundary issues for several months, arising from the therapy that had not been consistent with and went beyond the principles of DBT.

[11] With respect to allegation (3) in the Notice of Hearing, the Panel found that the Member violated Section 2.2 and Principle III Responsibility to Clients of the Handbook (Interpretation 3.1, 3.9 and 3.10). The Member was instructed by the Executive Director of BFHT to end her

therapeutic relationship with the Client. However, she ended the therapeutic relationship without making reasonable efforts to arrange a termination session.

[12] With respect to allegation (4) sections 2.2 and 2.20 of the Professional Misconduct Regulation and Principle IV of the Handbook (commented on in Interpretation 4.1.1) the Member failed to record information relating to the Client in a manner that conforms with accepted service or intervention standards and protocols within the profession of social work. The Member did not document in the Client's clinical file many or all of the out-of-session communications she had with the Client by way of WWF, text, Skype and email. The Member also failed to adequately document in the clinical record any discussions she might have had with the Client regarding boundary crossing issues.

[13] Finally, with respect to allegation (5) in the Notice of Hearing, the Panel found that the Member contravened Section 2.36 of the Professional Misconduct Regulation 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 dishonourable or unprofessional. By her failure to maintain boundaries, provide social work services based on a credible body of knowledge, termination of clinical services without a termination session, and failure to keep adequate records, the Member's conduct falls well short of what the public rightly expects of registered social workers. The Member demonstrated a serious disregard for her professional obligations, and a lack of good judgment and sense of responsibility. She ought to have known that her conduct was unacceptable.

Penalty Submissions

[14] The parties were in agreement on the issue of penalty. They presented to the Panel a Joint Submission as to Penalty ("**Joint Submission**") asking this Panel make an order as follows.

1. The Member shall be reprimanded by the Discipline Committee and the fact of the reprimand be recorded on the register.
2. The Registrar shall suspend the Member's certificate of registration for a period of three (3) months commencing on March 31st, 2019.
3. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
 - a. at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the order of the Discipline Committee;
 - b. at her own expense,¹ engage in insight oriented psychotherapy as directed by a therapist, approved by the Registrar of the College, for a minimum of eight (8) sessions to be completed no later than one (1) year from the date

¹ For clarity, all aspects of the psychotherapy, including the obligation of the psychotherapist to review College materials and to provide reports to the College, are at the expense of the Member.

the Member returns to practice from the mandatory three (3) month suspension, with written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the College by the therapist after sessions four (4) and eight (8). Before the first session, the Member must provide to the approved therapist the Notice of Hearing as well as the final decision of the Discipline Committee² and must provide written confirmation, signed by the therapist, of receipt of the documents to the Registrar within 15 days of the beginning of the psychotherapy. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, direct that the psychotherapy be discontinued at any time;

- c. at her own expense,³ receive supervision of her social work practice with an approved member of a Regulated Profession for a period of one (1) year from the date at which the Member returns to practice from the mandatory three (3) month suspension. The approved supervisor must provide two written reports to the Registrar, at months six (6) and twelve (12), providing details of the supervision with a specific focus on ensuring professional boundaries are being maintained in the Member's practice. The Member must additionally provide to the approved supervisor (and any other approved supervisor) the final decision of the Discipline Committee and must provide written confirmation, signed by the supervisor, of receipt of the documents to the Registrar within 15 days of returning to practice under supervision (and within 15 days of the approval of any subsequent supervisor).⁴ In the event that the Member operates a private practice, the Member must seek consent from prospective clients to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in review.⁵
- d. For a period of one (1) year after the completion of the mandatory three (3) month suspension, and in the event the Member works within the social work scope of practise:
 - i. at least 72 hours prior to resuming practice, advise the Registrar of the name and address of her employer, the position in which she will be working and the start date;

² In the event that the final decision of the Discipline Committee has not been released before the Member's first session, the Member shall provide the approved therapist a copy of the Agreed Statement of Fact and Joint Submission as to Penalty, in addition to the Notice of Hearing, before the first session. Once the final decision of the Discipline Committee is released, the Member must provide a copy of that decision to the approved therapist before the next scheduled session.

³ For clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

⁴ In the event that the final decision of the Discipline Committee has not been released within 15 days of returning to practice under supervision, the Member shall provide her supervisor with a copy of the Notice of Hearing, Agreed Statement of Fact, and Joint Submission as to Penalty instead. Once the final decision of the Discipline Committee is released, the Member must provide a copy of that decision to her supervisor within seven (7) days after receiving a copy of the decision.

⁵ For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

- ii. at least 72 hours prior to resuming practice, advise the Registrar of the name of the person who will be providing supervision of her social work practice within her place of employment;
 - iii. the Member shall receive supervision of her social work practice within her place of employment, from the supervisor identified to the Registrar, for a period of one year;
 - iv. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor; and
 - v. Forthwith upon completion of the supervision referred to in above, in subparagraphs 3(d)(i)-(iv), the Member shall provide to the Registrar written confirmation from her supervisor(s) of such completion.⁶
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
 5. The Member shall pay costs to the College in the amount of one thousand dollars (\$1,000.00), payable in ten (10) equal instalments of one hundred dollars (\$100.00) each, payable on the first day of the month for ten (10) consecutive months, beginning with the first instalment on the first day of the second month after the completion of the mandatory three (3) month suspension.

[15] The parties reviewed the Discipline Committee's jurisdiction to make an order with the terms set out in the Joint Submission, and made submissions about the appropriateness of the proposed penalty having regard to the protection of the public, general and specific deterrence, and remediation. They argued that the proposed suspension of three months is consistent with prior cases involving non-sexual boundary violations by a member of this College.

[16] College counsel submitted that the reprimand term of the proposed penalty will be recorded on the register. The terms requiring the Member to be subject to one year supervision, complete a boundaries and ethics training course, and complete eight insight oriented psychotherapy sessions, all at the Member's expense, are remedial.

[17] Counsel for the College referred the Panel to four cases involving boundary violations by members of this College. *Ontario College of Social Workers and Social Service Workers v*

⁶ For greater clarity, the Member must receive a total of one (1) year supervision in either private practice or in a workplace environment to be in compliance with the provisions of subparagraphs 3(c) and 3(d). If at any time the Member ceases to practice in either private practice or in a workplace, the supervision period will stop running and will resume when her new employment or private practice supervision commences. The Member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a one (1) year period. The supervision condition will run continuously until a total of one (1) year of supervision has been completed and the Member cannot practice without supervision until the term is completed.

Walther involved similar blurring of boundaries of a non-sexual nature, and failing to engage in a process of self-review and evaluation. The penalty in that case included a four-month suspension and terms, conditions and limitations on the member's certificate of registration similar to those proposed in the Joint Submission. College counsel also referred to *Ontario College of Social Workers and Social Service Workers v David Corbett* and *Ontario College of Social Workers and Social Service Workers v Greg Michell*. *Corbett* involved some misconduct that was similar to this case but some conduct that was more serious than this case and included a physical component. The Discipline Committee imposed an order including an eight-month suspension with four months remitted upon the completion of the stipulated terms, conditions and limitations. *Michell* involved similar contact with more than one client. The panel imposed a suspension of twelve months, with six months remitted. Finally, College counsel referred to *Ontario College of Social Workers and Social Service Workers v Forgaard-Pullen*, in which the member engaged in boundary violations with the client. She received an eight-month suspension with four months remitted. Although no two cases are exactly alike, College counsel argued that the penalty sought in this cases falls within the reasonable range having regard to those similar cases, *Walther* being the most similar.

[18] Counsel for the Member echoed and reiterated that the Joint Submission was reasonable. He highlighted the mitigating factors in this case: there have been no prior complaints or discipline findings against the Member; and the Discipline procedure itself is a weighty deterrence. The Member cooperated with the College, participated in four pre-hearing conferences, and as a result of her cooperation, the College avoided the cost of a contested hearing and also avoiding placing the Client under further stress. The Member's counsel also noted the Member's difficult financial circumstances and that a three-month suspension will have a significant financial impact on her. The Member's counsel concurred that the jointly proposed penalty achieves the objectives of specific deterrence and general deterrence, as well as rehabilitation, and falls within the range of reasonable outcomes in the circumstances of this case.

Penalty Decision

[19] Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel accepts the joint submission and makes an order as follows.

1. The Member shall be reprimanded by the Discipline Committee and the fact of the reprimand be recorded on the register.
2. The Registrar shall suspend the Member's certificate of registration for a period of three (3) months commencing on March 31st, 2019.
3. The Registrar is directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member to:
 - a. at her own expense, participate in and successfully complete a boundaries and ethics training course, as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within four (4) months from the date of the order of the Discipline Committee;

- b. at her own expense,⁷ engage in insight oriented psychotherapy as directed by a therapist, approved by the Registrar of the College, for a minimum of eight (8) sessions to be completed no later than one (1) year from the date the Member returns to practice from the mandatory three (3) month suspension, with written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the College by the therapist after sessions four (4) and eight (8). Before the first session, the Member must provide to the approved therapist the Notice of Hearing as well as the final decision of the Discipline Committee⁸ and must provide written confirmation, signed by the therapist, of receipt of the documents to the Registrar within 15 days of the beginning of the psychotherapy. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, direct that the psychotherapy be discontinued at any time;
- c. at her own expense,⁹ receive supervision of her social work practice with an approved member of a Regulated Profession for a period of one (1) year from the date at which the Member returns to practice from the mandatory three (3) month suspension. The approved supervisor must provide two written reports to the Registrar, at months six (6) and twelve (12), providing details of the supervision with a specific focus on ensuring professional boundaries are being maintained in the Member's practice. The Member must additionally provide to the approved supervisor (and any other approved supervisor) the final decision of the Discipline Committee and must provide written confirmation, signed by the supervisor, of receipt of the documents to the Registrar within 15 days of returning to practice under supervision (and within 15 days of the approval of any subsequent supervisor).¹⁰ In the event that the Member operates a private practice, the Member must seek consent from prospective clients to share personal health information with her supervisor in order to allow the supervisor to review client files and engage in review.¹¹

⁷ For clarity, all aspects of the psychotherapy, including the obligation of the psychotherapist to review College materials and to provide reports to the College, are at the expense of the Member.

⁸ In the event that the final decision of the Discipline Committee has not been released before the Member's first session, the Member shall provide the approved therapist a copy of the Agreed Statement of Fact and Joint Submission as to Penalty, in addition to the Notice of Hearing, before the first session. Once the final decision of the Discipline Committee is released, the Member must provide a copy of that decision to the approved therapist before the next scheduled session.

⁹ For clarity, all expenses relating to supervision, including the obligation to review College materials and to communicate with the College where necessary, are at the expense of the Member.

¹⁰ In the event that the final decision of the Discipline Committee has not been released within 15 days of returning to practice under supervision, the Member shall provide her supervisor with a copy of the Notice of Hearing, Agreed Statement of Fact, and Joint Submission as to Penalty instead. Once the final decision of the Discipline Committee is released, the Member must provide a copy of that decision to her supervisor within seven (7) days after receiving a copy of the decision.

¹¹ For greater clarity, while a client may refuse to sign a consent for the release of personal health information, the Member must maintain documentation, signed by the client, indicating that the request for consent was made and refused, for review by the supervisor.

- d. For a period of one (1) year after the completion of the mandatory three (3) month suspension, and in the event the Member works within the social work scope of practise:
 - i. at least 72 hours prior to resuming practice, advise the Registrar of the name and address of her employer, the position in which she will be working and the start date;
 - ii. at least 72 hours prior to resuming practice, advise the Registrar of the name of the person who will be providing supervision of her social work practice within her place of employment;
 - iii. the Member shall receive supervision of her social work practice within her place of employment, from the supervisor identified to the Registrar, for a period of one year;
 - iv. if the Member's employment ends, or the Member changes employers and/or supervisors, she shall forthwith advise the Registrar of the termination of or change in her employment and/or the name of her new supervisor; and
 - v. Forthwith upon completion of the supervision referred to in above, in subparagraphs 3(d)(i)-(iv), the Member shall provide to the Registrar written confirmation from her supervisor(s) of such completion.¹²
4. The finding and the order of the Discipline Committee shall be published, in detail or in summary with the name of the Member, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
5. The Member shall pay costs to the College in the amount of one thousand dollars (\$1,000.00), payable in ten (10) equal instalments of one hundred dollars (\$100.00) each, payable on the first day of the month for ten (10) consecutive months, beginning with the first instalment on the first day of the second month after the completion of the mandatory three (3) month suspension.

Reasons for Penalty Decision

[20] The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general

¹² For greater clarity, the Member must receive a total of one (1) year supervision in either private practice or in a workplace environment to be in compliance with the provisions of subparagraphs 3(c) and 3(d). If at any time the Member ceases to practice in either private practice or in a workplace, the supervision period will stop running and will resume when her new employment or private practice supervision commences. The Member cannot fulfill the supervision requirement by refraining from engaging in the practice of social work for a one (1) year period. The supervision condition will run continuously until a total of one (1) year of supervision has been completed and the Member cannot practice without supervision until the term is completed.

deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. The Panel also considered the principle that the Panel should accept a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

[21] The Panel concluded that the jointly proposed penalty was within the acceptable range of penalty for this type of professional misconduct. The Panel noted that the Member was remorseful, cooperated with the College, and has agreed to the proposed penalty. By agreeing to the facts and proposed penalty, the Member has accepted responsibility for her actions.

[22] The elements of the jointly proposed penalty, in particular the suspension of the Member's certificate of registration for three months and the reprimand that will be recorded on the register, along with arranging and paying for a year of supervision will specifically deter the Member from repeating similar misconduct and will deter other members of the profession from engaging in similar misconduct. The penalty also has components that will serve the objective of remediation, including the requirements that the Member complete a boundaries and ethics training course, and that she engage in insight oriented psychotherapy

[23] The Panel considers that the proposed penalty is reasonable in the light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate its members and above all, protecting the public. For these reasons, the Panel found no reason to depart from the Joint Submission.

I, Charlene Crews, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: _____

Signed: _____

Charlene Crews, Chair
Andy Kusi-Appiah
Sanjay Govindaraj