



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 Renee Parsons,
2018 ONCSWSSW 15

Decision date: 20181219

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

RENEE PARSONS

PANEL: Amanda Bettencourt Chair, Professional Member
Sophia Ruddock Public Member
Charlene Crews Professional Member

Appearances: Alexandra Wilbee, counsel for the Ontario College of Social Workers and
Social Service Workers
Thomasina A. Dumonceau, counsel for the Member
Andrea Gonsalves, Independent Legal Counsel to the Panel

Heard: October 23, 2018

DECISION AND REASONS FOR DECISION

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

The Allegations

[2] In the Notice of Hearing dated March 15, 2018, 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] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

1. Now and at all times relevant to the allegations, you were a registered social work member of the Ontario College of Social Workers and Social Service Workers (the “**College**”).
2. Beginning in or around April 2016, until in or around September 2016, (the “**Client**”) received social work services, including counselling and/or psychotherapy, from you.
3. You provided social work services to the Client while you were under the influence of alcohol and/or suffering from depression.
4. You failed to keep either any documentation or adequate documentation relating to the provision of social work services to the Client.
5. You engaged in a personal and sexual relationship with the Client, including sexual intercourse and touching of a sexual nature with the Client.
6. You engaged in a series of boundary violations with the Client, including, but not limited to:
 - a. attending at hotels and restaurants with the Client;
 - b. inviting the Client to attend at your personal residence;
 - c. calling the Client and asking him to come to pick you up from your home;
 - d. disclosing information to the Client about your personal life, including the fact that you believed that your husband might be having an affair; and
 - e. exchanging frequent personal text messages with the Client.
7. You threatened the Client that you would tell your husband that he had raped you, if the Client did not have sexual intercourse with you.

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*:

- a. **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.1)** by failing to set and evaluate goals with your client and identify a purpose for the relationship with your client.
- b. **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.5)** by failing to be aware of your values, attitudes and needs and how these impact on your professional relationships with clients.
- c. **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.6)** by failing to distinguish your needs and interests from those of your client to ensure that, within the professional relationship, the client's needs and interests remain paramount.
- d. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2)** by failing to establish and maintain clear and appropriate boundaries in your professional relationship for the protection of your client when you established a personal and sexual relationship with your client and engaged in boundary violations including sexual misconduct and non-sexual boundary violations including emotional, physical, social and financial violations.
- e. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.1)** by engaging in professional relationships that constitute a conflict of interest or in situations in which you ought reasonably to have known that the client would be at risk.
- f. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.2)** by engaging in sexual relations with a client.
- g. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.3)** by using information obtained in the course of a professional relationship or a professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client.
- h. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.6)** by engaging in the practice of social work while under the influence of a

substance and/or while suffering from illness or dysfunction which you knew or ought reasonably to know impaired your ability to practise.

- i. **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** by engaging in conduct which could reasonably be perceived as reflecting negatively on the profession of social work.
- j. **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.7)** by failing to assume full responsibility for demonstrating that the client has not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between you and a client.
- k. **Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation 4.1.3)** by failing to keep systematic, dated, and legible records for each client served.
- l. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.1)** by failing to be solely responsible for ensuring that sexual misconduct does not occur.
- m. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.2, 8.2.1, 8.2.2, and 8.2.3)** by engaging in behaviour of a sexual nature with a client including: sexual intercourse or another form of physical sexual relations with a client; touching, of a sexual nature, of a client; and/or behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided.
- n. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.3)** by failing to seek consultation/supervision and develop an appropriate plan if you developed sexual feelings toward a client that could put the client at risk.
- o. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.4)** by failing to state clearly that behaviour of a sexual nature is inappropriate by virtue of the professional relationship, if a client initiates this behaviour.
- p. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.6)** by engaging in sexual relations with a client at the time of referral, assessment, counselling, psychotherapy or other professional services.

- q. **Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.7)** by engaging in sexual relations with a client to whom you provided psychotherapy and/or counselling services.
- r. **Section 2.5 of the Professional Misconduct Regulation** by abusing a client physically, sexually, verbally, psychologically or emotionally, including sexually abusing a client within the meaning of subsection 43(4) of the Act.
- s. **Section 2.6 of the Professional Misconduct Regulation** by using information obtained during a professional relationship with a client or using one's professional position of authority to coerce, improperly influence, harass or exploit a client or former client.
- t. **Section 2.7 of the Professional Misconduct Regulation** by practising the profession, while under the influence of any substance, or while suffering from illness or dysfunction, which the member knows or ought reasonably to know impairs the member's ability to practise.
- u. **Section 2.10 of the Professional Misconduct Regulation** by providing a professional service while the member is in a conflict of interest.
- v. **Section 2.20 of the Professional Misconduct Regulation** by failing to keep records as required by the regulations and standards of the profession.
- w. **Section 2.28 of the Professional Misconduct Regulation** by contravening the Act, regulations, or by-laws.
- x. **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 disgraceful, dishonourable or unprofessional.

Member's Position

[4] The Member admitted the allegations set out in the Notice of Hearing. 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, the Member was a registered social work member of the Ontario College of Social Workers and Social Service Workers (the "**College**").

2. Beginning in or around April 2016, until in or around September 2016, (the “**Client**”) received social work services, including counselling and/or psychotherapy, from the Member.
3. The Member provided social work services to the Client while she was suffering from a serious mental health condition.
4. The Member failed to keep either any documentation or adequate documentation relating to the provision of social work services to the Client.
5. The Member engaged in a personal and sexual relationship with the Client, including sexual intercourse and touching of a sexual nature with the Client.
6. The Member engaged in a series of boundary violations with the Client, including, but not limited to:
 - a. attending at hotels and restaurants with the Client;
 - b. inviting the Client to attend at her personal residence;
 - c. calling the Client and asking him to come to pick her up from her home;
 - d. disclosing information to the Client about her personal and family life; and
 - e. exchanging frequent personal text messages with the Client.
7. 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, 1998*, S.O. 1998, Chapter 31 (the “**Act**”), in that she violated:
 - a. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.1) by failing to set and evaluate goals with her client and identify a purpose for the relationship with her client.
 - b. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.5) by failing to be aware of her values, attitudes and needs and how these impact on her professional relationships with clients.
 - c. Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.6) by failing to distinguish her needs and interests from those of

her client to ensure that, within the professional relationship, the client's needs and interests remain paramount.

- d. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as 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 established a personal and sexual relationship with her client and engaged in boundary violations including sexual misconduct and non-sexual boundary violations including emotional, physical, and social violations.
- e. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.1) by engaging in professional relationships that constitute a conflict of interest or in situations in which she ought reasonably to have known that the client would be at risk.
- f. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.2) by engaging in sexual relations with a client.
- g. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.3) by using information obtained in the course of a professional relationship or a professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client.
- h. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.6) by engaging in the practice of social work while under the influence of a substance and/or while suffering from illness or dysfunction which she knew or ought reasonably to have known impaired her ability to practise.
- i. Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8) by engaging in conduct which could reasonably be perceived as reflecting negatively on the profession of social work.
- j. Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.7) by failing to assume full responsibility for demonstrating that the client has not been exploited, coerced or manipulated, intentionally or unintentionally, in a situation where a personal relationship occurred between her and a client.
- k. Section 2.2 of the Professional Misconduct Regulation and Principle IV of the Handbook (as commented on in Interpretation

4.1.3) by failing to keep systematic, dated, and legible records for each client served.

- l. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.1) by failing to be solely responsible for ensuring that sexual misconduct does not occur.
- m. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.2, 8.2.1, 8.2.2, and 8.2.3) by engaging in behaviour of a sexual nature with a client including: sexual intercourse or another form of physical sexual relations with a client; touching, of a sexual nature, of a client; and/or behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided.
- n. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.3) by failing to seek consultation/supervision and develop an appropriate plan if she developed sexual feelings toward a client that could put the client at risk.
- o. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.4) by failing to state clearly that behaviour of a sexual nature is inappropriate by virtue of the professional relationship, if a client initiates this behaviour.
- p. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.6) by engaging in sexual relations with a client at the time of referral, assessment, counselling, psychotherapy or other professional services.
- q. Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretation 8.7) by engaging in sexual relations with a client to whom she provided psychotherapy and/or counselling services.
- r. Section 2.5 of the Professional Misconduct Regulation by abusing a client physically, sexually, verbally, psychologically or emotionally, including sexually abusing a client within the meaning of subsection 43(4) of the *Act*.
- s. Section 2.6 of the Professional Misconduct Regulation by using information obtained during a professional relationship with a client or using one's professional position of authority to coerce, improperly influence, harass or exploit a client or former client.

- t. Section 2.7 of the Professional Misconduct Regulation by practising the profession, while under the influence of any substance, or while suffering from illness or dysfunction, which the member knows or ought reasonably to know impairs the member's ability to practise.
 - u. Section 2.10 of the Professional Misconduct Regulation by providing a professional service while the member is in a conflict of interest.
 - v. Section 2.20 of the Professional Misconduct Regulation by failing to keep records as required by the regulations and standards of the profession.
 - w. Section 2.28 of the Professional Misconduct Regulation by contravening the Act, regulations, or by-laws.
 - x. 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 disgraceful, dishonourable and unprofessional.
8. The Member irrevocably acknowledges and agrees that all of the facts in this Agreed Statement of Facts are true and accurate.

[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 found that the Member committed acts of professional misconduct as alleged in the Notice of Hearing. With respect to allegation (x), the Panel found that the Member's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Reasons for Decision

[8] The Panel carefully reviewed the Agreed Statement of Facts and was satisfied that the evidence proves on a balance of probabilities that the Member committed professional misconduct as set out in the Notice of Hearing. The most convincing evidence of this is the Member's own admissions of this misconduct. The evidence was clear that the Member had an inappropriate relationship with a very vulnerable client, which constitutes professional misconduct in multiple ways. For convenience, the Panel's reasons for its findings of professional misconduct against the Member can be grouped into three broad categories: allegations relating to her professional relationship with her Client, allegations relating to her

sexual relationship with her Client, and allegations relating to her failure to maintain the standards of the profession.

Allegations relating to the Member's professional relationship with the Client

[9] Several of the allegations in the Notice of Hearing relate to the Member's professional relationship with her Client. In respect of those allegations, the Panel found that the Member failed to set and evaluate goals with the Client and failed to identify a purpose for the relationship with the Client (allegation (a)).

[10] The Member provided social work services to the Client while she was suffering from a serious mental health condition and in doing so, she failed to be aware of her values, attitudes, and needs and how those impacted her professional relationship with the Client. She failed to distinguish her needs from the needs of the Client to ensure that the Client's needs remained paramount (allegations (b) and (c)).

[11] The Member failed to establish and maintain clear and appropriate boundaries in her professional relationship when she established a personal and sexual relationship with the Client. She engaged in a series of boundary violations with the Client, including sexual intercourse and touching of a sexual nature, and non-sexual boundary violations including emotional, physical, and social violations, specifically: attending at hotels and restaurants with the Client; inviting the Client to attend her personal residence; calling the Client and asking him to come pick her up from her home; disclosing information to the Client about her personal and family life; and exchanging frequent personal text messages with the Client (allegation (d)). The Panel notes that while the Notice of Hearing alleges that the Member engaged in "non-sexual boundary violations including emotional, physical, social and financial violations", there was no evidence of "financial violations" in the Agreed Statement of Facts. The Panel makes no finding that the Member engaged in any financial boundary violations.

[12] By engaging in both a professional relationship and a personal and sexual relationship with the Client, the Member was in a conflict of interest and a situation in which she ought to have known that the Client would be at risk (allegations (e) and (u)). That risk was exacerbated by the Member's failure to keep adequate documentation relating to the provision of social work services to the Client.

Allegations relating to the Member's sexual relationship with the Client

[13] The evidence proved that the Member engaged in sexual relations with the Client, including sexual intercourse and touching of a sexual nature (allegations (f) and (m)). The Member was solely responsible for ensuring that such sexual misconduct did not occur and she failed to do so (allegation (l)). Based on the agreed facts and the Member's admissions, there is no evidence that she sought consultation/supervision and developed an appropriate plan once she developed sexual feelings toward the Client (allegation (n)). While the Agreed Statement of Facts does not indicate who initiated the sexual relationship, the Panel accepts the Member's admission that she failed to state clearly that behaviour of a sexual nature is inappropriate by virtue of the professional relationship, if the Client initiated the behaviour (allegation (o)).

[14] The facts establish that the Member provided social work services, including counselling and/or psychotherapy, to the Client while also engaging in sexual relations with him, proving allegations (p) and (q).

[15] With respect to allegation (r), the Panel found that Member abused the Client sexually and physically within the meaning of subsection 43(4) of the *Act*. That amounts to professional misconduct under section 2.5 of the Professional Misconduct Regulation. The Panel found that the Member sexually abused the Client when she engaged in a personal and sexual relationship with him that included sexual intercourse and touching of a sexual nature. The Panel also found that because of the physical aspect of the personal relationship between the Member and the Client, as well as the Member's responsibility to ensure that the professional boundaries be maintained and failure to do so, that the Member physically abused the Client.

Allegations relating to the Member's compliance with other practice standards and professional obligations

[16] The Panel found that the Member failed to comply with practice standards in a variety of ways alleged in the Notice of Hearing.

[17] She used information obtained in the course of a professional relationship or a professional position of authority to coerce, improperly influence, harass, abuse or exploit the Client, as set out in allegations (g) and (s). The Member provided social work services, including counselling and/or psychotherapy to the Client between April and September 2016. During that time the Member engaged in a personal and sexual relationship with the Client, as well as a series of boundary violations as described above. Although the Agreed Statement of Facts does not provide specific details about what information the Member obtained from the Client during the course her professional relationship with him, the Panel is satisfied that the Member was in a position of authority relative to her Client, and obtained information in that capacity, which allowed her to coerce, improperly influence, harass, abuse or exploit the Client.

[18] The Member engaged in the practice of social work while she was suffering from a serious mental illness that she knew or ought reasonably have known impaired her ability to practise (allegations (h) and (t)).

[19] Regarding allegation (i), by engaging in a sexual relationship with the Client, attending at hotels and restaurants with the Client, inviting the Client to attend at her personal residence, calling the client and asking him to pick her up from her home, disclosing information to the Client about her personal and family life, and exchanging frequent personal texts with the Client, the Member engaged in conduct which could reasonably be perceived as reflecting negatively on the profession of social work.

[20] With respect to allegation (j), the Panel found that the Member failed to assume full responsibility for demonstrating that the Client had not been exploited, coerced or manipulated, in the circumstances, given the personal relationship that arose between her and the Client. Specifically, the Member failed to be responsible for ensuring that the Client was not manipulated and exploited when she asked him to come pick her up from her home, and when she exchanged frequent personal text messages with him. Moreover, given the inherent power imbalance between the Member and her Client, the fact of the sexual relationship between them itself indicates that the Client was exploited, coerced or manipulated in the circumstances.

[21] The Member failed to keep any or adequate documentation regarding the social work services provided to the Client, thus failing to keep records as required by the standards of the profession, including the requirement to keep systematic, dated and legible records set out in Principle IV of the Handbook, as commented on in Interpretation 4.1.3 (allegations (k) and (v)).

Finding of disgraceful, dishonourable and unprofessional

[22] The Panel found that the Member's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional, as admitted by the Member and jointly submitted by the parties. The Member's conduct is unprofessional. She should have known that her repeated interactions with the Client were a persistent violation of her professional obligations. The Member's conduct is dishonourable as it shows moral failing and an element of deceit. She was in a clear conflict of interest and knew or ought to have known that a sexual relationship with a Client is unacceptable. It was with some reluctance that the Panel accepted the Member's admission and the parties' agreement as to disgraceful. The Panel would have preferred to have been given a more detailed factual basis to support the characterization of the Member's conduct as disgraceful. Nevertheless, given the Member's admission and the sexual relationship in which she engaged with her Client, the Panel finds that the Member's conduct has the effect of shaming the Member, and by extension, the profession, as it casts serious doubt on her moral fitness and inherent ability to discharge the higher obligations that the public expects a professional to meet.

Penalty Submissions

[23] The parties were in agreement on the issue of penalty, and jointly proposed that this Panel make an order as follows.

- a. Directing the Registrar to revoke the Member's Certificate of Registration, pursuant to section 26(4)1. of the *Act*;
- b. Fixing a period of five (5) years from March 13, 2017 (the date the Member was registered with the College as a Member of the inactive class) during which the Member may not apply for a certificate of registration, pursuant to section 26(7) of the *Act*;
- c. Requiring that the Member be reprimanded by the Discipline Committee and that the fact of the reprimand be recorded on the register for an unlimited period of time, pursuant to section 26(5)1. of the *Act*;
- d. Directing that the finding and the order of the Discipline Committee be published, in detail, with the name of the member (but without the name or information tending to identify the client), in the official publication of the College, on the College's website, on the College's public register, on the CanLII website, and in any other media related document that is provided to the public and is deemed appropriate by the College, pursuant to section 26(5)3. of the *Act*; and
- e. Directing the Member to pay costs of this proceeding to the College fixed in the amount of two thousand dollars (\$2,000.00) to be paid by certified

cheque or money order by October 23, 2019, pursuant to section 26(5)4 of the *Act*.

[24] Counsel for the College submitted that the Panel must consider the reasonableness of the joint submission on penalty in view of three principles: specific deterrence (does the penalty deter the Member from committing similar misconduct in the future?); general deterrence (does the penalty send a message to other members to discourage them from engaging in similar conduct?); and rehabilitation (does the penalty attempt rehabilitation of the Member?).

[25] The joint submission on penalty calls for revocation of the Member's Certificate of Registration and stipulates a period of five years from March 13, 2017 (the date on which the Member became registered with the College in the "inactive" class) during which the Member may not apply for reinstatement or for a new certificate of registration. The joint submission also requires the Member to be reprimanded by the Discipline Committee and the fact of the reprimand to be recorded on the register for an unlimited period of time. A reprimand would allow the Panel to dialogue with the Member and voice their disapproval of her conduct.

[26] College counsel argued that the revocation of the Member's certificate of registration and the reprimand being recorded on the register are strong deterrents to other members of the College because it indicates that conduct of this nature is not taken lightly by the College and that similar penalties will be issued as necessary. This also serves the function of specific deterrence, as the Member can be expected to refrain from this type of conduct in the future knowing that professional misconduct is made public and knowing the impact this misconduct has had on her personal career (revocation of her certificate of registration) and the social work profession. The publication of the reprimand shows the public and the profession that the College is willing and able to discipline its members.

College counsel directed the Panel to a decision from the Discipline Committee of this College (*OCSWSSW v. Nathalie Beauchamp-Brown*, 2017) in which a penalty similar to the one proposed here was ordered for similar misconduct. The *Beauchamp-Brown* case also involved findings that the member engaged in a personal and sexual relationship with a client. The panel in that case imposed a penalty of revocation, a five-year period in which the Member could not reapply to the College, a reprimand, and costs of \$5,000.00. College counsel submitted that *Beauchamp-Brown* demonstrates that the joint submission in this case falls within the range of reasonable penalties.

College counsel noted that the College, the profession and the complainant derived a benefit from the fact that the Member admitted to the allegations of misconduct, and entered into an Agreed Statement of Facts and joint submission on penalty. These are mitigating factors. By admitting her misconduct the Member took responsibility for her actions and allowed the College to avoid the cost and time of a contested hearing.

College counsel relied on the decision *R v. Anthony-Cook* (2016), SCC 43, [2016] 2 S.C.R. 204 for the principle that the Panel should not reject a joint submission on penalty unless it is contrary to the public interest and would bring the administration of justice into disrepute.

Counsel for the Member echoed and reiterated that the joint submission on penalty was reasonable.

Penalty Decision

[27] 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 Registrar is directed to revoke the Member's certificate of registration pursuant to section 26(4)1 of the *Act*.
2. The period of time during which the Member may not apply to the College for a certificate of registration, pursuant to section 26(7) of the Act shall be fixed at five (5) years from March 13, 2017.
3. The Member shall be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's register for an unlimited period of time, pursuant to section 26(5)1 of the *Act*.
4. The Discipline Committee's finding and order shall be published, in detail, with the name of the Member (but without the name or information tending to identify the client), in the official publication of the College, on the College's website, on the College's public register, on the CanLII website, and in any other media related document that is provided to the public and is deemed appropriate by the College, pursuant to section 26(5)3 of the *Act*.
5. The Member shall pay costs of this proceeding to the College fixed in the amount of two thousand dollars (\$2,000.00) to be paid by certified cheque or money order by October 23, 2019, pursuant to section 26(5)4 of the *Act*.

Reasons for Penalty Decision

[28] 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 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.

[29] The Panel finds that the jointly proposed penalty is reasonable, ensures the maintenance of high professional standards, and serves and protects the interest of the public. The penalty, and particularly the revocation of the Member's certificate of registration, provides both specific and general deterrence to demonstrate to the Member and to other members of the profession that engaging in misconduct of this nature is unacceptable. The fact that the Member will not be practising as a social worker serves to protect the public. The publication of this decision (including a summary on the College website and the terms of the order on the College Register) will further communicate a clear message to the membership that conduct of this nature will not be tolerated. The reprimand, which was given orally to the Member via teleconference and will be recorded on the Register, serves to impress upon the Member how her peers view her conduct. The penalty is the same as that which was ordered in *Beauchamp-Brown*, and the Panel is satisfied that it falls within a reasonable range for sexual misconduct by a Member.

[30] The Panel considered the mitigating circumstances submitted by College counsel, including the Member's cooperation throughout the process by way of the Agreed Statement of Facts and joint submissions on penalty. Her willingness to do so avoided the cost and time of a contested hearing. By admitting her misconduct and working with the College, the Member displayed her understanding of the serious nature of her behaviour. She asked for an opportunity to address the Panel during the hearing, and in her comments she accepted responsibility for her actions and explained her understanding of the gravity of her misconduct.

[31] The Panel accepted that a costs order of two thousand dollars (\$2000.00) payable within one year of the discipline hearing is appropriate.

[32] I, Amanda Bettencourt, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: _____

Signed: _____

Amanda Bettencourt, Chair
Sophia Ruddock
Charlene Crews