



## **Discipline Decision Summary**

This summary of the Discipline Committee's Decision and Reason for Decision 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 to the College's discipline process.

### **PROFESSIONAL MISCONDUCT**

**Abe Suderman**

**Former Member**

### **Allegations**

The College's allegations relate to Mr. Suderman's conduct or actions in regard to the College's mandatory Continuing Competency Program (the "CCP").

The CCP requires all College members, on an annual basis, to conduct a review of their practice using a self-assessment tool, identify strengths and weaknesses, determine what areas of practice require improvement, set learning goals and objectives to address those areas, identify learning activities to attain the learning goals, engage in those learning activities, review and record the outcomes of those activities and report them in an annual declaration to the College.

The events underlying the College's allegations are as follows:

1. In May 2011, Mr. Suderman inquired about the CCP and advised a College representative that he would comply with its requirements, as he planned to renew his membership in the College.
2. In July of 2011, the College sent Mr. Suderman a "2010 CCP Incomplete Letter" along with a "Declaration of Participation in the 2010 CCP" form for completion on or before August 20, 2011.
3. Subsequently, in August 2011, Mr. Suderman contacted a College representative on a number of occasions, indicating that he felt the CCP was "redundant" and expressing his unwillingness to complete the CCP. At that time Mr. Suderman was advised that he could choose to either resign from the College or complete the CCP, failing which he might face misconduct proceedings. Mr. Suderman was asked to respond to the College by September 9, 2011, or further action would be taken.



4. Mr. Suderman did not complete the requirements of the CCP and did not resign from the College by the September 9, 2011 deadline.
5. On October 14, 2011, the Registrar sent a letter to Mr. Suderman, together with copies of the Registration and Professional Misconduct Regulations, inviting Mr. Suderman to make a submission and alerting him that if he did not respond by November 14, 2011, the Registrar would file a complaint.
6. Mr. Suderman did not respond to the Registrar's letter.
7. Mr. Suderman received notification of the Registrar's complaint on December 9, 2011. On that same date, Mr. Suderman wrote a letter resigning his membership with the College.

### **Plea**

Mr. Suderman was neither present nor represented at the hearing. The hearing, therefore, proceeded on the basis that Mr. Suderman denied the allegations.

### **Decision**

The Discipline Committee found that Mr. Suderman committed acts of professional misconduct as alleged in the Notice of Hearing in that he:

1. Violated Sections 2.2 and 2.28 of Ontario Regulation 384/00 (Professional Misconduct) made under the Social Work and Social Service Work Act (the "Act"), and Principle II, 2.1 of the Handbook (as commented on in Interpretation 2.1.2) by failing and/or refusing to demonstrate his commitment to ongoing professional development by engaging in any continuing education and complying with continuing competence measures required by the College.
2. 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 dishonourable and unprofessional.

The evidence showed that Mr. Suderman was a College member at the time of the misconduct and that, therefore, the College had the jurisdiction to prosecute him for matters that occurred during his College membership.

Section 6 of Ont. Reg. 383/00 (Registration) requires all College Members to provide evidence of continuing competence to practice social work in accordance with the College's guidelines. The Discipline Committee found it "clear" that Mr. Suderman chose to ignore the mandatory nature of the Registration Regulation and the guidelines; although he was warned multiple times



that failure to comply would result in a complaint being lodged. While Mr. Suderman indicated his intention to resign from the College, he continued to work as a Social Worker. The Discipline Committee found clear and convincing evidence that Mr. Suderman, while a College member, failed to meet his obligations by failing to complete the CCP.

## **Penalty**

As Mr. Suderman resigned his membership with the College, the Discipline Committee ordered that:

1. Mr. Suderman be reprimanded by the Discipline Committee in writing and that the reprimand be recorded on the Register for an unlimited period of time.
2. The finding and Order of the Discipline Committee be published, in detail, with the name of Mr. Suderman, in the official publication of the College, on the College's website and on any other media related document that is provided to the public and is deemed appropriate by the College.
3. Mr. Suderman pay costs in the amount of \$5,000 to the College.

The Discipline Committee's reasons for its Penalty Order are as follows:

- There were a number of aggravating factors with respect to Mr. Suderman's conduct. These include that:
  - he was a longstanding member of the College and had practiced social work for decades and should have been well aware of the importance of competency and standards programs;
  - it would have taken Mr. Suderman as much time to complete the CCP as he put into refusing to participate;
  - Mr. Suderman's refusal to participate in the CCP reflected a lack of professionalism and in particular, a defiance of College policies;
  - Mr. Suderman resigned from the College and refused to participate in the proceedings.



- As Mr. Suderman resigned prior to the hearing, the penalty options available to the Discipline Committee were limited and suspension or revocation of his certificate of registration was not possible. Rehabilitation was also not an option. The only options available to the Discipline Committee were a written reprimand (because Mr. Suderman did not participate in the hearing), publication of the finding and Order with Mr. Suderman's name and costs.
- The written reprimand may not be a specific deterrent to Mr. Suderman, but because it is recorded on the College Register, it will serve as a general deterrent to other College members who mistakenly believe they can resign without incurring penalties.
- Publication of the finding and Order, in detail and with Mr. Suderman's name is warranted because he clearly expressed that he would continue to practise as a social worker after he resigned. Publication will serve as both a general and a specific deterrent and is necessary to protect the public interest, especially in the case of Mr. Suderman's future clients. Publication will also serve to maintain public confidence in the profession and the College and is consistent with the requirements of the Act which provide that Discipline Committee hearings shall be open to the public except where an order is made to exclude some or all of the proceedings. This emphasizes that transparency and public participation are important features of the College's complaints and discipline processes. Publication also serves to notify College members that should they behave in a similar manner, this is the penalty they can expect, and that resignation from the College will not prevent the College from acting on complaints.
- Regarding costs, Mr. Suderman refused to participate in the hearing and required the College to prove its case. The matter cost the College considerable expense and this expense should not have to be borne by the other members of the College. Refusing to participate in the discipline process does not discharge the College's mandate to protect the public nor does it save the College the burden of holding a hearing to prove the allegations.