

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

Thomas Venema, RSW

Agreed Statement of Fact

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

1. From on or about 1979, the Member engaged in the private practice of social work.
2. For a period of approximately three years, the Member provided counselling services and/or psychotherapy services to a client, consisting of couples counselling (provided to the client and the client's first spouse) and individual counselling (provided to the client in relation to issues of depression, anxiety and low self-esteem).
3. Following an approximate 13 year break in service, and for a period of approximately four years, the Member again provided counselling services and/or psychotherapy services to the client, in relation to issues of depression, anxiety, low self-esteem, gambling and alcohol addiction and marital difficulties with the client's second spouse.
4. Throughout the periods during which the Member provided counselling services and/or psychotherapy services to the client, the Member was aware that the client was a vulnerable client. The client presented with a history of childhood sexual abuse, long-standing drug and alcohol abuse/addiction, gambling addiction and relationship difficulties.
5. During the Member's individual sessions with the client, at the time of the first period of service, the Member would hug the client and stroke the client's hair.
6. During the Member's individual sessions with the client, at the time of the second period of service, the Member engaged in touching, behaviour or remarks of a sexual (and non-clinical) nature, including:
 - a) Complimenting the client on the client's body and appearance;
 - b) Stroking the client's hair and massaging the client's back;
 - c) Engaging in touching and behaviour of a sexual nature during sessions in the Member's office;

- d) Inappropriately disclosing personal details about his private life to the client and making comments of a sexual (and non-clinical) nature;
 - e) Meeting with the client outside of the Member's office; and
 - f) Failing to record all meetings with the client in the Member's appointment books or records, or in the client's clinical file.
7. If called to testify as a witness at the hearing of this matter, the client would testify that during some of the Member's individual sessions with the client, at the time of the second period of service, the Member instructed the client to lie on top of him on the couch in his office and (while he and the client were fully clothed) put his leg between the client's legs, and attempted (sometimes successfully) to bring the client to orgasm and (on at least two occasions) ejaculated.
 8. While the Member denies the above allegations in paragraph 7, he admits that he engaged in touching and behaviour of a sexual (and non-clinical) nature with the client during individual sessions with the client in his office.
 9. During the second period of service, while he was still providing individual counselling to the client, the Member referred the client to a 12-week therapy group (at a regional sexual assault centre) for persons who had experienced childhood sexual abuse and/or sexual assault. Participants were encouraged to share with the group their experiences of childhood sexual abuse and/or sexual assault. The client attended the group sessions. Though the Member does not know what the client discussed at this group, the client indicates (and the Member believes) that the client discussed the client's childhood sexual abuse, but did not discuss the client's therapeutic relationship with the Member or raise concerns in that regard.
 10. If called as a witness, the client would testify that during the client's therapy with the Member, the client did not identify the counselling relationship with the Member as abusive but later came to recognize, after the termination of the client's therapy, that the Member's conduct towards the client (as described in paragraphs 5 and 6) constituted boundary violations and sexual abuse.
 11. The Member admits the truth of the above facts. Based upon those facts, the Member admits that he is guilty of professional misconduct.

Decision

The Discipline Committee found that the facts support a finding of professional misconduct, and in particular, that the Member:

1. Violated section 2.2, 2.5 and 2.28 of Ontario Regulation 384/00 (the "Professional Misconduct Regulation") made under the *Social Work and Social Service Work Act* (the "Act"), and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.2.1, 8.2.2, 8.2.3, 8.6 and 8.7) by engaging in sexual relations and/or touching, behaviour or remarks of a sexual nature with a client, to whom the Member provided counselling services and/or psychotherapy services;
2. Violated sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle VIII (2.2) of the Handbook (commented on in Interpretation 8.3) by failing to seek consultation and/or supervision and failing to develop an appropriate clinical plan when the Member developed sexual feelings towards the client, to whom the Member had provided counselling services and/or psychotherapy services.

3. Violated sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle II (2.2) of the Handbook (commented on in Interpretations 2.2, 2.2.2, and 2.2.8) by failing to maintain clear and appropriate boundaries in his professional relationship with the client when the Member engaged in sexual relations and/or touching, behaviour or remarks of a sexual nature with the said client, to whom the Member had provided counselling services and/or psychotherapy services; and

4. Violated section 2.36 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 disgraceful, dishonourable or unprofessional when he engaged in sexual relations and/or touching, behaviour or remarks of a sexual nature with the client, to whom the Member provided counselling services and/or psychotherapy services.

Penalty Order

The panel of the Discipline Committee accepted the Joint Submission as to Penalty submitted by the College and the Member and made an order in accordance with the terms of the Joint Submission as to Penalty. The Discipline Committee ordered that,

1. The Member be reprimanded in person and the fact and nature of the reprimand be recorded on the College Register.

2. The Registrar suspend the Member's Certificate of Registration for a period of 24 months, which suspension shall be suspended for a period of two years, commencing on the date of the Discipline Committee's Order. The suspension shall be remitted on the expiry of that two year period if (on or before the second anniversary of the Discipline Committee's order) the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the terms and conditions imposed under paragraph 3 below. If the Member fails to comply with those terms and conditions, the Member shall serve his full twenty four month suspension, commencing two years from the date of the Discipline Committee's Order. For greater clarity, the terms and conditions imposed under paragraph 3 below will be binding on the Member regardless of the length of suspension served and the Member may not elect to serve the full suspension in place of performing those terms and conditions. If the Member fails to comply with the terms and conditions, the Registrar may refer the matter to the Executive Committee of the College. The Executive Committee, pursuant to its authority, may take such action as it deems appropriate, which may include referring to the Discipline Committee allegations of professional misconduct arising from any failure to comply with the terms and conditions.

3. The Registrar impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register:

- a) Requiring that the Member, at the Member's own expense, participate in and successfully complete boundary prescriptive and/or social work ethics training, as prescribed by and acceptable to the College within six (6) months from the date of the Discipline Committee's Order;
- b) Requiring that the Member, at the Member's own expense, engage in intensive insight oriented psychotherapy with a therapist approved by the Registrar of the College for a period of two (2) years from the date of the Order, with quarterly

- written reports as to the substance of the psychotherapy and the progress of the Member to be provided to the Registrar by the therapist. The Registrar may, if satisfied that the purpose of the therapy has been accomplished, at any time before the expiry of the two year period, direct that the psychotherapy be discontinued;
- c) Prohibiting the Member from applying under section 29 of the *Social Work and Social Service Work Act* for the removal or modification of the terms, conditions or limitations imposed on his Certificate of Registration for a period of (2) years from the date on which those terms, conditions and limitations are recorded on the Register, except with the prior written consent of the Registrar.
4. The Member pay a fine in the amount of \$2,000 to the Minister of Finance;
 5. The results of the hearing be recorded on the College Register; and
 6. The Discipline Committee's finding and Order (or a summary thereof) be published, with all identifying information regarding the client removed, in the College's official publication (including on the College's website).

The College and the Member were in disagreement about whether identifying information concerning the Member should be included in any publication of the Discipline Committee's Decision and Order. The Discipline Committee ordered that the Member's name appear in College publications and on the College website.

The Discipline Committee concluded that:

- the Penalty Order will protect the public interest, is appropriate to the particular facts of the case, and is consistent with the penalties imposed by the Discipline Committee in other cases involving sexual abuse of clients by College members;
- in view of the nature of the misconduct and the Member's circumstances of practice, it was important to send a strong message that such conduct is unacceptable;
- publication of the Decision with the Member's name would achieve this goal and is consistent with the intent of the *Social Work and Social Service Work Act*, which emphasizes the importance of transparency and public participation in the College's disciplinary process;
- "the notion" of "the importance of transparency and the public's right to know supersede any concern of stress, embarrassment or financial difficulty to the Member arising from full publication";
- "the Member must be held accountable by being named and must live with the consequence of his misconduct"; and
- the Member "failed to demonstrate sufficient compelling evidence to not publish the Member's name."

At the conclusion of the hearing, the Member waived his right of appeal and the Discipline Committee administered an oral reprimand to the Member.