

**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 Karissa-June Boulay, 2022 ONCSWSSW 1

Decision date: 02182022

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

KARISSA-JUNE BOULAY

PANEL:	Charlene Crews	Chair, Professional Member
	Durel Allen	Professional Member
	Chisanga Chekwe	Public Member

Appearances: Debra McKenna, counsel for the College
Jordan Stone, counsel for the Member
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: February 18, 2022

DECISION AND REASONS FOR DECISION

[1] This matter came on for hearing by video conference on February 18, 2022, before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”).

Notice of Publication Ban

[2] This proceeding is the subject of a publication ban. There will be no details or information reproduced about this proceeding which may directly or indirectly cause the individual referred to in this matter as the “**Client**” to be publicly identifiable.

The Allegations

[3] In the Notice of Hearing dated March 10, 2021, 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 contravened 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**”).

[4] The allegations set out in the Notice of Hearing and the particulars of those allegations are as follows:

I. The following are particulars of the said allegations:

1. You are, and were at all times relevant to these allegations, a registered social worker with the Ontario College of Social Workers and Social Service Workers (the “College”).
2. At all the material times, you were practising in [redacted], Ontario, and ran your social work practice out of [redacted]– a facility that offered float therapy. The [facility] was owned and operated by your then-spouse.
3. In or about October 2019, you were engaged by [the Client] to provide social work services to him. [The Client] was a vulnerable client who had sought assistance from you to deal with mental health and other issues.
4. During the period from approximately October 2019 to November 2019, you met with [the Client] on approximately six occasions at [the facility].
5. During the period from approximately October 2019 to November 2019, you provided social work services to [the Client] including counselling.
6. During the professional relationship with [the Client] and/or subsequent to termination of the professional relationship, you engaged in a series of boundary crossing behaviours relating to [the Client] including:
 - (a) forming a personal friendship with [the Client];
 - (b) communicating with [the Client] via text, including exchanging romantic and/or sexually-explicit messages with [the Client];
 - (c) having telephone calls with [the Client];
 - (d) meeting with [the Client] outside of counselling sessions;
 - (e) connecting with [the Client] on social media;
 - (f) encouraging a friendship between [the Client] and your spouse;

- (g) expressing an interest in meeting and/or bonding with [the Client's] spouse;
 - (h) sharing details about your personal life with [the Client];
 - (i) traveling with [the Client] to New York City in or about February 2020;
 - (j) establishing a joint Instagram account with [the Client]; and
 - (k) taking a road-trip with [the Client] in or about April 2020;
7. During the professional relationship with [the Client] and/or subsequent to termination of the professional relationship, the Member engaged in an intimate relationship with [the Client] and engaged in acts of a sexual nature with him.
 8. During the course of the professional relationship, [the Client] shared personal information with you about his life and his relationship with his spouse. That information was confidential.
 9. You disclosed confidential information about [the Client] and/or his spouse to your then-spouse.

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:

- (a) In that you violated Sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 and 8.8) by failing to ensure that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations between yourself and your client, by engaging in touching, of a sexual nature, of your client, and by engaging in behavior or remarks of a sexual nature towards your client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by developing sexual feelings towards your client that could, in your judgment, put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to your client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with your client during and after the period in which you provided counselling services to the client;
- (b) In that you violated Sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2.1, 2.2.2, 2.2.3. and 2.2.8) by failing to establish and maintain clear and appropriate boundaries in the Member's professional relationships for the protection of her client; by failing to engage in the process of self-review and evaluation of your practice and seek consultation when appropriate; by engaging in professional relationships that constitute a conflict of interest or in situations in which you ought reasonably to have known that your client would be at risk in any way; by using information obtained in the course of a professional relationship, and using the Member's professional position of authority, to coerce, improperly influence, harass, abuse or exploit a client, former client; by having sexual relations

with your client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social service work;

- (c) In that you violated Sections 2.2 and 2.9 of the Professional Misconduct Regulation and Principles II and III of the Handbook (commented on in Interpretations 2.1.4) by providing a service that the Member knew or ought reasonably to have known were not likely to benefit the client;
- (d) In that you violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that your client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client;
- (e) In that you violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with your client to set and evaluate goals; by failing to maintain awareness of your own values, attitudes and needs and how these impact on your professional relationship with your client; and by failing to distinguish your needs and interests from those of your client to ensure that your client's needs and interests remain paramount;
- (f) In that you violated Sections 2.2 and 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1, 5.3 and 5.3.6) by failing to comply with applicable privacy and other legislation; and by disclosing, without your client's consent and without being required or permitted by law to do so, client information, including personal information, information concerning or received from your client, and the identity of and/or information about a person who has consulted or retained them;
- (g) In that you violated Sections 2.2 and 2.21 of the Professional Misconduct Regulation and Principle IV (commented on in Interpretations 4.1.2) by failing to ensure that records are current, accurate, contain relevant information about clients and are managed in a manner that protects client privacy and in accordance with any applicable privacy and other legislation; and/or
- (g) In that you 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 circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

Member's Position

[5] The College sought leave to withdraw allegations II(c) and II(f) of the Notice of Hearing. The Panel granted leave and the two allegations were withdrawn. The Member admitted to the remaining allegations set out in the Notice of Hearing. The Panel conducted an oral plea inquiry at the hearing. The Panel was satisfied that the Member's admissions were voluntary, informed and unequivocal.

The Evidence

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

1. The Member is registered as a social work member with the College and was first registered on March 9, 2016. She has no prior discipline or complaints history with the College.
2. From February 2018 to February 2020, the Member ran her social work practice out of [redacted] in [redacted], Ontario – a facility that offered float therapy. The [facility] was owned and operated by the Member's then romantic partner.
3. In or about October 2019, the Member was engaged by the Client to provide social work services. Between October 17, 2019 and November 24, 2019, the Member met with the Client on approximately six occasions at [the facility]. The Member acknowledges that she failed to maintain certain records relating to those sessions, specifically journal entries that the Client had sent to her via text.
4. If the Member were to testify, she would state that she was engaged by the Client to perform an assessment in relation to the Client's needs for on-going therapy and his relationship with his spouse. However, she acknowledges that some of the services she provided the Client during their six sessions constituted counselling.
5. In terminating professional services to the Client, the Member acknowledges that she did not refer the Client to another therapist and/or make any arrangements for the Client to access or continue any social work services that he required.
6. If the Member were to testify it would be her evidence that, on November 24, 2019, the Member and the Client ended the professional relationship and signed a document at that time confirming that the professional relationship was terminated (the "**Termination Document**").
7. The Member acknowledges and admits that, during the professional relationship, professional boundaries were violated with the Client. Specifically, as the Member conducted her practice in a facility operated by her romantic partner, the Client had the opportunity to meet and engage with the Member's romantic partner at the facility. In addition, the Member and the Client discussed the Client pursuing a friendship with the Member's romantic partner, which would involve the Member and the Client coming into contact outside the facility. The Member and the Client also discussed the circumstances under which they might have an ongoing personal relationship after terminating their professional relationship.

8. In addition, the Member admits that after the Client signed the Termination Document and she ceased providing social work services to the Client, the Member engaged in further boundary crossing behaviours relating to the Client, including:
 - (a) Forming a personal relationship with the Client;
 - (b) Communicating with the Client via text, including exchanging more than twenty text messages the day after the Client had signed the Termination Document;
 - (c) Exchanging romantic messages with the Client;
 - (d) Having telephone calls with the Client;
 - (e) Meeting with the Client in person;
 - (f) Connecting with the Client on social media in January 2020;
 - (g) Sharing details about the Member's personal life with the Client;
 - (h) Travelling with the Client to New York City in February 2020;
 - (i) Establishing a joint Instagram account with the Client;
 - (j) Taking a road trip with the Client in April 2020;
 - (k) Engaging in an intimate relationship with the Client; and
 - (l) Engaging in acts of a sexual nature with the Client.
9. The Member agrees that the following are standards of the profession, as set out in the Code of Ethics and Standards of Practice Handbook (the "**Handbook**"):
 - (a) Principle I addresses relationships with clients;
 - (b) Principle II addresses competence and integrity;
 - (c) Principle III addresses responsibility to clients;
 - (d) Principle IV addresses records obligations; and
 - (e) Principle VIII addresses sexual misconduct.
10. The parties have agreed that the College will withdraw allegations II(c) and II(f) in the Notice of Hearing.

11. The Member admits that she engaged in and is guilty of professional misconduct, as described in paragraphs 2 to 9 above, and within the meaning of section 26(2)(a) and (c) of the *Act*, in that:
 - (a) The Member violated Sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, 8.7 and 8.8) by failing to ensure that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations between herself and the client, by engaging in touching, of a sexual nature with the client, and by engaging in behavior or remarks of a sexual nature towards the client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by developing sexual feelings towards the client that could, in her judgment, put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to the client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with the client after the period in which the Member provided social work services, including counselling to the client;
 - (b) The Member violated Sections 2.2, 2.6 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, 2.2.2, 2.2.3, and 2.2.8) by failing to establish and maintain clear and appropriate boundaries in the Member's professional relationship for the protection of the client; by failing to engage in the process of self-review and evaluation of the Member's practice and seek consultation when appropriate; by engaging in professional relationships that constitute a conflict of interest or in situations in which the Member ought reasonably to have known that the client would be at risk in any way; by using information obtained in the course of a professional relationship, and using the Member's professional position of authority to coerce, improperly influence, harass, abuse or exploit the client; by having sexual relations with the client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
 - (c) The Member violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that the client had not been exploited, coerced or manipulated, intentionally or unintentionally, where a personal relationship occurred with the client;
 - (d) The Member violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with the client to set and evaluate goals; by failing to maintain awareness of the

Member's own values, attitudes and needs and how these impact on the professional relationship with the client; and by failing to distinguish the Member's needs and interests from those of the client to ensure that the client's needs and interests remained paramount;

- (e) The Member violated Sections 2.2 and 2.21 of the Professional Misconduct Regulation and Principle IV (commented on in Interpretations 4.1.2) by failing to ensure that records were current, accurate, contain relevant information about the client and were managed in a manner that protects client privacy and in accordance with any applicable privacy and other legislation; and/or
- (f) The Member 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 circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

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 professional misconduct as alleged in the Notice of Hearing, except for the withdrawn allegations at II(c) and II(f). With respect to the second allegation lettered II(g) the Panel found that the Member's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Reasons for the Decision

[8] As above, the evidence outlined in the Agreed Statement of Facts, established on a balance of probabilities that the Member committed professional misconduct as alleged in the Notice of Hearing but for the withdrawn allegations.

[9] The misconduct found in the matter was serious. It was established that, among other things, the Member engaged in acts of a sexual nature with the client which amounted to sexual abuse as defined in section 43(4) of the Act.

[10] The misconduct stemmed from the Member's failure to establish and maintain clear and appropriate boundaries. She formed a personal relationship with the client; exchanged romantic messages with the client; connected with the client on social media; established a joint Instagram

account with the client; shared details about her personal life with the client; travelled with the client to another country; and even took a road trip with the client.

[11] In this case, the Member's failure to maintain boundaries also resulted in a failure to distinguish her needs and interests from those of the client. It is the needs of the client which must remain paramount. The Member failed to ensure this.

[12] When terminating the professional relationship with the client, the Member failed to refer the client to another therapist and/or make any arrangements for the client to access or continue any social work services that the client required. This too is inconsistent with a member's obligation to prioritize client needs.

[13] In addition to the above misconduct, the Member also failed to maintain certain records related to client sessions held between October 17, 2019 and November 24, 2019.

[14] The Panel is satisfied that on all of these facts, the Member engaged in conduct that would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Penalty Decision

[15] The College and the Member were in agreement on the issue of penalty. The parties presented the Panel with a joint submission on penalty ("**Joint Submission**") asking the Panel to make an order as follows:

- (a) The Member is to be reprimanded by the Discipline Committee, via electronic hearing or in writing, and the fact and nature of the reprimand shall be recorded on the College's register for an unlimited period of time.
- (b) The Registrar is directed to revoke the Member's certificate of registration.
- (c) The period of time during which the Member may not re-apply to the College for a new certificate of registration or seek reinstatement shall be fixed at five (5) years from the date of the Discipline Committee's order.
- (d) The finding and the order of the Discipline Committee shall be published, in detail or in summary with the Member's name, online and/or in print, including, but not limited to, in the official member publication of the College, on the College's website, and on the College's public register.
- (e) The Member shall pay costs to the College in the amount of three thousand dollars (\$3,000.00), which amount will be paid in fifteen (15) monthly installments of \$200.00 per month, as follows:
 - February 18, 2022;
 - March 18, 2022;
 - April 18, 2022;

- May 18, 2022;
- June 20, 2022;
- July 18, 2022;
- August 18, 2022;
- September 19, 2022;
- November 18, 2022;
- December 19, 2022;
- January 18, 2023;
- February 20, 2023;
- March 20, 2023;
- April 18, 2023; and
- May 18, 2023

[16] Having considered the finding of professional misconduct, the evidence and the submissions of the parties, the Panel accepted the Joint Submission at the hearing and accordingly made an order on the record at that time consistent with the terms set out at paragraph [15] above.

Reasons for Penalty Decision

[17] This penalty was presented as a Joint Submission. The Panel would only depart from a Joint Submission if to accept it would risk undermining the publicly perceived integrity of the discipline process. The Joint Submission does not meet that high threshold for rejection.

[18] In accepting the Joint Submission, the Panel notes that, among other things, its terms result in the revocation of the Member's certificate of registration. The Member cannot seek reinstatement or a new certificate of registration for at least five years. This is a serious penalty and entirely necessary from the Panel's perspective given the misconduct found in this case. A penalty of this nature is commensurate with the seriousness of the misconduct found. It ensures protection of the public by removing the Member from practice and should also serve to deter others from engaging in similar misconduct.

[19] Lastly, the Panel was satisfied that the amount of costs put forward in the Joint Submission was appropriate in the circumstances of this particular case. I, Charlene Crews, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: April 4, 2022

Signed:

Charlene Crews, Chair
Durel Allen, Professional Member
Chisanga Chekwe, Public Member