



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 Sheri
Ongena, 2021 ONCSWSSW 11

Decision date: 20210927

BETWEEN:

THE ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS

- and -

SHERI ONGENA, D.Ch./D.P.M

PANEL: Charlene Crews Chair, Professional Member
Angele Desormeau Professional Member
John Fleming Public Member

Appearances: Debra McKenna, counsel for the College
Member not in attendance
Ted Marrocco, Independent Legal Counsel to the Panel

Heard: August 12, 2021

DECISION AND REASONS FOR DECISION

This matter came on for hearing on August 12, 2021 before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”). The matter was heard electronically by videoconference.

Notice of Publication Ban

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

1. The allegations against the Member are contained in a Notice of Hearing, dated June 14, 2021 (“**Notice of Hearing**”), and 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 material times, you were practising in Guelph, Ontario, and ran your social work practice out of Broadleaf Health, located at 22 Liverpool Street.
3. In or about September 2018, you were engaged by [*the client*] to provide social work services to [*the client*], including counselling. [*The client*] was a vulnerable client who had sought assistance from you to deal with trauma and other mental issues.
4. During the period from approximately September 2018 to January 2020, you met with [*the client*] approximately 77 times at Broadleaf Health.
5. 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) communicating via text and/or email with [*the client*], including exchanging romantic and/or sexually-explicit messages with [*the client*];
 - (b) having telephone calls with [*the client*];
 - (c) meeting with [*the client*] outside of counselling sessions;
 - (d) sharing details about your personal life with [*the client*]; and
 - (e) [*redacted*] with [*the client*] to [*redacted*] in or about May 2019.
6. During the professional relationship with [*the client*] and/or subsequent to termination of the professional relationship, you engaged in an intimate relationship with [*the client*] and engaged in acts of a sexual nature with him.

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 2.10 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;
- (d) 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;
- (e) 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.

Agreed Statement of Facts

2. The Member was neither present nor represented by counsel at the hearing. However, the hearing proceeded by way of an agreed statement of facts, dated July 16, 2021 pursuant to which the Member admitted all of the allegations contained in the Notice of Hearing.
3. The Panel was satisfied that the Member entered into the agreed statement of facts freely and fully informed.

Decision and Reasons on Liability

4. The evidence contained in the agreed statement of facts establishes on a balance of probabilities that the professional misconduct alleged in the Notice of Hearing occurred and a finding was made by the Panel accordingly.
5. The Member has been registered with the College as a Social Worker since 2008.
6. As set out in the Notice of Hearing, the College alleged that the Member engaged in a series of boundary violations and committed sexual misconduct in her dealings with the “client”. The client was provided counselling by the Member commencing in or about September 2018 after seeking assistance to deal with trauma and other mental health concerns.
7. The Member met with the client 77 times. During the professional relationship, the Member engaged in several boundary crossing behaviours with the client which included: communications by text/email which included exchanges of a romantic and/or sexually explicit nature; telephone calls outside of counselling sessions; meeting with the client outside of counselling sessions; the Member sharing details about personal life with the client; and the Member [redacted] with client in or about May 2019. During the professional relationship with the client and/or subsequent to termination of that professional relationship, the Member engaged in an intimate and sexual relationship with the client.
8. The above conduct violates multiple parts of the Professional Misconduct Regulation under the Act.
9. The Code of Ethics and Standards of Practice Handbook of the College (the “**Handbook**”) clearly outlines the guiding principles to be followed as a Social Worker or Social Service Worker. The Member was at all relevant times a registered Social Worker with the College.
10. Principle I in the Handbook pertains to relationships with clients. It clearly indicates in part 1.1.1 that the goals for relationships between College members and clients include the enhancement of a client’s functioning and the strengthening of the capacity of clients to adapt and make changes. The Member’s conduct in this case, which includes engaging in an intimate relationship with the client, is a clear violation of this principle.
11. Principle II (Competence and Integrity) outlines how College members are committed to ongoing professional development and maintaining their practice. As stated in part 2.2.8, College members must avoid conduct in the practice of social work which could reasonably

be perceived as reflecting negatively on the professions of social work or social service work. The Member failed to maintain this professional standard by engaging in boundary violations and an intimate relationship with the client, thus failing to maintain professional boundaries and abusing her position of professional authority over the Client.

12. The magnitude of the sexual boundary violation was further aggravated by the fact that the Member was aware, as indicated in the agreed statement of facts, that the client suffered significant historical trauma resulting from extensive childhood emotional neglect, physical abuse and sexual abuse and exploitation.
13. According to part 2.2.3, College members are not to use their position of professional authority to coerce, improperly influence, harass, abuse or exploit a client or former client. According to part 2.2.10, if there is a conflict between College standards of practice and a College member's work environment, the College member's obligation is to the College Code of Ethics and the Handbook. A "conflict of interest situation" is defined as a situation in which a member has a personal, financial or other professional interest or obligation which gives rise to a reasonable apprehension that the interest or obligation may influence the member in the exercise of his or her professional responsibilities. The Member's acts of engaging in a personal and intimate relationship with the client, sharing details of her personal life with the client and [redacted] with the client in 2019 all represent conflict of interest situations between the Member and the client.
14. Principle III (Responsibility to Clients) clearly indicates in part 3.7 that in a situation where a personal relationship does occur between the Member and a client or former client, it is the Member, not the client or former client, who assumes full responsibility for demonstrating that the client or former client has not been exploited, coerced or manipulated, intentionally or unintentionally. The agreed statement of facts outlines the Member's inappropriate sexual and intimate behaviour with the client and does not provide any evidence which could discharge the Member's obligation to demonstrate that the behaviour did not offend part 3.7.
15. In Principle VIII (Sexual Misconduct), the parameters of sexual misconduct are very clearly outlined. Behaviour of a sexual nature by a College member toward a client represents an abuse of power in the professional relationship "College members do not engage in behaviour of a sexual nature with clients." Parts 8.1 and 8.2 confirm that it is the Member's responsibility to ensure that sexual misconduct does not occur. In the agreed statement of facts, there is evidence that counselling was provided to the client by the Member when the sexual relationship occurred. This is unacceptable, boundary crossing behaviour and meets the definition of sexual abuse under the Act.
16. For these reasons, the Panel found that the Member engaged in professional misconduct as alleged in the Notice of Hearing which would reasonably be regarded as unprofessional, disgraceful and dishonorable.

Penalty

17. The penalty and costs phase of the hearing also took place on August 12, 2021. This phase of the hearing proceeded by way of a joint submission on penalty and costs, dated July 16, 2021 (the “**joint submission**”).
18. The Panel accepted the joint submission and made an order accordingly on the record at the conclusion of the hearing. That order was subsequently formalized in a written document, dated August 30, 2021 (the “**Order**”).

Reasons on Penalty

19. The Panel accepted the joint submission and issued the Order accordingly. These are the Panel’s reasons for doing so.
20. The Panel was satisfied that the joint submission contemplated the seriousness of the professional misconduct, the need for deterrence, and the possibility of rehabilitation of the Member in combination with the need to maintain public protection and public confidence in the ability of the College to regulate its members.
21. The Committee is tasked to arrive at a fair and just penalty that considers appropriate sentencing principles and it is satisfied that it has done so.
22. The Panel notes that the Member admitted her misconduct and also agreed to the joint submission. The Panel will not depart from the joint submission unless to follow it would bring the publicly perceived integrity of the tribunal into disrepute. The joint submission does not meet that high threshold and is followed accordingly.
23. As set out in the Order:
 - a. 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.
 - b. The Member shall appear via electronic hearing on a date to be determined to be reprimanded by the Discipline Committee. If the Member does not appear for that electronic hearing, the reprimand shall go forward nonetheless and a copy of the reprimand will be issued to the Member in writing. The fact and nature of the reprimand shall be recorded on the College’s register for an unlimited period of time.
 - i. It is noted by the Panel that the Member declined to attend the virtual reprimand.
 - c. The Registrar is directed to revoke the Member’s certificate of registration.

- d. The Member may not re-apply to the College for a new certificate of registration or seek reinstatement for five (5) years from the date of this order.
- e. 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.
- f. The Member shall pay costs to the College in the amount of five thousand dollars (\$5,000.00), which amount will be paid as follows:
 - i. \$500.00 on September 1, 2021
 - ii. \$500.00 on October 1, 2021
 - iii. \$500.00 on November 1, 2021
 - iv. \$500.00 on December 1, 2021
 - v. \$500.00 on January 1, 2022
 - vi. \$500.00 on February 1, 2022
 - vii. \$500.00 on March 1, 2022
 - viii. \$500.00 on April 1, 2022
 - ix. \$500.00 on May 1, 2022
 - x. \$500.00 on June 1, 2022

Date: September 27, 2021

Signed:

Charlene Crews
Angele Desormeau
John Fleming

Reprimand

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Ms. Ongena, in addition to the other penalties Ordered by this Discipline panel, the Panel has ordered that you be given an oral reprimand. While the Panel notes that you have declined to attend the oral reprimand, as Ordered, this written reprimand will be part of the public portion of the Register and, as such, part of your record with the College. In the Panel's view, this failure on your part to attend the oral reprimand reveals your unwillingness to accept full responsibility for your misconduct and is cause for ongoing concern.

The College is established in Ontario, by statute, with the express purpose of not only protecting the people of Ontario with respect to the conduct of social workers and social service workers, but equally to ensure the confidence of those same people that they can rely on the professionalism and ethical conduct of registered professionals in the Province.

The panel has found that you have engaged in professional misconduct in several ways. The Panel found that you committed a series of egregious boundary violations and sexual misconduct in your dealings with the identified client, who was well known to you to be a vulnerable person with a history of significant childhood sexual abuse, trauma and exploitation. Your conduct re-traumatized the client. More specifically, you exchanged with the client communications of a romantic and sexually explicit nature; you met with the client outside of counselling sessions; you shared with the client details of your personal life, you [redacted], and have [redacted] with the client. Furthermore, you admitted to an intimate and sexual relationship during and subsequent to the professional relationship. This conduct on your part re-traumatized this vulnerable client and will have a long lasting impact on [the client], specifically on [the client's] ability to trust [the client] and others in the helping professions as [the client] continues [the client's] healing process. In addition, your conduct has seriously damaged the ability of the public to trust and have confidence in the profession.

As a registered member of the College, you are expected to follow carefully the Code of Ethics and Standards of Practice of the College. That Code makes clear that registered members are not to 'use their position of professional authority to coerce, improperly influence, harass, abuse or exploit a client.' The Panel has determined that your misconduct constituted a breach of all aspects of those standards, and your professional responsibilities and obligations.

Your misconduct is a matter of profound concern to this panel. You have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy. You have let down the public, the social work profession, and yourself.

We need to make it clear to you that your conduct is unacceptable and the Panel has found that conduct to be unprofessional, disgraceful and dishonorable. The Panel has determined that these terms describe the Panel's conclusions on your conduct, and constitute the reasons for the Panel's Order and the penalties imposed, including this reprimand.

The message to you, to the public and to all registered social workers and social service workers in Ontario is and must be crystal clear; this type of conduct cannot and will not be tolerated in the work of such professionals; the public must absolutely be able to trust and rely upon that professional conduct.

While your admission of misconduct and your willingness to work with the College reassures this Panel to some extent that you have recognized the seriousness of your misconduct, the decision on your part to not attend for the oral reprimand, as ordered, causes the Panel concern.

We also want to make it clear to you that while the penalty that this panel has imposed upon you is a fair penalty, a more significant penalty will likely be imposed by another Discipline panel in the event that you are ever found to have engaged in professional misconduct again.