



Discipline Decision Summary

This summary of the Discipline Committee's Decision and Reason for Decision is published pursuant to the Discipline Committee's oral decision rendered on March 5, 2015 and written reasons dated June 18, 2015.

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

James Cameron
Former Member

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. The Member was employed with an agency for approximately seven months (the "**Counseling Period**") in 2009, where the Member provided social work services to Client "A" and Client "B" (collectively the "**Clients**"). In total, the Member provided eight counseling sessions to Client "A" alone and one counseling session to the Clients together.
2. The Clients were married throughout the Counseling Period, though they separated and lived apart during the Counselling Period.
3. During the Counseling Period, the Member provided counseling services to the Clients, and in particular to Client "A", in respect of marital issues, the breakdown of her marital relationship with Client "B", stressors related to the ensuing separation, medical issues affecting Client "A", self-esteem issues, mental health issues that had arisen with respect to a family member and Client "A's" relationship with that family member.

4. In or about the Spring of 2012, the Member arranged to have coffee with Client “A” at a local coffee shop. The Member additionally claimed to have contacted the College to inquire about whether he may have sexual relations with Client “A”. The Member did not document, record and/or retain notes from his conversation with a College representative.
5. The Member subsequently entered into a relationship with Client “A” where:
 - (a) The Member went on a dinner date at a local lodge;
 - (b) The Member traveled with Client “A” to visit Client “A”’s mother, who was facing physical and mental health issues. At Client “A”’s request, the Member subsequently discussed concerns regarding Client “A”’s mother’s condition with her primary care worker;
 - (c) The Member traveled with Client “A” to assist with the transfer of Client “A”’s mother to a care facility;
 - (d) The Member spent Christmas and New Years with Client “A” and her family;
 - (e) The Member aggressively pursued a romantic relationship with Client “A” by sending her flowers on several occasions and by repeatedly calling her;
 - (f) By March of 2013, the Member engaged in a romantic relationship with Client “A”. During the course of the romantic relationship with Client “A”, the Member engaged in sexual relations;
 - (g) In or about April of 2013, the Member began residing with Client “A”.
6. While pursuing a personal and romantic relationship with Client “A”, the Member falsely advised her that he was not acting in contravention of the College’s Act, the Code of Ethics or the Handbook as he had checked his clinical notes, which indicated, incorrectly, that more than five years had passed since his last session with Client “A”. The Member additionally advised that he had consulted with a College representative prior to initiating the relationship, though he had no notes from that conversation.
7. At the time that the Member began the romantic relationship with Client “A” she was not legally divorced from Client “B”. At no point did the Member disclose the romantic relationship to Client “B”.
8. The Member admits that by reason of engaging in some or all of the conduct outlined above, he is guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Social Work and Social Service Work Act* (the “Act”).

Decision

Before the Member entered his plea, the College requested from the Panel and was granted permission to withdraw several allegations that were contained in the Notice of Hearing. The Discipline Committee accepted the Member's Plea and the Agreed Statement of Fact and found that the agreed facts support a finding of professional misconduct, and in particular, that the Member's conduct:

- (a) Violated Section 2.2 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.7 and Footnote 7) by failing to ensure that sexual misconduct did not occur, and by engaging in sexual relations with a client to whom he provided counseling services;
- (b) Violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretation 1.5 and 1.6) by failing to maintain awareness of his own values, attitudes and needs and how these impact on his professional relationship with the client and by failing to distinguish his needs and interests from those of his client to ensure that his clients' needs and interests remain paramount;
- (c) Violated Sections 2.2, 2.10 and 2.28 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1(i), 2.2.1(ii), 2.2.2, 2.2.8 and Footnote 7) by engaging in a dual relationship that increased the risk of exploitation or harm to his client, by having sexual relations with his client in a manner that could create a conflict of interest and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social work;
- (d) 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.

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 shall be reprimanded in writing and the fact and nature of the reprimand shall be recorded on the College's Register.

2. The Registrar shall be directed to revoke the Member's Certificate of Registration.
3. The Discipline Committee's finding and Order (or a summary thereof) shall be published, with identifying information concerning the Member included, but with identifying information relating to the Member's clients or former clients removed, in the College's official publication and on the College's website.
4. The results of the hearing shall be recorded on the Register.

The Discipline Committee concluded that:

- the Penalty Order is reasonable in light of the goals and principles of maintaining high professional standards, preserving public confidence in the College's ability to regulate members, and most importantly protecting the public;
- the Member cooperated with the College, and by agreeing to the facts and proposed penalty, accepted responsibility for his actions;
- the Penalty Order provides both specific deterrence and general deterrence to deter members of the profession from engaging in similar misconduct;
- the Penalty Order is consistent with the decisions in analogous cases.