



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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On January 26, 2022 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act*, 1998, S.O. 1998, Chapter 31;

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act*, 1998;

AND IN THE MATTER OF allegations respecting the professional conduct of Mark Freedman, a Social Worker and member of the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Mark Freedman, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes 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**")¹.

I. The following are particulars of the said allegations:

1. Now and at all times relevant to the allegations, you were a registered social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**"). At all relevant times, you provided social work services to clients through your employment at Homewood Health ("**Homewood**").
2. Between in or about July 2015 and April 2016, you provided social work services at Homewood to Client [X.X.] You again provided services to [X.X.] between in or about March 2019 and January 2020. Those services included counselling.
3. You violated professional boundaries and/or engaged in behaviour or remarks of a sexual nature towards [X.X.] that were not of a clinical nature appropriate to the service provided between in or about March 2019 and January 2020. In particular, you:
 - (a) Gave [X.X.] your personal phone number and encouraged [X.X.] to contact you at that number any time;
 - (b) Encouraged [X.X.] to continue texting you and/or indicating that she was not crossing a line by texting you about matters unrelated to her counselling;

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

- (c) Repeatedly exchanged text messages with [X.X.] that were personal, flirtatious, and/or unprofessional in nature. On many occasions, you had multiple conversations with [X.X.] by text message in a single day. Examples of these personal and/or unprofessional messages include, but are not limited to:
- (i) Discussions of your respective plans for the day and/or evening;
 - (ii) Discussions about taking a shower or bath and/or how showers and baths made you each feel;
 - (iii) Providing [X.X.] with compliments, including but not limited to telling her that you admired her, that you hoped she was safe and/or warm, that she was very special, that she had enriched your life, that you would like to see her dance, and/or that she wrote beautifully;
 - (iv) Disclosing personal information, including but not limited to information about your activities, your family, and your hobbies;
 - (v) Sending [X.X.] music you enjoyed, telling her that you hoped she found them “stimulating”, and/or asking her to tell you more about how they made her feel;
 - (vi) In response to [X.X.]’s texts, responding inappropriately and/or unprofessionally, including but not limited to by telling [X.X.] that her words made you feel “stimulated”, that they made you blush, and/or that they made you feel good;
- (d) When [X.X.] sent personal, flirtatious and/or suggestive texts to you, instead of setting boundaries with her, you did not dissuade her, encouraged her, and/or indicated that you liked these messages;
- (e) On or about January 18-19, 2020, engaged in a sexual conversation with [X.X.] via text message, wherein she described performing sexual acts involving the two of you. Your responses to her messages were sexual in nature, encouraged [X.X.]’s sexual messages and/or asked her to provide you with more detail;
- (f) Discussed the possibility of a continued “sexting” relationship, without physical contact with one another;

- (g) Accepted gifts from [X.X.];
 - (h) Told [X.X.] that you cherished a card she wrote you;
 - (i) Gave [X.X.] a copy of your band's CD as a gift.
4. After the text message conversation on or about January 18-19, 2020, you texted [X.X.] and informed her that you did not want to lead her on and/or were not interested in a relationship with her.
 5. [X.X.] was confused by your conduct, as your actions had caused her to "fall" for you and had led her to believe that you were attracted to her and/or wanted a romantic/sexual relationship with her.
 6. As a result of your conduct, [X.X.] felt that she could not continue to see you for counselling.
 7. On or about January 22, 2020, [X.X.] disclosed your conduct to another therapist.
 8. When Homewood confronted you about your relationship with [X.X.], you initially lied and stated that nothing inappropriate had occurred.
 9. [X.X.] was required to redo the Depression Care program she had been doing with you after she was transferred to another counsellor, because she had not finished it by the time she reported you.
 10. Your conduct harmed [X.X.] Your actions caused her to feel that you had violated her trust, she questioned the veracity of things you had told her, and she expressed that it would take time for her to begin to trust others again.

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 **Section 2.2 of the Professional Misconduct Regulation** and
 - (i) **Principle I of the Handbook (commented on in Interpretations 1.5 and 1.6)** by failing to be aware of your values, attitudes and needs and how those impact on your professional relationship with clients;

and by failing to distinguish your needs and interests from those of your clients to ensure that, within your professional relationship, clients' needs and interests remained paramount;

(ii) **Principle II of the Handbook (commented on in Interpretations 2.2, 2.2.1, and 2.2.8) by:**

(A) failing to ensure clients are protected from an abuse of power during and after the provision of professional services and/or failing to maintain clear and appropriate boundaries in a professional relationship;

(B) engaging in a professional relationship that constitutes a conflict of interest and/or in a situation in which you ought reasonably to have known that the client would be at risk;

(C) engaging in conduct that could reasonably be perceived as reflecting negatively on the profession of social work;

(iii) **Principle III of the Handbook (commented on in Interpretation 3.7) by failing to assume full responsibility for demonstrating that a client was not exploited, coerced or manipulated, intentionally or unintentionally;**

(iv) **Principle VIII of the Handbook (commented on in Interpretations 8.1, 8.2.3, and 8.4) by:**

(A) failing to be solely responsible for ensuring that sexual misconduct did not occur;

(B) engaging in behaviour or remarks of a sexual nature towards a client, other than behaviour or remarks of a clinical nature appropriate to the service provided; and

(C) failing to state clearly that the behaviour was inappropriate when a client initiated behaviour of a sexual nature;

- (b) In that you violated **Section 2.5 of the Professional Misconduct Regulation** in that you abused a client physically, sexually, verbally, psychologically or emotionally, including by sexually abusing a client within the meaning of subsection 43(4) of the *Act*;
- (c) In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the *Act*, regulations or by-laws; and/or
- (d) 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.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.