



College of Audiologists and  
Speech-Language Pathologists of Ontario

Ordre des Audiologistes et  
des Orthophonistes de l'Ontario

# SEXUAL ABUSE PREVENTION PROGRAM

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Revised: March 2013  
Reformatted: November  
2014

## SUMMARY

This This Sexual Abuse Prevention Program was developed by the members of CASLPO's Patient Relations Committee. The purpose of the Program is to familiarize audiology and speech-language pathology members of CASLPO ("Members") and the public with CASLPO's philosophy regarding the sexual abuse of patients/clients and its measures for preventing and dealing with sexual abuse.

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## INTRODUCTION

Under the [Regulated Health Professions Act, 1991](#), (the "RHPA") each regulatory health college must have a Patient Relations Committee and a Patient Relations Program.

The Patient Relations Program must include measures for preventing and dealing with sexual abuse of patients/clients. More particularly, the program must include educational requirements for Members, guidelines for the conduct of Members with their patients/clients, training for the College's staff and the provision of information to the public. The College of Audiologists and Speech-Language Pathologists of Ontario has been diligent in its efforts to comply with these requirements.

In keeping with the requirement to deal with Members who sexually abuse patients/clients, a variety of measures have been implemented. Staff and council member training on the nature of sexual abuse is provided on an ongoing basis. Intake procedures for complaints are in place and modifications to the procedures have been made for complaints of a sexual nature. A fund to provide counselling for victims of sexual abuse has been established.

This Program is the cornerstone of the College's strategy for preventing sexual abuse. It is intended to acquaint Members with CASLPO's philosophy of "zero tolerance" of sexual abuse and to provide information and direction to Members concerning their protections and obligations under provincial legislation. The Program is also intended to provide a policy foundation for the further development of information resources and procedures to support the goal of eliminating sexual abuse.

## STATEMENT OF PHILOSOPHY

CASLPO maintains that sexual abuse within a therapeutic relationship is unacceptable and will not be tolerated.

## GUIDING PRINCIPLES

### Zero Tolerance

The term "zero tolerance" refers to the College's position that sexual abuse of patients/clients by Members of the College will not be tolerated.

### Sexual Abuse

The Health Professions Procedural Code (the Code) of the RHPA defines "Sexual Abuse" in Section 1(3) as follows:

- Sexual intercourse or other forms of physical sexual relations between the member and the patient
- Touching of a sexual nature of the patient by the member
- Behaviour or remarks of a sexual nature by the member towards the patient

### Prevention

CASLPO is committed to the prevention of inappropriate behaviour and demonstrates this commitment by educating its Members and having a discipline process that reflects the seriousness of the violation.

### Sensitivity

CASLPO acknowledges the potential vulnerability of patients/clients and strives to provide a reporting process that is accessible and sensitive to their needs.

## GOALS AND OBJECTIVES

CASLPO's Sexual Abuse Prevention Program has the following goals and objectives:

- Provide a strategic focus for the development of programs, procedures, resources and activities aimed at preventing and eliminating sexual abuse
- Have measures in place for preventing sexual abuse
- Have measures in place for addressing instances of Members sexually abusing patients/clients

## GUIDELINES FOR PROFESSIONAL CONDUCT OF MEMBERS

The Code specifies that measures for preventing and dealing with sexual abuse of patients/clients must include "guidelines for the conduct of members with their patients" (subparagraph 84(3)(b)). The following outlines CASLPO's position with respect to the nature of the professional relationship and basic parameters in regard to professional conduct. For further information, refer to CASLPO's Position Statement on Professional Relationships and Boundaries.

The purpose of the relationship between an audiologist/speech-language pathologist and patient/client is to provide assessment, treatment, and management of communication disorders as defined in the scope of practice and preferred practice guidelines.

It is the professional's responsibility to establish a relationship with the patient/client based on trust, support and mutual respect. Sexually abusive behaviour is a fundamental betrayal of such a relationship.

The professional must be sensitive to the possibility that the clinical relationship may create a vulnerability or dependency on the part of the patient/client. The patient/client, must be confident that the services provided will not involve sexual abuse.

Professional Conduct Guidelines are intended to:

- Identify risks and increase awareness of situations in which sexual involvement might occur
- Prevent inappropriate patient/client interaction
- Ensure that boundaries are established and maintained between the professional and his or her patients/clients
- Establish processes for initiating, maintaining and terminating personal and professional relationships with patients/clients
- Develop awareness of multicultural practice issues and issues related to patient/client age or disability



## PROFESSIONAL EDUCATION PROGRAM

CASLPO is committed to providing ongoing education, direction and support to its Members on the topic of sexual abuse of patients/clients. The objectives of CASLPO's professional education program include:

- Increasing awareness of professional development opportunities for Members on the topic of sexual abuse and its impact on patients/clients
- Developing and collecting resource materials related to the topic of sexual abuse
- Collaborating with business, professional, and educational partners to enhance the development and delivery of educational offerings for Members
- Alerting Members to high risk situations and the consequences of engaging in sexual abuse
- Providing assistance, direction and resource support to Members in matters related to the reporting or disclosure of information concerning sexual abuse of patients/clients in respect of a Member of this or another regulated health profession
- Educating Members about mandatory reporting requirements
- Educating Members about the complaints process and special procedures available for the reporting of complaints related to sexual abuse

These objectives are met by:

- Developing and distributing professional conduct guidelines
- Developing and compiling resource and educational materials related to sexual abuse and its prevention
- Collecting data on reports and complaints of sexual abuse
- Publishing the findings of disciplinary hearings related to sexual abuse
- Developing educational materials concerning circumstances arising from complaints and discipline matters and providing clear guidance on how such situations can be prevented
- Complying with all terms of any evaluation of CASLPO's Patient Relations Program by the Health Professions Regulatory Advisory Council as set out in the RHPA
- Collaborating with other colleges, either individually or through the Federation of Health Regulatory Colleges of Ontario ("FHRCO") in the development and delivery of educational materials
- Providing information to Members and the public on mechanisms for the reporting of sexual abuse including the complaints process and mandatory reporting requirements
- Recognizing the different needs of diverse populations, (e.g., children, people of different cultural, religious, and/or language backgrounds, individuals with different communication challenges) in the design and delivery of educational programs and services relating to sexual abuse

## STAFF EDUCATION

CASLPO recognizes that it may be difficult for CASLPO Members or members of the public to report an occurrence of sexual abuse. This difficulty may arise from the fear that the process could be painful and result in further victimization or that additional unpleasant consequences might arise from the reporting process.

CASLPO is committed to ensuring that staff members are properly trained and that proper procedures exist for the intake of complaints or reports of sexual abuse. Such procedures will be implemented in a competent, caring, and sensitive manner that does not lend itself to the re-victimization of a complainant. Staff responsible for the intake of complaints receive special training in this regard.

## PUBLIC EDUCATION

CASLPO is committed to its role of protecting the public by providing education about the role of the profession, standards of care and the College's regulatory responsibilities. Issues related to sexual abuse and reporting mechanisms are an integral part of this process. To this end CASLPO has articulated a philosophy of "zero tolerance" of sexual abuse. CASLPO strives towards further protecting the public by informing the public of the role of the College and providing supportive and accessible facilities to its Members and members of the public. Elements of a public education strategy to increase awareness of the College and its role in the prevention and elimination of sexual abuse by its Members include:

- Dissemination of information on the definition of sexual abuse
- Dissemination of information on reporting and complaints procedures in general, and on reporting and complaints procedures specific to sexual abuse
- Provision of information and resources to Members and members of the public on access to support groups for survivors of sexual abuse and funding for therapy and counselling for persons who while patients/clients were sexually abused by Members
- Collaboration with FHRCO and with individual colleges and others in activities designed to increase knowledge of the RHPA and its various provisions for preventing and dealing with sexual abuse

## FUNDING OF THERAPY AND COUNSELLING OF VICTIMS

Under the terms of the RHPA, all regulatory health colleges are required to establish a fund to provide financing for the delivery of therapy and counselling services for members of the public who, while patients/clients, were sexually abused by Members of the College. The fund has been established and monies accrue annually to the fund to a limit of \$10,000. Monies that are recovered through court action taken by the College against a Member will be returned to the fund.

CASLPO's policy position on the matter of eligibility for funding for therapy and counselling is that a complainant is eligible if:

- the Discipline Committee finds a Member guilty of sexual abuse
- the funding that is provided to a person shall be reduced by the amount that the Ontario Health Insurance Plan or a private insurer is required to pay for therapy or counselling for the person during the period of time during which funding may be provided for him or her under the program.
- subject to provisions in the RHPA, the complainant is free to choose a particular counselor or therapist, and funds are paid by the College directly to the therapist or counselor. The College is permitted to require that the therapist or counselor sign a document to ensure that minimal provisions have been met.

## REHABILITATION OF MEMBERS

Members who apply for reinstatement after having their registration revoked as a result of sexual abuse of a patient or client after the mandatory five (5) year waiting period will have their application reviewed by the Discipline Committee prior to returning to practice. The potential of rehabilitation of the Member will be considered on an individual basis.

## PROCEDURES FOR HANDLING COMPLAINTS

CASLPO's procedures for handling complaints are specified within the RHPA and are similar to those of all other Colleges regulated under the RHPA. These procedures are described in a variety of resource materials including CASLPO's complaints brochure. Enhanced procedures which are complainant-centered and designed to provide a safe, supportive environment are applied to this process when complaints pertain to misconduct of a sexual nature.

In the event of a complaint, the College will ensure the immediate availability of a staff member to process the complaint. Due to the sensitivity of sexual abuse complaints, the complainant will be advised that he or she may request to speak to a staff member of either gender. Complainants will also have the option of speaking with a staff member in either official language. Complaints may be submitted in writing or in other acceptable formats.

Should the complainant wish to meet with a staff member, such a meeting will be arranged in accordance with the following criteria:

- The meeting will take place in a setting which ensures the complainant's privacy.
- The complainant's consent will be obtained for the presence of any additional College personnel. Likewise, complainants may request that two (2) staff members attend the meeting.
- Complainants will be advised prior to the meeting that they may be accompanied by individuals of their choosing (i.e., friends, counselors, interpreters, legal counsel).

## MANDATORY REPORTS

Under section 85.1(1) of the Code, it is mandatory for regulated health professionals to file a report if they have "...reasonable grounds, obtained in the course of practising the profession, to believe that another member of the same or a different College has sexually abused a patient." Operators of facilities where regulated health professionals practice are also required to report sexual abuse of a patient/client.

Reports must be made if the Member has reasonable grounds, obtained in the course of practising his or her profession, to believe that another Member of a College has sexually abused a patient/client. A report does not need to be made if the Member does not know the name of the alleged abuser. The report must be made, in writing, to the Registrar of the College of the Member who is the subject of the report within 30 days of learning of the alleged sexual abuse. The report must be submitted immediately if the Member has reasonable grounds to believe that the sexual abuse is on-going or if sexual abuse of other patients/clients could occur. The Member must use his or her best efforts to inform the patients/clients of the Member's obligation to report the matter, although the name of the patient/client will not be included in the report unless the patient/client consents in writing.

Failure to make a mandatory report is an offence punishable with a fine of up to \$25,000.00 for a first offence and not more than \$50,000.00 for a second or subsequent offence. The RHPA provides protection from civil lawsuits or other proceedings to anyone who files a report in good faith. Such reports need to be referred for action to the ICRC if they identify concerns about the conduct, competence or capacity of a Member.

## PENALTIES FOR SEXUAL ABUSE

If the Discipline Committee of the College makes a finding that a Member has committed an act of professional misconduct by sexually abusing a patient/client, there is a mandatory minimum penalty which must be imposed. The mandatory minimum penalty consists of a reprimand and, if the abuse involves certain sexual acts listed in the Code it also will involve revocation of the Member's certificate of registration. An application for reinstatement of the Member's certificate of registration cannot be made for 5 years. The Ontario Courts, including the Ontario Court of Appeal, have upheld the validity of the mandatory minimum penalty in sexual abuse cases.

In addition, after finding that a Member has committed an act of professional misconduct by sexually abusing a patient/client, the Discipline Committee can also order the Member to reimburse the College for any funding paid out to the patient/client for therapy and/or counselling.



## PROGRAM EVALUATION

CASLPO will monitor the handling of sexual abuse complaints on an ongoing basis, and the Patient Relations Committee will recommend appropriate revisions to this Program.

## FOR MORE INFORMATION

Please feel free to contact the College by mail, phone, fax or e-mail if you have questions regarding this or other College publications.

The College's Director of Professional Conduct can be contacted by email at [complaints@caslpo.com](mailto:complaints@caslpo.com) or by phone at 416-975-5347 ext. 221, or toll free at 1-800-993-9459 ext. 221.

The College's Registrar can be contacted by email at [caslpo@caslpo.com](mailto:caslpo@caslpo.com) or by phone at 416-975-5347 ext. 215, or toll free at 1-800-993-9459 ext. 215.