

Executive Summary – Christopher Semenuk, RMT March 1, 2013

Summary of the Discipline hearing before a Panel of the Discipline Committee of the College of Massage Therapists of Ontario held on March 1, 2013

Allegations of Professional Misconduct and Plea

Mr. Semenuk did not appear for the hearing although he was duly served with notice of the proceedings. A plea of not guilty was entered on the Member's behalf and the College proceeded with a hearing in relation to the following allegation:

- engaged in disgraceful, dishonourable or unprofessional conduct.

The Facts

The College's case

Mr. Semenuk was an instructor at one of the massage therapy programs as well as a member of Council at the College of Massage Therapists of Ontario. Mr. Semenuk taught human relations, anatomy, professionalism and ethics.

Mr. Semenuk began dating one of his students less than two weeks after the student's "mega mock" exams, for which Mr. Semenuk acted as an examiner. The romantic relationship with the student commenced prior to the release of the student's official transcripts as well as her graduation ceremony.

As part of his employment agreement Mr. Semenuk had signed a Sexual Harassment and Discrimination Policy which, among other things, stated that "Staff/Instructor/Student Relations are to be kept on a strictly professional level. This would include: [c]ontact both in and out of the classroom [and] [c]ontact both in and out of the school."

The Panel accepted that a student does not officially graduate until he or she receives a diploma. However, an individual may remain in a student role as he or she may seek mentoring, tutoring or other assistance from his or her instructors.

DECISION OF THE PANEL, PENALTY AND COST AWARD IMPOSED

The Panel of the Discipline Committee found Mr. Semenuk guilty of the alleged professional misconduct.

THE PENALTY

The Panel ordered the following penalty:

1. The Member shall receive a reprimand;
2. The Member's Certificate of Registration shall be suspended for a period of four (4) months commencing the day following the date of the order of the Discipline Committee;

3. The Member shall be required to successfully complete, within one (1) year of the date of the order of the Discipline Committee, the College's Professionalism workshop at the Member's expense, and shall provide satisfactory evidence of same;
4. Within 30 days following the completion of the College's Professionalism workshop, the Member shall be required to complete and submit to the Registrar a written reflective piece in which the Member shall reflect on his role as a Registered Massage Therapist, educator in a professional training program for his profession, and the need to be an exemplar for professional behaviour and the respect of professional boundaries. This reflective piece may be published in whole or in part on the College's website or such other College publication as deemed appropriate by the Registrar;
5. The Member shall pay the costs of the College in respect of the investigation and hearing of this matter in the amount of \$4,000 within ninety (90) days of the date of the order; and
6. Publication in the usual course.

PANEL'S REASONS FOR DECISION

In its Reasons for Penalty, the Panel noted that "Mr. Semenuk should understand that it is not enough to teach Professionalism and Ethics, but he needed to walk the talk as well and apply it to his role as an instructor."

It was recognized that members of the profession who are massage therapy instructors are considered to be practicing the profession. The Panel further noted that the importance of professional boundaries as well as the relative power imbalance in relationships between instructors and students.