

**EXECUTIVE SUMMARY – DOUGLAS NAVE
SURRENDER AGREEMENT
MARCH 17, 2010**

Douglas Nave (the “Member”) was charged by the College with, among other things, two counts of sexual abuse. The incidents involved two female patients who attended the Member’s clinic in Barrie, Ontario on August 22, 2006 and February 10, 2007, respectively. During both massage therapy sessions, the member inappropriately performed breast massages without prior informed consent and/or without any clinical indications for performing such a procedure.

The first incident occurred on August 26, 2006. According to the client, who attended the Member’s clinic for a full-body massage to relieve tension, about 35 minutes into the massage, Mr. Nave touched her breasts without her consent. In her written complaint to the College, the complainant stated that “I was completely taken by surprise when my breasts were touched. I had turned over onto my back... and then suddenly, Mr. Nave’s hands were on my breasts, under the sheet. They remained on my breasts for about ten seconds... I felt defenceless -- honestly.” The Member subsequently apologized for his behavior and promised that it would never happen again. Satisfied with the Member’s apparent remorse, the complainant refrained from contacting either the College or the police until allegations of a second incident were reported in the local media.

With respect to the second incident, on February 10, 2007, Mr. Nave asked if his client wanted “her chest massaged” and she said “yes”. The Member immediately began to massage the patient’s left breast after which the Member said, “I should have said your breasts not your chest”. The complainant indicated that she felt that “there was more time than necessary spent on her breasts in conjunction [sic] with the rest of her body, especially areas such as my hamstrings, quads, glutes, neck and lower back”. After the appointment, the complainant contacted the Barrie Police Service on February 13, 2007, three days later.

Mr. Nave was charged with two counts of sexual assault by the Barrie Police Service. Mr. Nave proceeded to trial in connection with the second incident. After a three-day trial, Mr. Nave was found not guilty of sexual assault but guilty of common assault by Justice Wilson of the Ontario Court of Justice. The charges with respect to the first incident were then stayed. Nevertheless, Mr. Nave was required to provide a DNA sample, and not to have any direct or indirect contact with either complainant. Mr. Nave was given a conditional discharge, including 1 year probation. According to the sentencing judge:

Mr. Nave well knows that he is responsible for his actions. His actions here were not intended to be salacious or degrading to [the complainant]. He thought there would be a benefit from the procedure, as he had done it many times before on patients who had specifically consented to it. He did not, however, ensure that [the complainant] was specifically consenting as the law and standards of his profession require.

Shortly after his sentence was delivered in the criminal proceedings, Mr. Nave attempted to resign from the College. In exchange for the College agreeing to stay the disciplinary proceedings against him, Mr. Nave indicated a willingness to enter into an

undertaking/agreement with the College which would require him to, among other things, immediately surrender his Certificate of Registration and to forever withdraw from the practice of massage therapy as a registered and/or regulated massage therapist anywhere in Canada and the United States in the future. The Member also agreed to apologize to each of the complainants in writing in a form acceptable to the College. His apology is as follows:

I want to convey my sincere apology to you for performing a breast massage without ensuring that I had your clear and informed consent. I accept full responsibility for the situation that I have caused. It was never my intent to cause you any discomfort or harm. However, I appreciate that I did not meet the standards expected of me by the public and the College of Massage Therapists of Ontario and for this I sincerely apologize.

As a consequence of this matter, and after having given it much thought and in light of the long and costly legal process, and the stress, I have resigned from the College and so I am no longer working as a Registered Massage Therapist. This experience, however, has been a learning opportunity and I am taking its lessons into the rest of my working career so that whatever I do I will not put anyone into such a difficult position again.

Again, I am truly sorry for my actions.

Finally, it is a term of the Undertaking/Agreement that, should the Executive Committee of the College determine that the Member has failed to abide by any of the terms of the agreement, the Executive Committee and/or the Complaints Committee may reactivate the proceedings relating to allegations of sexual abuse or initiate new proceedings relating to breach of the Undertaking/Agreement.

EDITORIAL NOTE

The College has a zero tolerance policy for failing to maintain professional boundaries and/or committing acts constituting sexual abuse as defined in the Health Professions Procedural Code. Whether or not complaints of sexual abuse are referred to the police, the College will take whatever steps are necessary to ensure that members who engage in this kind of behavior will be subject to lengthy suspensions; required to repay the College's investigative, administrative and legal costs; pay for the costs of therapy or counseling for victims of sexual abuse; and, in appropriate cases, will have their Certificates of Registration revoked.