

IN THE MATTER OF THE HEALTH PROFESSIONS ACT,
R.S.A. 2000, c.H-7;

AND THE MATTER OF A HEARING INTO THE CONDUCT
OF MR. RAE NEVEU, A MEMBER OF THE
ALBERTA COLLEGE OF SOCIAL WORKERS;

AND INTO THE MATTER OF A COMPLAINT BY KATHI
CAMPBELL AND ISABELLE MASON INTO THE CONDUCT
OF MR. RAE NEVEU PURSUANT TO S.77 (a) OF THE *HEALTH
PROFESSIONS ACT*

REASONS FOR DECISION

Pursuant to a public hearing held on April 26, 2019 at the Edmonton offices of Parlee McLaws, LLP, the Alberta College of Social Workers Hearing Tribunal is issuing its reasons for its decisions.

A hearing into the conduct of Mr. Rae Neveu was held on April 26, 2019 pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the "Act").

The members of the Hearing Tribunal were:

Richard Ouellet, RSW, Chair
Ingrid Tenkate, RSW
Stanley Haroun, RSW
Nancy Brook, Public Member

The registered member, Mr. Neveu did not attend the hearing but information received from his Union Representative confirmed his willingness to have the Hearing proceed in his absence.

The hearing was a public hearing pursuant to s. 78 of the Act.

The allegations in the Notice of Hearing arise from complaints made by KC (18.53) and IM (17.73) received by the ACSW and dated respectively June 22, 2018 and November 14, 2017.

The allegations in the Notice of Hearing are as follows:

Criminal Charges

1. That you were charged under the *Criminal Code* with the commission of offence under s. 153 (1), 155, 163.1, 170 or 171 or ss 212(1), (2), (2.1) or (4) (communicating with an individual under the age of 18 for the purposes of facilitating the commission of offense. Unlawfully possessing child pornography).

2. That on or about November 8, 2016 you had sexual contact with under-aged online.
3. That you made fraudulent use of a picture of a young female in order to misrepresent your identity.
4. That you facilitated the communication of child pornography with female youth between the ages of 14 to 17 years old online.

Such conduct contravenes ss G.1 (a) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

Failure to Cooperate

5. That you refused to comply with the request of an investigator with respect to the ACSW investigation into your conduct.

Such conduct contravenes ss F.3, F.4, G.1 (a) (b) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

The investigated member, Mr. Neveu, signed the proposed Consent Order that included an Acknowledgement of Unprofessional Conduct on April 24, 2019. The Hearing Tribunal accepts all the admissions of the investigated member as provided.

The Hearing Tribunal heard from no witnesses.

Present at the hearing were Sheryl Pearson ACSW Complaints Director and Karen Smith ACSW Counsel. As noted above Mr. Neveu did not attend the Hearing.

The following documents were accepted as Exhibits at the Hearing:

- Notice of Hearing to Mr. Rae Neveu
- Investigator's Report 17.73 re. Mr. Rae Neveu
- Investigator's Report 18.53 re. Mr. Rae Neveu
- Affidavit of Service on the Notice of Hearing to Mr. Rae Neveu
- Mr. Neveu's signed Acknowledgement of Unprofessional Conduct dated April 24, 2019.
- E-mail correspondence from Mr. Neveu's union representative confirming the April 26, 2019 Hearing should proceed without Mr. Neveu present.
- Proposed Consent Order regarding Mr. Rae Neveu.

BACKGROUND FACTS

1. Rae Neveu has been a Registered Social Worker with the Alberta College of Social Workers ("ACSW") since 2003.
2. Rae Neveu was employed with the Ministry of Children's Services, Edmonton Region.
3. On November 9, 2017, Rae Neveu was charged with certain offences under the *Criminal Code* including being charged under the *Criminal Code* with the commission of offence under s. 153 (1), 155, 163.1, 170 or 171 or ss 212(1), (2), (2.1) or (4) (communicating with an individual under the age of 18 for the purposes of facilitating the commission of offense. Unlawfully possessing child pornography).
4. Neveu's employment with the Ministry of Children's Services was terminated on May 11, 2018.
5. Rae Neveu's permit to practice was suspended by the ACSW on November 17, 2018.

FINDINGS OF UNPROFESSIONAL CONDUCT

Criminal Charges

1. That Rae Neveu was charged under the *Criminal Code* with the commission of offence under s. 153 (1), 155, 163.1, 170 or 171 or ss 212(1), (2), (2.1) or (4) (communicating with an individual under the age of 18 for the purposes of facilitating the commission of offense. Unlawfully possessing child pornography).

Such conduct contravenes ss F.3, F.4, G.1 (a) (b) of the Standards of Practice 2013, Value 4 of the Code of Ethics 2005 and constitutes unprofessional conduct pursuant to s. 1(1)(pp)(i)(ii) and (xii) of the *Health Professions Act*.

ACKNOWLEDGEMENT OF UNPROFESSIONAL CONDUCT

It is acknowledged by Mr. Neveu and the ACSW that Mr. Neveu's conduct as described in the Background Facts constitutes unprofessional conduct.

NO RIGHT TO APPEAL

The ACSW and Mr. Neveu agree that there shall be no appeal from this Order notwithstanding s.87 of the *Health Professions Act*, R.S.A 2000, cc.H-7.

Following a review of the detailed Investigator's Reports, evidence provided during the hearing and Mr. Neveu's own admission the Tribunal unanimously finds the conduct and behaviour of Mr. Neveu to be unprofessional. As noted in the agreed findings Mr. Neveu confirmed that he has been charged with an offense under several sections of the *Criminal Code* that relate to communicating

with an individual under the age of 18 for the purposes of facilitating the commission of an offense, unlawfully possessing child pornography. Although Mr. Neveu has not yet appeared in court to answer these charges the serious nature and content of the allegations constitutes a breach of several sections of the Alberta College of Social Workers Standards of Practice and the Code of Ethics and is unacceptable for a member registered to practice Social Work in the province of Alberta.

REASONS FOR DECISION ON SANCTION

As noted previously the Hearing Tribunal accepts all of the admissions of unprofessional conduct by Mr. Neveu the investigated member, and the information supporting allegations of unprofessional conduct by Mr. Neveu presented during the Hearing on April 26, 2019. The Parties also presented to the Hearing Tribunal a proposed Joint Submission as to Sanctions. The Hearing Tribunal carefully considered this proposal and unanimously decided to accept the Joint Submission as proposed. The Hearing Tribunal makes the following orders in accordance with s. 82 of the Act.

In determining the appropriate sanctions, the Hearing Tribunal focused on five main principles:

1. Protection of the public
2. Deterrence (both specific and general)
3. Preservation of the integrity of the profession
4. Rehabilitation of the member
5. The duty of fairness to the member

JOINT SUBMISSION AS TO SANCTION

1. Mr. Neveu's permit to practice is hereby cancelled permanently.
2. Mr. Neveu shall pay costs in the amount of \$750.00 forthwith.
3. There shall be publication of this Order on a "with names" basis.

1) Mr. Neveu's permit to practice is hereby cancelled permanently.

The ACSW is a self-governing professional body established under the *Health Professions Act* and is responsible for regulation of the profession in the public interest. This includes ensuring that all registered practitioners are capable of practicing their profession in a manner that protects the public, including their clients, from unacceptable risk or acts of unprofessional conduct.

The serious nature of the charges brought against Mr. Neveu demonstrate a significant lack of judgement on his part and loss of trust in Mr. Neveu's practice. The Hearing Tribunal believes that in the interest of public protection is paramount and that this sanction is warranted. It further serves to maintain the integrity of the profession by reflecting how seriously the ACSW takes its responsibility for ensuring that the Code of Ethics and Standards of Practice are followed by its members. The Tribunal believes that failure to do this would serve to undermine public confidence in the profession of social work and its registered members.

2) Mr. Neveu shall pay costs in the amount of \$750.00 forthwith.

The Hearing Tribunal recognizes the need for fairness in determining sanctions appropriate for the unprofessional conduct admitted by Mr. Neveu. The cost provision of \$750.00 payable forthwith is not severe and is the minimal amount asked of the disciplined member in terms of a contribution to the costs of the disciplinary process. In addition, imposing a financial cost may serve as a deterrent to other members of the profession and serve as a reminder that registered social workers are accountable to the ACSW and each other. Expenses for the disciplinary process are part of the annual fees paid to the college.

3) There shall be publication of this Order on a "with names" basis.

This sanction is consistent with previous cases in which the professional misconduct resulted in a suspension of the practice of social work. In addition to serving as a deterrent for Mr. Neveu and other members of the profession it also maintains the integrity of the profession. Protection of the public underlies this sanction through the publication "with names".



M. Richard Ouellet, RSW Chair
On behalf of the Hearing Tribunal