

ALBERTA COLLEGE OF MEDICAL DIAGNOSTIC AND THERAPEUTIC TECHNOLOGISTS

IN THE MATTER OF
A HEARING UNDER THE *HEALTH PROFESSIONS ACT*,
AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF JEFFREY WOLFF

DECISION OF THE HEARING TRIBUNAL
OF THE
ALBERTA COLLEGE OF MEDICAL DIAGNOSTIC AND THERAPEUTIC TECHNOLOGISTS

IN THE MATTER OF A HEARING UNDER THE *HEALTH PROFESSIONS ACT* REGARDING THE
CONDUCT OF JEFFREY WOLFF, WHILE A MEMBER OF THE ALBERTA COLLEGE OF MEDICAL
DIAGNOSTIC AND THERAPEUTIC TECHNOLOGISTS

DECISION OF THE HEARING TRIBUNAL

(1) Hearing

1. The hearing (the “Hearing”) was conducted via Videoconference using Zoom on March 3 and 4, 2021 with the following individuals present:

Hearing Tribunal:

Melinda Dolhan, MRT(R), Hearing Tribunal Chairperson and Regulated Member
Jason Livingstone, MRT(R), Hearing Tribunal Regulated Member
Hugh Campbell, Hearing Tribunal Public Member
Blair E. Maxston, Q.C., Independent Legal Counsel for the Hearing Tribunal

Staff:

Katrina Haymond, Legal Counsel for the Complaints Director, ACMDTT
Tessa Gregson, Legal Counsel for the Complaints Director, ACMDTT
Pree Tyagi, Complaints Director, ACMDTT
Adrienne Hislop, Hearings Director, ACMDTT

The investigated member, Jeffrey Wolff, MRT(MR), (“Mr. Wolff”) did not participate in the hearing and legal counsel did not appear on his behalf.

(2) Preliminary Matters

2. The Hearing was open to the public.
3. There were no objections to the members of the Hearing Tribunal hearing the matter, and no Hearing Tribunal member identified a conflict. There were no objections to the jurisdiction of the Hearing Tribunal.
4. The Hearing was conducted as a contested hearing. Due to the absence of Mr. Wolff and any legal counsel on his behalf, an Application (the “Application”) was made to the Hearing Tribunal by the Legal Counsel for the Complaints Director to proceed under Section 79 (6) of the *Health Professions Act* (the “Act”).
5. Ms. Haymond began her submissions by reviewing section 72 of the Act indicating that an investigated member such as Mr. Wolff must appear at a hearing and by reviewing the

provisions of section 79(6) that the hearing can proceed in the absence of Mr. Wolff. Ms. Haymond also reviewed section 120 of the Act and reviewed portions of Exhibit #1 and the efforts to contact Mr. Wolff.

6. The Hearing Tribunal accepted the Application and ordered that the hearing proceed in the absence of Mr. Wolff.
7. Ms. Gregson advised the Hearing Tribunal of two changes concerning the allegations as follows:
 - Allegation 2(a) should refer to April 2013 and not June 2013.
 - Allegation 3(f) should refer to October 7, 2020 and not October 6, 2020.

The Hearing Tribunal accepted those changes and amended the Amended Notice of Hearing.

8. At the conclusion of the first day of the Hearing, Ms. Gregson made an application pursuant to section 78(1)(a)(iii)(iv) of the Act concerning having the testimony of Witness A held in private. Ms. Gregson began her submissions by stating that the presumption pursuant to section 78(1) is that a hearing is open to the public. Ms. Gregson then indicated that Witness A was expected to testify on sensitive, personal and sexual information and that reliving those events and testifying would be very difficult for her. Ms. Gregson submitted that those factors were recognized by the legislature and that the goal of transparency is outweighed by prejudice to the witness.
9. The Hearing Tribunal accepted Ms. Gregson's submissions and made an order pursuant to section 78(1)(a)(iii)(iv) of the Act that the testimony of Witness A would be held in private.

(3) Background

10. Mr. Wolff was an MRT(MR) within the meaning of the *Health Professions Act* (the "Act") at all material times and was registered with the ACMDTT as an MRT(MR) at the time of the complaint as defined below. Mr. Wolff was initially licensed as a MRT(MR) in Alberta on May 22, 2007 with license #9945.
11. The Alberta College of Medical Diagnostic and Therapeutic Technologists ("the College" or "ACMDTT") received a complaint dated July 2, 2020 (the "Complaint") from Mr. Cuong Ta, Manager- MRI, Clerical and Portering-Diagnostic Imaging at the Royal Alexandra Hospital (the "Facility") in Edmonton, Alberta, pursuant to s. 57(1) of the Act. The Complaint provided a letter of termination dated June 25, 2020 that was submitted to Mr. Wolff citing "... inappropriate and unprofessional conduct toward students, unprofessional communication with patients, inappropriate sexual relationship with a student, as well as sharing NAIT Magnetic Resonance Diploma examinations materials with NAIT students."

12. Pursuant to s.57(2) of the Act, by way of letter dated July 3, 2020 and sent via Registered Mail, Ms. Tyagi provided Mr. Wolff with notice of the Complaint. Through the letter, the Complaints Director provided a copy of the "Complaints Process FAQs" outlining the steps that the College would be following. As an initial step, the Complaints Director requested a written explanation of actions to be provided from Mr. Wolff by July 20, 2020. Mr. Wolff did not reply.
13. In accordance with s.55(2) of the Act, Ms. Tyagi, the Complaints Director for the College (the "Complaints Director") appointed Ms. Abbi Langedahl, investigator for College, (the "Investigator") to conduct an investigation into the Complaint. Ms. Langedahl was appointed on August 10, 2020. Mr. Wolff was provided notice by way of letter dated August 10, 2020 from Ms. Tyagi, that an investigator was appointed and would contact Mr. Wolff for an interview. Ms. Tyagi also addressed in the letter that there had been no correspondence from Mr. Wolff regarding the previous letter that was sent on July 3, 2020 and that Mr. Wolff's new timeline for submission would be August 31, 2020. Mr. Wolff did not reply.
14. On October 9, 2020, the Investigator sent Mr. Wolff by way of courier a letter outlining the dates, times and methods that the Investigator had attempted to reach Mr. Wolff on 7 separate occasions for an interview. In accordance with s.62(2) of the Act, the Investigator notified Mr. Wolff that he was required to provide a written response to the Complaint as well as a response to the additional issue of non-cooperation by Friday, October 30, 2020 or the investigation would be concluded without Mr. Wolff's participation. Mr. Wolff did not reply.
15. Following receipt of the investigation report (the "Investigation Report") into the Complaint, the Complaints Director determined that there was sufficient evidence that the matter be referred to the Hearings Director in accordance with s.66(3)(a) of the Act.
16. A letter with attachments was sent to Mr. Wolff via Registered Mail dated December 11, 2020 from the Complaints Director indicating that the Complaint would be referred to the Hearings Director for a Hearing in accordance with s.66(3) of the Act and that the Hearing would be held in accordance with Part 4 of the Act.
17. A Notice of Hearing, Notice to Attend and Notice to Produce was served upon Mr. Wolff under cover of letter sent via Email and via Registered Mail on January 21, 2021. An Amended Notice of Hearing dated February 5, 2021 was served on Mr. Wolff via Email and Registered Mail on February 5, 2021.
18. A Letter was sent dated February 9, 2021 from Katrina Haymond to Mr. Wolff outlining the Hearing Referral Process. The letter included a list of witnesses to be called by the Complaints Director and an intent to apply to the Hearing Tribunal to proceed with the Hearing in Mr. Wolff's Absence pursuant to section 79(6) should he choose to not attend. Mr. Wolff did not reply.

19. Mr. Wolff and/or any legal counsel did not appear in front of the Hearing Tribunal on March 3 or 4, 2021.

(4) Allegations

20. The allegations in the Amended Notice of Hearing dated February 5, 2021 (the “Amended Notice of Hearing”) are:

1. Between on or about October 2012 and May 2013, you inappropriately engaged in a sexual relationship with student “Witness A” while you were her preceptor.
2. You provided students with NAIT Magnetic Resonance Diploma Examination materials without authorization, the particulars of which are as follows:
 - a) On or about April 2013, provided assessment materials to “Witness A.”
 - b) On or about May-June 2019, provided assessment materials to “Witness B”; and
 - c) On or about February 28, 2020, provided assessment materials to “Witness C”.
3. You failed to comply with your duty to cooperate with the investigation conducted by the College when you failed to respond to the following requests of the Complaints Director and investigator following receipt of the complaint submitted by Cuong Ta:
 - a) The July 3, 2020 letter from the Complaints Director requesting a written response by July 20, 2020;
 - b) The August 10, 2020 letter from the Complaints Director requesting a written response by August 31, 2020;
 - c) The August 31, 2020 email from the investigator requesting a response by Sept 4, 2020;
 - d) The September 8, 2020 email from the investigator requesting a response by Sept 17, 2020;
 - e) The October 6, 2020 email from the investigator requesting a response by October 30, 2020; and
 - f) The October 7, 2020 letter from the investigator requesting a response by October 30, 2020.

IT IS FURTHER ALLEGED that the conduct described above constitutes unprofessional conduct as defined in s. 1(1) (pp) of the *Health Professions Act*, and/or constitutes a contravention of one or more of the following:

- Code of Ethics, adopted April 16, 2015:
 - 2(a) Personal Responsibility
 - 2(g) Integrity and respect
 - 2(h) Legislative requirements
 - 3(a) Personal conduct
 - 3(b) Accountability
- Standards of Practice, September 1, 2019:
 - Standard 2.1: Legislation, Standards & Ethics
 - Standard 2.4: Professional Boundaries
 - Standard 2.6: Communication;
 - Standard 3.1: Collaboration/Professional Relationships
 - Standard 3.2: Leadership
- Code of Ethics, September 2006:
 - 2(b) Personal responsibility
 - 2(d) Personal conduct
 - 3(a) Conduct
 - 3(b) Collaboration
 - 3(d) Duty to Report
- Standards of Practice, May 2006:
 - Professional Accountability and Responsibility”

(5) Exhibits

21. The following exhibits were entered at the Hearing:

Exhibit #1: Affidavit of Adrienne Hislop, with Exhibits to the Affidavit:

- A) Section 120 of the *Health Professions Act*
- B) Section 30 of the *Medical Diagnostic and Therapeutic Technologists Profession Regulation*
- C) 2020 Renewal Application Information
- D) December 11, 2020 Letter
- E) January 13, 2021 Letter
- F) January 21, 2021 Letter with Notice of Hearing
- G) February 5, 2021 Letter with Amended Notice of Hearing
- H) February 9, 2021 Letter

Exhibit #2: Amended Notice of Hearing

Exhibit #3: Complaint Reporting Form and attachments

Exhibit #4: Letter to J. Wolff re: Notification of Complaint and Request for Response

Exhibit #5: Letter to J. Wolff re: Appointment of Investigator and Request for
Response (with attached Notice of Appointment)

Exhibit #6: Letter to J. Wolff re: Referral to Hearing

Exhibit #7: NAIT MRI Clinical Rotation Schedule (2012/2013)

Exhibit #8: Email from Witness A to S. Schroffel re: Coming Forward

Exhibit #9: NAIT MRI Clinical Rotation Schedule (2019-2020)

Exhibit #10: NAIT MRI Final Exam

Exhibit #11: Email from S. Schroffel re: NAIT Assessment Material

Exhibit # 12: Text messages between Witness B and S. Schroffel

Exhibit #13: Text Messages between Witness C and S. Schroffel with attached picture

Exhibit #14: Email from S. Schroffel to C. Ta re: NAIT Assessment Material

Exhibit #15: NAIT Assessment Material Timeline created by S. Schroffel.

Exhibit #16: Email from S. Schroffel to N. Leitch

Exhibit #17: A. Langedahl Contact List and Contact Log

Exhibit #18: Email from A. Langedahl to J. Wolff re: ACMDTT Investigation

Exhibit #19: Follow-up Email from A. Langedahl to J. Wolff re: ACMDTT Investigation dated September 8, 2020.

Exhibit #20: Follow Up Email from A. Langedahl to J. Wolff re: ACMDTT Investigation dated October 6, 2020.

Exhibit #21: Letter from A. Langedahl to J. Wolff with Purolator Label and Tracking Sheet

(6) Evidence

22. The evidence was adduced by way of witness testimony and review of supporting documents entered as Exhibits.

The following individuals were called as witnesses by the Complaints Director:

- I. Pree Tyagi
- II. Abbi Langedahl
- III. Sara Schroffel
- IV. "Witness A" (Witness's name is protected pursuant to section 78(1)(a)(iii) and (iv) of the Act.
- V. "Witness B"
- VI. "Witness C"

(a) Evidence from Pree Tyagi

23. Ms. Tyagi is the Complaints Director for the College which is a statutory role that includes the duties of, but not limited to, administering the professional conduct provisions of Part 4 of the Act, reviewing, and resolving complaints submitted by the public, by College Statutory Committees and by employers. Ms. Tyagi's key responsibility with respect to the Complaint is to determine whether an investigation is required to address the Complaint then to take the steps required to move the matter to resolution while ensuring that the College adheres to its primary responsibility which is the safety of the public.
24. Ms. Tyagi testified that she received a letter of Complaint dated July 2, 2020 from Mr. Cuong Ta regarding Mr. Wolff. Mr. Ta provided a Letter of Termination from Alberta Health Services ("AHS") to Mr. Wolff dated June 25, 2020 (Exhibit #3). The termination was based on an investigation completed by AHS into four allegations that were made against Mr. Wolff as follows:
 - I. Inappropriate and Unprofessional Conduct towards Students
 - II. Unprofessional Communication with Patients
 - III. Inappropriate Sexual Relationship with a Student
 - IV. Sharing NAIT Magnetic Resonance Diploma Examination Materials with Students(the "Four Allegations")
25. The investigation conducted by AHS included interviewing multiple witnesses who corroborated the Four Allegations as well as students who were able to produce the material given to them by Mr. Wolff that verified it was the NAIT Magnetic Resonance Diploma Examination. The Four Allegations were considered founded at the end of The AHS Investigation and Mr. Wolff was terminated from employment effective June 25, 2020.
26. At the time of termination, Ms. Tyagi testified that the status of Mr. Wolff's practice permit as an MRT(MR) was suspended as of April 2020 due to a previous matter unrelated to the Hearing. Ms. Tyagi stated that Mr. Wolff did not seek to renew his practice permit at the end of 2020 nor did the College seek to cancel Mr. Wolff's registration as a regulated member at the end of 2020.
27. Ms. Tyagi stated that she notified Mr. Wolff via a letter dated June July 3, 2020 of the Complaint and a "Request for Response" (Exhibit #4). The letter was sent registered mail to the home address of Mr. Wolff. Mr. Wolff had confirmed to the College that this was his home address in September 2019.

28. Ms. Tyagi verified that the Request for Response is an opportunity to give an investigated member such as Mr. Wolff a fair opportunity to present his side of the Complaint. Ms. Tyagi submitted that the Request for Response indicated a deadline of July 20, 2020. Ms. Tyagi testified that Mr. Wolff did not comply with the Request for Response.
29. Ms. Tyagi stated that she then appointed the Investigator for the Complaint on August 10, 2020. She notified Mr. Wolff via letter dated August 10, 2020 (Exhibit #5) of the appointment of Investigator and a revised date for Request of Response of August 31, 2020. Ms. Tyagi goes on to confirm that the letter was sent via registered mail and via email. Ms. Tyagi stated that she never received a response from Mr. Wolff.
30. Ms. Tyagi testified that the Investigator attempted to contact Mr. Wolff for an interview on several occasions via telephone, email, and registered mail. She stated that the Investigator had to conclude her Investigation into the Complaint without Mr. Wolff's input. Ms. Tyagi stated that the Investigator submitted her Investigation Report to the Complaints Director on November 11, 2020.
31. Ms. Tyagi Testified that she reviewed the Investigation Report, given the seriousness of the accusations and lack of response from Mr. Wolff, referred the Complaint to the Hearings Director. Ms. Tyagi stated that she sent Mr. Wolff a notice of "Referral to Hearing" dated December 11, 2020 (Exhibit #6). Ms. Tyagi verified that she never received a response to the letter from Mr. Wolff.
32. Ms. Tyagi further clarified that pursuant to the Act it is the duty of a regulated member of the College to respond to the Complaints Director and a request from the Investigator. Should a regulated member not perform this duty it is considered Unprofessional Conduct under Part 4 of the Act.

(b) Evidence from Abbi Langedahl

33. Ms. Langedahl has been a Regulated Member of the College since 2002 and has acted as a Contract Investigator for the College since 2015. Ms. Langedahl testified that she has done seven investigations for the College. She further stated that on July 28, 2020 she was appointed as the Investigator for the Complaint by Ms. Tyagi.
34. Ms. Langedahl testified that she interviewed everyone that she had contacted with the exception of Mr. Wolff. The Investigator submitted a detailed log (Exhibit #17) of everyone she had contacted, date and time of contact as well as method of contact and that exhibit also contains a list of her contacts, their titles, personal phone numbers, office phone numbers, work email addresses and personal email addresses.

35. Ms. Langedahl testified that she attempted to contact Mr. Wolff a total of nine times spanning from August 24, 2020 to October 9, 2020; four times by phone, four times by email and lastly by Purolator courier sent from the College's office. On Ms. Langedahl's first attempt of contact via email she testified that she had the wrong email for Mr. Wolff. She then obtained the correct email address for Mr. Wolff from the College and used that email address for the next three attempts made via email. Ms. Langedahl submitted emails dated: August 31, 2020 (Exhibit #18), September 8, 2020 (Exhibit #19), and October 6, 2020 (Exhibit #20) as evidence of her attempts to contact Mr. Wolff.
36. Ms. Langedahl stated that on October 7, 2020 she asked the College to send a letter directly to Mr. Wolff. The College sent the letter to Mr. Wolff's home address via Purolator dated October 7, 2020 (Exhibit #21-Contains letter and Purolator label and Tracking sheet). Ms. Langedahl further clarified that the purpose of the email dated October 6, 2020 and letter dated October 7, 2020 was to expand the investigation to include a complaint of non-cooperation with the Investigation as well as to provide Mr. Wolff with one last opportunity to respond to the allegations against him to allow for procedural fairness. Ms. Langedahl testified that she received no response from Mr. Wolff.

(c) Evidence from Sara Schroffel

37. Ms. Schroffel is a Regulated Member of the College as an MRT(MR) Technologist. She works at NAIT as the Clinical Coordinator for the MRI Program. She also works as an MRI Technologist with AHS, Red Deer Regional Hospital and Covenant Health at Grey Nuns Hospital. In the Capacity of Clinical Coordinator for NAIT, Ms. Schroffel's role is to make schedules for all of the NAIT MRI Students for their rotations through the hospitals in Alberta and Saskatchewan. She performs disciplinary actions and any exams that need to be written by the students. There are 3 semesters of Clinical Rotations, or Practicum as they are also referred to, that students are required to complete once their didactic portion of the program is complete.
38. Ms. Schroffel explained that there are 3 Clinical Rotations:
 - I. Clinical #1- May to August with 5 Required Competencies
 - II. Clinical #2- September to December with 15 Required Competencies
 - III. Clinical #3- January to April with 25 Required Competencies
39. Ms. Schroffel testified that there are competencies that students are required to pass during each Clinical in order to move on to the next Clinical. She stated that each competency requires the student to perform an MRI scan of specific body parts by themselves from start to finish with little to no help. This includes planning, preparing, and running the scan. They are also required to be able to tell the Technologist they are

working with it if it is an adequate scan and if they can then send the scan to PACS (the Provincial system for images).

40. Ms. Schroffel explained that NAIT's evaluation system for MRI includes completed competencies, Moodle platform to access exams and NAIT Documents, and CompTracker Platform where students send their completed exams to their preceptors for approval. Ms. Schroffel further explained that any licensed MRI Technologist who has worked for longer than 3 months at their respective place of employment can be a preceptor.
41. Ms. Schroffel submitted a NAIT Clinical Rotation Schedule 2019-2020 (Exhibit #9) that provides each student's name, their home site, their placement site and dates of each Hospital rotation. Ms. Schroffel clarified that the shorthand on the sheet referred to the Hospital sites: "UAH" stood for University of Alberta Hospital, "RAH" for Royal Alexandra Hospital "MIS" for Misericordia Hospital, etc. Ms. Schroffel further confirmed that the document marker "Exhibit #7" is a NAIT MRI Clinical Rotation schedule from 2012/2013.
42. Ms. Schroffel went on to explain that as Clinical Coordinator she would visit each student at specific intervals at their Practicum Sites during each Clinical. She explained that visit quantity and frequency can be modified depending on individual student progression.
 - I. Clinical I One On-Site Visit and One Virtual Visit
 - II. Clinical II Two On-Site Visits
 - III. Clinical III One On-Site Visit and One Virtual Visit
43. Ms. Schroffel testified that on January 21, 2020 she was on a site visit when she was approached by "Witness A" at the end of her visit. Witness A told her that there was a Technologist, Jeffrey Wolff, at the Royal Alexandra Hospital, who had been giving out physical copies of Ms. Schroffel's NAIT Exam for many years without Ms. Schroffel's knowledge. Witness A told Ms. Schroffel that it happened when Witness A was a student in 2012-2013 and that she heard from students currently rotating through her site that it was occurring again. Witness A further stated that the student who preceded the current student at her site had informed her that Mr. Wolff had offered to drive said student to her car at the end of her shift due to weather and that "...Jeff was being Jeff...."
44. Ms. Schroffel further testified that on that same visit Witness A told Ms. Schroffel that Mr. Wolff had asked Witness A to perform physical acts of sexual matters to him while she was a student in Clinical around 2012. Witness A told Ms. Schroffel that she did not inform NAIT of this. Witness A told Ms. Schroffel that she had also been given the exam material by Mr. Wolff when she was a student. Ms. Schroffel asked Witness A if she would be willing to send her an email with regards to this information as Ms. Schroffel had a duty to report it as an Alberta Health Services Employee.

45. Ms. Schroffel confirmed that an email dated March 9, 2020 (Exhibit #8) was an email that Ms. Schroffel forwarded from Witness A to Mr. Cuong Ta who was the Manager of MRI at the Royal Alexandra Hospital and to Ms. Nataliya Leitch who was the HR Representative assigned to the Investigated Member's case. The forwarded email contains Witness A's formal statement that Mr. Wolff:
 - I. Made inappropriate sexual advances toward her when she was a student, used his position of power to coerce sexual acts from her and threatened her reputation and career if she came forward.
 - II. Provided her with "practice questions" while he was her Mentor that made up at least 1/3 of her Final Exam at NAIT.
46. On January 30, 2020 Ms. Schroffel sent an email (Exhibit #11) to the students as well as to all of the students and Preceptors asking them to please come forward if they were in possession of or heard of anyone in possession of any old NAIT assessment material. The letter stated that there would be no pursuance of misconduct related to academic dishonesty if students came forward immediately. Ms. Schroffel stated that within approximately an hour of sending out that email several students texted and/or emailed her asking for her to call them. Two students sent her pictures of the material that they had received shortly after she had sent out her email.
47. On January 30, 2020 at 2:38pm, Ms. Schroffel stated that she received a text message from a student, Witness B, asking Ms. Schroffel if she was available for a phone call. (Exhibit #12). Ms. Schroffel stated that she called Witness B shortly after receiving her text. She said that during that phone call Witness B asked her specific questions pertaining to what she was looking for and the size of the document. Ms. Schroffel told her that she was looking for something that said "NAIT FINAL" on it and that was given to her by a Technologist. Witness B confirmed that she had received a document matching the description from Mr. Wolff at the Royal Alexandra, but she was unsure if it was still in her possession. Ms. Schroffel asked Witness B to take a picture of the first and last page of the document to send to her in the event that she found it and then to dispose of it in confidential shredding at one of the AHS sites. Ms. Schroffel followed up via text message with Witness B on March 4, 2020 (Exhibit #12) where Witness B stated that she was not able to find the material in question.
48. Ms. Schroffel reported that on February 28, 2020 another student, Witness C, called Ms. Schroffel at the end of her rotation at the Royal Alexandra Hospital and stated that on her last day she had been handed a document from Mr. Wolff which he instructed her to photocopy. Ms. Schroffel immediately asked Witness C to take a picture of the first and last page of the document and text those pictures to her (Exhibit # 13).

49. Ms. Schroffel stated that she compared the document that she received from Witness C to her document on the NAIT Server and found them to be an exact match. She testified that she also asked Witness Chow many questions were in the document of which Witness C stated there were 200. Ms. Schroffel stated that the number of questions confirmed that Mr. Wolff had a complete copy of the NAIT MRI Exam in his possession.
50. Ms. Schroffel verified that the document marked as Exhibit 10 titled “NAIT MRI FINAL EXAM” is the exam that she created and that it has been used for a period of approximately 10 years and has been used as the NAIT Final Exam for at least the past 6 years. Students are required to write this exam and achieve 70 percent or higher two days prior to their graduation. If they do not pass it, they are not eligible to write the National Exam in Canada to become a Technologist. She confirmed that no one has the authority to give this exam out except her and the Chair of the MRI Program at NAIT.
51. On March 3, 2020 Ms. Schroffel sent an email to her direct supervisor at NAIT, Ayman Darwish, as well as to Mr. Cuong Ta advising them of the breach in confidential assessment material (Exhibit #14).
52. Ms. Schroffel states that she had a meeting with Mr. Ta and Ms. Nataliya Leitch on March 5, 2020. Ms. Schroffel stated that she presented them with a detailed document and timeline presenting all of her findings up to that date (Exhibit #15). Ms. Schroffel testified that AHS asked to contact the NAIT students. Interviews were set up between NAIT students and Ms. Nataliya Leitch at NAIT with a NAIT representative present. Ms. Schroffel stated that the NAIT representatives were either herself or Mr. Darwish in her absence.
53. Ms. Schroffel stated that she sent an email to Ms. Natalia Leitch on March 25, 2020 (Exhibit #16) outlining the professional, business and student implications that had occurred due to the NAIT Final Exam having been leaked. She stated that the investigation process took away critical hours that the students needed at their final Practicum Sites and added stress during a time when students are under a great deal of pressure. As well, NAIT had a very short time to produce new material for the Final MRI Exam and that material had never been tested. Ms. Schroffel indicated that it took 100-140 hours for her to complete the investigation and produce a new MRI Final Exam.
54. Ms. Schroffel clarified for the Hearing Tribunal members that MRI Preceptors who are working with the students have the authority to give students their Competencies and to take them away should the Competencies not meet the MRI Competency Checklist Criteria. Preceptors are also involved in discussing the student’s monthly goals, clinical evaluations, and day to day feedback.

(d) Evidence from Witness C

55. Witness C graduated from the NAIT MRI Program in May 2020. She is a regulated member currently employed by the Grey Nuns Hospital and Misericordia Hospital in Edmonton as well as the Foothills Medical Center in Calgary.
56. Witness C testified that she had begun her clinical rotations in 2019 and had 3 Clinical Rotations that ended in March 2020, one month earlier than expected due to the COVID Outbreak.
57. Witness C stated that Exhibit #9 “NAIT MRI Clinical Rotation Schedule 2019-2020” was a copy of her rotation schedule and that the dates stated in the rotation correspond to the dates that of her placement at the Royal Alexandra. She stated that Mr. Wolff was one of her Preceptors at the Royal Alexandra Hospital.
58. She further stated that she received the email from Ms. Schroffel dated January 30, 2020 regarding NAIT Assessment Material (Exhibit #11). She stated that at the time of the email she had not received any material and that it wasn’t until the end of her Practicum at the Royal Alexandra Hospital on February 28, 2020 that she was given the exam material by Mr. Wolff.
59. She stated that when she was saying goodbye to all of her Preceptors, Mr. Wolff asked her to wait for him as he had something that would help her study. She said that she could tell from the front page that it was a packet of multiple-choice questions. She said that she asked Mr. Wolff if this was the study material that the students were not supposed to have, and, if it was that she would prefer that he keep it as she wanted no part of it. She said that he brushed off her questions and was very vague. He insisted that she take the packet and photocopy it as it would help her study. Witness C said that she told Mr. Wolff that if this wasn’t study material then she didn’t want it as she didn’t want to put her education at risk. Witness C stated that he continued to be very dismissive, so she took the study material, photocopied it and then called Ms. Schroffel as soon as she got home.
60. Witness C testified that she initially called Ms. Schroffel and told her that she had received study material from Mr. Wolff. She told Ms. Schroffel that she wanted to make sure that it wasn’t the material that Ms. Schroffel was looking for in her email dated January 30, 2020. She stated that the call ended with Ms. Schroffel asking her to send pictures of the document in question. Ms. Schroffel then verified that it was the material that they were not supposed to have and instructed Witness C to place the document in confidential shredding at the next Hospital she would be in. Witness C testified that she placed it in the confidential shredding box at the Misericordia Hospital the following Monday. Witness C stated that the document had 200 questions and was approximately 15-20 pages in length photocopied on front and back.

61. Witness C verified that Exhibit 13 is the text chain that occurred between her and Ms. Schroffel on February 28, 2020.
62. Witness C clarified for the Tribunal that Mr. Wolff gave her the material because he told her that she was a very good student and that he wanted her to succeed in becoming a successful MRI Technologist. He told her that he wanted her to have all of the resources that he felt would help her achieve that. Witness C stated that she had not had any prior knowledge of any students receiving the exam material from Mr. Wolff.

(e) Evidence from Witness B

63. Witness B graduated from the NAIT MRI Program in May 2020. She is a regulated member currently employed by the Ottawa Mental Health Center in Ontario.
64. Witness B testified that her home site was the Royal Alexandra Hospital. She further stated that Mr. Wolff was a Technologist at the Royal Alexandra during her Practicum there. She said that during the first month of her Practicum Mr. Wolff handed her some papers explaining that they were study material. She said that he told her to photocopy the material in preparation for the CAMRT Exam and NAIT Exam that were happening at the end of her Practicum in April 2020.
65. She testified that she did photocopy the material and that Mr. Wolff told her that it was study material that he gave only to his favorite students or students that he liked and that he had given it to students in the past to use.
66. Witness B stated that this material was given to her around May 13 to May 24, 2019. She stated that she browsed through the material and that it looked like an old practice exam, but that she didn't pay much attention to it as her final exams were still a year away. She recalled that they were stacks of paper with multiple choice questions on every page and that one of the pages did say at the top "NAIT Final".
67. Witness B testified that the material she received from Mr. Wolff looked like the document marked as Exhibit 10. She stated that Mr. Wolff placed the documents back in his locker after she photocopied them.
68. Witness B further testified that the email marked Exhibit 11 was the email that she received from Sara Schroffel on January 30, 2020. She stated that upon receiving that email she texted Ms. Schroffel to let her know that she had received documents from Mr. Wolff in May, 2019. Witness B confirmed that the text chain marked Exhibit 12 was her conversation with Ms. Schroffel. Witness B stated that Ms. Schroffel asked her to look for the document that was given to her by Mr. Wolff. Witness B stated that she looked for the document but could never find it. She stated that she communicated this to Ms. Schroffel via phone and then text (Exhibit 12).

69. Witness B stated that she had a conversation with Mr. Wolff just prior to Christmas Break in 2019. Mr. Wolff asked her if she had the original copy of the document to which she stated that she did not have the original.

(f) Witness A

Witness A's name has been protected from the public record and the Hearing pertaining to Witness A has been deemed to be private pursuant s.78 (1) a (iii) and (iv) of the Act.

70. Witness A testified that Mr. Wolff engaged in an inappropriate sexual relationship with Witness A while he was her Preceptor. Mr. Wolff was Witness A's Preceptor when she began her rotation at the Royal Alexandra Hospital in 2012. She stated that they worked together frequently.

71. Witness A stated that Mr. Wolff initiated sexual contact with Witness A when they were both in Calgary for Halloween and met up for a drink. [REDACTED]
[REDACTED]
[REDACTED]

72. Upon returning to work at the Royal Alexandra Hospital Witness A expressed to Mr. Wolff her desire to tell their supervisor what had happened between them in Calgary. She stated that Mr. Wolff threatened Witness A that he would ensure that she never worked in Edmonton again if she came forward. He told her that he would not let her ruin his life and that it would be her word against his. He told her that he was "a rockstar" at the Royal Alexandra Hospital, that he had worked there for ten years and that no one would believe her anyway. Witness A testified that she felt that she was in trouble and had no witnesses. She decided it would be best to sweep it under the rug and pretend that nothing happened.

73. Witness A stated that as she continued her rotation at the Royal Alexandra Hospital the relationship progressed. Mr. Wolff pursued her both at work as well as outside of work. She said that [REDACTED]
[REDACTED]

74. Witness A stated that on one occasion he offered to give her a ride, and he pulled over on the side of the road to have a serious conversation with her. He told her that she was special, a good MRI Technologist and that he cared about her. [REDACTED]
[REDACTED]

75. Witness A stated that she broke her relationship off with her boyfriend at the end of 2012 because she couldn't get Mr. Wolff to stop his advances toward her. She stated that when she rejected Mr. Wolff, he would be cold toward her and would not scan patients with her or would not sign competencies. She felt that she would be negatively marked if she didn't comply with his advances. She stated that she had asked him on more than one occasion to

stop contacting her, but that he continued to harass her. [REDACTED]
[REDACTED]

76. She states on one occasion that the scan and patient were left unattended when he told her to run stairs with him. [REDACTED] he would never get caught because he knew where every camera was located.
77. She said she felt that the only way to get rid of him was to force his hand. She told him to leave his wife for her. When he did not do so it provided her with the opportunity to cut ties. At that point she was done her Practicum at the Royal Alexandra Hospital and he was no longer able to affect her grades.
78. Witness A stated that at the end of her Practicum, Mr. Wolff did contact her to offer her help with studying physics for the final exam. She accepted his help but would only agree to meet him in a public place. During that meeting he gave her a practice exam to help her study. He told her that he got it from NAIT, that it was an old practice exam and not the final. She stated that it was only when she wrote the final exam, she realized that many of the questions on the exam were the same as the ones that he had given her. Her fear of being expelled prevented her from coming forward at that time.
79. Witness A stated that she finally decided to come forward in January 2020 because other students approached her stating that Mr. Wolff had been inappropriate with them and had provided them with study material. She said that her security in her employment and further education in psychology afforded her the courage to come forward to Ms. Schroffel.

(7) Decision of the Hearing Tribunal and Reasons

80. The Hearing Tribunal is aware it is faced with a two-part task in considering whether a regulated member is guilty of unprofessional conduct. First, the Hearing Tribunal must make factual findings as to whether the alleged conduct occurred. If the alleged conduct occurred, it must then determine whether that conduct constitutes unprofessional conduct under the circumstances as defined in the Act.
81. The Hearing Tribunal has reviewed the documents submitted as Exhibits and the testimony provided by the Complaints Director and the witnesses called by her.
82. The Hearing Tribunal finds that all the Allegations have been proven through overwhelming and clear evidence and that the conduct constitutes unprofessional conduct.

(a) ALLEGATION #1

84. The Hearing Tribunal finds the first allegation is proven. The Hearing Tribunal carefully considered the exhibits, the witnesses, and submissions to make its findings.

85. The Hearing Tribunal accepts the position of the Complaints Director that Mr. Wolff demonstrated unethical and unprofessional conduct when he engaged in an inappropriate sexual relationship with Witness A while she was a student. He used his position as Preceptor over Witness A to create a power imbalance in his favor and betrayed his trust as a Mentor.
86. The Tribunal accepts Witness A's clear and credible testimony that Mr. Wolff engaged in an inappropriate sexual relationship with Witness A while he was her Preceptor. He initiated a relationship with Witness A. He threatened her when she expressed the need to tell the supervisor. He pursued her both at work and outside of work. He was attentive in helping her with her scans and competencies when she complied to his advances and would be cold and critical of her work when she rejected his advances.
87. Ms. Schroffel's testimony explained that clinical rotations, competencies, and daily evaluations are an integral part of the students' grades and must be successfully completed to pass the program. She stated that Preceptors are responsible for signing off students' Competencies and providing daily feedback. This created a real and significant power imbalance that Mr. Wolff exploited.

(b) ALLEGATION #2

88. The Hearing Tribunal finds the second allegation is proven. The Hearing Tribunal carefully considered the exhibits, the witnesses, and submissions to make its findings.
89. The Hearing Tribunal accepts the position of the Complaints Director that Mr. Wolff acted unethically. He offered final exam material to his favorite students under the pretense that it was study material. He placed the students in a situation where they were unknowingly cheating.
90. Witness A testified that after she severed her relationship with Mr. Wolff, he contacted her offering to help her study physics for her Final Exam. At that meeting he gave her a practice exam that he said she didn't have. When she questioned him about the exam, he stated that it was an old practice exam that he got from NAIT and was not the Final Exam.
91. Witness A stated that when she wrote the Final Exam for NAIT she realized that half of the Final Exam was the same as the exam given to her by Mr. Wolff.
92. Witness B testified that in May 2019 Mr. Wolff had her copy study material that he had given her. He told her it would help her prepare for her Final Exam and her National Exam. Witness B took the materials but lost them during her Practicum. She contacted Ms. Schroffel and during their conversations it was determined that it fit the description of the NAIT Final Exam.

93. Witness C testified that Mr. Wolff had her copy a Practice Exam on the last day of her Practicum in February 2020. She questioned him as to whether it was the material that Ms. Schroffel was looking for in her email to students and staff. He avoided her questions and was vague on his answers. Witness C took the material and contacted Ms. Schroffel. She presented the material to Ms. Schroffel and it was determined to be the NAIT Final Exam word for word.
94. Ms. Schroffel testified that the NAIT Final Exam is an integral part of the students' program and is an indicator for how well they will perform on the National Exam. Ms. Schroffel testified that she created the NAIT Final Exam and that when she compared the wording and order of the material presented to her from Witness C, it matched the NAIT Final Exam exactly.

(c) ALLEGATION #3

95. The Hearing Tribunal finds the third allegation is proven. The Hearing Tribunal carefully considered the exhibits, the witnesses, and submissions to make its findings.
96. Based on the extensive and clear information before it, the Hearing Tribunal accepts the Complaints Director's position that Mr. Wolff demonstrated Unprofessional Conduct by failing to comply with his duty to co-operate with the Investigation conducted by the College.
97. The evidence to support his finding is overwhelming and includes:

On July 3, 2020, The Complaints Director sent a letter to Mr. Wolff requesting a written response by July 20, 2020. Mr. Wolff failed to comply.

On August 10, 2020, The Complaints Director sent Mr. Wolff a letter informing him of the appointment of an Investigator to his case and requested a written response from Mr. Wolff by the new deadline of August 31, 2020. Mr. Wolff failed to comply.

On August 31, 2020, The Investigator sent Mr. Wolff an email requesting his response by September 4, 2020. Mr. Wolff failed to comply.

On September 8, 2020, The Investigator sent Mr. Wolff an email requesting his response by September 17, 2020. Mr. Wolff failed to comply.

On October 6, 2020, The Investigator sent an email and a registered letter to Mr. Wolff requesting a response October 30, 2020. Mr. Wolff failed to respond.

Mr. Wolff failed to respond to or acknowledge the 9 attempts that the Investigator made to contact him via telephone, email a registered mail.

Mr. Wolff failed to cooperate with The College regarding all attempts made by the College during the Investigation process and, in doing so, engaged in Unprofessional Conduct as defined by the Act in s.1 (1) (pp) (vii) (b) "...failure or refusal to comply with the request of or cooperate with an investigator".

(d) Summary

98. Mr. Wolff's behavior clearly constitutes Unprofessional Conduct as defined in s. 1(1)(pp) of the Act. It further constitutes a contravention of the following based on the deliberate and numerous acts of unprofessional conduct that occurred over an extended period of time:

- ACMDTT Code of Ethics, September 2006:
 - 2(b) Personal Responsibility
 - 2(d) Personal Conduct
 - 3(a) Conduct
 - 3(b) Collaboration
 - 3(d) Duty to Report
- ACMDTT Code of Ethics, April 16, 2015:
 - 2(a) Personal Responsibility
 - 2(g) Integrity and Respect
 - 2(h) Legislative Requirements
 - 3(a) Personal Conduct
 - 3(b) Accountability
- Standards of Practice, May 2006
 - Professional Accountability and Responsibility
- Standards of Practice, September 1, 2019
 - Standard 2.1: Legislation, Standards & Ethics
 - Standard 2.4: Professional Boundaries

-Standard 2.6: Communication

-Standard 3.1: Collaboration/Professional Relationships

-Standard 3.2: Leadership

99. The Hearing Tribunal unanimously agreed with the Complaints Director's submissions concerning Allegation #1 that Preceptors such as Mr. Wolff have a direct impact on student progress and significant power over each student's career and that it was reasonable for students (including Witness A) to believe that Mr. Wolff could severely adversely affect their careers. The Hearing Tribunal finds that Mr. Wolff used his power imbalance over his students repeatedly including compelling the performance of sexual activities.

100. Mr. Wolff clearly engaged in an improper relationship with Witness A and committed fundamental breaches of his position as a mentor to support and teach students. Mr. Wolff significantly harmed the integrity of the profession in doing so.

101. In terms in Allegation #2, the Hearing Tribunal agreed with the Complaints Director's submissions that even though there was no written policy prohibiting disclosure of an exam, everyone would reasonably conclude that this was fundamentally wrong. Mr. Wolff's actions also placed students in an extremely challenging position concerning academic integrity and cheating which both harmed the integrity of the profession and the integrity of the NAIT program.

102. In terms of Allegation #3, the Hearing Tribunal agreed with the Complaints Director's submissions that an investigated member's duty to cooperate with an investigation of his or her regulatory body is a fundamental duty of a professional. The Hearing Tribunal also accepted the Complaints Director's submissions that Mr. Wolff completely failed to cooperate with the College and the Investigator and that his actions harmed the integrity of the profession.

(a) Submissions of the Complaints Director

103. The Hearing Tribunal heard submissions about its authority under section 82 of the Act to issue penalty orders.

104. The Hearing Tribunal also heard submissions from the Complaints Director's legal counsel in (including in relation to the *Jaswal* penalty order factors) which can briefly be summarized as follows:

- The nature and gravity of Mr. Wolff's actions in having a sexual relationship with a student represented a significant powerful differential and was a significant departure from the standards of the profession. Mr. Wolff's actions also impaired the integrity of the NAIT exam.

- Mr. Wolff had a fundamental obligation to cooperate with the Investigation.
- At 32 years of age, Mr. Wolff was not a brand-new member of the profession and his age and experience could not be a mitigating factor.
- Mr. Wolff has a significant discipline history including a prior discipline finding.
- Mr. Wolff does not accept the authority of the College and has shown a serious pattern of transgressions.
- There was tremendous adverse impact on the students who received the exam from Mr. Wolff, and they were placed in a difficult ethical dilemma. Mr. Wolff's actions also placed significant pressure on Ms. Schroffel and NAIT in order to prepare a new exam on short notice and significantly harmed the integrity of NAIT.
- The range of sentences in the cases provided by the Complaints Director support the penalties even though none of the cases are directly on point.
- Cancellation of registration (bearing in mind section 28 of the *Medical Diagnostic and Therapeutic Technologists Profession Regulation*) is appropriate.
- The cost order requested by the Complaints Director is reasonable as this was a significant matter with high stakes and was complicated by Mr. Wolff's failure to cooperate.

105. The Hearing Tribunal recognizes its orders with respect to penalty must be fair, reasonable, and proportionate, taking into account the facts of this case.

106. The orders imposed by the Hearing Tribunal must protect the public, healthcare professionals and students from the type of conduct that Mr. Wolff was engaged in.

107. The orders must also act as a deterrent to Mr. Wolff and the regulated members of the profession as a whole that this type of conduct will not be tolerated. The orders must also preserve the integrity of the profession in the eyes of the public.

(b) The Hearing Tribunal's Reasons and Penalty Orders

108. The Hearing Tribunal unanimously accepted the Complaints Director's submissions concerning penalty, including the summary that appears at paragraph 104 of this decision.

The Complaints Director's specific penalty submission is as follows:

- 1) The Hearing Tribunal's written reasons will serve as a reprimand.

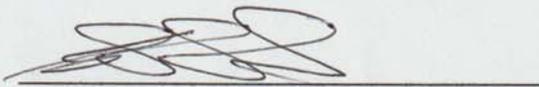
- 2) Mr. Wolff will pay the full costs of the investigation and hearing within a period of two years from the date the ACMDTT sends him a letter advising him of the final amount of costs. Once the two (2) year period has elapsed, the costs amount is due and owing to the ACMDTT.
- 3) Mr. Wolff's registration with the ACMDTT shall be cancelled as of the date of the Hearing Tribunal's written reasons.
- 4) Mr. Wolff may submit an application for reinstatement to the Registration Committee after three years has passed since the date of cancellation, provided that he demonstrates compliance with the following:
 - a. He has paid all costs of the investigation and hearing referred to in paragraph #2 above;
 - b. He has paid all outstanding costs owed to the ACMDTT as a result of the prior Hearing Tribunal and Council Orders;
 - c. He has provided evidence of successful completion of the following courses (at his own cost):
 - i. Philosophy 333 course from Athabasca University; and
 - ii. PBI Education – Professional Boundaries and Ethics –Extended or the PROBE: Ethics & Boundaries Program – Canada.
- 5) In the event that Mr. Wolff submits an application for reinstatement, the decision whether to grant reinstatement is in the discretion of the Registration Committee, and Mr. Wolff will be required to meet all other requirements for registration pursuant to the *Health Professions Act* and *Medical Diagnostic and Therapeutic Technologists Profession Regulation* in force at the time his application is submitted.

109. The Hearing Tribunal has accepted the Complaints Director's penalty submission in its entirety as fair, reasonable and proportionate penalties arising from the extremely egregious actions of Mr. Wolff. The Hearing Tribunal unanimously decided that if ever there was a case where a regulated member should never be reconsidered for license reinstatement, it is this case.

110. The Hearing Tribunal adopts the Penalty Submission as presented to it and makes the following penalty orders pursuant to s.82 of the Act:

- 1) The Hearing Tribunal's written reasons will serve as a reprimand.
- 2) Mr. Wolff will pay the full costs of the investigation and hearing within a period of two years from the date the ACMDTT sends him a letter advising him of the final amount of costs. Once the two (2) year period has elapsed, the costs amount is due and owing to the ACMDTT.
- 3) Mr. Wolff's registration with the ACMDTT shall be cancelled as of the date of the Hearing Tribunal's written reasons.
- 4) Mr. Wolff may submit an application for reinstatement to the Registration Committee after three years has passed since the date of cancellation, provided that he demonstrates compliance with the following:
 - a. He has paid all costs of the investigation and hearing referred to in paragraph #2 above;
 - b. He has paid all outstanding costs owed to the ACMDTT as a result of the prior Hearing Tribunal and Council Orders;
 - c. He has provided evidence of successful completion of the following courses (at his own cost):
 - i. Philosophy 333 course from Athabasca University; and
 - ii. PBI Education – Professional Boundaries and Ethics –Extended or the PROBE: Ethics & Boundaries Program – Canada.
- 5) In the event that Mr. Wolff submits an application for reinstatement, the decision whether to grant reinstatement is in the discretion of the Registration Committee, and Mr. Wolff will be required to meet all other requirements for registration pursuant to the *Health Professions Act* and *Medical Diagnostic and Therapeutic Technologists Profession Regulation* in force at the time his application is submitted.

Dated this 12 day May, 2021.



Melinda Dolhan

Chair, On Behalf of the Hearing Tribunal