

<b>IN THE MATTER OF</b>	COREY SCHROEDER, a former member of the College of Paramedics of Manitoba (the "College")
<b>AND IN THE MATTER OF</b>	A hearing of the Inquiry Committee Panel of the College pursuant to Part 8 of <i>The Regulated Health Professions Act S.M. 2009, c.15</i> (the "Act")
<b>Panel</b>	Dean Scaletta (Chair) Callum Melvin Douglas Simpson Travis Tannas
<b>Counsel</b>	Helga D. Van Iderstine & Kelsey L. Schade, for the Complaints Investigation Committee (the "CIC") Jeff Hirsch, for the Inquiry Committee Panel (the "Panel")

**REASONS FOR DECISION**

**Introduction**

1. Mr. Schroeder is a former member of the College.
2. He was charged with a variety of offences under two separate Notices of Inquiry (the "V.V. Notice of Inquiry" and the "O.O. Notice of Inquiry"), both dated September 16, 2021. The two Notices of Inquiry are attached to these reasons as Schedules "A" and "B", respectively.
3. The V.V. Notice of Inquiry alleged that Mr. Schroeder contravened the *College of Paramedics of Manitoba Code of Ethics* (the "Code of Ethics"), the *College of Paramedics of Manitoba Standards of Practice for the Paramedic Profession* (the "Standards"), and the *College of Paramedics of Manitoba – Social Media / Social Networking Practice Expectation* (the "Practice Expectation") as follows:
  - (a) by making numerous inappropriate public social media postings and by sending numerous inappropriate private social media messages to V.V.;
  - (b) while self-identifying as a paramedic, making numerous inappropriate public social media postings and comments about other individuals and entities, many of whom are associated with the profession of paramedicine;
  - (c) posting "Private and Confidential" correspondence from the College on his public Facebook page; and
  - (d) failing to cooperate with the investigation into the V.V. complaints by: (i) failing to provide documents when requested; (ii) twice failing to attend for an interview with the investigator; (iii) failing to attend to review the investigation report; and (iv) failing to provide a proper response to the investigation report.

4. The V.V. Notice of Inquiry alleged that Mr. Schroeder was guilty of professional misconduct and/or had demonstrated an unfitness to practice paramedicine.
5. The O. O. Notice of Inquiry alleged that Mr. Schroeder contravened the Code of Ethics, the Standards, and the Practice Expectation as follows:
  - (a) failing to cooperate with the investigation in that he: (i) failed to provide documents when requested; (ii) twice failed to attend for an interview with the investigator; (iii) failed to attend to review the investigation report; and (iv) failed to provide a response to the investigation report; and
  - (b) while self-identifying as a paramedic, he: (i) made numerous comments and criticisms of a disparaging and unprofessional nature about individuals at the College and about the profession as a whole; (ii) posted personal information about himself, his family, and other members of the College; and (iii) posted "Private and Confidential" correspondence from the College on his Facebook page.
6. The O.O. Notice of Inquiry alleged that Mr. Schroeder was guilty of professional misconduct.
7. The Panel convened an in-person hearing on Monday, March 21, 2022, at the offices of Thompson Dorfman Sweatman LLP in Winnipeg, Manitoba. Although properly served with notice of the hearing, Mr. Schroeder did not attend either virtually or in person. At the request of counsel for the CIC, the hearing proceeded in his absence in accordance with section 118 of the Act.
8. After hearing oral evidence, receiving Affidavit evidence, and hearing a submission from counsel for the CIC, the Panel convicted Mr. Schroeder of professional misconduct with respect to the conduct referred to in Counts 1 and 2 of the O.O. Notice of Inquiry, and with, one exception, to the conduct referred to in Counts 1 and 2 of the V.V. Notice of Inquiry.
9. The Panel directed counsel for the CIC to submit further authorities and a brief written submission on the issue of unfitness to practice as it pertained to Counts 1, 2, and 3 of the V.V. Notice of Inquiry, and reserved its decision on that issue and on disposition. The Panel informed counsel for the CIC that it would subsequently issue a written decision with reasons following receipt of the supplementary material. These authorities and the supplementary written submission were received by the Panel on March 25, 2022.
10. Counsel for the CIC emailed the authorities and the supplementary written submission to Mr. Schroeder on March 27, 2022.
11. With respect to the allegations contained in the V.V. Notice of Inquiry, the Panel has determined that Mr. Schroeder has demonstrated an unfitness to practice paramedicine.
12. The Reasons of the Panel are set out below.

## **Background and Preliminary Matters**

### **Jurisdiction of the Panel**

13. The jurisdiction of the panel is established by subsection 114(1) which reads:

The inquiry committee is responsible for holding hearings on matters referred to it by the complaints investigation committee and making disciplinary decisions about the conduct of investigated members.

14. Section 88 defines an "investigated member" as "a member or former member who is the subject of a complaint under [Part 8]".
15. The Practice of Paramedic Regulation R117-71/2018, as amended by Practice of Paramedic Regulation, amendment R117-103/2020, came into force on December 1, 2020. Subsection 12(1) stipulates that an individual licensed under *The Emergency Medical Response and Stretcher Transportation Act (Manitoba)* (defined in the Regulation as the "former Act") is deemed to be registered as a member of the College, in the appropriate subregister of the full membership class, under the Act, effective December 1, 2020. Subsection 15(2) stipulates that a deemed registrant under subsection 12(1) is deemed to hold a certificate of practice under the Act until 60 days after the date the Regulation comes into force. In order to simplify the administration of Transitional Applications, the College determined that the transition period under this provision would expire on January 31, 2021.
16. Subsection 90(4) authorizes the College to deal with complaints about a "former member" which are received not more than five years after his registration or his certificate of practice has been suspended, cancelled, or not renewed.
17. The evidence (set out in more detail below) established that Mr. Schroeder was registered under the former Act on October 2, 2008, and remained so registered as at December 1, 2020. He did not complete a Transition Application, within the 60 days stipulated by subsection 15(1) of the Regulation, or at all, and his registration with the College expired on January 31, 2021. He was, therefore, a "former member" of the College at the time of the hearing;
18. This hearing was originally scheduled to proceed on October 22, 2021 but was adjourned at the request of Mr. Schroeder in order that he might retain a lawyer.
19. On October 16, 2021, Mr. Schroeder executed a "Waiver of Time Frames" acknowledging service of the Notices of Inquiry and waiving the time requirements for the commencement of the hearing set out in section 116 of the Act.

### **Proceeding in the Absence of Mr. Schroeder**

20. The Panel was advised by counsel to the CIC that Mr. Schroeder never did retain a lawyer to represent him in this matter.
21. On February 4, 2022, Mr. Hirsch, legal counsel to the Panel, sent an email to Mr. Schroeder and to counsel to the CIC stating, in part:

As you know, I am legal counsel to the Inquiry Committee of the College of Paramedics of Manitoba. The Inquiry Committee has set Monday, March 21, 2022 at 9 a.m. as the hearing date for this matter. The hearing will be at the offices of Thompson Dorfman Sweatman at the address highlighted below. At this point, we are planning to conduct the hearing in-person although this may be subject to change to a virtual hearing dependent on the state of the pandemic.

The Inquiry Panel has been established as:

Dean Scaletta (Chair)

Douglas Simpson

Callum Melvin

Cory Parrott

Travis Tannas

22. Mr. Schroeder did not contact Mr. Hirsch, but on March 15, 2022, he sent an email to the Registrar of the College which reads:

can we move the court (sic) date to Tuesday?

Tuesday's work better for me because I'm already in the city.

23. On March 18, 2022, Mr. Schroeder sent an email to the Registrar of the College stating:

since you refused to give me documents about this hearing so i can prepare an affidavit (sic) i will not be coming.

I have no legal representation.

I am bankrupt, unemployed and on mental health disability.

24. Later that evening, counsel to the CIC sent Mr. Hirsch an email (copied to Mr. Schroeder) which reads:

We have received the following email from Mr. Schroeder in which he advises that he will not be attending the hearing on Monday.

Following his request to reschedule the hearing to Tuesday March 22, 2022, we advised him that we would not consent to a change in date and that we intended to proceed on Monday, March 21 with the hearing. He has been provided with a list of the documents for disclosure. He has been advised that he may make arrangements to attend at the College to review the disclosure documents themselves. He has not made those arrangements. He has been advised that the disclosure would be provided to him electronically if he signs an undertaking to keep the documents confidential, pursuant to the requirements of the RHPA. He has refused to sign the undertaking.

25. The Panel was not advised of any further communications from Mr. Schroeder prior to the scheduled start time of the hearing. Counsel to the CIC noted that he had been offered the opportunity to participate in the hearing via web-based video/audio link, and had declined.

26. Section 118 of the Act provides:

If it has been proved that the investigated member has received notice of the hearing, the panel may

(a) proceed with the hearing in the absence of the investigated member; and

(b) act or decide or report on the matter being heard in the same way as if the member were in attendance.

27. In the absence of any formal adjournment request from Mr. Schroeder to the Panel, and in the absence of any justification for the (albeit short) adjournment apart from his own personal convenience, the Panel determined that it would be appropriate to proceed with the hearing notwithstanding the absence of Mr. Schroeder.

### **Use of Affidavit Evidence**

28. The Affidavit of the complainant V.V. was sworn on October 25, 2021, in connection with the adjourned hearing which had initially been scheduled for October 22, 2021. Counsel to the CIC sought to have it admitted into evidence pursuant to subsection 119(2) of the Act. The Panel was advised that V.V. was on standby at home and would join the hearing virtually, if required, to answer any questions Panel members might have.

29. Subsection 119(2) of the Act states:

Evidence may be given at a proceeding before a panel by oral testimony or affidavit or both, but an investigated member's registration or certificate of practice cannot be suspended or cancelled on affidavit evidence alone.

30. The affidavit was admitted into evidence as requested.

### **Publication Ban**

31. Counsel to the CIC made an application pursuant to subsections 122(2)(b) and 122(3)(d) of the Act for an order that the two complainants (V.V. and O.O.) be identified in these reasons by their initials only.

32. It was submitted that complainant V.V., in their Affidavit sworn October 25, 2021, highlighted their personal safety concerns noting numerous references in the material to threats of legal repercussions and to publicly expressed hopes of harm to each of the complainants, and to other individuals.

33. The Panel was satisfied that the test set out in subsection 122(3)(d) had been met and granted the publication ban as requested.

## **Amendment to the Notices of Inquiry**

34. The Panel noted several references in the Notices of Inquiry to "section 123.1" of the Act. Counsel to the CIC confirmed that the reference ought to have been to subsection 123(1) of the Act and the Panel acceded to the request to amend the Notices of Inquiry accordingly.

## **The Evidence**

35. Counsel to the CIC tendered a binder of 28 documents consisting of approximately 270 pages.
36. In addition to the documentary evidence, the Panel heard oral testimony from Ms. Patricia (Trish) Katherine Bergal, Executive Director/Registrar for the College, and Ms. Leith Saunders, the Coordinator of Quality and Standards/Investigator for the College. Their evidence is summarized below.
37. The binder contains copies of communications between the College and Mr. Schroeder. All of the letters from the College were sent by email to his personal email (the email address he stipulated in the "Waiver of Time Frames" for notices from the College to him), and several of them were also delivered to, or served on him personally.
38. The Panel heard from both of the witnesses (see below) that none of the emails sent to Mr. Schroeder using this email address were returned as "Undeliverable", and neither witness had any reason to believe that any of the emails had not been received by Mr. Schroeder.
39. Tab Z in the binder is an Affidavit executed on March 18, 2022, by a legal assistant at MLT Aikins LLP [prosecution counsel] which provides particulars of communications between prosecution counsel and Mr. Schroeder from October 1, 2021 to March 17, 2022.
40. A summary of these various communications (in chronological order) is set out below:
  - (a) Tab D - A letter from the Coordinator of Regulatory Practice for the College to Mr. Schroeder dated December 22, 2020, forwarding a copy of the V.V. complaint and requesting a substantive response by January 12, 2021. The letter also reminds Mr. Schroeder that the deadline for receipt of his Transition Application [for registration under the newly implemented Act] was January 4, 2021, and that he had to provide the particulars of his previously disclosed criminal charges and disability issues.

Ms. Bergal testified that she did not receive any response from Mr. Schroeder to this letter.

- (b) Tab E - A letter from Ms. Bergal to Mr. Schroeder dated January 13, 2021, reiterating many of the points from the letter under Tab D. It gave Mr. Schroeder an extension to January 26, 2021 for him to provide his written response to the V.V. complaint. The letter noted that the College had still not received his Transition Application, and advised that his current paramedicine license, issued by the Emergency Medical Services Branch of Manitoba Health Seniors and Active Living, would expire on January 31, 2021.

Ms. Bergal testified that she did not receive any response from Mr. Schroeder to this letter.

- (c) Tab F - A letter from Ms. Bergal to Mr. Schroeder dated January 26, 2021 repeating the salient points from the letters under Tabs D and E. The paragraph most germane to the current inquiry reads, in part:

... You are required to respond [to the V.V. complaint] on or before **February 2, 2021** **This is the last extension that will be provided. The complaint investigation process will commence with or without your response.**

(Emphasis in the original.)

- (d) Tab G - A email from Mr. Schroeder to the College and others dated January 26, 2021 in which he writes: "[V.V.] complained about me because i told them i would be contacting my lawyer and my employer about a rumor (sic) [V.V.] is spreading about me at work." He describes the alleged incident then states: "THIS NEVER HAPPENED".

Mr. Schroeder also attached two psychiatric reports (dated September 10, 2020, and October 8, 2020), apparently relating to his then ongoing disability claim. Both reports indicated the belief that Mr. Schroeder was, at that time, capable of returning to work as a paramedic.

The second report indicates Mr. Schroeder and his psychiatrist discussed a recent incident involving a Facebook post and a letter. Of interest is the observation which reads: "Mr. Schroeder is aware of his actions."

- (e) Tab H - A letter from Ms. Bergal to Mr. Schroeder dated March 16, 2021, advising that the psychiatric reports had been shared with the person investigating the V.V. and O.O. complaints. The letter also advises Mr. Schroeder that his license to practice paramedicine had expired and cautioned that he was, at that time, "prohibited from practicing (sic) paramedicine in the Province of Manitoba until you complete the College reinstatement process".

Ms. Bergal testified that there was no objection from Mr. Schroeder to having the psychiatric reports shared with the investigator.

- (f) Tab I - A second letter from Ms. Bergal to Mr. Schroeder dated March 16, 2021, forwarding copies of the first two complaints filed by O.O., advising that Ms. Saunders had been appointed to investigate the complaints, and requesting his written response to the complaints on or before April 16, 2021.

- (g) Tab S - An email from Mr. Schroeder to Ms. Bergal dated March 17, 2021, with the subject line "[O.O.] Complaint". The first paragraph reiterates some of the comments and criticisms from the impugned social media posts which formed part of the first two O.O. complaints and reaffirms his belief in the legitimacy of those statements. The second paragraph explains that he cannot afford to pay for his paramedic license because of other financial pressures. The third and fourth paragraphs describe personal circumstances which do not have any obvious relevance to the regulatory issues with which the College was at that time concerned.

Ms. Bergal testified that she did not consider this a satisfactory response to the complaints.

- (h) Tab T - A letter from Ms. Saunders to Mr. Schroeder. The hard copy in the materials is undated, but Ms. Saunders testified that she had emailed it to Mr. Schroeder on March 22, 2021. The letter: (i) advises Mr. Schroeder that she had been appointed to investigate the V.V. and O.O. complaints, (ii) provides four dates in early April 2021 when she is available for an MS Teams session to conduct their interview of him, and (iii) requests an indication of his availability by March 29, 2021. She provides a link to the relevant provisions of the Act, advises Mr. Schroeder that the session will be recorded, and tells him that he is welcome to have a lawyer attend the session as well.

Ms. Saunders testified that she did not receive any response from Mr. Schroeder to this letter. At Tab U is a memorandum of their telephone conversation with Mr. Schroeder on April 1, 2021, which she prepared immediately after the call ended. Their notes indicate that: (i) Mr. Schroeder answered the phone and acknowledged he had received their written request for an interview; (ii) he indicated he would not be participating in an interview; and (iii) he said "I do not have a license" and "this (the complaints) did not matter anymore".

- (i) Tab J - A letter from Ms. Bergal to Mr. Schroeder dated April 6, 2021 intended to "summarize the professional conduct matters and registration issues that the College has outlined on previous occasions". Mr. Schroeder was reminded that because he had never completed a Transition Application, he did not hold a certificate of practice. He was also reminded that Ms. Saunders had made several attempts to interview him in furtherance of their investigation and noted that in a telephone conversation with Ms. Saunders on April 1, 2021, Mr. Schroeder had stated he "would not be participating in the interview". Once again, there was the caution: "The College complaint investigation process will continue with or without your response."
- (j) Tab I - Mr. Schroeder responded with an email, also dated April 6, 2021, which reads:

hi, please stop harassing me.  
I do not plan to be a paramedic anymore.  
there is nowhere to work in Canada as a paramedic where I will be treated fairly.  
I have no intentions of being a paramedic ever again.  
Thanks.

Ms. Bergal testified that she did not consider this a satisfactory response to the complaints.

- (k) Tab L - A letter from Ms. Bergal to Mr. Schroeder dated April 29, 2021 advising him that: (i) the investigation report on the V.V. and O.O. complaints had been completed; (ii) the report would be made available for his review at the College office during normal business hours, from May 4, 2021 to May 10, 2021; (iii) he was entitled to submit a written response before the report was submitted to the CIC for its consideration; and (iv) the deadline for any submission was 4:30 PM on May 12, 2021 (the day before the CIC meeting).

Ms. Bergal testified that the College had not sent the actual report to Mr. Schroeder because it contained confidential information, and because he had previously posted other confidential information to his public Facebook page. She said that he never attended at the College offices to review the report.

- (l) Tab Z, Exhibit "A" - A letter from prosecution counsel sent by email and by registered mail to Mr. Schroeder dated October 1, 2021 which: (i) confirmed the particulars of the Inquiry Committee hearing scheduled for October 22, 2021; (ii) advised Mr. Schroeder that he was entitled to disclosure of the evidence from the investigation and provided information on how he could arrange to review the evidence; and (iii) invited Mr. Schroeder to contact her to discuss a resolution of the complaints without the necessity of a hearing.
- (m) Tab Z, Exhibit "B" - A letter from prosecution counsel sent by email and by registered mail to Mr. Schroeder dated October 12, 2021 which: (i) listed the documents the prosecution intended to rely upon at the hearing scheduled for October 22, 2021; (ii) invited Mr. Schroeder to contact her about viewing the documents prior to the hearing; (iii) identified the witnesses to be called and the expected subject-matter of their testimony; (iv) reminded Mr. Schroeder of his right to be represented at the hearing by legal counsel (at his own expense); and (v) served on him a Notice to Attend dated October 8, 2021, issued by Ms. Bergal as Registrar, requiring his attendance at the hearing scheduled for October 22, 2021.
- (n) Tab Z, Exhibit "C" - A letter from prosecution counsel sent by email and by registered mail to Mr. Schroeder dated October 14, 2021 which: (i) acknowledged his email request for an adjournment of the hearing scheduled for October 22, 2021; (ii) advised that counsel wanted to open the hearing as scheduled to meet the jurisdictional requirements set out in the legislation, after which Mr. Schroeder would be permitted to review the affidavit signed by V.V.; (iii) advised Mr. Schroeder of her intention to seek an order of non-publication of the names of the complainants; (iv) provided a copy of the index of the documentary disclosure in the matter; and (v) advised Mr. Schroeder that he could arrange to view the documents, at the office of the College, prior to the hearing.
- (o) Tab Y - A series of emails between Mr. Schroeder and Ms. Bergal on March 9, 2022 and March 10, 2022.

At 6:03 PM on March 9, 2022, Ms. Bergal sent an email indicating that the College would make arrangements to provide Mr. Schroeder with electronic access to the documents which the prosecution intended to rely upon at the Inquiry Committee hearing scheduled for March 21, 2022 provided he signed and returned an attached form of Undertaking to not publicly post or otherwise disclose the records.

Mr. Schroeder responded at 6:33 PM on March 9, 2022 as follows:

why is everything "confidential"?

I would prefer the matter to be public.

I intend to make all data regarding (sic) this matter public.

My employer and coworkers attacked me, a physically disabled paramedic going through a mental health crisis during an extremely difficult time in my life.

They also denied me my human rights to have my doctor prescribed medications while on duty, which is illegal. They also denied my return to work from mental health stress leave of absence, which is also illegal.

They also breached PHIA [*The Personal Health Information Act (Manitoba)*] by sharing the details of my arrest amongst my coworkers which is also illegal.

If this will NOT be public what is the point?

Nothing is confidential. Everything is public.

I will appeal your corrupt decision and see your 'collage' (sic) in court.

I want this matter to be seen publically.

WFPS [Winnipeg Fire & Paramedic Service] is the most corrupt employer I ever worked for and I want it to be seen.

Thanks.

At 7:09 AM on March 10, 2022, Ms. Bergal replied:

Good morning Corey. The need to maintain confidentiality is referenced in the Regulated Health Professions Act. The hearing is open to the public. You are welcome to come to the College to review the documents if you do not choose to sign the Undertaking.

At 8:39 AM on March 10, 2022, Mr. Schroeder wrote:

Its (sic) fine. Ill (sic) just go from memory. I dont (sic) ever plan on being a paramedic ever again anyways. Im (sic) done watching people die for a living.

Ms. Bergal testified that Mr. Schroeder never signed the Undertaking and never made arrangements to view the disclosure documents at the office of the College.

- (p) Tab Z, Exhibit "E" - Particulars of a secure file transfer link, attaching the authorities which the prosecution intended to rely upon at the Inquiry Committee hearing, which was emailed to Mr. Schroeder on March 16, 2022. (The Panel was advised at the hearing that Mr. Schroeder had not yet accessed the authorities.)
- (q) Tab Z, Exhibit "F" - An email from Mr. Schroeder to prosecution counsel (sent at 3:49 PM on March 16, 2022) asking: "Does the appeal go to public court? at what point do I see a public court."

A second email from Mr. Schroeder to prosecution counsel (sent at 3:56 PM on March 16, 2022) which reads:

I think the public has a right to see how winnipeg fire paramedic service and the paramedic collage (sic) treat a physically disabled paramedic going through a separation during a global pandemic while dealing with mental illness. My medical information PHIA was violated, I was denied the right to return to work. My employer illegally refused to allow me to have my medications while on duty and then disciplined me for getting them anyways.

I think these acts should all be a public record.

- (r) Tab Z, Exhibit "G" - An email from prosecution counsel to Mr. Schroeder (sent at 9:11 AM on March 17, 2022) which: (i) sets out a brief synopsis of how the Inquiry Committee hearing is expected to proceed; (ii) advises Mr. Schroeder the hearing will deal only the issues raised by Notices of Inquiry (copies of which were attached); and, (iii) advises Mr. Schroeder that the prosecution is not agreeing to his request to adjourn the hearing to Tuesday, March 22, 2022.
- (s) Tab AA - a series of emails between Mr. Schroeder and Ms. Bergal on March 17, 2022.

At 11:50 AM, Mr. Schroeder writes:

can you send me all the evidence and reschedule the hearing so i can have to write up my own affidavit? All the evidence should have been provided a long time ago, not sure why it wasnt (sic)?

At 12:13 PM, Ms. Bergal responds:

Good morning Corey. If you would like to receive a copy of the evidence please sign and return the attached undertaking and then we can arrange to provide a copy of the evidence. I have copied [prosecution counsel] on this email so they can remind you of the process that will occur on Monday, March 21, 2021 (sic - 2022).

At 12:34 PM, Mr. Schroeder writes:

So I cant (sic) have time to produce my own affidaviet (sic)? It is March 17, the hearing is on March 21. Do You think 4 days is enough time for me to review the evidence I was never provided and write my own in response?

At 12:39 PM, Ms. Bergal replies:

Corey please return the undertaking and you will receive a copy of the evidence.

You were originally sent a copy of the undertaking on March 9, 2022 as well provided numerous reminders to contact the College to present in person and review the evidence in our premises.

At 12:42 PM, Mr. Schroeder writes:

That is still not enough time, what is the minimum time allowed for the accused to review the evidence against them? why was this evidence not provided at the time this investigation was initiated?

you keep asking me to pleade (sic) guilty but refuse to let me see the evidence.

At 12:44 PM, Ms. Bergal advises:

Corey I am directing this email to [prosecution counsel] for response.

At 12:48 PM, Mr. Schroeder writes:

normally when a person is charged with something you are given the evidence so you can defend yourself.

Its (sic) not supposed to be a secret.

why was I never served with the evidence being used against me?

Am I not supposed to sign to show I was served with this evidence in a timely manner?

The lack of due process sounds like a case for this to be appealed and all charges dropped in court.

Do judges convict people on secret evidence never provided to the defendant?

At 12:50 PM, Ms. Bergal writes:

I am including [prosecution counsel] on this email also Corey. This will be my last response to you on this matter at this time.

At 12:51 PM, Mr. Schroeder replies:

thanks

### **The Affidavit of V.V.**

41. The salient points from the Affidavit include the following:
- (a) V.V. is a licensed and registered member of the College.
  - (b) Prior to the conduct giving rise to their complaint, V.V. had known Mr. Schroeder for about 10 years. They were on the same platoon but had never worked together on the same ambulance. They were co-workers and often met in large groups, but did not "hang out just the two of us".
  - (c) Mr. Schroeder added V.V. to his Instagram on November 23, 2020, and soon after began sending their direct private messages. The volume of private messages spiked quickly (over 100 in a day, and over 300 in total), and they became increasingly uncomfortable with the inappropriate tone and content of the messages.
  - (d) At one point, Mr. Schroeder began aggressively accusing them of spreading rumours about him at their workplace. In fact, [REDACTED] was on a [REDACTED] leave at the time and was not scheduled to return to work until the New Year. They began blocking Mr. Schroeder from all forms of the social media platforms he was using to communicate with them.

- (e) V.V. later became aware of material (including their private Instagram messages) posted by Mr. Schroeder about them on his public Facebook page. ■■■ was able to view the material even though ■■■ was not "friends" with him. They also became aware that he was posting similar material about them on the Winnipeg Emergency Medical Services ("WEMS") Shift Changes Facebook Group page. V.V. says the public posts prompted comments from their co-workers, were "extremely embarrassing", and caused them "a great deal anxiety and stress".
- (f) V.V. felt "harassed and targeted by [Mr. Schroeder] throughout this entire situation", and was fearful for themselves and their immediate family members. At the time the affidavit was signed (October 25, 2021), V.V. was still "fearful and anxious".

### **The Social Media Messages, Comments, and Posts**

- 42. The social media messages, comments, and posts which the College asserts constitute professional misconduct on the part of Mr. Schroeder fall into several discrete categories:
  - (a) those which were "unprofessional, vulgar, threatening and harassing towards a professional colleague", the specific colleague being V.V.;
  - (b) those which were similar in nature but relating to "other members of the profession and specifically members of the Winnipeg Fire and Paramedic Service";
  - (c) private messages directed to V.V. which were frequent and voluminous, which included "vulgar, inappropriate and harassing comments" and "sexual innuendos, hopes of violence towards others, accusations against [V.V.], and threats of legal repercussions", and which continued on long after V.V. asked him to stop;
  - (d) "numerous inappropriate comments of an unprofessional nature" made on public social media pages, while self-identifying as a paramedic, which included threats of legal repercussions against numerous named individuals and entities;
  - (e) similar comments, also on made on public media pages and also while self-identifying as a paramedic, which included disparaging, unprofessional, and unsubstantiated accusations and criticisms against numerous named individuals and entities, including members of the College and the paramedic profession as a whole; and,
  - (f) letters from the College which were marked "Private and Confidential" and which named one or both of the complainants V.V. and O.O., which were posted by Mr. Schroeder to his public Facebook page.
- 43. It would serve no purpose to include in these reasons every message, comment, or post in evidence which is captured by one or more of the categories described above. Mr. Schroeder was nothing if not prolific in terms of his use of social media, and there are many postings in each category to choose from. Many of the postings would fit into more than one category. Reproducing several representative examples in each category will provide a sufficient evidentiary basis for the findings and conclusions which follow. (Note: Where a post was made in all upper case it is reproduced as it originally appeared. Spelling, punctuation, and grammatical errors are all in the original. Emojis

and other similar characters have been intentionally omitted.)

Under category (a):

- (i) I have never sexually harassed [V.V.].....  
Sorry [V.V.], your (sic) not my type.....  
still going to see you in court for that PHIA [*The Personal Health Information Act (Manitoba)*] Breach!  
My lawyer knows how to get information!
- (ii) [Fired] for "sexually harassing" [V.V.]  
don't say anything that sounds sexual around [V.V.]
- (iii) I told [V.V.] about a woman I'm seeing who gives amazing Oral sex, and after I caught [V.V.] spreading lies about me at work, [REDACTED] threatens to accuse me of sexual harassment [V.V.] is a garbage human being.  
(Husband of V.V. - name omitted)! your [REDACTED] is exactly like (name omitted).  
Be careful!  
They will take your [child] from you if you step out of line!
- (iv) [V.V.] Likes to accuse men of sexual harassment.  
Don't trust that [REDACTED].  
(Husband of V.V. - name omitted), be careful of your [REDACTED].  
They will do to you what (name omitted) did to me.  
Hope I don't have to say I told you so....  
Don't trust a [REDACTED] paramedic, don't look at them, don't say anything to them. they will think your (sic) sexually harassing them.  
It's funny how they only became offended AFTER I caught [V.V.] spreading rumors (sic) about me that they heard from my coworkers who don't respect PHIA.  
NOBODY IN WINNIPEG EMS RESPECTS THE LAW.  
[V.V.] MY LAWYER IS COMING FOR YOU SPECIFICALLY.
- (v) [V.V.], I have never once in my life hit on you.  
You are TOO SKINNY FOR ME  
I LIKE MY WOMEN TO LOOK LIKE WOMEN....  
JUST SAYING!
- (vi) [V.V.] is a big pile of shit!

Under category (b):

- (i) (Name omitted) you are a terrible human being, just like [V.V.]  
He has a big fucking mouth, and it's ILLEGAL to tell your friends and coworkers about my life and medical problems.  
My lawyer is going to have you fired along with [V.V. and four other individuals, names omitted]!  
Sleep well!  
ohhhh this is going to be FUNNY!

- (ii) PCP's [Primary Care Paramedics] should shut up when they are working with ALS [Advanced Life Support] providers.  
(Name omitted), worst partner I had in 12 year (sic)  
Only person I couldn't work with.  
I asked for a new partner.  
so I was made a spare then demoted.  
Don't trust (name omitted).  
Fire Fighters already know this!
- (iii) [Over a posting of a letter which Mr. Schroeder received from the Winnipeg Fire & Paramedic Service (WFPS).]  
Ya, illegal to refuse to let me have my medications.  
Thanks for documenting your crime WFPS!  
Somebody is getting a criminal record
- (iv) (Names of three individuals, all associated with WFPS, omitted)  
Criminals.  
see you in court morons!
- (v) (Names of three individuals, all associated with WFPS, omitted) are the most unethical people I ever met.  
they tried to kill me and then tried to cover up their crime, then fired me for talking about it.  
I'll be sueing (sic) MGEU [Manitoba Government and General Employees' Union] & Winnipeg Fire Paramedic Service for at least \$8 Million Dollars.  
If it goes before a judge I might even get more.  
Good luck MGEU.
- (vi) (Name omitted) is the most fake paramedic I ever met.  
(Name omitted), have you passed the ACP [Advanced Care Paramedic] ENTRANCE EXAM YET?  
Lemme know if you need help.  
I can tutor you.
- (vii) Dr. (name omitted), medical director to WFPS, MY lawyer wants to talk to you.  
It's about my ACP "training" and scope of Practice.  
are you aware I'm still an ICP [Intermediate Care Paramedic] on paper?  
You have some difficult questions to answer Ahole!

Under category (c):

- (i) (name omitted) told them I showed them my cock! I told them [REDACTED] wishes!
- (ii) fuck you (name omitted)!  
now I'm in market for a REAL WOMAN

- (iii) did you know some [REDACTED] love to deepthroat?  
me neither!  
I was told all [REDACTED] find it yucky...  
I love being wrong!  
thank u God for [REDACTED] who like to deepthroat!
- (iv) a [REDACTED] who lies about that [child abuse / domestic abuse] should be executed  
period  
like by the government  
we kill people for far less
- (v) maybe their new bf [boyfriend] will kill them
- (vi) your (sic) a terrible human being [V.V.]  
just want you to know that!
- (vii) do you want to see (name omitted)'s titties and pussy that [REDACTED] sends me? like recently?  
after they cheated on (name omitted) [REDACTED] cheats on me and cheats on everybody  
they still offers to suck my dick  
wanna see?

Under category (d):

- (i) WFPS  
YOU ARE IN SOOOO MUCH TROUBLE!  
Have a blank cheque ready for me  
my Lawyer wants lots of Zeros!  
\$0000000.00  
You decide what is fair for ruining my career and life for being an abusive criminal  
organization!  
And I think it would be reasonable to expect (names of three individuals omitted) all to be  
fired for their role in this cover up!  
...  
  
\$50,000.00 per day? per person?  
My lawyer loves WFPS!  
YOU GUYS ARE SOOO SCREWED
- (ii) (Name omitted) is going to court which = "big trouble"  
Winnipeg Fire Paramedic Service and MGEU are also going to court with me which also =  
"big trouble"  
that is Not a "threat"  
it's a FACT
- (iii) Winnipeg Fire Paramedic Service  
I want \$8 Million Dollars.

Or I'll see you in court and we will let a judge decide how much my life and career was worth!

Criminal Organization!

- (iv) (Law firm name omitted) doesn't (sic) understand CONFLICT.  
They work for MGEU  
MY UNION  
I HAVE BEEN A PARAMEDIC FOR 13 YEARS.  
BEFORE I MET (name omitted).  
(Law firm name omitted) IS IN CONFLICT BECAUSE THEY CHOSE TO REPRESENT  
(name omitted) IN A LEGAL CUSTODY MATTER AGAINST ME.  
THAT IS ILLEGAL (law firm name omitted).  
SO YOU ARE GOING TO BE WRITING ME A FAT CHECK (sic) YOU CRIMINAL LAW  
FIRM!

Under category (e):

- (i) Paramedic union is seriously thieves, take my money and do nothing!
- (ii) Winnipeg is the worst place in the world to be a ACP.
- (iii) Winnipeg EMS [Emergency Medical Services] CANNOT treat PAIN if you are Less than 3 [years of age].  
I guess Dr. (name omitted) thinks babies don't feel pain.  
So my burned baby got bum dressings from Winnipeg fire department because Winnipeg EMS literally cannot do anything for burned babies....  
EVERY OTHER PARAMEDIC SERVICE IN THE WORLD CAN!  
ASK THE STARS [Shock Trauma Air Rescue Service] GUYS.  
THEY DON'T HAVE DR. (name omitted) AS A MEDICAL DIRECTOR, THAT'S WHY.....  
WINNIPEG EMS IS STILL WORKING IN THE STONE AGE!
- (iv) Don't work for Winnipeg Paramedic Service, they hate people. they did everything they could to ruin my life. It worked. I can't win against a huge powerful agency that is immune from laws.
- (v) (name omitted).....  
[V.V.] is your best friend....  
  
Funny how that works right?  
my union president who did not a thing for me, is best friends with the [REDACTED] who Falsely accuses me of sexual harassment after I catch them breaking the law?
- (vi) WEMS [Winnipeg Emergency Medical Services] "ALS" is actually not true "ALS" Dr. (name omitted) frankenstein's all true advanced treatments in Winnipeg to make protocols easy for stupid ACP's.....  
If you don't wanna do anything properly.....  
Let somebody (sic) else do it then!  
the paramedic side has no clue how to run a paramedic service!

- (vii) (Name omitted) is so full of his own shit.....  
 ...  
 The medical Supervisors in Winnipeg don't know half of what they pretend to know!  
 Trust me!
- (viii) [Over a photo of a public health official giving a COVID-19 media briefing.]  
 Why does it look like they just woke up and washed their hair in a toilet?  
 we don't pay you enough to do your hair?
- (ix) (name omitted), I'm allowed to tell the truth on my Facebook because you refused to be an ethical person and dismiss (name omitted)'s bullshit accusations of me. I am legally allowed to get my medications no matter what that moron (name omitted) thinks!
- (x) Human Resources in Winnipeg is the Abusive Disciplinary arm of the WFPS.
- (xi) Paramedics are QUITTING, CALLING IN SICK, AND DEMORALIZED IN GENERAL.  
 So (name of elected official omitted), you incompetent fool. Where's the money!  
 More ambulances, 10 to start please and the paramedics to the operate the ambulance please at least 100.  
 if the city can't Pay for it due to budget problems, you may increase taxes, or lay off some fire fighters and sell a few fire trucks.....  
 yes I said it!  
 fire me if you want!
- (xii) (Name omitted) are you one of the fire fighters who aren't allowed to come into sick people's houses because your (sic) not a paramedic and we don't need your fire fighter skills on medical calls, so they send a big fire truck to block the street so the ambulance can't get close to the front door of sick people's houses just so you can stand there with your hands in your pockets till (sic) the actual paramedics show up in the ambulance?  
 have you ever documented a PCR [Patient Care Report]? Have you ever given a medical report to a DOCTOR? have you ever given a medical report to a lawyer?  
 Maybe fire trucks should only go to fire calls.  
 Why don't we send Winnipeg police to house fires instead of fire trucks, because fire truck drivers want to be pretend paramedics.
- (xiii) (Name omitted) when I'm back to work, we may talk all you like. but we won't have much time as I am a paramedic on the ambulance so I'll be busy doing 911 medical calls. I know you have all the time in the world on your fire truck!
- (xiv) Paramedics was a bad career choice.  
 Winnipeg EMS is a Meat grinder.

Under category (f):

- (i) Collage (sic) of Paramedics, I told you already [V.V.]'s "complaints" are actually part of an ongoing criminal investigation.

[V.V.] is going to see me in court.  
You can investigate whatever you want.  
I will not speak to you without my lawyer present.  
Fire fighters. ...get ready for "cancel culture"!  
any "complaint" under the sun will be investigated by biased fire fighter hating paramedics....  
look how they cancelled my career.  
Good luck!  
[Exhibit 1, Tab J - the letter from the College dated April 6, 2021 is posted immediately below.]

- (ii) [O.O.], don't you have enough problems yet?  
Nice complaint to the Collage (sic) O.O  
You disrespect yourself.  
[Exhibit 1, Tab I - the second letter from the College dated March 16, 2021 is posted immediately below.]

## **The Applicable Authorities**

### **Standard of Proof**

44. In professional disciplinary proceedings under the Act, the prosecution bears the onus of proving its case on a balance of probabilities.
45. In *F.H. v. McDougall*, 2008 SCC 53, the Supreme Court of Canada held (at para. 40) that: "it is time to say, once and for all in Canada, that there is only one civil standard of proof at common law and that is proof on a balance of probabilities".
46. The Court went on to say (at para. 46) that: "evidence must always be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test".

### **College Materials**

47. The Code of Ethics contains the following provisions:

It is the responsibility of all paramedics in Manitoba to understand and comply with the code of ethics and be accountable, regardless of roles or practice settings.

A paramedic must comply with the Code of Ethics as amended by council from time to time. Any paramedic in contravention of the Act, regulation, by-laws, code of ethics, standards or practice directions is subject to the investigation and complaints process as set out in the Act.

It is important that paramedics recognize that self-regulation of the profession is a privilege.

## Responsibility to the Profession

The paramedic must:

- Honour the profession by ensuring that their conduct reflects positively on the integrity of the profession
- Exhibit conduct that always meets the requirements of the health, legal and professional boundaries of the profession
- Ensure comments made in public and social media do no demean the profession of paramedicine, individuals within the profession and / or the College of Paramedics of Manitoba

## Responsibility to Self

The paramedic must:

- Maintain and demonstrate professional accountability, integrity, good character and reputation

### 48. The Standards contain the following provisions:

Compliance with standards of practice is required; these expectations also serve as a legal reference to describe reasonable and prudent paramedic practice.

It is the responsibility of all paramedics in Manitoba to understand and comply with all standards of practice and be accountable, regardless of roles or practice settings.

A paramedic must comply with the Standards of Practice for the Paramedic Profession as amended by council from time to time. Any paramedic in contravention with the act, regulation, by-laws, code of ethics, standards or practice directions is subject to the investigations and complaints process as set out in the Act.

## Professionalism

Paramedics demonstrate accountability for professional practice by:

5. Ensuring knowledge of relevant legislation, regulations, code of ethics, standards of practice and understanding how to interpret and apply them to your practice of paramedicine.

### 49. The Practice Expectation contains the following provisions:

Practice expectations set the behavioural standard for those aspects and activities of paramedic practice that are not specifically defined within the Act or its associated regulations on paramedicine.

## Social Media / Social Networking Practice Expectation

This practice expectation sets out the boundaries to which registrants must adhere while utilizing social media and social networking sites.

While social media and social networking can be beneficial to paramedical practice, there may be instances where personal posts and online communication can become a professional concern. Whenever making a post or comment online, you should be aware of protection of privacy and confidentiality towards clients and upholding the integrity and image of the profession of paramedicine.

The CPMB *Code of Ethics, Standards of Practice, Practice Directions, and Practice Expectations* can be applied to all forms of social media/networking which includes, but is not limited to: Facebook ... Instagram

As a professional paramedic, conduct online and in-person would be judged and examined equally against the above-noted CPMB documents. For example, posting a negative message online regarding a co-worker would be equated with posting a notice with the same information in the workplace.

CPMB will consider situations that fall outside the practice area if a paramedic's conduct reflects badly on the profession and denigrates the public's confidence in the profession. Listed below is a non-exhaustive list of posts that could result in investigation by CPMB:

- Sharing confidential information online,
- Posting any comments on any form of social media regarding clients, co-workers, colleagues, or management. This includes any identifiers that would reasonably lead the reader to identify a specific person,
- Posting sexually explicit material,
- Posting anything that would be akin to bullying and/or intimidation of clients, co-workers, colleagues, or management,
- Any post that is interpreted as a breach of the *Code of Ethics, Standards of Practice, Practice Directions, or Practice Expectations*.

The importance of careful consideration regarding personal and professional conduct on social media cannot be overstated. Prior to using any social media platform, paramedics should consider the risks to themselves, clients, coworkers, colleagues, and the integrity of the profession. If there is any doubt a post might violate any of the above criteria, don't post!

## Statutory Obligations on an Investigated Member of the College

50. Subsection 100(2) of the Act provides, in part:

Any of the following actions done by an investigated member or any other member or former member is professional misconduct:

- (a) failing to produce to an investigator any record, substance or thing in his or her possession or under his or her control;
- (c) failing to provide any information to an investigator or answer any questions that the investigator may have relating to the investigation;
- (d) obstructing an investigator;
- (e) withholding or concealing from an investigator any record, substance or thing relevant to an investigation.

51. Subsection 122(5) of the Act - which applies to any "person", including an investigated member - forbids the publication of anything that identifies or may identify who, by virtue of a publication ban issued by an inquiry panel, can only be identified by their initials.

## Behaviour Constituting "Professional Misconduct"

52. An old, but still relevant, definition of "professional misconduct" was articulated by the Ontario Court of Appeal in *Re: Davidson and Royal College of Dental Surgeons of Ontario*, 1925 CarswellOnt 254. It reads:

If it is shewn [shown] that a member of the college, in the pursuit of his profession, has done something with respect to it which would be reasonably regarded as improper by his professional brethren, of good repute and competency, then it is open to the board of directors of the college to decide that he has been guilty of improper conduct in a professional respect.

53. More recently, the British Columbia Court of Appeal formulated its own articulation of the test in *Strother v. Law Society of British Columbia*, 2018 BCCA 481 (at para. 64):

[A] hearing panel will consider whether the lawyer's conduct was a marked departure from the conduct expected of lawyers. Put another way, the lawyer's conduct must display culpability of a gross or aggravated nature, rather than a mere failure to exercise ordinary care.

54. *Ontario (College of Physicians and Surgeons of Ontario) v. Waddell*, 2020 ONCPSD 9, is a helpful decision of the Ontario College of Physicians and Surgeons Discipline Committee.

55. In that case, Dr. Waddell became embroiled in a dispute over hospital privileges with the health authority in the area in which he had worked for a number of years. While the dispute was ongoing, he sent emails to a large number of individuals which were insulting, inflammatory, unprofessional, and offensive. He also embarked on a very public social media campaign (including platforms such as Facebook) in which he maligned personally, and attacked the competence of, numerous individuals working within the healthcare system. His posts frequently named senior administrators, legal counsel, and others, accusing them of incompetence and corruption, and were liberally sprinkled with profanity and hyperbole.
56. The Discipline Committee defined "professional misconduct" (at para. 29) as: "[engaging] in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional [and constituting] conduct unbecoming a physician". Commenting on the nebulous line between constitutionally protected freedom of expression and professional misconduct, the Discipline Committee wrote (at para. 33):

The Committee recognizes the importance of free speech in our democratic society and also the boundaries of free speech. Crude and offensive language, unfounded criticisms and personal attacks for revenge are not acceptable. Patient advocacy by physicians, which may include constructive criticism, is admirable, but it must not devolve into destructive criticism of the sort demonstrated in Dr. Waddell's communication. Civility must be maintained.

### **Unfitness to Practice**

57. Subsection 124(2)(e) of the Act empowers an inquiry panel to make a finding that an investigated member "has demonstrated an incapacity or unfitness to practise the regulated health profession".
58. In *Ahluwalia v. College of Physicians and Surgeons of Manitoba*, 2017 MBCA 15, an inquiry panel of that College had found the appellant physician guilty of professional misconduct and unfitness to practice medicine. He appealed both findings to the Manitoba Court of Appeal.
59. The Court noted (at paras. 36 to 38) that the Manitoba legislation does not limit the concept of "unfitness to practice" to the ability of a physician to provide appropriate and competent patient care; in fact, the concept extends to the fitness to "practice medicine", which is broad enough to include things such as proper record-keeping and compliance with the obligations a regulated member owes to its governing body (such as cooperation with a conduct investigation).
60. In *Re Krause*, 2019 CarswellMan 393, a College of Physicians and Surgeons of Manitoba Inquiry Panel found Dr. Krause guilty of demonstrating an unfitness to practice medicine. While her misconduct was wide-ranging and long-running, the panel specifically cited her "contemptuous" disregard for the investigative and regulatory processes of the College, even after receiving legal advice regarding her obligations in that regard, as supportive of its finding of "unfitness to practice" (para. 154(i)). In fact, it cited "full and unconditional cooperation" with those processes as a category of the "professional responsibilities" of a physician (para. 154(iii)).

## Analysis

61. The prosecution requests that the Panel make findings of professional misconduct with respect to Charges 1 and 2 of the V.V. Notice of Inquiry, and with respect to Charges 1 and 2 of the O.O. Notice of Inquiry. In addition, it requests findings of unfitness to practice paramedicine with respect to all three charges in the V.V. Notice of Inquiry.
62. The authority of a Panel to make certain findings is found in subsection 124(2) of the Act. It reads, in part:

If, at the conclusion of a hearing, the panel finds that the investigated member

- (a) is guilty of professional misconduct;
- (b) has contravened this Act or a regulation, by-law, standard of practice or practice direction or the code of ethics;
- (c) has demonstrated an ... unfitness to practise the regulated health profession;

the panel may make an order against the investigated member provided for in this Part.

63. As noted earlier in these Reasons, the Panel has concluded that Mr. Schroeder is guilty of having contravened the Code of Ethics, the Standards, and the Practice Expectation, and is also guilty of professional misconduct with respect to Counts 1, 2, and 3 in the V.V. Notice of Inquiry and Counts 1 and 2 in the O.O. Notice of Inquiry. The Panel's reasons for those conclusions can be summarized as follows:
  - (a) The conduct of Mr. Schroeder was clearly and demonstrably in breach of the Code of Ethics when he:
    - (i) dishonoured the profession by failing to ensure that his conduct reflected positively on the integrity of the profession and, in fact, openly denigrated the profession, its members, and its leadership;
    - (ii) repeatedly exhibited conduct that failed to recognize and abide by the professional boundaries of the profession;
    - (iii) failed to ensure that his public social media comments and posts did not demean the profession of paramedicine, individuals within the profession, and the College itself; and
    - (iv) failed to maintain and demonstrate his own professional accountability, integrity, good character, and reputation.

- (b) The conduct of Mr. Schroeder was clearly and demonstrably in breach of the Standards when he:
  - (i) failed to understand, comply with, and be accountable for the standards of practice of the profession and, in particular, his obligation to cooperate with the investigatory and regulatory activities of the College in connection with its handling of the complaints which had been made against him; and
  - (ii) failed to demonstrate his accountability for professional practice by failing to ensure that he was knowledgeable about the legislation governing the profession (and, in particular, the Act and its regulations), the Code of Ethics, and the Standards. More importantly, by the blatant disrespect he demonstrated towards other members of the profession, Mr. Schroeder evidenced his failure to interpret and appropriately apply those materials to his practice of paramedicine.
  
- (c) The conduct of Mr. Schroeder was clearly and demonstrably in breach of the Practice Expectation when he:
  - (i) failed to respect the boundaries to which registrants must adhere while utilizing social media and social networking sites;
  - (ii) shared confidential information and documents on his public social media sites;
  - (iii) posted comments on his public social media sites that identified co-workers, colleagues, management, and others and that could easily lead the reader to identify the specific people who were the targets of the comments;
  - (iv) posted sexually explicit comments on his public social media sites;
  - (v) made numerous posts which were akin to bullying and intimidation of co-workers, colleagues, and management; and
  - (vi) made numerous posts that constituted breaches of the Code, the Standards, and this Practice Expectation.

64. The Panel has concluded that, with respect to Counts 1, 2, and 3 in the V.V. Notice of Inquiry, Mr. Schroeder has demonstrated an unfitness to practice paramedicine within the meaning of subsection 124(2)(e) of the Act. The reasons of the Panel in this regard can be summarized as follows:

- (a) Based on the authorities provided by the prosecution, it is clear that an assessment of fitness to practice is not limited to the technical clinical skills that a paramedic brings to the job; one does not simply consider their ability to dress a wound, insert an IV, administer medication, etc.
- (b) The prosecution seeks findings of unfitness to practice based on: (i) the volume, frequency, and content of the impugned social media posts, *combined with* (ii) the failure to cooperate

with the College in its regulatory activities, thereby impairing its ability to fulfill its statutory mandate to govern the paramedic profession in the public interest.

- (c) The social media posts - many of which have been quoted *verbatim* elsewhere in these Reasons - speak for themselves. These were not "one-offs" posted by someone simply having a "bad day"; they were posted frequently and over a period spanning several months. In several cases, the posts continued long after the "target" of the comments had asked Mr. Schroeder to stop. The posts are, at turns, mean-spirited, crude, vulgar, insensitive, threatening, demeaning, and disparaging. They reflect badly on Mr. Schroeder and, to the extent that he self-identifies as a paramedic, they sully the public image and reputation of the paramedic profession as a whole. They are, in a word, unprofessional.
  - (d) With respect to the failure to cooperate, the Panel notes that, like many other regulators, the College has a statutory obligation to protect the public and to govern its members in the public interest. This obligation spans a whole range of regulatory activities which include, but are not limited to, developing ethical and practice standards, establishing requirements for licensure, and responding to complaints against members and former members. When a member or former member treats the investigatory and disciplinary processes with the disdain and disregard exhibited by Mr. Schroeder, the privilege of self-regulation currently enjoyed by the paramedic profession is put at risk.
  - (e) The Panel wishes to stress, however, that the failure of an investigated member to cooperate with an investigation by the College will not, *by itself*, be sufficient to ground a finding of unfitness to practice paramedicine; there must be "something more".
  - (f) In this case, the "something more" is the egregious social media activity which augments the impact of the failure to cooperate and firmly establishes the bases for the findings of unfitness to practice paramedicine.
65. In connection with the mandated activities of the Inquiry Committee, the Panel finds the repeated assertions that the College failed to disclose evidence both disingenuous and disturbing. Going back to late 2020, when the College first embarked on the process which culminated in the hearing on March 21, 2022, Mr. Schroeder was advised, in writing, on *at least* eleven occasions that he could attend at the College offices in person to view relevant records (specifically, the investigation report and, later, the evidence the prosecution would be relying upon at the Inquiry hearing); if he acceded to the request to sign and return a confidentiality Undertaking, he could have electronic access to the hearing materials.
66. In any event, as pointed out by prosecution counsel, Mr. Schroeder himself produced the vast majority of the online materials in issue and had ready access to them.
67. Further, the various communications from Mr. Schroeder evidence a fundamental lack of insight into the inappropriateness of the behaviours which triggered the complaints in the first place.
68. Given his demonstrated propensity for posting confidential information on public social media sites, the College would have been acting irresponsibly - and indeed recklessly - had it *not* insisted on a signed undertaking from Mr. Schroeder that he would not make inappropriate use of any

records provided to him in electronic format. His refusal to provide that very reasonable undertaking is in itself clear evidence of the validity of the concerns voiced by the College.

69. The refusal also evidences an ignorance of, or an indifference to, the obligations imposed on him by the Act, the Code of Ethics, the Standards, and the Practice Expectation. Mr. Schroeder simply does not demonstrate the requisite understanding or appreciation of the nature and scope of these obligations, or of the statutory duty of College to enforce - in the public interest - compliance with them.
70. While the Panel was not asked to make, and is not making, any specific findings with respect to Mr. Schroeder's mental health, the prosecution, at several points in these proceedings, has identified this as a potential matter of concern for the College. In this regard, the Panel notes that Mr. Schroeder: (i) forwarded copies of two psychiatric reports, written in the Fall of 2020 in connection with a disability claim he had made to his insurer, to the College, and later posted them on a public social media site; (ii) described himself as having a "mental health disability" in at least one of his communications with the College; and (iii) discussed his mental health status in several of his public social media posts.
71. The concerns mentioned by the prosecution have been taken into account and have informed the decisions of the Panel regarding its findings of unfitness to practice paramedicine and regarding the sanctions it has seen fit to impose. The content of many of the social media posts suggest that Mr. Schroeder may be struggling with his mental health, in part because of other stressful occurrences in his life. While these other stressors do not excuse his behaviour, the Panel was of the view that they might explain why he did some of the things which the Panel concluded supported its findings of unfitness to practice paramedicine. In terms of sanction, the Panel thought it was necessary to build in several additional requirements should Mr. Schroeder ever decide to reapply for registration with the College so that it could proactively address the gaps in his knowledge of his professional responsibilities.

## **Decision**

72. With one exception, the Panel finds that: (i) the prosecution has proved each of the allegations set out in Count 1 of the V.V. Notice of Inquiry; (ii) Mr. Schroeder is guilty of the charge; and (iii) the conduct of which he is guilty constitutes professional misconduct and demonstrates an unfitness to practise paramedicine.
73. The exception is with respect to the allegation that, in a few instances, Mr. Schroeder appears to have been on duty when the impugned comments were posted. The Panel is not satisfied that this specific allegation has been proved to the requisite standard as there was no evidence presented to show he was in fact on duty at the time.
74. The Panel finds that: (i) the prosecution has proved each of the allegations set out in Count 2 of the V.V. Notice of Inquiry; (ii) Mr. Schroeder is guilty of the charge; and (iii) the conduct of which he is guilty constitutes professional misconduct and demonstrates an unfitness to practise paramedicine.

75. The Panel finds that: (i) the prosecution has proved each of the allegations set out in Count 3 of the V.V. Notice of Inquiry; (ii) Mr. Schroeder is guilty of the charge; and (iii) the conduct of which he is guilty constitutes professional misconduct and demonstrates an unfitness to practise paramedicine.
76. The Panel finds that: (i) the prosecution has proved each of the allegations set out in Count 1 of the O.O. Notice of Inquiry; (ii) Mr. Schroeder is guilty of the charge; and (iii) the conduct of which he is guilty constitutes professional misconduct.
77. The panel finds that: (i) the prosecution has proved each of the allegations set out in Count 2 of the O.O.. Notice of Inquiry; (ii) Mr. Schroeder is guilty of the charge; and (iii) the conduct of which he is guilty constitutes professional misconduct.

### **Sanction**

78. The authority of a Panel to make certain orders is found in subsection 126(1) of the Act. It reads, in part:

If the panel makes a finding under subsection 124(2) ... it may make an order doing one or more of the following:

- (a) reprimanding the investigated member;
- (b) suspending the investigated member's registration or certificate of practice for a stated period;
- (c) suspending or restricting the investigated member's registration or certificate of practice until he or she
  - (i) has completed a specified course of studies, to the satisfaction of a person or committee specified by the panel;
- (g) requiring the investigated member to take counselling or receive treatment;

79. In determining the appropriate sanction for Mr. Schroeder, the Panel acknowledges the submissions of counsel to the CIC who requested, with respect to each of the Notices of Inquiry: (i) a public reprimand; (ii) cancellation of Mr. Schroeder's registration with the College; (iii) a requirement that, as part of any reapplication process, Mr. Schroeder provide satisfactory information and explanation to the Registrar to allow them to assess his behaviour and his ability to practice paramedicine in the future; and, (iv) a requirement that, as part of any reapplication process, Mr. Schroeder undergo related counselling or courses on professional ethics and on professional communications (particularly on social media) as determined by the Registrar. With respect to the V.V. Notice of Inquiry, counsel also requested an order that Mr. Schroeder be prohibited from applying for Registration with the College for a minimum of three months from the date of the order of the Panel.

80. In reaching its decision, the Panel was mindful of the objectives of such orders which have been articulated by various authorities.
81. In his comprehensive text, *The Regulation of Professions in Canada*, Carswell 2021, James T. Casey expounds at length on the purpose of sentencing in professional discipline cases. By way of introduction to the topic, he cites *McKee v. College of Psychologists (British Columbia)*, [1994] 9 W.W.R. 374 (at page 376):

[W]here the legislature has entrusted the disciplinary process to a self-governing professional body, the legislative purpose is regulation of the profession in the public interest. The emphasis must clearly be upon the protection of the public interest...

82. Citing *McKee* and a number of other authorities, Casey goes on to state:

A number of factors are taken into account in determining how the public might best be protected, including specific deterrence of the member from engaging in further misconduct, general deterrence of other members of the profession, rehabilitation of the member, punishment of the offender, ..., the denunciation by society of the conduct, the need to maintain the public's confidence in the integrity of the profession's ability to properly supervise the conduct of its members, and ensuring that the penalty imposed is not disparate with penalties in other cases.

83. Casey also identifies a number of factors which may serve to mitigate the severity of an appropriate penalty in a particular case. These include:

- (a) the attitude of the member since the offence was committed, with a less severe punishment being justified where the individual genuinely recognizes that their conduct was wrong;
- (b) the age and inexperience of the member at the time the offences were committed;
- (c) whether the misconduct was a "first offence" for the member;
- (d) whether the member pleaded guilty to the charges of professional misconduct, which may taken as demonstrating the acceptance of responsibility for their actions;
- (e) the good character of the member; and,
- (f) a long and otherwise unblemished record of professional service by the member.

84. Based on a careful consideration of all of these factors, the Panel orders that Mr. Schroeder:

- (a) be reprimanded for the conduct described in the V.V. Notice of Inquiry;
- (b) be reprimanded for the conduct described in the O.O. Notice of Inquiry;
- (c) be prohibited from applying for registration with the College for a minimum period of three months from the date of this decision;

- (d) be required, as part of any reapplication process, to provide satisfactory information and explanation to the Registrar to allow them to assess his behaviour and his ability to practice paramedicine in the future; and
- (e) be required, as part of any reapplication process, to undergo related counselling or courses on professional ethics and on professional communications (particularly on social media) as determined by the Registrar.

85. The Panel notes that the registration which Mr. Schroeder formerly held with the College expired on January 31, 2021. It therefore declines to order the "cancellation" of a registration which is not currently extant.
86. The authority of an Inquiry Panel to make an order for costs is found in subsections 127(1) and 127(2) of the Act:

127(1)

In addition to or instead of dealing with the investigated member's conduct under section 126, the panel may order the member to pay to the college, within the time period set in the order,

- (a) all or part of the costs of the investigation, hearing and appeal;

127(2)

The costs referred to in subsection (1) may include, but are not limited to,

- (a) all disbursements incurred by the college, including
  - (iii) fees for retaining a reporter and preparing transcripts of the proceedings, and
  - (iv) costs for serving documents, long distance telephone and facsimile charges, courier delivery charges and similar miscellaneous expenses;
- (b) payment of remuneration and reasonable expenses to members of the panel or the complaints investigation committee; and
- (c) costs incurred by the college in providing counsel for the college and the panel, whether or not counsel is employed by the college.

87. The decision of the Saskatchewan Court of Appeal in *Abrametz v. The Law Society of Saskatchewan*, 2018 CarswellSask 253, is instructive in terms of the principles applicable to the assessment of costs in cases where a member of a self-regulating profession has been found guilty of conduct constituting "professional misconduct". The principles articulated by the Court (at paras. 43 to 45) include:

- (a) Costs are at the discretion of the Discipline Committee, with discretion to be exercised judicially;
  - (b) The purpose of costs in a professional disciplinary setting is not to indemnify the regulator but for the sanctioned member to bear the costs of disciplinary proceedings as an aspect of the burden of being a member, and to avoid visiting those expenses on the collective membership;
  - (c) The "burden of membership" principle does not necessarily mean full indemnification. Costs should not be so prohibitive as to prevent a member from defending their right to practice in their chosen profession, or from being able to dispute misconduct charges; and.
  - (d) Costs awards in disciplinary proceedings are not intended to be punitive. They are, rather, intended to be "a balancing measure that reflects the privilege of membership in a professional organization". [Citing *Trends in Costs Awards before Administrative Tribunals* (2014), 27 Can J Admin L & Prac 259 (WL), by Robert A. Centa and Denise Cooney]
88. The prosecution requests an order for a contribution to costs in the amount of \$17,000.
89. Section 127 grants the Panel a broad discretion to fix appropriate costs. In this case, the Panel notes that the College required the assistance of legal counsel to:
- (a) prepare the Notices of Inquiry;
  - (b) prepare an extensive binder of "Prosecution Documents";
  - (c) prepare an extensive binder of "Prosecution Authorities";
  - (d) prepare for the initial Inquiry Committee hearing (scheduled for October 22, 2021, but adjourned at the request of Mr. Schroeder);
  - (e) prepare for and conduct a full-day hearing on March 21, 2022 (involving two counsel);
  - (f) respond to numerous communications from Mr. Schroeder and others involved in the proceeding; and
  - (g) advise the Panel with respect to the conduct of the proceeding.
90. The Panel notes further the abject failure and refusal of Mr. Schroeder to engage with, and participate in, the regulatory process. Because of this failure, the prosecution was required to prove to the requisite standard matters such as jurisdiction, which would normally be agreed to in these types of proceedings. Further, because there was no agreement with respect to the admission into evidence of non-contentious facts or documents, the prosecution was required to lead oral evidence on those matters. Mr. Schroeder's failure to even attend the hearing added to the complexity of a proceeding which *should* have been a relatively straightforward affair.
91. The prosecution has not asked for, and no doubt does not expect, recovery of the entire out-of-pocket costs of the prosecution; in fact, the Panel heard no evidence regarding the particulars of

those costs. Based on the factors listed above, however, the Panel is satisfied that the costs incurred to date by the College are significant. The Panel is also satisfied that a contribution from Mr. Schroeder of \$17,000 is both modest and fair, and it therefore makes an order for costs in the amount requested by the prosecution.

92. The Panel authorizes the Registrar to enter into an arrangement with Mr. Schroeder for the payment of the costs on terms to be determined by the Registrar in their sole discretion.
93. In future proceedings of this kind, the Panel recommends that the prosecution provide detailed estimates of the costs and disbursements incurred to the commencement of the hearing, and of those expected to be incurred to complete the matter. This information would afford future panels a better ability to assess the reasonableness of any submission on costs.

Dated at Winnipeg, Manitoba this 6<sup>th</sup> day of April 2022.

*Dean D. Scaletta*

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Dean Scaletta (Chair / Public Representative)

*Callum Melvin*

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Callum Melvin (Member)

*Douglas Simpson*

---

Douglas Simpson (Public Representative)

*Travis Tannas*

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Travis Tannas (Member)

# **SCHEDULE "A"**



**College of Paramedics  
of Manitoba**

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[collegeparamb.ca](http://collegeparamb.ca)

610-1445 Portage Avenue  
Winnipeg, Manitoba R3G 3P4

**T** | 204-793-3592  
**E** | [info@collegeparamb.ca](mailto:info@collegeparamb.ca)

**NOTICE OF INQUIRY**

**IN THE MATTER OF**

COREY SCHROEDER, a former member of the  
College of Paramedics of Manitoba (the “College”).

**AND IN THE MATTER OF**

A professional conduct inquiry pursuant to Part 8 of  
*The Regulated Health Professions Act S.M. 2009, c.  
15 (“RHPA”)*

**TO: Corey Schroeder**

**TAKE NOTICE** that the Inquiry Committee of the College will meet on October 22, 2021, at the offices of Thompson Dorfman Sweatman LLP located at 17<sup>th</sup> Floor – 242 Hargrave Street, Winnipeg, Manitoba, for the purpose of setting a date for convening and conducting an Inquiry in accordance with the requirements of section 116 of the RHPA.

**AND FURTHER TAKE NOTICE** that the Inquiry is to determine whether you, Corey Schroeder, by your actions particularized herein, individually or cumulatively:

1. contravened the Standards of Practice for the Paramedic Profession;
2. contravened the Code of Ethics of the College of Paramedics of Manitoba;
3. violated the College Practice Expectation – Social Media / Social Networking;
4. are guilty of professional misconduct; and/or
5. demonstrated an unfitness to practice paramedicine.



**AND FURTHER TAKE NOTICE** that the allegations against you are that:

1. On or about November 23, 2020 and thereafter, you contravened:
  - a. the Code of Ethics of the College of Paramedics of Manitoba, specifically *Responsibility to the Profession* and *Responsibility to Self*; and/or
  - b. the Standards of Practice for the Paramedic Profession, specifically *Professionalism: 5. Ensure knowledge of relevant legislation, regulations, code of ethics, standards of practice, and understand how to interpret and apply them to your practice of paramedicine*; and/or
  - c. the College of Paramedics of Manitoba Practice Expectation – Social Media / Social Networking, specifically *sharing confidential information, posting comments regarding clients, co-workers, colleagues, or management, posting sexually explicit material, posting anything that would be akin to bullying and/or intimidation of clients, co-workers, colleagues, or management, any post that is interpreted as a breach of the Code of Ethics, Standards of Practice, Practice Direction, or Practice Expectation*;

by:

- i) posting to a public social media forum messages and comments which were unprofessional, vulgar, threatening and harassing towards a professional colleague, identified herein as Individual “A”, as well as with respect to other members of the profession and specifically members of the Winnipeg Fire and Paramedic Service (“WFPS”);
- ii) sending over 300 private social media messages to Individual “A”, at times on a daily basis, wherein you made vulgar, inappropriate and harassing comments towards Individual “A”, examples of which include sexual



innuendos, hopes of violence towards others, accusations against Individual “A”, and threats of legal repercussions; and

iii) while identifying yourself as a paramedic, and/or in a few instances which appear to have occurred while you were on duty, you made numerous inappropriate comments of an unprofessional nature on your public social media page, examples of which include:

- i. threats of legal repercussions against Individual “A”, WFPS employees and management, your ex-wife, a Winnipeg law firm, and your union;
- ii. unsubstantiated accusations and criticisms against Individual “A”, your ex-wife, WFPS employees and management, other members of the College, your psychiatrist, a Winnipeg law firm, and your union; and
- iii. unsubstantiated criticisms regarding the paramedic profession as a whole; and

iv) posting correspondence from the College on your public Facebook page marked “Private and Confidential” thereby contravening S123.1 of the RHPA; and thereby committed acts of professional misconduct and unfitness to practice.

2. You failed to cooperate and reply in a responsive manner to written correspondence from the College, examples of which include failing to provide documents and/or information requested by the College, thereby breaching sections 99(1)(e) and 100(2)(c) of the RHPA, and thereby compromising the College’s ability to self-regulate. Particulars include one or more of the following:

- a. You failed to respond to a request for an interview with the appointed investigator on March 22, 2021;



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[collegeparamb.ca](http://collegeparamb.ca)

610-1445 Portage Avenue  
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T | 204-793-3592  
E | [info@collegeparamb.ca](mailto:info@collegeparamb.ca)

- b. On April 1, 2021, the investigator contacted you by phone and you again declined the request to be interviewed;
  - c. You declined to respond to the request from the College to attend the College to read a copy of the Investigator's Report in order to provide a response;and your failure to cooperate and respond to the investigation into your conduct and the failure to provide any explanation for the content of the social media posts demonstrates professional misconduct and an unfitness to practice.
  
3. By reason of one or more of the foregoing, and more specifically by the volume and content of the public social media posts, which included personal information about yourself, your family, and other members of the College, you have demonstrated an unfitness to practice paramedicine.

DATED at Winnipeg, Manitoba, this 16<sup>th</sup> day of September, 2021.

A handwritten signature in blue ink that reads "Trish Bergal".

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Trish Bergal, Registrar  
College of Paramedics of Manitoba

# **SCHEDULE "B"**



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[collegeparamb.ca](http://collegeparamb.ca)

610-1445 Portage Avenue  
Winnipeg, Manitoba R3G 3P4

**T** | 204-793-3592  
**E** | [info@collegeparamb.ca](mailto:info@collegeparamb.ca)

**NOTICE OF INQUIRY**

**IN THE MATTER OF**

COREY SCHROEDER, a former member of the  
College of Paramedics of Manitoba (the “College”).

**AND IN THE MATTER OF**

A professional conduct inquiry pursuant to Part 8 of  
*The Regulated Health Professions Act S.M. 2009, c.  
15 (“RHPA”)*

**TO: Corey Schroeder**

**TAKE NOTICE** that the Inquiry Committee of the College will meet on October 22, 2021, at the offices of Thompson Dorfman Sweatman LLP located at 17<sup>th</sup> Floor – 242 Hargrave Street, Winnipeg, Manitoba, for the purpose of setting a date for convening and conducting an Inquiry in accordance with the requirements of section 116 of the RHPA.

**AND FURTHER TAKE NOTICE** that the Inquiry is to determine whether you, Corey Schroeder, by your actions particularized herein, individually or cumulatively:

1. contravened the Standards of Practice for the Paramedic Profession;
2. contravened the Code of Ethics of the College of Paramedics of Manitoba;
3. violated the College Practice Expectation – Social Media / Social Networking; and/or
4. are guilty of professional misconduct.

**AND FURTHER TAKE NOTICE** that the allegations against you are that:



1. You failed to cooperate and reply in a responsive manner to written correspondence from the College, examples of which include failing to provide documents and/or information requested by the College, thereby breaching sections 99(1)(e) and 100(2)(c) of the RHPA, and thereby committing acts of professional misconduct and compromising the College's ability to self-regulate. Particulars include one or more of the following:
  - a. You failed to respond to a request for an interview with the appointed investigator on March 22, 2021;
  - b. On April 1, 2021, the investigator contacted you by phone and you again declined the request to be interviewed;
  - c. You declined to respond to the request from the College to attend the College to read a copy of the Investigator's Report in order to provide a response; and
  - d. The content of the social media posts gave rise to concerns that the College was unable to investigate due to your failure to cooperate and respond to the investigation into your conduct.
  
2. On or about February 15, 2021, you contravened:
  - a. the Code of Ethics of the College of Paramedics of Manitoba, specifically *Responsibility to the Profession and Responsibility to Self*; and/or
  - b. the Standards of Practice for the Paramedic Profession, specifically *Professionalism: 5 Ensure knowledge of relevant legislation, regulations, code of ethics, standards of practice, and understand how to interpret and apply them to your practice of paramedicine*; and/or
  - c. the College of Paramedics of Manitoba Practice Expectation – Social Media / Social Networking, specifically *sharing confidential information*;



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by posting on your public Facebook page:

- i. comments and criticisms of a disparaging, and unprofessional nature, while identifying yourself as a paramedic, regarding other members of the College and the paramedic profession as a whole; and
- ii. posting correspondence from the College marked “Private and Confidential” which indicates the name of the complainant and summarizes the conduct at issue;

which as a result cause damage to the profession and have the potential to impair the public’s confidence in the profession, and thereby contravening the provisions section 123.1 of the RHPA.

DATED at Winnipeg, Manitoba, this 16<sup>th</sup> day of September, 2021.

A handwritten signature in blue ink that reads 'Trish Bergal'.

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Trish Bergal, Registrar  
College of Paramedics of Manitoba