

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

Citation: College of Early Childhood Educators vs Brooke Reid,
2015 ONCECE 1
Date: 2015-01-22

IN THE MATTER OF the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sched. 8 (the
“ECE Act”) and the Regulation (Ontario Regulation 223/08) thereunder;

AND IN THE MATTER OF discipline proceedings against BROOKE REID, a current member of
the College of Early Childhood Educators.

PANEL: Rosemary Fontaine, Chair
Jacqueline Hooper-Boyd, RECE
Rhiannon Brown, RECE

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD)	M. Jordan Glick,
EDUCATORS)	WeirFoulds LLP,
)	for the College of Early Childhood Educators
)	
- and -)	
)	
BROOKE REID)	Brooke Reid was not present,
REGISTRATION # 45406)	nor was she represented
)	
)	
)	
)	M. David Leonard,
)	McCarthy Tétrault LLP,
)	Independent Legal Counsel
)	
)	Heard: January 22, 2015

REASONS FOR DECISION, DECISION AND ORDER(S)

1. This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on January 22, 2015 at the College of Early Childhood Educators (the “College”) at Toronto.

2. Counsel for the College submitted a Notice of Hearing dated November 18, 2014 and an Affidavit of Service dated December 29, 2014 (Exhibit 1, Tab 1). The Notice of Hearing was served on Brooke Reid (the “Member”) specifying the charges and requesting the Member’s attendance before the Discipline Committee of the College of Early Childhood Educators (the “Committee”) on December 16, 2014 to set a date for a hearing. The Affidavit of Service sworn by Lisa Searles, Hearings Coordinator, detailed confirmation that the Notice of Hearing was served on the Member.
3. The Member was not in attendance at the hearing, nor was she represented by legal counsel.

THE ALLEGATIONS

4. The allegations against the Member, as stated in the Notice of Hearing, are as follows:

IT IS ALLEGED that Brooke Reid, RECE (the “**Member**”), is guilty of professional misconduct as defined in subsection 33(2) of the ECE Act, in that:

- (a) she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8) in that:
 - i. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College’s Standards of Practice; and,
 - ii. she failed to establish and maintain clear and appropriate boundaries in professional relationships, contrary to Standard V.B.
 - (b) she acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10).
 - (c) she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).
5. Counsel for the College submitted an affidavit signed on January 7, 2015 by S.E. Corke, Registrar and Chief Executive Officer of the College (Exhibit 1, Tab 2). The affidavit states

that Ms. Reid is a member of the College, her current registration status is “Current Member” and it outlines the historical changes that occurred since the Member was issued a Certificate of Registration.

AGREED STATEMENT OF FACTS

6. Counsel for the College advised the Committee that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts, signed December 11, 2014 (Exhibit 1, Tab 3). The Agreed Statement of Facts provides as follows:

- (a) Brooke Reid (“**Ms. Reid**” or the “**Member**”), is, and was at all times relevant to the Allegations in the Notice of Hearing, a registered member of the College of Early Childhood Educators (the “**College**”).
- (b) From October 2013 to July 21, 2014, the Member was employed as an Educational Assistant at the Lennox and Addington Resources for Children at Bath Public School (the “**Centre**”) in the before and after school program.
- (c) From November 22, 2013 to July 9, 2014, the Member was employed with the Limestone District School Board (the “**Board**”).
- (d) From January 2014 to July 9, 2014, the Member was employed as a Lunch/Yard Supervisor at Fairfield Public School (the “**School**”).
- (e) In May 2014, as an employee of the School, the Member communicated to four students in grade five and six via text messaging after school hours. The Member requested that the students not inform their parents about the texting.
- (f) In May 2014, while working at the School, the Member discussed graphic sexual activities with grade five and six students as follows:
 - i. The sexual encounter she had with a male in her car before coming to work;
 - ii. The definition of “BJ”;
 - iii. The definition of “69” and an explanation of how it is performed; and,
 - iv. The definition of “boner.”
- (g) In May 2014, while working at the School, the Member shared text messages with grade five and six students from a male friend that described how he wanted her sexually.

- (h) In May 2014, while working at the School, the Member participated in a game of “Truth or Dare” with grade five and six students. In the game, the Member dared students to kiss each other.
- (i) In May 2014, while working at the School, the Member shared stories with grade five and six students about herself partying, drinking beer and whiskey, getting drunk and falling out of the back of a moving truck.
- (j) On May 30, 2014, allegations were brought forward to David Allison, Principal of the School, that the Member had been texting Grade five and six students, as well as sharing inappropriate sexual content with them in face-to-face conversations at the School.
- (k) On May 30, 2014, Mr. Allison referred the allegations against the Member to Family and Children’s Services (FCS) for investigation.
- (l) On May 30, 2014, the Member’s employment with the Centre was suspended.
- (m) On June 26, 2014, FCS completed their investigation into the allegations against the Member and verified the following concerns:
 - i. Risk that the child is likely to be sexually harmed – sexual suggestiveness; and,
 - ii. Limited caregiving skills.
- (n) On July 9, 2014, the Member’s employment with the Board and the School was terminated with cause.
- (o) On July 21, 2014, the Member’s employment with the Centre was terminated.
- (p) The parties agree that these facts are substantially accurate.
- (q) Ms. Reid admits that by reason of the facts set out above, she engaged in professional misconduct, as defined in subsection 33(2) of the ECE Act, in that:
 - i. She failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8) in that:
 - 1. She conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College’s Standards of Practice; and,

2. She failed to establish and maintain clear and appropriate boundaries in professional relationships, contrary to Standard V.B.

- ii. She acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10).
- iii. She conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

(r) The Member understands the nature of the allegations that have been made against her and that by voluntarily admitting to these allegations; she waives her right to require the College to otherwise prove the case against her.

(s) The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

(t) The Member understands that the panel's decision and reasons may be published, including the facts contained herein along with her name.

(u) The Member understands that any agreement between her and the College does not bind the Discipline Committee.

(v) The Member acknowledges that she has had the opportunity to receive independent legal advice but has declined to do so.

(w) The Member and the College consent to the panel viewing the Notice of Hearing, this Agreed Statement of Facts and the Joint Submission as to Penalty prior to the start of the hearing.

7. Counsel for the College also submitted a plea inquiry signed by the Member on

December 11, 2014 (Exhibit 1, Tab 3) indicating the following:

- The Member understands the nature of the allegations made against her;
- The Member understands that by admitting to the allegations, she is waiving her right to require the College to prove the case against her and the right to have a hearing;
- The Member voluntarily decided to admit to the allegations against her;

- The Member understands that depending on the order made by the Committee, the Committee's decision and a summary of its reasons could be published in the College's official publication, *Connexions*, including reference to her name; and,
- The Member understands that any agreement between counsel for the College and herself with respect to the order proposed does not bind the Committee.

8. By entering into the plea inquiry, the Member submitted a plea of no contest to the allegations of professional misconduct.

DECISION

9. Having considered the Exhibits filed, and based on the Agreed Statement of Facts and guilty plea contained therein, and the submissions made by College counsel, the Discipline Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Brooke Reid, the Member, committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections 2(8), 2(10) and 2(22) and standards IV.E.2 and V.B of the College's *Code of Ethics and Standards of Practice*.

REASON FOR DECISION

10. The Committee finds the Member to be guilty of professional misconduct based on the admitted facts and allegations contained in the signed Agreed Statement of Facts and her guilty plea in the plea inquiry. The facts in the agreement were uncontested by the Member and she acknowledged that her conduct under examination constituted professional misconduct. As such, the Committee accepts the Member's plea and the Agreed Statement of Facts.

11. The Member failed to establish professional relationships and appropriate boundaries with the children in her care, contrary to Standard V.B of the College's *Code of Ethics and Standards of Practice*. In an effort to gain acceptance from the students, the Member engaged in unprofessional and inappropriate interactions with them, including texting outside of school hours, describing graphic sexual activities and engaging in a game of "Truth or Dare."
12. The Member did not consider the best interests of the children when she requested that they not tell their parents about the texting or when she exposed them to overtly sexual material that was well beyond their level of maturity. Moreover, the Member put children in an awkward and inappropriate situation when she dared two students to kiss one another in a game of "Truth or Dare."
13. Far from serving as a role model, the Member allowed students to perceive her as irresponsible and careless when she shared personal stories about sexual encounters, getting drunk and engaging in rash behaviour. Without considering the potential impact of her anecdotes, the Member promoted a reckless and dangerous lifestyle to impressionable children. The Member failed to appreciate that she was a person in authority and the power of her influence, and she failed to demonstrate to the children the high standards of the profession. In so doing, the Member contravened Standard IV.E.2 of the College's *Code of Ethics and Standards of Practice*.
14. The Member's conduct is unbecoming, dishonourable and fails to meet the standards of the profession, and as such, directly violates subsections 2(8), 2(10) and 2(22) of the Professional Misconduct Regulation.

JOINT SUBMISSION ON PENALTY

15. College counsel submitted a Joint Submission as to Penalty, signed by the Member on December 11, 2014 (Exhibit 1, Tab 4), which provides as follows:
- (a) Ms. Brooke Reid (“Ms. Reid” or the “Member”) shall be reprimanded by the Discipline Committee in writing and the fact of the reprimand shall be recorded on the register.
 - (b) The Registrar shall be directed to revoke the Member’s certificate of registration and set a time of two years from the date of the Discipline Committee’s Order disposing of the allegations be fixed as the time during which the Member may not apply to the Registrar or the College for a new certificate of registration.
 - (c) The results of the hearing shall be recorded on the register.
 - (d) The Discipline Committee’s finding and Order shall be published, with the Member’s name, in full on the College’s website and in summary in the College’s publication, *Connexions*.
 - (e) The Member and the College agree that if the Committee accepts this Joint Submission as to Penalty, there will be no appeal of the Committee’s decision in any forum.
16. Counsel for the College submitted that in determining an appropriate penalty for the Member, the Committee should take into consideration the overarching principle of specific and general deterrence. Specific deterrence is devised to ensure that the Member will not repeat an act of professional misconduct, while general deterrence is intended to inform other members of the profession of the type of penalty that awaits them should they err in a similar fashion.
17. College counsel indicated that the Committee has, in the past, accepted joint submissions as to penalty, adding, that while such submissions are not binding on the Committee, both the Ontario Court of Appeal and Divisional Court have held that joint

submissions should not be rejected unless they are “contrary to the public interest” and would “bring the administration of justice into disrepute.”

18. Counsel for the College submitted that the proposed penalty, which has been agreed to by the parties, is appropriate, protects the public interest by serving the functions of specific and general deterrence, and is proportionate to the misconduct found. A written reprimand serves as a specific deterrent by allowing the College an opportunity to dialogue with the Member and convey to her the disapproval of her conduct. A written reprimand is especially important given the fact that the Member was not present at the hearing.

19. College counsel submitted that the publication of the Member’s conduct is not only a general deterrent, but also protects the public interest. As there is an element of public shaming associated with publication, other members of the profession will be discouraged from committing acts of misconduct for fear of similar social condemnation. Publication will also allow potential employers of the Member to verify that her certificate of registration was revoked, should the Member at any point in the future pursue employment as an early childhood educator. Furthermore, publishing the College’s decisions with the Member’s name reflects the important principles of access and transparency to College processes, which helps build confidence in the College’s ability and willingness to police itself, thereby serving the public interest.

20. Counsel for the College stated that as the Member no longer wishes to be a member of the profession, the College is constrained from adopting a remedial approach with the Member. Consequently, revoking the Member’s certificate of registration is the only available and appropriate measure to ensure the College’s public protection mandate is served.

PENALTY DECISION

21. After considering the joint submission made by College counsel and the Member, the Committee makes the following order as to penalty:

- (a) The Member shall be reprimanded by the Discipline Committee in writing and the fact of the reprimand shall be recorded on the register.
- (b) The Registrar shall be directed to revoke the Member's certificate of registration and set a time of two years from the date of the Discipline Committee's Order disposing of the allegations during which the Member may not apply to the Registrar or to the College for a new certificate of registration.
- (c) The results of the hearing shall be recorded on the register.
- (d) The Discipline Committee's finding and Order shall be published, with the Member's name, in full on the College's website and in summary in the College's publication, *Connexions*.

REASONS FOR PENALTY DECISION

22. In matters where there is a joint submission as to penalty, the task before the Committee is to determine whether or not the submission falls within an appropriate range of penalty given the Member's misconduct. The Committee has ordered a penalty consistent with the joint submission, having determined that the proposed penalty is reasonable and serves to protect the public interest.

23. As the Member was not in attendance at the hearing, a written reprimand provides the Committee with the opportunity to express its disapproval of the Member's conduct and reinforce the messages it wishes to convey through the penalty. Moreover, by recording the fact of the reprimand on the public register, the public is assured that the Committee recognizes the seriousness of the Member's behaviour and responds to acts of professional misconduct fairly and transparently.

24. Revocation of the Member's certificate of registration is appropriate in this matter, given that the Member failed to appreciate the boundaries of the educator-student relationship and the influence she has over the developing minds of the children in her care. Revoking the Member's certificate of registration will also prevent the Member from obtaining employment where certificates of registration are required, thus ensuring that a similar situation will not happen in the future. In similar circumstances, the Committee might have recommended a rehabilitative penalty in order to address the shortcomings in the Member's practice if the Member demonstrated sincere remorse for their actions. However, as the Member was not in attendance at the hearing, the Committee was unable to establish whether the Member was remorseful and if a rehabilitative penalty would be appreciated.

25. Publication on the public register, College website and in the newsletter, *Connexions*, promotes awareness of the high standards to which the College holds its members and assures both, the public and other members of the profession, that the College will not tolerate this kind of conduct. Publication will ensure that future potential employers are informed of the Member's misconduct and resulting revocation, thereby barring her from job opportunities requiring a certificate of registration. It will also communicate to the Member that the professional misconduct she committed is serious and the consequences for committing such acts are disadvantageous to her.

26. In conclusion, the Committee is confident that the penalty serves the interests of the public and of the profession.

Date: January 22, 2015

Rosemary Fontaine
Chair, Discipline Panel

Jacqueline Hooper-Boyd, RECE
Member, Discipline Panel

Rhiannon Brown, RECE
Member, Discipline Panel