

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

Citation: College of Early Childhood Educators vs Bridget Theobald,
2013 ONCECE 2
Date: 2013-01-29

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

AND IN THE MATTER OF discipline proceedings against Bridget
Theobald, a member of the College of Early Childhood Educators.

PANEL: Barbara Brown, RECE, Chair
 Valerie Sterling, RECE
 Rosemary Fontaine

BETWEEN:)	
)	
COLLEGE OF EARLY CHILDHOOD EDUCATORS)	M. Jill Dougherty, WeirFoulds LLP, for College of Early Childhood Educators
- and -)	
)	
BRIDGET THEOBALD REGISTRATION # 08743)	Bridget Theobald on her own behalf
)	
)	
)	David Leonard McCarthy Tétrault LLP, Independent Legal Counsel
)	
)	Heard: January 29, 2013

**REASONS FOR DECISION, DECISION AND
ORDER(S)**

This matter came on for hearing before a panel of the Discipline Committee (the "Committee") on January 29, 2013 at the College of Early Childhood Educators (the "College") at Toronto.

A Notice of Hearing (Exhibit 1), dated December 17, 2012, was served on Bridget Theobald (the "Member"), specifying the charges and requesting her attendance before the Discipline

Committee of the College of Early Childhood Educators (the “Committee”) on January 29, 2013 to set date for a hearing. Counsel for the College submitted an Affidavit of Service sworn by Agatha Wong, Hearings Coordinator (Exhibit 1), and sworn January 23, 2013, detailing confirmation that the Notice of Hearing was served on the Member. Counsel for the College also tendered a Consent form (Exhibit 2), which indicated that both parties consented to hold the hearing on January 29, 2013.

The Member was in attendance at the hearing via teleconference.

Counsel for the College submitted an affidavit signed on January 29, 2013 by S.E. Corke, Registrar and Chief Executive Officer of the College of Early Childhood Educators (Exhibit 3), which outlined the current registration status of the Member and the historical changes that occurred since she became a member of the College.

THE ALLEGATIONS

The allegations against the Member, as stated in the Notice of Hearing, dated December 17, 2012, are as follows:

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

- (a) she engaged in conduct which 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 Ontario Regulation 223/08, subsection 2(8);
- (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 contravened a law, the contravention of which is relevant to her suitability to hold a Certificate of Registration, contrary to Ontario Regulation 223/08, subsection 2(20); and
- (d) she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 5), signed January 24, 2013, which provides as follows:

1. Bridget Theobald (“**Ms. Theobald**” or the “**Member**”) is, and was at all times relevant to these allegations contained in the Notice of Hearing, a registered member of the College of Early Childhood Educators (the “**College**”).
2. On Monday, September 26, 2011, the Perth Police (the “Police”) went to the home of Ms. Theobald in relation to an online undercover investigation into child pornography.
3. During the course of the Police’s investigation, Ms. Theobald admitted to the Police that she had downloaded and had stored child pornography using P2P software.
4. The images that were stored on Ms. Theobald’s computer included images of a sexual nature involving both boys and girls of all ages and also contained images of child sexual abuse. Ms. Theobald admitted to the Police that it was her and not anyone else who had downloaded and stored the images.
5. Ms. Theobald was charged with:
 - two counts of possessing child pornography,
 - one count of making available child pornography, and
 - one count of accessing child pornography.
6. On October 17, 2011, Ms. Theobald sent a letter of resignation to her employer at the time, the Catholic District School Board of Eastern Ontario (“**CDSBEO**”). On October 18, 2011, the CDSBEO board of trustees accepted her resignation.
7. On July 19, 2012, at the Perth Court, Ms. Theobald pled guilty and was found guilty of:
 - Possession of child pornography, contrary to Section 163.1(4) of the Criminal Code, and
 - Distributing child pornography, contrary to Section 163.1(3) of the Criminal Code.
8. The parties agree that these facts are substantially accurate.

GUILTY PLEA

2. The undersigned Member admits that by reason of the facts set out above, she engaged in professional misconduct, as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007* in that:
 - (a) she engaged in conduct which 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 Ontario Regulation 223/08, subsection 2(8);
 - (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 contravened a law, the contravention of which is relevant to her suitability to hold a Certificate of Registration, contrary to Ontario Regulation 223/08, subsection 2(20); and
 - (d) she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).
3. 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.
4. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
5. The Member understands that depending on any penalty ordered by the Discipline Committee, the panel's decision and reasons may be published, including the facts contained herein and the Member's name.
6. The Member understands that any agreement between her and the College does not bind the Discipline Committee.
7. The Member acknowledges that she has had the opportunity to receive independent legal advice but has declined to do so.

Counsel for the College also submitted a Plea Inquiry (Exhibit 4), signed by the Member on January 24, 2013, indicating that

- a) she understood the nature of the allegations made against her;
- b) she understood that by admitting to the allegations, she was waiving her right to require the College to prove the case against her and the right to have a hearing;
- c) she voluntarily decided to admit to the allegations against her;
- d) she understood 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 *Member Newsletter/Bulletin des membres*, including reference to her name; and
- e) she understood that any agreement between counsel for the College and herself with respect to the order proposed does not bind the Committee.

Counsel for the College tendered a document confirming the Member's criminal convictions (Exhibit 6). The document indicated that the Member had been found guilty of possessing and distributing child pornography, in contravention of Section 163.1(3) and Section 163.1(4) of the Criminal Code.

DECISION

Having considered the Exhibits filed, and based on the Agreed Statement of Facts and guilty plea, 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 Bridget Theobald committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections (8), (10), (20) and (22) and Standard IV.E.2 of the College's *Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

The Member pleaded guilty and acknowledged that her conduct as described in the Agreed Statement of Facts constitutes professional misconduct. As such, the Committee accepts the Member's guilty plea and the Agreed Statement of Facts.

The Committee denounces the Member's involvement in activities that ultimately inflict harm on children. The actions for which the Member was criminally convicted are in direct contravention of the College's *Code of Ethics and Standards of Practice* and reflect on her suitability to hold a Certificate of Registration. Furthermore, her actions may cause Ontario families to fear for the safety of their children and could prevent members of the public from viewing early childhood educators as professionals who are above reproach.

JOINT SUBMISSION ON PENALTY

College counsel and the Member jointly submitted a Proposed Penalty (Exhibit 7), signed and dated January 24, 2013, which provides as follows:

1. Directing that Ms. Theobald's certificate of registration be revoked, pursuant to section 33(4)(1) of the Early Childhood Educators Act and a notation of the revocation shall be recorded on the register.
2. Directing that a time of 2 years from the date of the Discipline Committee's Order disposing of the allegations be fixed as the time during which the Member shall not apply to the Registrar or the College for a new certificate of registration, pursuant to section 33(7) of the Act.
3. Directing that Ms. Theobald be reprimanded by the Committee in writing and that the fact of the reprimand be recorded on the register for an unlimited period of time, pursuant to section 33(5)(1) of the Act.
4. Directing the results of the hearing to be recorded on the Register.
5. Directing that 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, Member Newsletter.

Counsel for the College submitted that the Committee should accept the Proposed Penalty as it protects the public and acts as a general deterrent to early childhood educators. College

counsel stated that the Discipline Committee and other professional self-regulatory bodies have, in analogous cases of child pornography, imposed the maximum penalty of revocation, adding that such a penalty would allow the Committee to communicate the gravity of the offence.

PENALTY DECISION

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

1. The Registrar is directed to revoke the Member's Certificate of Registration, and a notation of the revocation shall be recorded on the public register.
2. The Member shall not apply to the Registrar or the College for a new Certificate of Registration for a period of at least two years, commencing from the date of the Committee's decision and order in this matter.
3. The Member shall be reprimanded by the Committee orally and followed by a copy in writing, and the fact of the reprimand shall be recorded on the public register for an unlimited period of time.
4. The Registrar is directed to record the results of this hearing on the public register.
5. The Discipline Committee's finding, order and reprimand shall be published, with the Member's name, in full on the College's website and in summary in the College's publication *Member Newsletter*.

REASONS FOR PENALTY DECISION

The Committee finds the Member's actions to be deplorable, and it will not tolerate this kind of behaviour in the early childhood education profession. Given the serious nature of the Member's conduct, the Committee feels that it is appropriate to impose the maximum penalty, the revocation of the Member's Certificate of Registration.

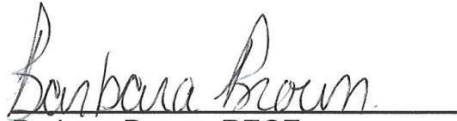
Revocation serves to protect the public – and children in particular – as it removes the Member from her position of trust within the early learning and care setting. Moreover, the notation of the revocation on the public register will deter other registered early childhood educators from engaging in similar activity.

The reprimand, for its part, also acts as a general deterrent since the fact of the reprimand will remain on the College's public register for an unlimited period of time. The reprimand clarifies for the Member why her conduct was unacceptable, linking specific actions to negative consequences. As the reprimand is published with the Committee's decision, it also educates College members on how the Committee responds to professional misconduct.

Publication on the website and in the College newsletter emphasizes the Committee's intention of being transparent about what it does and demonstrates how the College protects the public interest. It reassures and informs the community that the profession acts decisively when matters of this nature are brought to its attention.

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

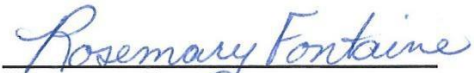
Date: January 29, 2013



Barbara Brown, RECE
Chair, Discipline Panel



Valerie Sterling, RECE
Member, Discipline Panel



Rosemary Fontaine
Member, Discipline Panel