

DISCIPLINE COMMITTEE OF THE ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL  
SERVICE WORKERS

|               |                      |                      |
|---------------|----------------------|----------------------|
| <b>PANEL:</b> | Sharmaarke Abdullahi | Chair, Public Member |
|               | Linda Danson         | Professional Member  |
|               | Mukesh Kowlessar     | Professional Member  |

**BETWEEN:**

|   |                              |
|---|------------------------------|
| ONTARIO COLLEGE OF SOCIAL WORKERS<br>AND SOCIAL SERVICE WORKERS | )                            |
|   | ) Jordan Glick for Ontario   |
|   | ) College of Social Workers  |
|   | ) and Social Service Workers |
| -and-   | )                            |
|   | )                            |
|   | )                            |
| NATHALIE BEAUCHAMP-BROWN  | ) Self-representation for    |
|   | ) Nathalie Beauchamp-Brown   |
|   | )                            |
|   | )                            |
|   | )                            |
|   | ) Johanna Braden,            |
|   | ) Independent Legal Counsel  |

Heard: January 13, 2017

**DECISION AND REASONS FOR DECISION**

This matter came on for hearing before a panel of the Discipline Committee (the “Panel”) on January 13, 2017 at the Ontario College of Social Workers and Social Service Workers (the “College”).

**The Allegations**

In the Notice of Hearing dated August 23, 2016, Nathalie Beauchamp-Brown (the “Member”) is alleged to be guilty of professional misconduct pursuant to subsection 26(2) of the *Social Work and Social Service Work Act* (the “Act”) in that she is alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the “Professional Misconduct Regulation”), Schedule “A” to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the “Code of Ethics”), and Schedule “B” to By-law No. 66 of the Ontario College of

Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the “Handbook”).

The particulars of the allegations are as follows.

### **OVERVIEW OF MEMBER**

1. Now, and at all times relevant to the allegations, you were a registered social service worker with the Ontario College of Social Workers and Social Service Workers (the “College”).
2. On or about January 4, 2010, you commenced employment as a social service worker with [the Centre] . As an employee of [the Centre], you held the role of group facilitator and counsellor.
3. On or about March 31, 2015, you were placed on administrative suspension pending an internal investigation into allegations relating to Client A as further described at paragraphs 4-8 below. On or about April 22, 2015, your employment with [the Centre] was terminated.

### **B. ALLEGATIONS WITH RESPECT TO CLIENT A**

1. Client A was a vulnerable client who had sought counseling with [the Centre] in order to address his anxiety, depression and a lack of self-esteem. He had been sexually abused as a child, suffered from addiction, post-traumatic stress disorder and suicidal ideations.
2. While employed at the Agency, you provided counselling services to Client A on approximately 40 occasions from in or about November 2011 to in or about March 2014.
3. Subsequent to the termination of the professional relationship, you engaged in a series of boundary crossing behaviours relating to Client A including:
  - a) contacting his Children’s Aid Society Worker to inquire about him seeing his children again as well as stating that you were “indirectly still working with [him]” when you were not;
  - b) traveling with Client A to a conference in Toronto in or about March 2015;
  - c) communicating with Client A on Facebook;
  - d) forming a personal friendship with Client A; and,
  - e) permitting Client A to live with you in your personal residence from in or about March to in or about May 2016.
4. Subsequent to the termination of your professional relationship, you additionally engaged in an intimate relationship with Client A and engaged in acts of a sexual nature with him.

5. You additionally disclosed confidential information relating to your termination from [the Centre] and your personal and intimate relationship with Client A to a former client.

### **C. ALLEGATIONS WITH RESPECT TO CLIENT B**

1. Client B began receiving counselling services at [the Centre] in or around December 2011 with a different counsellor. His file was transferred to you, in or about July 2013, for individual counselling relating to the breakdown of his relationship with his former partner and issues relating to his children.
2. You provided counselling services to Client B in or about July 2013 until in or about July 2014 when his file was closed. In August 2014, Client B completed another intake form for individual counselling though he did not receive further counseling. Client B additionally participated in the Partner Assault Response (“PAR”) program at [the Centre] from August 2013 until February 2014.
3. On or about February 28, 2014, Client B initiated a conversation with you on Facebook. In your Facebook communications with Client B, you were flirtatious, sexually suggestive, shared personal information, discussed going on vacation together in Cuba, and provided Client B with your personal cell phone number.
4. Between in or about March 2014 and April 2014, you engaged in an intimate and romantic relationship with Client B which involved frequent sexual contact including sexual touching and sexual relations.
5. You additionally engaged in a serious of boundary violations with Client B including:
  - a) texting with Client B (often daily) wherein you shared your personal daily activities, coordinated in-person meetings and sent sexually explicit messages;
  - b) sharing details about your personal life and past relationships;
  - c) inviting Client B to attend at your personal residence on at least one occasion in or about March of 2014;
  - d) attending at Client B’s personal residence on multiple occasions in or about March of 2014;
  - e) vacationing with Client B in Cuba in or about March and April of 2014 where you shared a room and engaged in sexual relations.
6. While on vacation in Cuba with Client B, you disclosed personal information about him, including that he sought counselling, to individuals that you and Client B met on vacation.
7. Following the termination of your sexual relationship with Client B, you continued to text with him from April 2014 to January 2015. While texting, you made sexually suggestive

comments including sending the following text in or about January 2015: “I sure would like to be naughty with you. Open to it anytime.”

**It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:**

- (a) In that you violated Sections 2.2 and 2.5 of the Professional Misconduct Regulation and Principle VIII of the Handbook (as commented on in Interpretations 8.1, 8.2, 8.3, 8.4, 8.6, and 8.7) by failing to ensure that sexual misconduct did not occur; by engaging in sexual intercourse or another form of physical sexual relations between yourself and your client, by engaging in touching, of a sexual nature, of your client, and by engaging in behavior or remarks of a sexual nature towards your client, other than behaviour or remarks of a clinical nature appropriate to the service provided; by developing sexual feelings towards your client that could, in your judgment, put the client at risk, and failing to seek consultation/supervision or develop an appropriate plan; by failing to state clearly to your client that behaviour of a sexual nature is inappropriate by virtue of the professional relationship; and by engaging in sexual relations with your client during and after the period in which you provided counselling services to the client.
- (b) In that you violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle II of the Handbook (commented on in Interpretations 2.1.1, 2.1.5, 2.2.1, 2.2.2, and 2.2.8) by failing to be aware of the extent and parameters of your competence and professional scope of practice and failing to limit your practice accordingly; by failing to engage in the process of self-review and evaluation of your practice and seek consultation when appropriate; by engaging in professional relationships that constitute a conflict of interest or in situations in which you ought reasonably to have known that your client would be at risk in any way; by having sexual relations with your client; and by failing to avoid conduct which could reasonably be perceived as reflecting negatively on the profession of social service work;
- (c) In that you violated Sections 2.2 and 2.10 of the Professional Misconduct Regulation and Principle III of the Handbook (commented on in Interpretations 3.7) by failing to assume full responsibility for demonstrating that your client has not been exploited, coerced or manipulated intentionally or unintentionally where a personal relationship occurs with the client;
- (d) In that you violated Sections 2.2 and 2.28 of the Professional Misconduct Regulation and Principle I of the Handbook (commented on in Interpretations 1.1, 1.5 and 1.6) by failing to participate together with your client to set and evaluate goals; by failing to maintain awareness of your own values, attitudes and needs and how these impact on your professional relationship with your client; and by failing to distinguish your needs and interests from those of your client to ensure that your client’s needs and interests remain paramount;
- (e) In that you violated Section 2.11 of the Professional Misconduct Regulation and Principle V of the Handbook (commented on in Interpretations 5.1, 5.3 and 5.3.6) by failing to comply with applicable privacy and other legislation; and by disclosing, without your

client's consent and without being required or permitted by law to do so, client information, including personal information, information concerning or received from your client, and the identity of and/or information about a person who has consulted or retained them.

- (f) In that you violated Section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

### **Member's Position**

The Member admitted allegations (a), (b), (c), (d), (e) and (f) of the Notice of Hearing. The Panel conducted an oral plea inquiry and was satisfied that the Member's admissions were voluntary, informed and unequivocal.

### **The Evidence**

The evidence was tendered by way of an Agreed Statement of Fact, which set out as follows.

#### **A. FACTS WITH RESPECT TO MS. BEAUCHAMP-BROWN**

1. Now, and at all times relevant to the allegations, Ms. Beauchamp-Brown was a registered social service worker with the Ontario College of Social Workers and Social Service Workers (the "College").
2. On January 4, 2010, Ms. Beauchamp-Brown commenced employment as a social service worker with [the Centre]. As an employee of [the Centre], she held the role of group facilitator and counsellor.
3. On March 31, 2015, Ms. Beauchamp-Brown was placed on administrative suspension pending an internal investigation into allegations relating to Client A, as further described at paragraphs 4-8 below. On April 22, 2015, her employment with [the Centre] was terminated.

## **B. FACTS WITH RESPECT TO CLIENT A**

4. Client A was a vulnerable client who had sought counseling with [the Centre] in order to address his anxiety, depression and a lack of self-esteem. He had been sexually abused as a child, suffered from addiction, post-traumatic stress disorder and suicidal ideations.
5. While employed at [the Centre], Ms. Beauchamp-Brown provided counselling services to Client A on approximately 40 occasions from November 2011 to March 2014.
6. Subsequent to the termination of their professional relationship, Ms. Beauchamp-Brown engaged in a series of boundary crossing behaviours relating to Client A including:
  - a) contacting his Children's Aid Society Worker to inquire about him seeing his children again as well as stating that she was "indirectly still working with [him]" when she was not;
  - b) traveling with Client A to Toronto in March 2015;
  - c) communicating with Client A via text;
  - d) forming a personal friendship with Client A; and,
  - e) permitting Client A to live with her in her personal residence from March to May 2015.
7. Subsequent to the termination of their professional relationship, Ms. Beauchamp-Brown engaged in an intimate relationship with Client A.
8. Ms. Beauchamp-Brown additionally disclosed confidential information relating to her termination from [the Centre] and her personal and intimate relationship with Client A to a former client.

## **C. FACTS WITH RESPECT TO CLIENT B**

9. Client B began receiving counselling services at [the Centre] in December 2011 with a different counsellor. His file was transferred to Ms. Beauchamp-Brown, in July 2013, for individual counselling relating to the breakdown of his relationship with his former partner and issues relating to his children.
10. Ms. Beauchamp-Brown provided counselling services to Client B from July 2013 until July 2014 when his file was closed. In August 2014, Client B completed another intake form for individual counselling but he did not receive further counseling. Client B additionally participated in the Partner Assault Response ("PAR") program at [the Centre] from August 2013 until February 2014.

11. On February 28, 2014, Client B initiated a conversation with Ms. Beauchamp-Brown on Facebook. In her Facebook communications with Client B, Ms. Beauchamp-Brown was flirtatious, sexually suggestive, shared personal information, discussed going on vacation together in Cuba, and provided Client B with her personal cell phone number.
12. Between March and April 2014, Ms. Beauchamp-Brown engaged in an intimate and romantic relationship with Client B which involved frequent sexual contact including sexual touching and sexual relations.
13. Ms. Beauchamp-Brown additionally engaged in a series of boundary violations with Client B including:
  - a) texting with Client B (often daily) wherein she shared her personal daily activities, coordinated in-person meetings, and sent sexually explicit messages;
  - b) sharing details about her personal life and past relationships;
  - c) inviting Client B to attend at her personal residence on at least one occasion in March 2014;
  - d) attending at Client B's personal residence on multiple occasions in March 2014;
  - e) vacationing with Client B in Cuba in March and April 2014 where they shared a room and engaged in sexual relations.
14. While on vacation in Cuba with Client B, Ms. Beauchamp-Brown disclosed personal information about him, including that he sought counselling, to individuals that they met on vacation.
15. Following the termination of Ms. Beauchamp-Brown's sexual relationship with Client B, she continued to text with him from April 2014 to January 2015. While texting, she made sexually suggestive comments including sending the following text in January 2015: "I sure would like to be naughty with you. Open to it anytime."

## **Decision**

Having considered the admissions of the Member, the evidence contained in the Agreed Statement of Fact and the submissions of counsel, the Panel finds that the Member committed professional misconduct as alleged in paragraphs (a), (b), (c), (d), (e) and (f) of the Agreed Statement of Facts. As to allegation (f), the Panel finds that the Member's conduct would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

## **Reasons for Decision**

After careful consideration of the evidence and submissions, the Panel accepts the Member's plea and finds that she committed professional misconduct as alleged in paragraphs (a), (b), (c), (d), (e) and (f) of the Notice of Hearing. The Member admitted to having an intimate relationship with a former vulnerable client to whom she had provided counselling services, and to an intimate and sexual relationship with a second client to whom she provided counselling. She also breached a vulnerable client's privacy. This conduct clearly constitutes professional misconduct in the different ways alleged.

As to allegation (f), we find that the Member's conduct would reasonably be regarded as disgraceful, dishonourable and unprofessional. It is unprofessional because the Member should have known that her repeated actions would be seen as such and were a persistent violation of her professional obligations. It is dishonourable because the facts in this case support a finding that the Member's conduct shows moral failing and an element of deceit, especially in that she disclosed confidential information. Finally, it is disgraceful because the Member's conduct has the effect of shaming the member, and by extension, the profession, such that it casts serious doubt on her moral fitness and inherent ability to discharge the higher obligations the public expects professionals to meet.

## **Penalty Submission**

The parties were in agreement on the issue of penalty, and jointly proposed that this Panel make an order as follows:

1. directing the Registrar revoke the Member's certificate of registration, pursuant to section 26(4)(1) of the Act;
2. fixing a period of five (5) years during which the Member may not reapply to the College, pursuant to section 26(7) of the Act;
3. requiring the Member to be reprimanded and the reprimand be recorded on the Register, pursuant to section 26(5)(1) of the Act;
4. directing that the finding and the Order of the Committee be published, in detail or in summary at the discretion of the College, with the name of Ms. Beauchamp-Brown (but without information which would identify the affected clients), in the official publication of the College, on the College's website, and on any other media-related document that is provided to the public and is deemed appropriate by the College, pursuant to section 26(5)(3) of the Act; and,
5. fixing costs in the amount of \$5,000.00 to be paid by the Member, pursuant to section 26(5)(4).

College Counsel reviewed the Discipline Committee's jurisdiction and the joint penalty submission. He made submissions about the appropriateness of the proposed penalty in order to maintain high standards and protect the public's interest. He noted that this College does not have a statutory requirement to revoke members who commit sexual abuse. In contrast, colleges



regulated by the *Regulated Health Professions Act* (the “RHPA”) are required by statute to revoke the certificates of members who engage in certain kinds of sexual abuse. Moreover, those members cannot apply for reinstatement for a minimum period of five years. College Counsel submitted that the same considerations animating the RHPA should inform the discipline decisions at this College, since social work and social service work are caring professions that are similar to the professions governed by the RHPA. Accordingly, the proposed penalty was crafted to mirror the penalty this Member would receive if she was governed by the RHPA.

College Counsel referenced cases regarding the importance of accepting joint submissions, including the recent Supreme Court of Canada decision in *R. v. Anthony-Cook*, 2016 SCC 43. He also referenced cases from this College to show the range of penalties often made in sexual abuse cases, such as *OCSWSSW v. Lyons* (Discipline Committee, 2013) and *OCSWSSW and Lapeer* (Discipline Committee, 2016).

The Member indicated she had agreed to the joint submission, and did not make any other substantive submissions about penalty other than to indicate that she intended to never reapply to the College.

### **Penalty Decision**

Having considered the findings of professional misconduct, the evidence and the submissions of the parties, the Panel orders as follows.

1. The Member shall be reprimanded by teleconference and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar is directed to revoke the Member's certificate of registration.
3. The Panel fixes a period of five (5) years during which the Member may not apply to the College for reinstatement of her certificate of registration.
4. The finding and the Order of the Committee be published, in detail or in summary at the discretion of the College, with the name of Ms. Beauchamp-Brown (but without information which would identify the affected clients), in the official publication of the College, on the College's website, and on any other media-related document that is provided to the public and is deemed appropriate by the College.
5. The Panel fixes costs in the amount of \$5,000.00 to be paid by the Member to the College.

### **Reasons for Penalty Decision**

The Panel recognized that the penalty should maintain high professional standards, preserve public confidence in the ability of the College to regulate its members, and, above all, protect the public. This is achieved through a penalty that considers the principles of general deterrence, specific deterrence and, where appropriate, rehabilitation and remediation of the Member's practice. The Panel also considered the principle that the Panel should accept the joint

submission on penalty unless it was contrary to the public interest and would bring the administration of justice into disrepute.

The Panel considered the aggravating and mitigating circumstances submitted by both counsel. The aggravating factors included the Member admitting having an intimate relationship with a former vulnerable client to whom she had provided counselling services, and to an intimate and sexual relationship with a second client to whom she provided counselling. The mitigating factors were that the Member has cooperated with the College by admitting to the facts and she has accepted responsibility for her actions.

In balancing these factors, the Panel concluded that the joint penalty proposed was reasonable, maintains high professionals standards, and serves to protect the interest of the public. The penalty provides both specific deterrence to the Member, and general deterrence to members of the profession that engage in similar misconduct. Revocation of the Member's certificate, with an added provision that she must wait at least five years before even applying for reinstatement, is a severe penalty that is warranted by these facts. The fact of the oral reprimand administered to the Member by her peers is recorded on the Register. Finally, the publication of this decision will communicate a clear message to the membership and the public that conduct of this nature is intolerable.

I, Sharmaarke Abdullahi, sign this Decision as Chairperson of the panel and on behalf of the panel members listed below.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Sharmaarke Abdullahi  
Linda Danson  
Mukesh Kowlessar