

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

Citation: College of Early Childhood Educators vs Martine Schneider,
2013 ONCECE 1
Date: 2013-01-29

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

AND IN THE MATTER OF discipline proceedings against Martine Schneider, RECE,
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 -)	
)	
MARTINE SCHNEIDER, RECE REGISTRATION # 03705)	Martine Schneider, RECE 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 November 15, 2012, was served on Martine Schneider, RECE (the “Member”), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators (the “Committee”) on December 13, 2012 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 November 27, 2012, detailing confirmation that the Notice of Hearing was served on the Member. The hearing was subsequently set for January 29, 2013.

The Member was in attendance at the hearing via teleconference.

Counsel for the College tendered an affidavit signed on January 14, 2013 by S.E. Corke, Registrar and Chief Executive Officer of the College of Early Childhood Educators (Exhibit 2), 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 November 15, 2012, are as follows:

IT IS ALLEGED that **Martine Schneider, RECE** (the "**Member**"), is guilty of professional misconduct as defined in subsection 33(2) of the Act, in that:

- (a) she failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
- (b) she abused physically, verbally, psychologically or emotionally a child under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
- (c) 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);
- (d) she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8);
- (e) she failed to establish professional and caring relationships with children and families, contrary to Standard I.E of the College's Standards of Practice;
- (f) she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice;
- (g) she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2 of the College's Standards of Practice;
- (h) she failed to avoid conduct while working with a supervisee 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

- (i) she conducted herself in a manner that is unbecoming of a member, contrary to Ontario Regulation 223/08, subsection 2(22) and Standard IV.E.2 of the College's Standards of Practice.

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 3), signed January 19, 2013, which provides as follows:

1. MARTINE SCHNEIDER 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. At all times relevant to these allegations, Ms. Schneider was employed as an early childhood educator ("**ECE**"). From January 23, 2012 to February 3, 2012, Ms. Schneider was the "in charge staff" at the Mazo de la Roche YMCA Child Care Centre (the "**Centre**").
3. During the period from January 23, 2012 to February 3, 2012, Ms. Cynthia Tomasone, student registered in the Early Childhood Education Program at Seneca College, was doing her orientation at the Centre and worked with Ms. Schneider.
4. On January 25, 2012, Ms. Tomasone and Ms. Schneider were in the Centre's office reviewing policies and procedures. Ms. Schneider took a call from a parent. When the call ended, Ms. Schneider said to Ms. Tomasone, "To be honest, I don't really give a fuck what parents have to say. We just need to blow rainbows up their asses."
5. On January 26, 2012, Ms. Schneider yelled, "Are you blind?" at children out in the yard after they had walked through other children's drawings in the snow.
6. Later that same day, Ms. Schneider texted in her classroom. When a child asked Ms. Schneider what she was doing, she responded, "Actually, I'm talking to one of my friends who knows your dad."

7. In response to a three-year-old who would not eat, Ms. Schneider sent the child to her cot, away from the table, and made her sit there until the other children had finished eating and had finished their washroom routine. The child's cot was against the classroom wall, and Ms. Schneider restrained the child by placing both of her legs over the child's body. While doing this, she said to Ms. Tomasone, "I'm going to teach you how to restrain without really restraining."
8. On March 1, 2012, Ms. Schneider's employment with the Centre was terminated.
9. The parties agree that these facts are substantially accurate.

GUILTY PLEA

10. The undersigned Member (the "**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:
 - she failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - she abused, physically, verbally, psychologically or emotionally, a child under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
 - 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);
 - she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8);
 - she failed to establish professional and caring relationships with children and families, contrary to Standard I.E of the College's Standards of Practice;
 - she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice;
 - she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2 of the College's Standards of Practice;
 - she failed to avoid conduct while working with a supervisee 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

- she conducted herself in a manner that is unbecoming of a member, contrary to Ontario Regulation 223/08, subsection 2(22) and Standard IV.E.2 of the College's Standards of Practice.

11. 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.
12. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
13. 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.
14. The Member understands that any agreement between her and the College does not bind the Discipline Committee.
15. 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 28, 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.

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 Martine Schneider committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections (2), (3), (8), (10), (22) and Standards I.E, III.A.1, IV.C.2 and IV.E.2 of the College's *Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

Each of the allegations in the Notice of Hearing can be traced back to an action or actions listed in the Agreed Statement of Facts. The Member pleaded guilty and acknowledged that her conduct as described in the statement constitutes professional misconduct. As such, the Committee accepts the Member's guilty plea and the Agreed Statement of Facts.

The Member demonstrated a blatant disregard for the dignity of Ontario children and families by her words and actions. Through her conduct, she failed in her responsibilities to colleagues and to members of the profession.

JOINT SUBMISSION ON PENALTY

College counsel and the Member jointly submitted a Proposed Penalty (Exhibit 5), which provides as follows:

1. The Member shall be reprimanded in person by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's Register.
2. The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the Register, requiring the Member, at her own expense, to participate in and successfully complete a course of study in "Professional Supervision and Behaviour management strategies in Early Learning and Care", as prescribed by and acceptable to the College, within six (6) months from the date of the Committee's Order.

3. The results of the hearing shall be recorded on the Register.
4. 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 interest by acting as a specific deterrent to the Member and a general deterrent to other early childhood educators. College counsel stated that the penalty is proportionate to the gravity of the misconduct and consistent with previous penalties imposed by the Discipline Committee in analogous cases, citing *College of Early Childhood Educators v. Srikrishnarajah et al., RECE* and *College of Early Childhood Educators v. Tammy Uithoven, RECE*.

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 Member is to be reprimanded in person by the Discipline Committee, and the fact of the reprimand is to be recorded on the public register.
2. The Registrar is directed to impose a term, condition or limitation on the Member's Certificate of Registration, to be recorded on the public register, requiring the Member, at her own expense, to participate in and successfully complete a course of study in "Professional supervision in early learning and care and behaviour-management strategies" as prescribed by and acceptable to the College, within six months from the date of the Committee's order.

For further clarity with regards to the course, it should take into consideration the content of "Professional Supervision in Early Learning and Care" and the content of

“Ethical and Professional Standards.” The scope and expected outcomes of the two courses are listed on pages 6 and 9 of the College’s *Structure for Registrar-Approved Courses of Study*. The course of study must also include the College’s *Code of Ethics and Standards of Practice*.

3. The Registrar is directed to record the results of this hearing on the public register.
4. 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

By signing an agreed statement of facts and a joint submission on penalty, the Member expressed remorse and took responsibility for her comments and actions. The Committee considers the Member’s admission to be a mitigating factor in its decision, and for this reason, it is not imposing a more severe penalty, such as the suspension of the Member’s Certificate of Registration.

The different elements of the penalty serve to protect the public interest and to rehabilitate the Member. The reprimand acts as a specific deterrent to the Member, and since the reprimand is published with the Committee’s decision (see page 10), it also functions as a general deterrent to the College membership at large.

The course of study is rehabilitative to the Member as it gives her an opportunity to review the College’s ethical and professional standards, correct her child-guidance practices and adopt positive behaviour-management strategies.


Publication with the Member's name indicates that registered early childhood educators will be effectively disciplined for unprofessional behaviour, deterring College members from engaging in similar misconduct. It also informs the public of the actions that constitute professional misconduct and the penalty that such actions draw.

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