

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

Citation: College of Early Childhood Educators vs Darlene Ellen Campbell,
2015 ONCECE 6
Date: 2015-04-22

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 Darlene Ellen Campbell, a current
member of the College of Early Childhood Educators.

PANEL: Rhiannon Brown, RECE, Chair
Barbara Brown, RECE
Karen Damley

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD)	Jordan Glick,
EDUCATORS)	WeirFoulds LLP,
)	for the College of Early Childhood Educators
- and -)	
)	
Darlene Ellen Campbell)	Darlene Ellen Campbell was not present,
REGISTRATION # 21781)	nor was she represented
)	
)	
)	
)	Erica Baron,
)	McCarthy Tétrault LLP,
)	Independent Legal Counsel
)	
)	Heard: April 22, 2015

REASONS FOR DECISION, DECISION AND ORDER(S)

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

2. A Notice of Hearing, dated February 27, 2015 (Exhibit 1), was served on Darlene

Ellen Campbell, RECE (the "Member"), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators on March 19, 2015 at 12:30 p.m. to set a date for a hearing. Counsel for the College tendered an Affidavit of Service sworn by Lisa Searles, Hearings Coordinator (Exhibit 1), and sworn March 19, 2015, confirming the Notice of Hearing was served on the Member.

3. Counsel for the College also tendered a Consent form signed by the Member on April 2, 2015 (Exhibit 2), indicating that the parties consented to hold the hearing on April 22, 2015.
4. The hearing was scheduled to commence at 9:00 a.m. on April 22, 2015. The Member did not appear, nor was she represented by legal counsel. The Committee was satisfied that the Member had been served with the Notice of Hearing, informing the Member of the time and date of the hearing. The Committee therefore commenced the proceedings at approximately 9:30 a.m

THE ALLEGATIONS

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

IT IS ALLEGED that Darlene Ellen Campbell, 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 failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2; and
 - ii. She conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession, contrary to Standard IV.E.2.
- (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 falsified a record relating to her professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(17).

- (d) She failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18).
 - (e) She conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22)
6. Counsel for the College submitted an affidavit signed on April 6, 2015 by S.E. Corke, Registrar and Chief Executive Officer of the College (Exhibit 3). The affidavit states that Darlene Campbell 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.

MEMBER’S PLEA

7. As the Member was not present, nor represented by counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the Notice of Hearing dated February 27, 2015 (Exhibit 1). The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

AGREED STATEMENT OF FACTS

8. 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 April 2, 2015 (Exhibit 4). The Agreed Statement of Facts provides as follows:
- a. Darlene Ellen Campbell (“Ms. Campbell” or the “Member”) is, and was at all times relevant to the Allegations in the Notice of Hearing, registered as an early childhood educator with the College of Early Childhood Educators (the “College”).
 - b. Between September 2012 and August 2014, the Member was employed as a Supervisor at Schoolhouse Playcare Sinclair Location (the “Centre”) and responsible for the Centre’s bookkeeping.
 - c. In August 2014, the Member was transferred to Schoolhouse Playcare Altona Forest Location.

- d. In September 2014, Lorraine Struggess, RECE and Acting Supervisor of the Centre notified Joan Lambie (“Ms. Lambie”), RECE and Program Director for the Centre, that there was a child in the Centre whose name was entered into the Centre’s recordkeeping program for attendance only, but no fees had been collected.
- e. Ms. Lambie subsequently contacted Denise Gilbert (“Ms. Gilbert”), RECE and Executive Director of Schoolhouse Playcare Centres of Durham, the parent organization for the Centre, and notified her of the discrepancy that had been discovered in the Centre’s ledger.
- f. On September 16, 2014, Ms. Gilbert informed the member that a discrepancy had been discovered and asked if she could explain it or if she had taken the funds. The Member denied taking any money from the Centre. A few days later, on September 19, 2014, the Member provided Ms. Lambie a plastic envelope containing documents belonging to the Centre, as well as \$4,848.97 that the Member indicates that she found throughout her house, including in her garage, basement, bedroom and in her car.
- g. On September 30, 2014, the Member’s employment was suspended with pay pending further investigation.
- h. The Centre subsequently conducted an internal review of its accounting records for the period September 2012 to August 2014. The review uncovered that the Member had received cash payments from families of \$14,401.24 and issued tax receipts for those amounts. However, those amounts were not deposited into the Centre’s bank accounts. As the Member had returned \$4,848.97 to the Centre on September 19, 2014, the Centre’s internal review found that \$9,552.27 was unaccounted for. The Centre subsequently created a summary of the missing cash payments (the “Summary of Missing Cash Payments Document”) which is attached to this Agreed Statement of Facts as Schedule “A” (the names of the families to whom the cash payments belonged have been redacted).
- i. The Member acknowledges the accuracy of the Summary of Missing Cash Payments Documents and admits that between November 2012 and August 2014, she:
 - i. Misappropriated funds by using payments made by some families to pay Centre fees owed by other families;
 - ii. Falsified tax receipts;
 - iii. Failed to record in the Centre’s ledger, payments made by families for their children’s registration because she applied the payments to other families;

- iv. Failed to deposit cash and cheque payments from families for their children's registration into the Centre's bank account;
 - v. Lost and misplaced cash and cheque payments she received; and,
 - vi. Falsified the Centre's ledger by reporting that registration fees for some families had been paid, when they had not.

- j. On October 21, 2014 the Centre's Board of Directors directed Ms. Campbell to resign. Her subsequent resignation became effective December 30, 2014.

- k. Ms. Campbell 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 failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2; and,
 - 2. She conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession, contrary to Standard IV.E.2.

 - 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 falsified a record relating to her professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(17).

 - iv. She failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18).

 - v. She conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

- l. 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.

- m. The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

- n. The Member understands that the panel's decision and reasons may be published, including the facts contained herein along with her name.

- o. The Member understands that any agreement between her and the College does not bind the Discipline Committee.
- p. The Member acknowledges that she has had the opportunity to receive independent legal advice but has declined to do so.
- q. 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.

DECISION

9. Having considered the Exhibits filed, and based on the Agreed Statement of Facts 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 Darlene Campbell, the Member, committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections 8, 10, 17, 18, 22 and Standards IV.C.2 and IV.E.2 of the College's *Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

10. 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 Agreed Statement of Facts and finds the Member to be guilty of professional misconduct.
11. Far from inspiring confidence in the profession, the Member misappropriated funds and systematically manipulated Centre records in an attempt to conceal missing childcare payments. Her deceptive behaviour not only compromised the financial welfare of the Centre, but also involved families of the Centre without their knowledge in this deception. By issuing families false tax receipts, incorrectly applying their childcare fees to other

accounts and forcing some to bear the financial burden of others, the Member undermined her relationships with the families by lying and taking advantage of their trust. The lack of integrity demonstrated by the Member is appalling and her behaviour failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2.

12. In a profession where one serves as a role model for children, the public and fellow RECEs, the Member's deceptive behaviour fell far short of the high standards set for early childhood educators. By neglecting to make deposits and losing and misplacing cash and cheque payments, the Member failed to exercise an appropriate level of attentiveness and professionalism in carrying out the tasks for which she was responsible. The fact that the Member found cash, cheques and Centre documents throughout her house points to disorganization and suggests that she was unaware that the funds were missing in the first place. Her carelessness and unreliability tarnished the image of early childhood educators by associating the profession with such dishonourable conduct, and in so doing, violated Standard IV.E.2.
13. It is regrettable that the Member failed to show up for the hearing even though she had indicated to the College one day earlier that she would be in attendance. The fact that she failed to attend the hearing, or even provide the College with an explanation for her absence is disappointing and reflects poorly on her professionalism.

JOINT SUBMISSION ON PENALTY

14. College counsel submitted a Joint Submission as to Penalty signed by the Member on April 2, 2015 (Exhibit 5), which provides as follows:
- a. Darlene Ellen Campbell (the “Member”) shall be reprimanded by the Discipline Committee and the fact of the reprimand shall be recorded on the register.
 - b. The Registrar shall be directed to suspend the Member’s Certificate of Registration for a period of six (6) months commencing on the date of the Discipline Committee’s Order, the final three (3) months of which suspension shall be suspended and shall not be imposed if the Member provides evidence, satisfactory to the Registrar of the College, of compliance with the term, condition and limitation imposed on the Member’s Certificate of Registration, pursuant to paragraph “c” below.
 - c. 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 to complete a course in “Ethical and Professional Standards,” at her own expense and as prescribed by and acceptable to the College, and provide proof of such completion to the Registrar within six (6) months from the date of the Discipline Committee’s Order. Should the Member complete the course to the Registrar’s satisfaction within the first three (3) months of her suspension, the latter three months of her suspension will be suspended (in accordance with paragraph “b” above).
 - d. The results of the hearing shall be recorded on the Register.
 - e. 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*.
15. College counsel submitted that the Committee should accept the joint submission as it is an appropriate and reasonable penalty for the misconduct found and it satisfies the College’s duty to protect the public interest. The Committee has accepted joint submissions as to penalty in previous hearings, and while the submissions are not binding to the Committee, both the Ontario Court of Appeal and the Divisional Court have held that joint submissions should not be rejected unless the Committee is of the view that it is “contrary to the public interest” and would “bring the administration of justice into disrepute.”

16. Counsel for the College stated that Discipline Committee penalties are intended to denunciate the conduct, deter similar behaviour and rehabilitate the Member. Addressing the individual elements of the agreed upon penalty, College counsel submitted that what has been proposed is appropriate, reasonable and satisfies the College's duty to protect the public interest. A reprimand allows the College to dialogue with the Member and to convey to her the disapproval of her conduct and to reinforce the seriousness of her actions. The purpose of the reprimand is to remind the Member of her professional obligations and the need to adhere to the standards expected of her by the College. In addition to serving as a specific deterrent by discouraging future acts of misconduct by the Member, the reprimand, which will be published, will deter other members of the profession from erring in a similar fashion for fear of similar condemnation.
17. A suspension is both appropriate and necessary given the amount of money that was misappropriated by the Member. The suspension not only acts as a specific deterrent, but also as a significant general deterrent as it informs other members of the profession that this kind of conduct will not be tolerated by the College.
18. Ordering the Member to complete a course in "Ethical and Professional Standards," is rehabilitative, not punitive, in that it seeks to address any underlying concerns that the College may have of the Member.
19. Finally, counsel for the College stated that publication of the decision with the Member's name is an effective way of deterring future misconduct. As there is an element of public shaming associated with publication, the Member will be dissuaded from committing future acts of misconduct in order to avoid repeated public scrutiny of her actions. Moreover, publication allows the College to inform other members of the penalty for committing such acts of misconduct.

PENALTY DECISION

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

- a. The Member shall appear before the Discipline Committee within six months of the Committee's Order to receive a reprimand, at a time to be scheduled by the College, and the fact of the reprimand shall be recorded on the College's register.
- b. The Registrar shall be directed to suspend the Member's certificate of registration for a period of six months commencing on the date of the Committee's Order.
- c. 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 to complete a course in "Ethical and Professional Standards," at her own expense and as prescribed by and acceptable to the College, within six months from the date of the Discipline Committee's Order. Should the Member complete the course within three months of her suspension, the latter three months of her suspension will be remitted.
- d. The results of the hearing shall be recorded on the public register.
- e. 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 official publication, *Connexions*.

REASONS FOR PENALTY DECISION

21. 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.

22. An oral reprimand provides the Committee with the opportunity to remind the Member of her professional obligations as an early childhood educator. By hearing the disapproval of her actions directly from her peers, the Member is able to witness the effect of her actions on the profession. Reprimands, particularly ones delivered orally, are generally unpleasant experiences for members receiving them. For this reason, the Committee feels that a reprimand will discourage the Member from ever committing such acts of misconduct. Requiring the Member to appear before the Committee to receive an oral reprimand not only holds the Member responsible for her actions, but it demonstrates that the College takes matters such as professional misconduct seriously and will take an active role in addressing concerning behaviour by members. 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 inappropriate behaviour and responds to acts of professional misconduct fairly and transparently.
23. Suspension of the Member's certificate of registration is appropriate in this matter, given the fact that the Member misappropriated several thousand dollars of Centre funds and intentionally falsified records. A suspension holds the Member accountable for her actions and communicates to her the severity of her misconduct. While the suspension demonstrates the Committee's disapproval of the Member's conduct, it is not intended to be solely punitive. A suspension provides the Member with an opportunity to learn from her mistakes, reflect on her conduct and refocus on her professional responsibilities. The Committee is confident that the Member will use this time to focus on her own rehabilitation as she has already demonstrated some degree of remorse and has taken ownership of her conduct by entering into the Agreed Statement of Facts and Joint Submission as to Penalty.

24. Ordering the Member to complete a course in “Ethical and Professional Standards,” is intended to bring her practice in line with the acceptable College standard, encouraging her to refresh her knowledge base and professional skill set. The course will encourage her to reflect on her practices and refocus on her responsibilities as an early childhood educator. Moreover, by correcting the errors in her practice, the Member will avoid making similar mistakes in the future, thus reducing the likelihood of her committing similar acts of professional misconduct. The significance of holding the Member financially responsible for the course is that it requires her to make an investment in her rehabilitation, thereby holding her accountable for her own learning and success.
25. The purpose of remitting part of the Member’s suspension is to motivate her to complete the required course in a timely manner. By responding to the Member’s willingness to address the weaknesses in her professional practice with positive reinforcement, the Committee encourages the Member’s rehabilitation while allowing her to continue her career with minimal disruption. As this is a remedial penalty that serves to correct the Member’s practice, it is important that the term of her suspension is reflective of her enthusiasm towards professional development and the progress she demonstrates.
26. Finally, 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 made aware of the Member’s misconduct and are able to reference the finding of the Committee prior to making hiring decisions. 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 and detrimental to her career.

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

Date: April 22, 2015



Rhiannon Brown, RECE
Chair, Discipline Panel



Barbara Brown, RECE
Member, Discipline Panel



Karen Damley
Member, Discipline Panel