

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Steven Richard Campbell, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) and subsection 35.1(4) of the *Early Childhood Educators Act, 2007*.

An Order has also been made by the Court of Appeal for Ontario, directing that any information that could identify the victim or a witness shall not be published in any document or broadcast or transmitted in any way, pursuant to subsections 486.4(1), (2), (2.1), (2.2), (3) or (4) or 486.6(1) or 2 of the *Criminal Code*.

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

PANEL: Kristine Parsons, RECE, Chairperson
Ann Hutchings, RECE
Barney Savage

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
STEVEN RICHARD CAMPBELL)	Self-represented,
REGISTRATION # 27653)	
)	
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	

Heard: November 10, 2020

DECISION AND REASONS

This matter was heard by a panel of the Discipline Committee (the "Panel") of the College of Early Childhood Educators (the "College") on November 10, 2020. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (the "Act"), the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College's Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset, the Panel ordered that no person shall make any audio or video recording of these proceedings by any means except as directed or explicitly permitted by the Panel.

MEMBER'S NON-ATTENDANCE AT THE HEARING

Steven Richard Campbell (the "Member") was not present for the hearing. The College advised that he was not expected to attend as he is incarcerated. The College provided evidence (Exhibits 2 and 3) outlining the College's communications with the Member about the hearing. The College had informed the Member of the purpose, date, time, and location of the hearing. There was evidence that the hearing had been adjourned to this date at the request of the Member. The College also advised that the matter would be proceeding by way of an Agreed Statement of Facts. The College advised that the Member had already been revoked for no-payment of his fees but that the Act provided for continuing jurisdiction for acts of misconduct committed while he was still a member.

The Panel was satisfied that the Member was properly served with the Notice of Hearing and accepted that it had authority to proceed with the hearing in the Registrant's absence. The Panel also accepted that it had continuing jurisdiction over the Member for acts referable to the time he was a member.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel pursuant to section 35.1(3) and 35.1(4) of the Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated November 11, 2019, (Exhibit 1) which provided as follows:

1. At all material times, the Member was a member of the College and was employed as an Early Childhood Educator at the Milton Community Resource Centre (the "Centre"), located in Milton, Ontario.

Incidents

2. Between September 2013 and April 2016 the Member was primarily responsible for supervising children between the ages of 2 and 4.
3. While supervising the children during nap time, the Member used his cell phone to take pornographic images of 8 female toddlers under his care and made a pornographic movie of one of the female toddlers under his care. The images show the toddlers' genitalia and buttocks. In total, the Member made approximately 100 pornographic images and approximately 4 pornographic movies of the female toddlers under his care.
4. The Member also sexually abused the 8 female toddlers, while they were sleeping, by lowering or taking down their clothing bottoms and, in some of the cases, touching their genital area in the process of creating the child pornography.
5. On April 25, 2016 police executed a search warrant at the Member's residence. Police located a voluminous collection of child pornography (the "Collection"), namely computer files and printed images, in the Member's possession. The Member used two external hard drives to store the Collection, which in total contained 197,552 child pornography images and 9,053 child pornography movies. The Member was arrested that day.

Criminal Court Proceedings

6. In June 2017, the Member pleaded guilty to and was found guilty of the following criminal offences, in relation to the incidents described in paragraphs 2 – 5 above:

- a) 1 count of possessing child pornography, contrary to s.163.1(4) of the *Criminal Code*.
 - b) 8 counts of making child pornography, contrary to s.163.1(2) of the *Criminal Code*.
 - c) 8 counts of sexual assault, contrary to s.271 of the *Criminal Code*.
7. In March 2018, the Member was sentenced to 9 years in custody. Additionally the judge imposed the following:
- a) a 10 year weapons prohibition, pursuant to s. 109 of the *Criminal Code*;
 - b) a 20 year order under the *Sex Offender Information Registration Act*,
 - c) a DNA order; and
 - d) a lifetime order prohibiting contact with persons under the age of 16 pursuant to s.161 of the *Criminal Code*.

Professional Misconduct Alleged

8. By engaging in the conduct set out in paragraphs 2 – 7 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act, in that:
- a) he abused physically, sexually, verbally, psychologically or emotionally a child who was under his professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
 - b) he failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that he abused physically, sexually, verbally, psychologically or emotionally a child under his professional supervision, contrary to Standard V.A.1 of the Standards of Practice;
 - c) he acted or failed to act 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) he contravened a law, which contravention is relevant to his suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);
- e) he contravened a law, which contravention has caused a child who was under his professional supervision to be put at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and
- f) he conducted himself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College advised the Panel that an agreement had been reached with the Member on the facts and introduced an Agreed Statement of Facts (Exhibit 4), which provided as follows:

1. The Member has had a certificate of registration with the College for approximately 9 years. It was revoked for non-payment of fees on October 15, 2019. He does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an Early Childhood Educator at the Centre.

Incidents

3. Between September 2013 and April 2016 the Member was primarily responsible for supervising children between the ages of 2 and 4.
4. While supervising the children during nap time, the Member used his cell phone to take pornographic images of 8 female toddlers under his care (approximately 100 of them) and made four pornographic movies involving one of those toddlers. The images and videos show the toddlers' genitalia and buttocks.
5. The Member also sexually abused the 8 female toddlers, while they were sleeping, by lowering or taking down their clothing bottoms and, in some of the cases, touching their genital area in the process of creating the child pornography.

6. On April 25, 2016 police executed a search warrant at the Member's residence. Police located a voluminous collection of child pornography (the "Collection"), namely computer files and printed images. The Member used two external hard drives to store the Collection, which in total contained 197,552 child pornography images and 9,053 child pornography movies. The Member was arrested that day.

Criminal Court Proceedings

7. In June 2017, the Member pleaded guilty to and was found guilty of the following criminal offences, in relation to the incidents described in paragraphs 3 – 6 above:
 - a) 1 count of possessing child pornography, contrary to s.163.1(4) of the *Criminal Code*.
 - b) 8 counts of making child pornography, contrary to s.163.1(2) of the *Criminal Code*.
 - c) 8 counts of sexual assault, contrary to s.271 of the *Criminal Code*.
8. During the sentencing hearing the judge heard numerous victim impact statements. The statements outlined how the Member's conduct affected, and continues to affect, their lives and those of their family members.
9. In March 2018, the Member was sentenced to 9 years in custody. Additionally the judge imposed the following:
 - a) a 10 year weapons prohibition, pursuant to s. 109 of the *Criminal Code*;
 - b) a 20 year order under the *Sex Offender Information Registration Act*,
 - c) a DNA order; and
 - d) a lifetime order prohibiting contact with persons under the age of 16 pursuant to s.161 of the *Criminal Code*.

Admissions of Professional Misconduct

10. The Member admits that he engaged in and is guilty of professional misconduct as described in paragraphs 3 to 6 above, and as defined in subsection 33(2) of the Act, in that:

- a) he abused physically, sexually, verbally, psychologically or emotionally a child who was under his professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
- b) he failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that he abused physically, sexually, verbally, psychologically or emotionally a child under his professional supervision, contrary to Standard V.A.1 of the Standards of Practice;
- c) he acted or failed to act 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) he contravened a law, which contravention is relevant to his suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);
- e) he contravened a law, which contravention has caused a child who was under his professional supervision to be put at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and
- f) he conducted himself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

By way of the Agreed Statement of Facts and a written plea inquiry (Exhibit 5), the Member admitted to the allegations in the Notice of Hearing

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the Panel should rely on the evidence contained in the Agreed Statement of Facts – and only this evidence – to find the Member guilty of the misconduct alleged. The College submitted that the facts supported findings of misconduct. The Member sexually abused eight female toddlers and used photos of the children in his care to manufacture child

pornography. The Member took advantage of his work and access to children. The facts established that the Member contravened a law. He contravened the *Criminal Code* and was found guilty of the criminal offences of sexual assault, possession of child pornography and making child pornography. One element of the criminal court's sentence is a lifetime ban on contact with anyone under the age of 16 years of age and this is clearly relevant to his ability to hold a certificate. He contravened the law putting child at risk by repeatedly sexually assaulting toddlers. The College submitted that it is self-evident that this conduct would be considered to be disgraceful, dishonourable and unprofessional. This conduct is also clearly unbecoming a member of the profession and no expert evidence is required.

The Member made no submissions on liability.

FINDINGS AND REASONS FOR DECISION

The Panel considered the Agreed Statement of Facts and the Member's plea and found that the evidence supported findings of the professional misconduct as alleged in the Notice of Hearing.

All allegations in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The Member was criminally convicted of eight counts of sexual assault, one count of possession of child pornography, and eight counts of making child pornography. These events occurred between September 2013 and April 2016, as detailed in the Agreed Statement of Facts. The facts establish that the Member contravened a law, specifically, the *Criminal Code*, and such contravention put children at risk in a very significant way. The Member's contravention of the law is relevant to his suitability to hold a certificate of registration.

The Member's conduct was abhorrent. Sexual abuse is inherently a breach of professional standards. It is never acceptable to sexually abuse children. No expert evidence is required to establish such a breach because it is so fundamentally obvious that an RECE should not sexually abuse children.

The Panel further finds that the Member's atrocious conduct would be regarded by members of the profession as disgraceful, dishonourable and unprofessional. The Member's actions fly in the face of all of the values of the profession set out in the Code of Ethics. These values of care, respect, trust and integrity are fundamental to members of the College and should guide their conduct. The

Member was in a position of power and responsibility toward the children under his professional supervision and was trusted by families to maintain the safety and security of their children. Breaching these values in the way the Member did is nothing less than disgraceful, dishonourable and unprofessional. The Member's conduct in sexually abusing children and making and possessing child pornography is completely reprehensible and, on its face, constitutes conduct unbecoming.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College advised that she and the Member had agreed on a partial joint submission in relation to the penalty and costs order (the "Proposed Order"). The only issue that was not agreed upon was the time the Member would be given to repay the costs. The Proposed Order included the following terms:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded.
2. Directing the Registrar to immediately revoke the Member's certificate of registration.
3. Requiring the Member to reimburse the College for funding provided for a person under the program required under section 59.2 of the Act.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000.

The College's position was that costs should be paid within a timeframe of 60 days and the Member submitted by way of letter (Exhibits 8 and 9) that costs should be paid within a year after his release from prison.

Submissions of the College on Penalty and Costs

The College submitted that the penalty must protect the public and send a message that this type of conduct is unacceptable and not tolerated. The College pointed out that most of the aspects of the penalty were mandatory under the Act. Specifically, the Act requires that a Member who engaged in sexual abuse be revoked and receive a reprimand. Even though these penalties were

mandatory, the Member had also agreed to them. The College submitted that these aspects of the penalty were important such that the Member is not permitted to return to the profession and that the College publicly denounces this conduct.

The College indicated that there were a number of aggravating factors in this case relating to the nature of the professional misconduct involved. Specifically:

1. The Member sexually abused eight children in his care;
2. The victims were young and vulnerable;
3. The Member was in possession of a voluminous amount of child pornography, some of which he had made himself;
4. The abuse took place in a childcare setting which should be a safe haven for children;
5. The conduct had a profound and lasting effect on the children;
6. The Member was in a position of trust which he exploited repeatedly; and
7. The Member's actions "fly in the face" of all ECE's responsibility to protect children in their care.

The College submitted that the only mitigating factor was that the Member accepted responsibility for his actions by pleading guilty to the criminal charges and also through the Agreed Statement of Facts. These actions prevented the requirement for families to re-live the trauma by testifying in court and at this hearing.

With respect to the request for an order that the Member be required to reimburse the College for funding for therapy for victims of sexual abuse as provided under section 59.2 of the Act, the parties are in agreement that this should be included in the order to be made by the Panel. The College is not seeking an order to post security for funding for therapy in this case. The College noted that a determination for eligibility for funding for therapy was not required to make such an order. The College submitted that the Panel does not have to receive evidence regarding the impact of the Member's conduct in order to make such an Order – the Panel can take note that this kind of sexual abuse would have a profound impact on the individuals involved.

The College submitted that the Member's financial situation should not play any role in determining whether or not to require reimbursement.

The College counsel provided a Book of Authorities where there were cases with similar conduct resulting in similar penalties. These cases are:

College of Early Childhood Educators v Daniel Harker, 2020 ONCECE 4

College of Early Childhood Educators v Wayne Henry, 2019 ONCECE 18

The College also advised that the Harker case was the first decision where funding for therapy had been ordered.

The College noted that the parties were in agreement about the amount of costs to be awarded by the Panel (being \$1,000) but were not in agreement about the timing for repayment. The College submitted that a 60-day repayment was consistent with similar cases and was reasonable in the circumstances. The College submitted that there were cases where the Member provided evidence of financial hardship, such as by way of affidavit. This was not present in this case - although the Member did make submissions by way of a letter, there was no evidence of financial hardship necessitating a longer repayment period.

Submissions of the Member on Penalty and Costs

The Member made costs submissions by way of letters which outlined his request to extend the time for paying the costs to one year after he was released from prison (Exhibit 8, a letter from the Member to the College Prosecutor and Exhibit 9, a letter from the Member to the Hearing Panel). In these letters, the Member argued that he did not have the resources to make the payment in advance of his release from prison, and he requested an extension of at least one year after release.

PENALTY DECISION

The Panel accepted the Proposed Order and makes the following order as to penalty:

1. The Member is required to appear before a Panel of the Discipline Committee to be reprimanded.
2. The Registrar is directed to immediately revoke the Member's certificate of registration.
3. The Member is required to reimburse the College for funding provided for a person under the program required under section 59.2 of the Act.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

The Panel recognizes that sections 33.2(1)(a) and 33.2(1)(b) of the Act requires the ordering of an oral reprimand and immediate revocation of the Member's certificate of registration given the finding of sexual abuse. The Panel notes that even if revocation was not required by the Act, no other type of penalty would suffice for this kind of heinous conduct. Anyone who engages in conduct of this egregious and disturbing nature must not be a member of this profession. The Panel was satisfied that revocation, in combination with a reprimand, will enhance public confidence in the ability of this College to regulate the profession and sanction acts of sexual abuse in accordance with the law. These penalty components will also serve as a deterrent to other members by sending a clear message to the membership that sexual abuse will result in revocation. We did not consider remediation because the Member is appropriately being removed from the profession. The Member also agreed to these aspects of the penalty by way of a joint submission.

The discretionary aspects of the penalty were also presented by way of a joint submission and in considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest. It is the Panel's conclusion that the recommended penalty falls within these guidelines.

The agreement arrived at by the parties on the issue of reimbursement for therapy funding is acceptable to the Panel. Requiring the Member to reimburse the College should funding for therapy and counselling be sought, has a deterrent effect by making it clear that members who are found to have sexually abused children may be responsible for reimbursing the College.

As the Member is currently incarcerated, the College is directed to facilitate the delivery of the reprimand in the future once the Member becomes available for it.

ORDER AS TO COSTS

Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The question of when the costs payment should be made was the only aspect that was not included in the joint submission. The Panel considered the written submissions of the Member regarding his inability to pay. Given that the 60-day payment schedule has been in place in similar cases, the Panel felt that it should continue this practice unless compelling evidence was presented regarding the Member's financial status. The only information the Member presented was a letter requesting a deferment, without any supporting evidence about his financial status. Absent of any meaningful evidence in this regard, the Panel therefore concluded that a repayment schedule similar to those of other, similar cases would be appropriate.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000 to be paid within 60 days of the Order.

I, Kristine Parsons, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.



Kristine Parsons, RECE, Chairperson

Dated: November 25, 2020