

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

Citation: College of Early Childhood Educators vs Shajeetha Chandramanoharan,
2020 ONCECE 15
Date: 2020-10-06

PANEL: Kristine Parsons, RECE, Chairperson
Garry Bates
Barney Savage

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	for the College of Early Childhood Educators
)	
- and -)	
)	
SHAJEETHA CHANDRAMANO HARAN)	Self-represented,
REGISTRATION # 54018)	
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)	
)	
)	
)	
)	Lonny Rosen,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: September 15, 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 September 15, 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, with the exception of oral evidence that is recorded at the direction of the Panel.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated August 18, 2020, (Exhibit 1) which provided as follows:

1. At all material times, Shajeetha Chandramanoharan (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Assistant Supervisor at the Lord Dufferin Community Day Care Centre, located in Toronto, Ontario (the “Centre”).
2. On or about August 17, 2018, at approximately 9:30am, two siblings, 12½ and 9 years old (the “Children”), arrived at the Centre. The Centre’s management did not allow the Children to participate in a field trip that was scheduled for that day, so the Member sent them home, alone and unsupervised.
3. The Member did not notify anyone that the Children were sent home and did not take steps to verify that the Children arrived home safely.
4. The Children did not have a cellphone or keys to their home that day, and there was no one at home when they arrived there. Nearly 5½ hours later, at approximately 3pm, a

neighbour found the Children sleeping in their building's hallway. The Children were hungry, tired and weak.

5. By engaging in the conduct set out in paragraphs 2 – 4 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Early Childhood Educators Act, 2007, S.O. 2007, c. 7, Sch. 8 (the "Act"), in that:
 - a) The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - b) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - c) The Member 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); and/or

- d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

The Member

1. Shajeetha Chandramanoharan (the “Member”) has had a certificate of registration with the College of Early Childhood Educators (the “College”) for approximately 5 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE and Assistant Supervisor at the Lord Dufferin Community Day Care Centre, located in Toronto, Ontario (the “Centre”).

The Incident

3. On August 17, 2018, at approximately 9:30am, two siblings, 12½ and 9 years old (the “Children”), arrived at the Centre. The Centre’s management did not allow the Children to participate in a field trip that was scheduled for that day, so the Member sent them home, alone and unsupervised.
4. The Member failed to do the following:
 - a. She did not speak with the Children’s mother, or any other adult from the Children’s family whose contact information was on file, to notify them that the Children were being sent home.
 - b. She did not take steps to verify that the Children arrived home safely.

5. The Children resided in an apartment building, located approximately 5 – 10 minutes' walk from the Centre. The Children did not have a cellphone or keys to their home that day, and there was no one at home when they arrived there. Nearly 5½ hours later, at approximately 3pm, a neighbour found the Children sleeping in their building's hallway. According to the children's aunt, the Children were hungry, tired and weak when the neighbour found them. The Children then went into the neighbour's house and called their aunt, who was their legal guardian (the "Aunt"). The Aunt was very upset to learn about the incident.

Additional Information

6. On the evening prior to the incident, the Member attempted to call the Children's mother several times to advise her that they were not permitted to participate in the field trip, but there was no answer when the Member called. The Member did not attempt to contact the Aunt, although her contact information was on file. The Member did not advise the Centre's Supervisor that the Children's family was not notified of the Centre's decision.
7. Prior to the incident, the Centre allowed children to independently arrive and leave the Centre if permitted to do so by their parents or legal guardians. Although there was no such authorization on file in relation to the Children, the Centre was aware that the Children often arrived at and left the Centre without an accompanying adult for several months prior to the incident.
8. After the incident, the Centre created a Safe Release of Child Policy and advised all staff that children are no longer allowed to leave the Centre without an accompanying adult, except under specific circumstances.
9. If the Member were to testify, she would acknowledge that the Children's safety could have been at risk as a result of her conduct. She is remorseful for the incident and learned from it.

Admissions of Professional Misconduct

10. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 5 above, and as defined in subsection 33(2) of *the Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, in that:
 - a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);

- b. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
- c. The Member 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); and/or
- d. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Agreed Statement of Facts, which encompassed all of the professional misconduct alleged in the Notice of Hearing.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the facts as presented support findings of professional misconduct in respect of each of the allegations. The College submitted that the evidence established that the Member failed to adequately supervise the Children and failed to ensure that the Children were permitted to return home on their own, thereby exposing them to an unsafe and potentially harmful situation. In this case, the age of the Children may have mitigated the harm that might have been experienced by the children. Yet the length of time the Children were unsupervised elevated the risk, and the Children's ages do not detract from the expectation of the guardian that the children would be in care for the entire day. The Member's conduct would undoubtedly reflect negatively on the profession, and constitutes disgraceful, dishonourable or unprofessional conduct.

The Member submitted that she pleaded guilty because she had made a significant error in judgment. She cited her relative inexperience at the time of the incident, as well as the stress of the moment, as factors that contributed to the mistake.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in the Notice of Hearing and as acknowledged in the Agreed Statement of Facts. In dismissing the Children from the Centre to go home on their own without contacting their parent or guardian or ensuring that there was anyone at home, the Member exposed the Children to harmful or unsafe situations, failed to adequately supervise the Children, failed to maintain the standards of the profession, and failed to observe and monitor the learning environment. She also failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, and failed to model professional values, beliefs and behaviours with children, families and colleagues. The Member acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, and that is unbecoming a Member.

The Panel considered whether accepting the negotiated agreement of the parties would bring these proceedings into disrepute, or would otherwise be contrary to the public interest. It was the Panel's conclusion that accepting the facts and the plea as presented is reasonable and serves the public interest. The Panel also concluded that the mistake made by the Member constitutes unprofessional conduct, and reflects poorly on the profession. While the Discipline Committee has not previously considered cases of compromised supervision in which the children were as old as in this case, the issue of failed supervision is a prevailing problem in the profession. Members have an obligation to carefully supervise the children for whom they are responsible.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that it would be appropriate for the Panel to make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 5 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:

- i. is an RECE in good standing with the College,
- ii. is employed in a supervisory position,
- iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
- iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director of Professional Regulation (the "Director"). In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:

- i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
 - e. After a minimum of 5 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
 - f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
 - g. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 30 days of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the Proposed Order was appropriate and reasonable in light of the facts agreed upon. Counsel indicated that the Panel should consider a number of different factors in determining the appropriate penalty. The College submitted that the Panel should consider that a message needs to be sent broadly to members of the profession and to the public that professional misconduct of this nature has significant consequences. The penalty should also send a message to this particular Member that the conduct is unacceptable, and must not be repeated. The penalty should offer an opportunity for reflection and rehabilitation for the Member. Finally, the penalty should also be generally proportionate to other similar decisions keeping in mind the unique facts of this case.

College counsel advised the Panel to consider two previous cases which present a similar fact base, and provide guidance on a proportional basis for a penalty. The first is *CECE v. Virginia Me* (2019), and the second is *CECE v. Zachary Yudin* (2020). The range for length of suspension in these cases is five to seven months. College counsel noted that while no two cases are precisely the same, the cited cases contained some elements that presented both greater and lesser risks to children, based on the length of time children were unsupervised and the danger posed to children. College counsel submitted that on balance, these cases support the range of penalty agreed to by the parties in the Proposed Order.

Counsel for the College identified the aggravating factors that the Panel should consider in determining the appropriate penalty:

- The extended length of time – 5.5 hours – during which the Children were unsupervised.
- The Member’s failure to notify the guardian that the Children would be sent home.
- The evidence of physical and emotional impact on the Children.
- The Member’s failure to check that the Children had arrived home safely, which might have lessened the impact on the Children.
- The documented impact on the Children’s family – the Children’s aunt was quite upset upon hearing of the incident.

Counsel for the College also identified four mitigating factors:

- The Member acknowledged her wrongdoing and cooperated fully with all investigations.
- The Member pleaded guilty at the earliest opportunity, thereby saving time and resources that would otherwise be required.
- The Member has been registered for five years, and there is no record of any other issues or complaints.
- A unique factor in this case: While most supervision cases involve young children, the Children were nine and 12 years of age.

Counsel also identified two additional considerations:

- This is an isolated incident, and there is no pattern of similar behaviour on the part of the Member.
- For several months prior to the incident, the Children in question were permitted by the Centre to have independent arrival and departure, including heading home unsupervised.

Submissions of the Member on Penalty and Costs

The Member told the Panel that the incident has affected her deeply. In the two years prior to the College taking action, she quit her job and has undertaken training in leadership. The Member has reflected on her relative inexperience in a leadership role at the time of the incident, as well as on the conditions that contributed to a stressful work environment for her and for many professional colleagues in early childhood education. The Member stated that one consequence of her relative inexperience was her inability to communicate that she found herself in a highly stressful environment and required support. The Member's education and training since the incident have focused on the health and well-being of those in early childhood education – both children and professionals.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before the Panel to be reprimanded immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 5 months. The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

Mentorship

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and

- vi. is pre-approved by the Director of Professional Regulation (the “Director”). In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel’s Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel’s Decision and Reasons.
- d. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College’s Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member’s colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member’s daily practice and any issues that arise, to ensure that she is meeting the College’s Standards of Practice (without disclosing personal or

identifying information about any of the children under the Member's care, or clients of her employer(s)).

- e. After a minimum of 5 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

The College may require proof of compliance with any of the terms in this Order at any time.

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.

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 penalty is reasonable, proportionate, and in the public interest.

As identified by College Counsel, the College routinely deals with cases that involve a failure to adequately supervise children. We considered the cases that were cited by College Counsel, which involved similar failures of supervision, and which resulted in penalties of a five and seven month suspension, with similar provisions for mentorship. In this particular case, the children in question had some history of leaving the Centre independently at the end of the day, based on the assessment that this was appropriate to the age of the Children. The Member's error in judgment in this case was her failure to recognize that the Children would be potentially alone for a significant length of time, and was exacerbated by her failure to notify the family contact on file at the Centre. The Member recognized and expressed remorse for her mistake. In all of the circumstances, the Panel determined that the penalty proposed by the parties was appropriate.

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 costs and 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 Panel orders that the Member pay the College its costs, fixed in the amount of \$1000 to be paid within 30 days of the date 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

October 6, 2020

Date