

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Jessica Ann-Marie Primeau 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) of the *Early Childhood Educators Act, 2007*.

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

**PANEL:** Julie Cyr, RECE, Chairperson  
Julie Benoit, RECE  
Geneviève Breton

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
JESSICA ANN-MARIE PRIMEAU	)	Self-represented
REGISTRATION # 51357	)	
	)	
	)	Renée Kopp,
	)	Jones Kopp Litigation Partners LLP
	)	Independent Legal Counsel
	)	
	)	
	)	
	)	Heard: April 19, 2021

## **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 April 19, 2021. 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 noted that the hearing was being recorded in the Zoom platform at the direction of the Panel for the hearing record, and ordered that no person shall make any audio or video recording of these proceedings by any other means.

## **PUBLICATION BAN**

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the *Early Childhood Educators Act, 2007*. The order bans the public disclosure, publication and broadcasting outside of the hearing room, of 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 April 1, 2021, (Exhibit 1) which provided as follows:

1. At all material times, Jessica Ann-Marie Primeau (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at Beacons of Light Daycare, located in Sarnia, Ontario (the “Centre”). Between on or about January 2019 and August 2019, the Member was responsible for supervising children in the Centre’s preschool room.
2. On or about August 8, 2019, the Member engaged in the following conduct towards three pre-school aged children:

- a. During circle time, the Member grabbed an almost 4 year old boy ("**Child 1**"), by both of his arms, lifted him off the ground so Child 1's arms were by his ears, and moved him a couple of feet to a cot. The Member forced Child 1 onto the cot face first, causing Child 1's face to hit the cot.
  - b. Later, during quiet time, when placing Child 1 on a cot in the corner of the room, the Member grabbed Child 1 by one arm and a leg and flipped him from a seated position to lay on his stomach. The Member then placed a weighted pad on Child 1. She continued holding the weighted pad on Child 1, and restrained Child 1 until he stopped crying and struggling approximately a minute later.
  - c. During circle time, the Member forcefully grabbed an almost 3 year old girl ("**Child 2**"), by her upper arms, pulled Child 2 towards the circle and tried to make her dance to the music. When the Member let go of Child 2's arms Child 2 appeared scared and moved away from the Member towards the wall. As a result of the Member's actions, Child 2 sustained red marks on her arm.
  - d. During one of the transitions, the Member grabbed an almost 3 year old boy with special needs ("**Child 3**"), and pushed him towards the wall.
3. Between on or about January 2019 and August 2019, the Member engaged in the following conduct towards Child 1:
    - a. The Member frequently yelled at Child 1, causing him to be fearful and upset.
    - b. The Member often spoke negatively about Child 1 in his presence and picked on him, causing him to feel badly.
    - c. The Member instructed other staff in the room not to comfort Child 1, stating he was only demanding attention.
4. Between on or about January 2019 and August 2019, the Member also engaged in the following conduct towards Child 3:
    - a. On multiple occasions, during nap time, if Child 3 did not lay on his stomach, the Member aggressively grabbed Child 3 by his arm and leg and flipped him onto his stomach, even though Child 3 resisted.

- b. During transition time, on multiple occasions, the Member would whip Child 3 around by grabbing him by the wrist and hand and forcing his hand against the wall. This caused Child 3 to become upset, and he would scream and yell.
  - c. On one occasion, the Member shoved Child 3 to sit down.
  - d. In the beginning of August 2019, on several occasions, the Member roughly yanked Child 3 at the Centre's yard and in the bathroom, sometimes causing Child 3 to stumble from being pulled too hard by the Member.
5. Between on or about January 2019 and August 2019, the Member also engaged in the following conduct towards the pre-school aged children in the room:
- a. On a daily basis, during nap time, the Member forced children to lay on their stomachs. When children tried to position themselves on their backs or sides, the Member grabbed them by one arm and one leg, lifted them off the cot and flipped the children so that they lay face down on their stomachs.
  - b. On multiple occasions, the Member lifted children up by their wrists and dropped them onto their cots, in a manner that caused staff to be concerned that the children could become injured.
  - c. On a daily basis the Member yelled at children while standing very close to their faces. This often caused the children to cry.
  - d. On multiple occasions the Member forced the children to look at her while she was yelling at them by grabbing their faces. This caused the children to hit the Member or to push her away, and tell her they do not like that.
  - e. On multiple occasions the Member spoke negatively about children to other staff, in the children's presence, and picked on children until they cried.
  - f. On multiple occasions, when children sought attention and comfort from other staff, the Member yelled at them to leave the staff alone.
  - g. On multiple occasions, between on or about June 2019 and August 2019, the Member grabbed Child 2's arm and physically redirected her, while yelling at her. As a result, Child 2 would stop talking and withdraw in the Member's presence.

- h. On multiple occasions the Member forced children to sit down on a bench, by grabbing them by the arms near the shoulders and firmly pushing them down. On several of these occasions there were marks left at the locations the Member grabbed.
6. By engaging in the conduct set out in paragraphs 2 – 5 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 in that:
- a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - d. 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 be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
    - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
    - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
    - iv. 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;  
and/or

- v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she 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.
- e. 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
- f. 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. The Member has had a certificate of registration with the College for approximately 7 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 at the Centre.

### **The Incidents**

- 3. On August 8, 2019, the Member engaged in the following conduct towards three pre-school aged children:
  - a. During circle time, the Member grabbed an almost 4 year old boy ("Child 1"), by both of his arms, lifted him off the ground so Child 1's arms were by his ears, and moved him a

couple of feet to a cot. The Member forced Child 1 onto the cot face first, causing Child 1's face to hit the cot.

- b. Later, during quiet time, when placing Child 1 on a cot in the corner of the room, the Member grabbed Child 1 by one arm and a leg and flipped from a seated position to lay on his stomach. The Member then placed a weighted pad on Child 1. She continued holding the weighted pad on Child 1, and restrained Child 1 until he stopped crying and struggling approximately a minute later.
  - c. During circle time, the Member forcefully grabbed an almost 3 year old girl ("Child 2"), by her upper arms, pulled Child 2 towards the circle and tried to make her dance to the music. When the Member let go of Child 2's arms Child 2 appeared scared and moved away from the Member towards the wall. As a result of the Member's actions, Child 2 sustained red marks on her arm.
  - d. During one of the transitions, the Member grabbed an almost 3 year old boy who was partially deaf and non-verbal ("Child 3"), and pushed him towards the wall.
4. Between January 2019 and August 2019, the Member engaged in the following conduct towards Child 1:
- a. The Member frequently yelled at Child 1, causing him to be fearful and upset.
  - b. The Member often spoke negatively about Child 1 in his presence and picked on him, causing him to feel badly.
  - c. The Member instructed other staff in the room not to comfort Child 1, stating he was only demanding attention.
5. Between January 2019 and August 2019, the Member also engaged in the following conduct towards Child 3:
- a. On multiple occasions, during nap time, if Child 3 did not lay on his stomach, the Member aggressively grabbed Child 3 by his arm and leg and flipped him onto his stomach, even though Child 3 resisted.

- b. During transition time, on multiple occasions, the Member would whip Child 3 around by grabbing him by the wrist and hand and forcing his hand against the wall. This caused Child 3 to become upset, and he would scream and yell.
  - c. On one occasion, the Member shoved Child 3 to sit down.
  - d. In the beginning of August 2019, on several occasions, the Member roughly yanked Child 3 at the Centre's yard and in the bathroom, sometimes causing Child 3 to stumble from being pulled too hard by the Member.
6. Between January 2019 and August 2019, the Member also engaged in the following conduct towards the pre-school aged children in the room:
- a. On a daily basis, during nap time, the Member forced children to lie on their stomachs. When children tried to position themselves on their backs or sides, the Member grabbed them by one arm and one leg, lifted them off the cot and flipped the children so that they lay face down on their stomachs.
  - b. On multiple occasions, the Member lifted children up by their wrists and dropped them onto their cots, in a manner that caused staff to be concerned that the children could become injured.
  - c. On a daily basis the Member yelled at children while standing very close to their faces. This often caused the children to cry.
  - d. On multiple occasions the Member forced the children to look at her while she was yelling at them by grabbing their faces. This caused the children to hit the Member or to push her away, and tell her they do not like that.
  - e. On multiple occasions the Member spoke negatively about children to other staff, in the children's presence, and picked on children until they cried.
  - f. On multiple occasions, when children sought attention and comfort from other staff, the Member yelled at them to leave the staff alone.
  - g. On multiple occasions, between on or about June 2019 and August 2019, the Member grabbed Child 2's arm and physically redirected her, while yelling at her. As a result, Child 2 would stop talking and withdraw in the Member's presence.



7. On multiple occasions the Member forced children to sit down on a bench, by grabbing them by the arms near the shoulders and firmly pushing them down. On several of these occasions there were marks left at the locations the Member grabbed.

### **Additional Information**

8. The Member was terminated from her position as an RECE at the Centre as a result of the incidents described above.
9. The incidents were reported to the Children's Aid Society ("CAS"). CAS investigated the incidents and verified that the Member used physical force on a child causing risk that the child is likely to be harmed. CAS further verified a risk that a child was likely to be emotionally harmed as a result of the Member's conduct.
10. Prior to the incidents, the Centre warned the Member on four occasions regarding her tone of voice and interactions with children:
  - a. In spring 2016 the Member was verbally warned regarding her tone of voice when interacting with children.
  - b. In June 2016 the Member received a warning letter regarding tone and demeanor with children, as well as "unfair" discipline of one child for an action another child was allowed to do. The Member's employment probation at the Centre was extended by 90 days.
  - c. In October 2016 the Member received a warning letter following an incident where she was observed yelling at a child, grabbing the child's wrist and moving them. The Member was again put on employment probation and provided with coaching by the Centre.
  - d. In August 2017, following concerns that the Member yelled at children, the Centre placed the Member on 3 months employment probation and provided her with mentorship and coaching.

## Admissions of Professional Misconduct

11. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 7 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 physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - d. 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 be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
    - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
    - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
    - iv. 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; and/or
    - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she 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.

- e. 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
- f. 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 and that her conduct constituted professional misconduct, as alleged.

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 guilty plea was voluntary, informed and unequivocal.

### **SUBMISSIONS OF THE PARTIES REGARDING ALLEGATIONS OF MISCONDUCT**

The College submitted that all the allegations submitted in the Agreed Statement of Facts were supported by the evidence.

The Member repeatedly grabbed and restrained preschool aged children. She physically abused them by using excessive and unnecessary force.

One of the children had a disability and was therefore more vulnerable to her behaviour.

The Member yelled at children and made negative comments about them. She did not provide them with a safe environment. She created an atmosphere of terror. She relied on prohibitive practices and failed to model appropriate behaviour in regards to the College and legislative regulations, code of ethics and standards of practice. Her conduct reflects on her profession as a whole and erodes public confidence.

It was a prolonged pattern of behaviour that went on for six months. The Member stopped her colleagues from comforting the children. Children were forced to look at the Member's eyes while she was yelling at them. There were also prior concerns of similar conduct in 2016 and 2017.

When given an opportunity to make submissions in response to College counsel's submissions, the Member declined to do so. The Member did not make any submission.

## **FINDING AND REASONS FOR DECISION**

Having considered the facts set out in the Agreed Statement of Facts, the Member's guilty plea, and the submissions of the parties, the Panel accepted the Member's admission and rendered an oral decision on April 19, 2021, finding her guilty of professional misconduct as alleged the Notice of Hearing, contrary to Ontario Regulation 223/08, subsections 2(3), 2(3.1), 2(3.2), 2(8), 2(10), and 2(22).

The Panel finds that the Member physically abused children who were under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1) on numerous occasions such as for example by grabbing Child 1 by both his arms, lifting him off the ground and forcing him onto the cot face first, causing his face to hit the cot, grabbing Child 1 by one arm and leg and flipping him from a seated position to lay on his stomach, then placing a weighted pad on him and holding it there, restraining him until he stopped crying, forcefully grabbing Child 2 by her upper arms and pulling her, causing red marks on her arms, and on multiple occasions, aggressively grabbing Child 3, who was deaf, and flipping him onto his stomach, grabbing him by the wrist and forcing him or pushing him towards the wall, shoving him to sit down, yanking him hard enough to cause him to stumble, grabbing the children's faces as she yelled at them, grabbing the children and forcing them to sit down on a bench with such force as to leave marks.

The Panel finds that the Member verbally abused children who were under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3) for example by frequently yelling at Child 1, causing him to be fearful and upset or yelling at children while standing very close to their faces often causing them to cry.

The Panel finds that the Member psychologically or emotionally abused children who were under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2) in that she

spoke negatively about a child in his presence, picking on him, causing him to feel badly, instructing other staff not to comfort the child, forcing the children to look at her while she was yelling at them.

The Panel further finds that the Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8). By repeatedly using physical force and yelling at children, she did not employ strategies that support ongoing positive interactions with children and families. Her interactions with the children did not give them a sense of security and belonging, but caused them to be fearful. The Panel found effectively that the Member created an atmosphere of terror. Her repeated pattern of behaviour put the children and public at risk. The Member did not work to create a safe, healthy and inviting environment to promote the children's sense of belonging, well-being or inclusion when she picked on the children until they cried, used physical force on them, physically restrained them and yelled at them.

It was clear to the Panel, that the Member did not uphold her professional commitment to model professional values, beliefs and behaviours expected of the profession and that her conduct was disgraceful, dishonourable and unprofessional. The Panel found the Member's conduct to be in direct violation of Regulation 223/08 and the Code of Ethics and Standards of Practice.

The Panel was deeply concerned regarding the behaviours the Member adopted towards children with disabilities by using prohibitive measures and interventions. Her behaviour was unbecoming of the ECE profession, contrary to Ontario Regulation 223/08, subsection 2(22) and eroded public confidence in the profession.

## **DECISION ON PENALTY**

Counsel for the College presented the Panel with the parties' Joint Submission on Penalty and Costs (Exhibit 4). In an oral decision rendered April 19, 2021, the Panel made the following order as to penalty and costs:

1. Requiring the Member to appear before the Panel to be reprimanded within 60 days of the date of this Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of

- a. 11 months; or
- b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) and 3(b) below,

whichever is greater.

The suspension will take effect from the date of the 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:

#### **Coursework**

- 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 must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, the following course(s) (subject to the Director's pre-approval):
  - i. Positive intervention strategies; and
  - ii. Anger management.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

#### **Mentorship**

- c. Prior to the Member commencing or resuming employment as an 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. 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, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- d. 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.
- e. 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.
- f. 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)).
  - g. After a minimum of 7 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(e),
    - iii. that the Mentor reviewed the documents set out in paragraph 3(e) and discussed the subjects set out in paragraph 3(f) with the Member, and
    - iv. the Mentor's assessment of the Member's insight into her behaviour.
  - h. 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.
  - i. The College may require proof of compliance with any of the terms in this Order at any time.
4. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 10 months of the date of this Order.



## REASONS FOR DECISION ON PENALTY AND COSTS

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 was also mindful that a jointly proposed penalty should be accepted unless it is so unreasonable that its acceptance would bring the administration of justice into disrepute or would be contrary to the public interest. The Panel considered the cases of *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303 and *R. v. Anthony-Cook*, 2016 SCC 43 to support the principle of accepting a negotiated joint submission on penalty.

In its submissions, the College indicated that physical abuse is the most common type of complaints brought against RECEs, but this case stood out in its severity. In considering the reasonableness of the proposed penalty, the Panel took into account the numerous aggravating factors referred to by College counsel, including:

- The age of the children. Preschool children are more vulnerable and not old enough to report such conduct;
- While some elements of her conduct involved all children, the Member also specifically targeted three children in particular;
- A child identified with special needs was specifically targeted;
- The conduct involved physical violence and force (i.e. physical restraint);
- There was a prolonged pattern of behaviour lasting over 6 months;
- On several occasions, children sustained physical marks on their bodies (i.e. red marks on arms);
- The Member's conduct had significant emotional impact on the children. They were afraid;
- The Member's abusive conduct occurred in the presence of other children;

- The Member's conduct negatively impacted other staff. She spoke negatively about the children to the staff.
- Prior concerns were raised about the Member's conduct in 2016 and 2017.

The Panel also took into consideration a number of mitigating factors, including that:

- By pleading guilty, the Member avoided significant costs and time of a contested hearing for the College;
- The Member agreed to a joint submission of penalty which demonstrated insight into her conduct;
- The Member has been registered for seven years with no prior complaints of misconduct to the College. This was her first discipline hearing.
- The College was not aware of any long-lasting adverse impact on the children.

The College submitted a number of cases for the Panel to consider:

- *College of Early Childhood Educators v. Diba Hashimi*, 2018 ONCECE 3 (CanLII)
- *College of Early Childhood Educators v. Victoria Maria Alves*, 2019 ONCECE 5 (CanLII)
- *College of Early Childhood Educators v. Leslie Raybon*, 2021 ONCECE 2 (CanLII)
- *College of Early Childhood Educators v. Junghwa You*, 2020 ONCECE 20 (CanLII)
- *College of Early Childhood Educators v. Katherine Ann Bechard*, 2019 ONCECE 4 (CanLII)
- *College of Early Childhood Educators v. Mandip Kaur*, 2020 ONCECE 16 (CanLII)

The Panel questioned how the College determined that the proposed suspension of 11 months was appropriate given that the other cases presented during the Hearing all included lesser suspensions. Counsel pointed out that the proposed penalty in this case includes a longer suspension than previous abuse cases seen at this College due to the severity of the Member's conduct.

The Panel asked Counsel for the College if there were cases where a more severe penalty was imposed when the allegations involved physical and emotional abuse. Counsel presented the case of *College of Early Childhood Educators v. Amal Ali*, 2019 ONCECE 2, where the registrant's certification was revoked. The revocation in that case was the result of the registrant's lack of participation in the discipline process which caused the Panel in that case to be concerned about the prospect for that registrant's rehabilitation. Despite recognizing the severity of the Member's conduct, College counsel submitted that this case did not reach the level where revocation of the Member's certificate was appropriate. Counsel submitted that the penalty proposed contained sufficient measures to ensure the protection of the public, including a very long suspension and significant rehabilitation required before the Member can return to practice. In addition, the Member had cooperated with the College, admitted her guilt and expressed willingness to engage in rehabilitation. The Panel took into consideration all the information presented and acknowledged that the Member pled guilty and cooperated with the College. The Panel accepted the Joint Submission on Penalty and Costs.

Unlike in the *Ali* case, the Member in this case has accepted responsibility, demonstrated remorse and showed a strong willingness to work hard to rehabilitate. The Panel feels that in this case the penalty of a minimum of 11 months suspension coupled with coursework before resuming employment, and an additional 7 months of mentoring will be sufficient to ensure protection of the public interest.

The Panel finds that the conduct of the Member warrants a reprimand by her peers for her repeated and inappropriate conduct towards the young children under her care and to send her a strong message that the use of physical force and yelling to manage the children's behaviour is not tolerated. The reprimand will also allow the Panel to directly address its serious concerns to the Member about her behaviour.

Given the severity and the repetition of the Member's conduct, the Panel finds that the lengthy suspension in this case is appropriate and reasonable, and will serve as a deterrent to both the Member and the profession, making it clear that the kind of misconduct the Member engaged in is unacceptable.

The extensive coursework and mentoring sessions will help the Member rehabilitate, remind her of her professional obligations and help her develop the skills and strategies to make better decisions in her interactions with the children when she returns to practice.

## **ORDER AS TO COSTS**

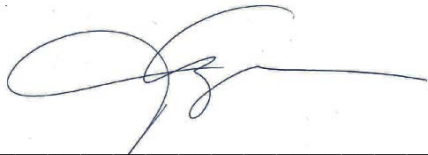
Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a Member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

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 ordered that the Member pay the College its costs, fixed in the amount of \$1000 to be paid within 10 months of the date of the Order.

The Panel is satisfied that the overall penalty is appropriate in the circumstances and meets the principle of serving and protecting the public interest.

**I, Julie Cyr, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.**



\_\_\_\_\_  
Julie Cyr, RECE, Chairperson

May 20, 2021

\_\_\_\_\_  
Date