

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Mimruza Rahman 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:** Garry Bates, Chairperson  
Yalin Gorica, RECE  
Lois Mahon, RECE

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
MIMRUZA RAHMAN	)	Self-represented
REGISTRATION # 32054	)	
	)	
	)	
	)	
	)	Lonny Rosen
	)	Rosen Sunshine LLP
	)	Independent Legal Counsel
	)	
	)	Heard: May 6, 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 May 6, 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 Practice 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, 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 7, 2021, (Exhibit 1) which provided as follows:

1. At all material times, Mimruza Rahman (the "Member") was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator ("ECE") at Mother of Compassion Child Care Centre, located in Scarborough, Ontario (the "Centre").
2. On or about the afternoon of April 25, 2019, the Member and two early childcare assistants, J.M. and E.B., (collectively, the "ECAs"), were supervising 6 infants, including a 10 month old child (the "Child"). Shortly after 4:00 p.m. the Member and the ECAs began getting infants ready to go outside for the walk. The Member sat the Child on a counter, approximately 3 feet off the floor. As the Member was changing their clothes, the Child lost balance, fell face

forward and hit their head. The sound of the head hitting an object made a loud “thud”. The Child began to cry as the Member lifted them.

3. The Member comforted the Child for a few minutes and then handed them to J.M. The Member instructed the ECAs not to report the incident and to provide a false account of events if asked about what had happened. The Member then left the Centre.
4. The Member failed to report the incident to the Centre’s management and to the Child’s parents.
5. As a result of the incident, the Child’s forehead was bruised and experienced significant swelling, which required numerous medical appointments.
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 (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;
    - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 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);
- d) The Member failed to keep records as required by her professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(18); and/or
- e) 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 10 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 Incident**

3. On the afternoon of April 25, 2019, the Member and two early childcare assistants, J.M. and E.B., (collectively, the “ECAs”), were supervising 6 infants, including the Child. The Member’s work shift ended at 4:00 p.m., but she remained in the infant room, and assisted with cleaning up and getting the children ready to go outside, despite the Centre’s guidance to staff, urging them to leave the room once they finish work and the children are within ratio with other staff.
4. Sometime between 4:00 p.m. and 4:30 p.m. the Member and the ECAs began getting the infants ready to go outside for the walk. The Member sat the Child on a counter, approximately 3 feet off the floor, and began changing their clothes. As the Member was

holding the Child by the clothes, the Child lost balance, fell face forward and hit their head. The sound of the head hitting an object made a loud “thud”. The Child began to cry upon being lifted by the Member.

5. The Member comforted the Child for a few minutes, including by rubbing their head to soothe them. The Member and J.M. did not observe any marks or bumps on the Child’s head at that time. The Member then handed the Child to J.M., collected her belongings and left the infant room.
6. J.M. put the Child in a stroller and took them outside for a walk, along with two other infants. E.B. remained in the room with the other three infants. A few minutes later J.M. noticed that the Child’s forehead was starting to swell and asked E.B. to give him an ice pack. J.M. remained outside with the children in the stroller and applied the icepack to the Child’s head for about 5 minutes. The Member then exited the Centre and briefly spoke with J.M. as he was holding the ice pack. The Member noticed that there was a “reddish mark” on the Child’s forehead and told J.M. to monitor the Child’s wellbeing and let her know “if anything happens”. She then left the Centre’s premises.
7. The Member failed to report the incident to the Centre’s management and to the Child’s parents. The Member also failed to prepare a written accident report, as was required by the Centre’s policies and procedures.
8. The Child’s mother arrived at the Centre at approximately 5:00 p.m. At this point, there was already visible bruising on the Child’s forehead. The ECAs advised the mother that the Child lost their balance while crawling and hit their head against a table. The ECAs also provided her with a false accident report to that effect. The mother then left the Centre with the Child.
9. At approximately 5:50 p.m. the ECAs had a change of heart and decided to disclose what had happened. They first reported the incident to V.S., an RECE at the Centre who is also the Child’s grandmother. The ECAs then reported the incident to the senior RECE on duty, who in turn reported it to the Centre’s management.
10. The Child’s mother was notified that the Child fell from a height at approximately 6:30 p.m., about 2 hours after the fall.
11. As a result of the incident, the Child’s forehead was bruised and they experienced significant swelling, which required numerous medical appointments.

## **Additional Information**

12. The Child's mother brought the Child to a local hospital that evening and she was instructed to monitor them. Two days later, the bruised area on the Child's forehead grew to the size of a "large egg". They were examined by a family doctor, who instructed that the Child be taken immediately to Sick Kids Hospital. According to the mother, following an examination and x-rays, a physician stated that the contusion "would have been an outcome of great impact".
13. On the evening of the incident the Member called J.M. on his cell phone approximately 4 – 5 times, but he did not answer the calls.
14. The following day, at approximately 8:05 a.m., the Member called E.B. and tried to obtain information regarding what had happened after she left. E.B. refused to answer the Member's questions and stated that she would discuss it with her when the Member arrived at the Centre. The Member then arrived at the Centre. At approximately 9:00 a.m., the Centre's management began interviewing the Member regarding the incident.
15. As a result of the incident, the Member's employment at the Centre was terminated. Then, a month and a half later, the Member's employment at the Centre was reinstated following a grievance. The period of termination was deemed to be an unpaid suspension period. The Member was reinstated in an ECA role for a period of a year before being allowed to return to work as an ECE at the Centre.
16. The Child returned to attending the Centre a week after the incident. However, they were permanently withdrawn from the Centre when the family learned that the Member's employment was reinstated.
17. If the Member were to testify, she would advise the following:
  - a. She acknowledges that it was "dangerous" to change the Child's clothes in the manner she did, on the counter.
  - b. She should have informed "somebody" about the incident, but her "brain didn't work" and she "did not know what to do".
  - c. She regrets "not handling the situation properly" and recognizes that there was a "lack of judgment" on her part.

- d. She did not instruct the ECAs to prepare a false written accident report regarding the incident.
- e. When she was leaving the Centre, she did not notice that J.M. was holding an ice pack as he did not apply it to the Child's forehead in her presence.

### **Admissions of Professional Misconduct**

18. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 7, and 11 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;
  - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 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);
- d. The Member failed to keep records as required by her professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(18); and
- e. 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.

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**

College counsel advised the Panel that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts (Exhibit 2).

College counsel submitted that the evidence for the allegations consisted of the Agreed Statement of Facts (Exhibit 2), and summarized these as follows: On or about the afternoon April 25, 2019, the Member and two early childhood assistants were supervising six infants including a 10-month old child (the Child). Shortly after 4:00 p.m., the Member and the ECAs began getting the children ready to go outside for a walk. The Member sat the Child on a counter approximately 3 feet above the floor while holding them by their clothing. The Child lost balance and fell with their forehead hitting the floor with a loud "thud". The Child began crying upon being lifted by the Member. The Member comforted the Child for a few minutes, handed them to an ECA and left the room as her shift ended at 4:00 p.m.

The ECA who was outside with the children applied an ice pack to the Child's head. As the Member was exiting the Centre, she briefly spoke with the ECA, and at this time, she noticed a



“reddish mark” on the Child’s forehead. The Member told the ECA to monitor the Child’s wellbeing and let her know “if anything happens”.

The Member failed to report the incident to the Centre’s management and to the Child’s parents. She also failed to prepare a written accident report, as was required by the Centre’s policies and procedures.

When the Child’s mother arrived at the Centre to pick up the Child, there was a visible bruising on the Child’s forehead. The ECAs provided the mother with a false accident report indicating that the Child was crawling, lost their balance and hit their head against a table.

The ECAs later indicated that the initial accident report was false and related the appropriate information to the senior RECE on duty, who reported it to the Centre’s management.

The parent of the Child was notified of the true facts 2 hours after the incident following which the Child was seen by various medical personnel including a trip to Sick Kids Hospital.

The Member called an ECA a few times in the evening of the incident, but the ECA did not answer the calls. The next morning, the Member also attempted to get information from another ECA who referred her to the management at the Centre.

Following the investigation at the Centre, the Member’s employment was terminated, only to be reversed following a union intervention. The Member was reinstated as an ECA for a period of one year then returned to work as an RECE at the Centre. The parents withdrew the Child from the Centre when the Member’s employment was reinstated.

College Counsel submitted that if the Member were to testify, she would advise the following:

- a. She acknowledges that it was "dangerous" to change the Child's clothes in the manner she did, on the counter.
- b. She should have informed "somebody" about the incident, but her “brain didn't work” and she “did not know what to do”.
- c. She regrets “not handling the situation properly” and recognizes that there was a “lack of judgment” on her part.

- d. She did not instruct the ECAs to prepare a false written accident report regarding the incident.
- e. When she was leaving the Centre, she did not notice that J.M. was holding an ice pack as he did not apply it to the Child's forehead in her presence.

College counsel noted that the Member failed to adequately supervise a 10-month-old child by not providing a safe and appropriate environment and failed to act as a positive role model to the ECAs who looked to her for direction and supervision.

College counsel highlighted two significant facts for the Panel's consideration: First, had the Member recorded and reported the incident to the Centre and to the parents, this could have allowed the parents to seek appropriate medical attention sooner. Secondly, the Member's lack of responsibility and lack of integrity was unbecoming of a member and was key in destroying the parents' trust in her and in the Centre.

College counsel submitted that the above conduct constituted professional misconduct, and that the Member, through an Agreed Statement of Facts, admitted that she engaged in and is guilty of professional misconduct as set out in the Notice of Hearing (Exhibit 1) and Agreed Statement of Facts (Exhibit 2).

The Member expressed remorse and indicated that if she could go back in time, she would do things differently. The Member noted that since the incident, she is trying to learn better skills and to get better.

## **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 section 6 of the Notice of Hearing and as supported by the facts and admissions set out in the Agreed Statement of Facts.

The Panel finds that the facts support the findings that the Member committed the acts of misconduct as alleged.

In particular, the Member contravened subsection 33(2) of Early Childhood Educators Act, 2007 (the Act), in that the Member failed to adequately supervise the Child, resulting in serious injury. Similarly, the Member contravened subsection 2(2) of Ontario Regulation 223/08, which requires RECEs to adequately supervise a person who is under their care.

The Member failed to maintain the standards of the profession contrary to Ontario Regulation 223/08, subsection 2(8), in that she failed to observe and monitor the learning environment to prevent the exposure of the Child to the unsafe situation, contrary to Standard III.C.2. of the College's Standards of Practice.

The Member failed to meet the College's Standards of Practice in general, and more particularly Standard III.C.2 and III.C.5 by her failure to provide appropriate supervision and to monitor the learning environment to provide for safe and appropriate supervision of children under her care. The duty to adequately and effectively supervise children in the care of RECEs is fundamental to the professional responsibility to ensure a safe and healthy environment for children.

Additionally, the Member was in breach of the College's Standards of Practice IV.B.1, in that she was not aware of current legislation, policies and procedures relevant to her professional practice. The Member compounded her lack of awareness and exercised poor judgment by her failure to report the Child's injury to the Centre and to the parents.

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). Her actions were clearly unbecoming of a member contrary to Ontario Regulation 223/08, subsection 2(22). The Member failed to model professional values, beliefs and behaviours with children and families and colleagues, contrary to Standards IV.C.4. of College's Standards of Practice. She failed in her duties to protect the Child from harm and to properly attend to their injuries and report the accident to the Centre and the parents, and to keep proper records. The seriousness of the Child's injuries is evidenced by the facts that their forehead was bruised and had significant swelling and that the Child required numerous medical appointments.

Standard IV.C.6. of the College's Standards of Practice requires members to support and collaborate with colleagues. The Member's failure to prepare an accident record and to report the

incident to the Centre and the Child's parents resulted in her abdicating all of her responsibilities to her ECA colleagues.

In summary, the Member failed in her responsibilities to the Child, the parents, the Centre, her colleagues and the profession.

The Panel believes that this particular case should carry a very important reminder to all RECEs that in the case of an accident, reporting and following procedures is a part of every member's responsibility, and failure to do so can lead to many serious and unnecessary results.

### **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 the Panel should 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 6 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 Practice Committee of the College,
- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practice 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, 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.

- 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 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(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 behaviors.
- 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, to be paid within 60 days of the date of the Order.

### **Submissions of the College on Penalty and Costs**

College counsel submitted that the penalty and costs order set out in the Joint Submission on Penalty and Costs met the principles that a penalty order was required to meet, in that:

- a. It would send a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College;
- b. It will deter other members from engaging in this conduct;

- c. It would send a similar message to the Member and would deter her from engaging in misconduct in future; and
- d. The penalty order, which contains an extensive program of mentorship, would help to rehabilitate and support the Member when she returns to the profession.

College counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented nine aggravating factors and three mitigating factors for the Panel's consideration:

Aggravating Factors:

1. The age and vulnerability of the Child: the Child was 10 months old and was physically vulnerable.
2. The Child fell as a result of the Member's conduct and lack of judgment.
3. The Child sustained significant injuries from the fall and required numerous medical appointments.
4. The Member failed to report the incident, despite being aware of the injury, and the truth of the incident came out only when her ECA colleagues decided to come forward.
5. The Member failed to document the incident.
6. The Member repeatedly called the ECAs in an effort to find out if she was in trouble.
7. This incident caused an emotional impact on the Child as well as physical pain, as evidenced by the Child's crying.
8. The incident had a profound impact on the Child's family, causing serious concerns for their Child's well-being and resulting in a loss of trust in the Centre and the Member and ultimately in the withdrawal of the Child from the Centre.
9. The Member failed to act as a positive role model, instead she modeled deceitful conduct to the ECAs.

Mitigating Factors:

1. The Member acknowledged her wrongdoing and took responsibility for her behaviour.
2. The Member plead guilty to her misconduct and agreed to a joint submission, which saved the College time and resources.
3. The Member has been registered as an RECE for ten years and has no prior history of misconduct.

College counsel added one additional point which was noted as an absence of an aggravating factor: this was an isolated incident and not part of a pattern of conduct.

The Panel was provided with two cases by College counsel to satisfy the Panel that the Proposed Order was proportionate and consistent with the range of penalties ordered in other, similar cases: *College of Early Childhood Educators v. Gurpreet Lubana*, 2018 ONCECE 6; and *College of Early Childhood Educators v. Malgorzata Lulek*, 2020 ONCECE 3.

### **Submissions of the Member on Penalty and Costs**

The Member agreed to the penalty set out in the joint submission as an appropriate order as to penalty and costs.

### **PENALTY DECISION**

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

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 6 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 Practice Committee of the College,
- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practice 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, 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.

- 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 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(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 behaviors.
- 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.

## **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.

The Panel is aware that no two cases are exactly alike, however, reviewing earlier cases can help determine the appropriate level of penalty. The Panel therefore considered the previous cases that were presented by College counsel and feel that the proposed order is consistent and proportional with other cases. The reference cases all contained similar circumstances and periods of suspension.

A reprimand to the Member provides the Panel with the opportunity to express its disapproval of the Member's conduct and reinforce the messages it wishes to convey through the penalty. Moreover, by recording the reprimand on the public register, the public is assured that the Panel recognizes the seriousness of the Member's action and responds to acts of professional misconduct fairly and transparently.

Suspension of the Member's certificate of registration is appropriate in this matter given the fact that the Member's failure to follow appropriate procedures, policies and supervision practices placed a very young and vulnerable child in a position of danger, resulting in serious injury. Equally concerning are the Member's actions to not properly attend to the Child's injury, and to not record and report the incident to the parents and the Centre. The Panel finds this totally unacceptable and most concerning.

A suspension holds the Member accountable for her actions and communicates to her the severity of her misconduct. While the suspension demonstrates the Panel's disapproval of the Member's misconduct, it is not intended to be solely punitive. Her suspension provides the Member with an opportunity to learn from her mistakes, reflect on her conduct and refocus on her professional responsibilities.

A mentorship program provides the Member with an opportunity to be directly involved with her personal rehabilitation. It provides her with the opportunity to learn how to better meet the standards expected of an RECE while working directly with an appropriate role model. It also provides a level of supervision.

Having considered all these factors the Panel is satisfied that the proposed penalty in this case is appropriate and in the public interest.

## **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 60 days of the Order.

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



Garry Bates, Chairperson

May 18, 2021

Date: