

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

Citation: College of Early Childhood Educators vs Georgina Marie Guyett,  
2017 ONCECE 3  
Date: 2017-02-27

IN THE MATTER OF the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sched. 8 (the  
“ECE Act”) and the Regulation (Ontario Regulation 223/08) thereunder;

AND IN THE MATTER OF discipline proceedings against GEORGINA MARIE GUYETT, a  
current member of the College of Early Childhood Educators.

PANEL: Eugema Ings, RECE, Chair  
Nici Cole, RECE  
Larry O’Connor

BETWEEN:	)	
COLLEGE OF EARLY CHILDHOOD	)	Alexandra Wilbee,
EDUCATORS	)	WeirFoulds LLP,
	)	for the College of Early Childhood Educators
- and -	)	
	)	
GEORGINA MARIE GUYETT	)	Georgina Marie Guyett,
REGISTRATION #13770	)	on her own behalf
	)	
	)	
	)	
	)	Elyse Sunshine,
	)	Rosen Sunshine LLP,
	)	Independent Legal Counsel
	)	
	)	Heard: November 14, 2016

**REASONS FOR DECISION, DECISION AND ORDER(S)**

1. This matter came on for a hearing before a panel of the Discipline Committee (the “Committee”) on November 14, 2016 at the College of Early Childhood Educators (the “College”) in Toronto.

2. A Notice of Hearing dated June 21, 2016 (Exhibit 1) was served on Georgina Marie Guyett (the “Member” or “Ms. Guyett”) specifying the charges and requesting her attendance before the Discipline Committee of the College on July 27, 2016 at 10:00 a.m. to set a date for a hearing. Counsel for the College submitted an Affidavit of Service sworn by Lisa Searles, Hearings Coordinator (Exhibit 2) and sworn July 12, 2016, confirming that the Notice of Hearing was served on the Member.
  
3. The College tendered a letter addressed to Ms. Guyett from the College confirming that, as determined at a set-date hearing, the hearing before the Discipline Committee would be conducted on November 14, 15 and 16, 2016 at 9:00 a.m. (Exhibit 3). Counsel for the College submitted an Affidavit of Service sworn by Lisa Searles (Exhibit 4) on August 11, 2016, that the letter was served on the Member.

## **THE ALLEGATIONS**

4. The allegations against the Member, as stated in the Notice of Hearing, are as follows:  
IT IS ALLEGED that Georgina Marie Guyett, RECE (the “Member”), is guilty of 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) She verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  
  - b) She physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);

- c) She psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  
- d) She failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
  - i. She failed to provide a nurturing learning environment where children thrived, contrary to Standard I.D of the Standards of Practice;
  
  - ii. She failed to establish professional and caring relationships with the children, contrary to Standard I.E. of the Standards of Practice;
  
  - iii. She failed to maintain a safe, healthy and supportive learning environment, contrary to Standard III of the Standards of Practice;
  
  - iv. She failed to resolve challenges and provide behaviour guidance in the best interests of the children under her professional supervision, contrary to Standard IV.B.4 of the Standards of Practice;
  
  - v. She failed to work collaboratively with colleagues in the workplace in order to provide safe, secure, healthy and inviting environments for children and families, contrary to Standard IV.C.1 of the Standards of Practice;

- vi. She conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards of Practice; and,
  
  - vii. She physically, verbally, psychologically or emotionally abused children under her professional supervision, contrary to Standard V.A.1 of the Standards of Practice.
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- e) She acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and,
  
  - f) She conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

#### **MEMBER'S PLEA**

- 5. The Member admitted to the allegations as set out in the Notice of Hearing.
  
- 6. Counsel for the College submitted a plea inquiry signed by Ms. Guyett on November 11, 2016 (Exhibit 7), indicating the following:
  - a) Ms. Guyett understands the nature of the allegations that have been made against her.
  
  - b) Ms. Guyett understands that by admitting the allegations, she is waiving the right to require the College to prove the case against her and the right to have a hearing.

- c) Ms. Guyett voluntarily admitted the allegations against her.
- d) Ms. Guyett understands that the Panel's decision and a summary of its reasons will be published in the official publication of the College, *Connexions*, including reference to her name.
- e) Ms. Guyett understands that any agreement between counsel for the College and herself with respect to the order proposed does not bind the Panel.

#### **MEMBER'S REGISTRATION STATUS**

- 7. Counsel for the College also submitted a Registrar's Certificate (Exhibit 5), signed October 20, 2016 by Beth Deazeley, Registrar and Chief Executive Officer at the College. The Registrar's Certificate states that Ms. Guyett was issued a certificate of registration on June 22, 2009 and was suspended on October 14, 2016 for non-payment of fees. As of the date of the Registrar's Certificate, Ms. Guyett's certificate of registration remains suspended.

#### **EVIDENCE**

- 8. The facts of the case were established by way of an Agreed Statement of Facts, signed October 24, 2016 (Exhibit 6). The Agreed Statement of Facts provides as follows:
  - a) At all relevant times, Georgina Marie Guyett (the "Member") was registered as an early childhood educator ("RECE") with the College of Early Childhood Educators (the "College").

- b) Beginning on or around February 14, 2000, until on or around May 28, 2015, the Member was employed as a Registered Early Childhood Educator at Our Little Place YMCA Child Care Centre in Chatham, Ontario (the “Centre”).
- c) During or around the week of March 23, 2015, on several occasions, it was observed by Craig Mitivier, another Registered Early Childhood Educator working with the Member at the Centre, that the Member used inappropriate physical discipline by restraining a child and forcing a child to remain on their cot during quiet time. The Member admits that she did this.
- d) On or about April 17, 2015, the Member was placed on suspension with pay from the Centre, pending the completion of investigations by the YMCA and Chatham-Kent Children’s Services.
- e) On or about May 12, 2015, Chatham-Kent Children’s Services completed its investigation and concluded that:  
“It has been determined that there were instances that Ms. Guyett had used inappropriate physical force on some of the children within the child care. In addition to this, it was verified that there were instances in which Ms. Guyett had used inappropriate discipline methods and aggressive tone, that could lead to the risk of emotional harm on the children.”
- f) Other Registered Early Childhood Educators working at the Centre reported that the Member repeatedly demonstrated a pattern of using a harsh tone and physically rough and aggressive behaviour when dealing with children. This

included yelling at children, frightening children and physically restraining children. The Member admits that she did this.

- g) Some incidents involving the Member at the Centre, to which the Member admits, included:
  - i. The Member restrained children during nap time;
  - ii. The Member grabbed children by the arm;
  - iii. The Member refused food to a child; and,
  - iv. The Member left a child unsupervised inside the Centre during a fire drill.
  
- h) With respect to paragraph 7(b), if the Member were to testify, she would state that she grabbed children by the arm because she was trying to keep them safe.
  
- i) With respect to paragraph 7(c), if the Member were to testify, she would state that she refused food to children because she was trying to encourage them to taste everything else on their plate first, and that this was done in consultation with their parents.
  
- j) The Member's employment at the Centre was terminated, effective on or about May 28, 2015.
  
- k) The Member and the College agree that these facts are substantially accurate.
  
- l) The Member admits that, by reason of the facts set out above, she is guilty of professional misconduct as defined in subsection 33(2) of the Early Childhood Educators Act, 2007, S.O. 2007, c.7, 2008, in that:

- i. She verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
- ii. She physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08;
- iii. She psychologically or emotionally abused a child who was under her professional supervision contrary to Ontario Regulation 223/08, subsection 2(3);
- iv. She failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
  - A. She failed to provide a nurturing learning environment where children thrived, contrary to Standard I.D. of the Standards of Practice;
  - B. She failed to establish professional and caring relationships with the children, contrary to Standard I.E. of the Standards of Practice;
  - C. She failed to maintain a safe, healthy and supportive learning environment, contrary to Standard III of the Standards of Practice;
  - D. She failed to resolve challenges and provide behaviour guidance in the best interests of the children under her professional

supervision, contrary to Standard IV.B.4 of the Standards of Practice;

E. She failed to work collaboratively with colleagues in the workplace in order to provide safe, secure, healthy and inviting environments for children and families, contrary to Standard IV.C.1 of the Standards of Practice;

F. She conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the Standards of Practice; and,

G. She physically, verbally, psychologically or emotionally abused children under her professional supervision, contrary to Standard V.A.1 of the Standards of Practice.

v. She acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and,

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

- m) The Member understands the nature of the allegations that have been made against her and that by voluntarily admitting to these allegations, she waives her right to require the College to otherwise prove the case against her.
- n) The Member understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.
- o) The Member understands that any agreement between her and the College does not bind the Discipline Committee.
- p) The Member acknowledges that she has had the opportunity to receive independent legal

## **DECISION**

9. The panel accepted the facts as set out in the Agreed Statement of Facts. Having considered the facts, the exhibits, the Member's guilty plea, and the submissions made by College counsel, the Discipline Committee finds that the facts support findings of professional misconduct. In particular, the Committee finds that Ms. Guyett, committed acts of professional misconduct as alleged in the Notice of Hearing, and more particularly breached Ontario Regulation 223/08 section 2, subsection 2(3), 2(3.1), 2(3.2), 2(8), 2(10), 2(22); Standards of Practice, Standards I.D, Standard I.E, Standard III, Standard IV.B.4, Standard IV.C.1, Standard IV.E.2, and Standard V.A.1.

## **REASONS FOR DECISION**

10. Ms. Guyett's actions, as admitted, exposed children to inappropriate physical discipline by restraining a child and grabbing a child's arm. She also admitted to psychological

harm by refusing food to a child and causing emotional injury by yelling at the children. She admitted to these acts of professional misconduct.

11. Her pattern of rough and aggressive behaviour was reprehensible treatment towards children.

#### **POSITION OF THE PARTIES ON PENALTY**

12. The parties provided the panel with a Joint Submission as to Order signed by the Member on October 24, 2016 (Exhibit 8), and asked that the panel impose a penalty order which included the following terms:

1. Ms. Guyett shall be reprimanded by the Discipline Committee.
2. The Registrar shall be directed to suspend the Member's Certificate of Registration for a period of four (4) months which suspension shall begin and continue without interruption as long as the Member is not in default of payment of a membership fee prescribed by the by-laws.
3. The Registrar shall be directed to immediately impose terms, conditions, or limitations on the Member's Certificate of Registration:
  - a) Within six (6) months prior to commencing any employment involving activities that fall within the scope of practice of early childhood education, the Member must successfully complete, at her own expense:
    - i. A course on developing supportive and responsive interactions with children, and

ii. A course on stress and anger management,

that have been pre-approved by the Registrar in writing, and provide proof of successful completion that is satisfactory to the Registrar.

- b) The Member is prohibited from working as a supervisor or manager at any place(s) of employment that provide(s) services falling within the scope of practice of early childhood education.
- c) The Member is prohibited from working within the scope of practice of early childhood education in an independent, unsupervised, or self-employed capacity.
- d) In the event that the Member obtains employment involving activities that fall within the scope of practice of early childhood education, the Member is required to:
  - i. Immediately notify the Registrar:
  - ii. Provide a copy of the Decision and Order of the Discipline Committee in this matter to the senior administrator of the employer(s) prior to starting employment; and
  - iii. Provide written confirmation, that is satisfactory to the Registrar, from her employer(s) within thirty (30) days of commencing in employment, confirming that:

A. The senior administrator of the employer received a copy of the Discipline Committee's Decision and Order before the Member started her employment; and

B. The Member's employment complies with the restrictions on her ability to practise.

e) These terms, conditions and limitations in paragraphs (b), (c) and (d) shall remain in effect until the Member satisfies the Registrar that:

i. She has been engaged in the practice of early childhood education on a full-time and continuous basis for at least six (6) months; and

ii. She has been in full compliance with the terms, conditions and limitation on her Certificate of Registration.

13. College counsel submitted that, in the penalty phase of a discipline hearing, the task of the Discipline Committee is to craft a penalty that is appropriate having regard to the particular findings of professional misconduct made, the individual circumstances of the member and the duty of the College to protect the public interest. While a joint submission is not binding on the Discipline Committee, both the Supreme Court of Canada and the Court of Appeal for Ontario have held that a joint submission must be given "serious consideration" and should not be rejected unless the Discipline Committee is of the view that "the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest." The courts have also indicated that if a judge (or, by analogy, a Discipline Committee) is

considering rejecting a joint submission, they should indicate the nature of their concerns and give the parties an opportunity to address them.

14. The College maintained that there are strong policy reasons for encouraging parties in disciplinary proceedings to reach appropriate joint submissions. Such joint submissions, coupled with agreed statements of fact, eliminate the need to hold a full hearing, in circumstances where such a hearing would involve delay and expense for all participants and may also require vulnerable individuals to be called as witnesses and to be subjected to cross-examination. Findings and penalties proposed by way of joint submission also have the benefit of full agreement by the individual, contributing to the acceptance and therefore the effectiveness of remedial measures such as additional education/training.

15. The College submitted that the primary purpose of disciplinary proceedings is to protect the public interest. The public must have confidence in a self-regulating profession's ability and willingness to govern itself and to protect the public from misconduct in the provision of early childhood education. The primary duty of the College is to serve and protect the public interest, while maintaining the high standards to ensure public confidence is not lost. The order should focus on Ms. Guyett's individual circumstances as well as the nature of the misconduct and the need for the College to deter future misconduct of a similar nature.

16. The College maintained that the Committee must consider the overarching principles of specific and general deterrence, as well as the potential for rehabilitation of Ms. Guyett when determining an appropriate order. The College submitted that the proposed joint submission as to order, is appropriate and reasonable and satisfies the

College's duty to protect the public interest. The order has been crafted with due regard to various aggravating and mitigating circumstances that are present in this case.

17. The College indicated that there are aggravating and mitigating circumstances present in this case. The aggravating factors included Ms. Guyett's misconduct involved a lack of care and professionalism, deficiencies that affected the safety and supervision of the children and that it was repeated over a lengthy period of time. The mitigating factors include Ms. Guyett's admission to having committed professional misconduct, it being Ms. Guyett's first time before the College's Discipline Committee and that she has agreed to be bound by a joint submission as to order, thereby increasing the likelihood that remedial measures will be successful.
  
18. The College submitted that with respect to the particular aspects of the joint submission, the reprimand is appropriate as it allows the Discipline Committee to convey its disapproval of her conduct directly to Ms. Guyett. Due to the serious nature of the professional misconduct, the suspension of Ms. Guyett's certificate of registration is also appropriate, since this is widely recognized as a significant measure that has a financial and general deterrent effect. The order additionally includes terms, conditions and limitations that have been devised to facilitate Ms. Guyett's rehabilitation and to ensure that before she pursues further employment within the field of early childhood education, she will receive additional training and supervision to ensure that she is able to conduct herself appropriately. The additional coursework is a measure that is not intended to be punitive, but rather remedial and educational. By completing a course of study in developing supportive and responsive interactions with children as well as stress and anger management, Ms. Guyett will

have an opportunity to reflect on her conduct and apply her learning to her future employment. This provides both specific deterrence and rehabilitation.

Although the Member had agreed to the Joint Submissions on Penalty and did not comment on the submissions made by College counsel, the Member requested that the reprimand be administered over the telephone. The panel feels that Ms. Guyett does not truly understand the seriousness of her actions therefore the panel recognizes the need of this reprimand to be delivered in person.

#### **ORDER**

19. Having considered the joint submission made by College counsel and the Member, the Committee makes the following order:

1. Ms. Georgina Marie Guyett (the “Member”) shall be reprimanded by the Discipline Committee in person.
  
2. The Registrar shall be directed to suspend the Member’s Certificate of Registration for a period of four (4) months which suspension shall begin and continue without interruption as long as the Member is not in default of payment of a membership fee prescribed by the by-laws.
  
3. The Registrar shall be directed to immediately impose terms, conditions, or limitations on the Member’s Certificate of Registration:

- a) Within six (6) months prior to commencing any employment involving activities that fall within the scope of practice of early childhood education, the Member must successfully complete, at her own expense:
- i. A course on developing supportive and responsive interactions with children, and
  - ii. A course on stress and anger management,
- that have been pre-approved by the Registrar in writing, and provide proof of successful completion that is satisfactory to the Registrar.
- b) The Member is prohibited from working as a supervisor or manager at any place(s) of employment that provide(s) services falling within the scope of practice of early childhood education.
- c) The Member is prohibited from working within the scope of practice of early childhood education in an independent, unsupervised, or self-employed capacity.
- d) In the event that the Member obtains employment involving activities that fall within the scope of practice of early childhood education, the Member is required to:
- i. Immediately notify the Registrar:
  - ii. Provide a copy of the Decision and Order of the Discipline Committee in this matter to the senior administrator of the employer(s) prior to starting employment; and

- iii. Provide written confirmation, that is satisfactory to the Registrar, from her employer(s) within thirty (30) days of commencing in employment, confirming that:
  - A. The senior administrator of the employer received a copy of the Discipline Committee's Decision and Order before the Member started her employment; and
  - B. The Member's employment complies with the restrictions on her ability to practise.
  
- e) These terms, conditions and limitations in paragraphs (b), (c) and (d) shall remain in effect until the Member satisfies the Registrar that:
  - i. She has been engaged in the practice of early childhood education on a full-time and continuous basis for at least six (6) months; and
  - ii. She has been in full compliance with the terms, conditions and limitation on her Certificate of Registration.

## **REASONS FOR ORDER**

- 20. The Committee accepts the joint submission made by counsel for the College and Ms. Guyett, having determined that the submission falls within a reasonable range of penalties given the member's conduct.
  
- 21. The Committee has ordered a penalty that serves the functions of deterrence and public protection. The reprimand helps Ms. Guyett to understand the gravity of her

actions and serves as a specific deterrent, dissuading Ms. Guyett from engaging in similar conduct in the future.

22. Publication of Ms. Guyett's name acts as a general deterrent to early childhood educators at large. It indicates to members of the profession that they are held accountable for their actions and demonstrates that the College will follow through with concerns about misconduct.
23. Publication on the public register, on the College website and in the College's newsletter, *Connexions*, promotes transparency, informing employers of a member's past conduct and informs the public that the College is upholding their duty to protect the public interest.
24. Suspension of Ms. Guyett's Certificate of Registration is appropriate given the fact Ms. Guyett inflicted physical, psychological and emotional abuse on the children in her care. As it is the duty of the College to regulate the profession in the public interest, the Committee believes that the public needs to be protected from the type of behaviour Ms. Guyett demonstrated. A suspension provides Ms. Guyett with the opportunity to learn from her mistakes, reflect on her conduct and refocus on her professional responsibilities. As a specific deterrence, the order also holds Ms. Guyett accountable for her actions and demonstrates to her the severity of her conduct.
25. The terms, conditions and limitations placed on Ms. Guyett's certificate of registration allow the College to monitor her return to practice. Completing a course on developing supportive interactions with children and a course on stress and anger management is intended to serve as a rehabilitative measure that will provide Ms.

Guyett with the tools and resources she needs to succeed as a professional early childhood educator. These courses will encourage her to reflect on her practises and refocus on her professional responsibilities. The courses have to be completed prior to employment. Ms. Guyett will have to demonstrate that she is willing to uphold the standards of the College before she can undertake the responsibilities of a practicing early childhood educator. Ms. Guyett is financially responsible for her own rehabilitation. A condition of her reinstatement is to complete two courses as prescribed.

26. Ms. Guyett is also prohibited from working in a supervisory position, home child care, independent, unsupervised, or self-employed capacity, involving children under the scope of practice of early childhood education prior to her completion of her terms and conditions and these terms will further protect the public.

Date: February 27, 2017



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Eugema Ings, RECE  
Chair, Discipline Panel



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Nici Cole, RECE  
Member, Discipline Panel



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Larry O'Connor  
Member, Discipline Panel