

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

Citation: College of Early Childhood Educators vs Ashley Morrison,
2017 ONCECE 7
Date: 2017-07-21

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 ASHLEY MORRISON, a current
member of the College of Early Childhood Educators.

Panel: Sasha Fiddes RECE – Chair
 Barbara Brown RECE
 Jason Powell

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD	)	Rebecca Durcan,
EDUCATORS	)	Steinecke Maciura LeBlanc,
	)	for the College of Early Childhood Educators
)	
- and -)	
)	
ASHLEY MORRISON	)	Clint Calder,
REGISTRATION # 25732	)	Calder Law Professional Corporation,
	)	for the Member
)	
)	
	)	Elyse Sunshine,
	)	Rosen Sunshine LLP,
	)	Independent Legal Counsel
)	
	)	Heard: May 15, 2017

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 May15, 2017 at the College of Early Childhood Educators (the “College”) at Toronto.

2. A Notice of Hearing, dated December 21, 2016 (Exhibit 1), was served on Ashley Morrison (the “Member”), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators.

THE ALLEGATIONS

3. The Notice of Hearing alleged that the Member is guilty of professional misconduct as defined in subsection 33(2) of the ECE Act, in that:
 - a) She failed to supervise adequately a person who is under her professional supervision, contrary to paragraph 2 of section 2 of Ontario Regulation 223/08, as amended, under the ECE Act;
 - b) She failed to maintain the standards of the profession, contrary to paragraph 8 of section 2 of Ontario Regulation 223/08, as amended, under the ECE Act;
 - c) She 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 paragraph 10 of section 2 of Ontario Regulation 223/08, as amended, under the ECE Act;
 - d) She signed or issued, in her professional capacity, a document that she knows or ought to know contains a false, improper or misleading statement, contrary to paragraph 16 of section 2 of Ontario Regulation 223/08, as amended, under the ECE Act; and,
 - e) She falsified a record relating to her professional responsibilities, contrary to paragraph 17 of section 2 of Ontario Regulation 223/08, as amended, under the ECE Act.

MEMBER’S PLEA

4. The Member admitted to the allegations as set out in the Notice of Hearing.
5. The panel received a written plea inquiry which was signed by the Member (Exhibit 3). The panel also conducted an oral plea inquiry and was satisfied that the Member’s admission was voluntary, informed and unequivocal. The Member was represented by counsel

MEMBER'S REGISTRATION STATUS

6. Counsel for the College also submitted a Registrar's Certificate (Exhibit 2), signed April 25, 2017 by Beth Deazeley, Registrar and Chief Executive Officer at the College. The Registrar's Certificate states that Ms. Morrison was issued a certificate of registration on March 12th, 2010. As of the date of the Registrar's Certificate, Ms. Morrison certificate of registration is in good standing.

AGREED STATEMENT OF FACTS

7. Counsel for the College advised the Panel that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts, signed by Ms. Morrison on April 12, 2017 (Exhibit 4). The Agreed Statement of Facts provides as follows:

The Member

- 1) Ms. Morrison initially registered with the College as a Registered Early Childhood Educator ("RECE") in March 12, 2010, and remains in good standing with the College.
- 2) At the material times, the Member was employed as an RECE at Learn, Laugh and Play Children's Centre in Rainy River, Ontario (the "Centre").
- 3) On January 7, 2016, the Member was suspended from her position as an RECE at the Centre as a result of the incidents described below.
- 4) The Member has cooperated with the College during the investigation of this matter.

Failing to Supervise Adequately

- 5) On December 22, 2015, the Member was supervising [child 1] in the Toddler Room at the Centre.
- 6) The Member was aware that [child 1] was placed in a high chair without security straps.
- 7) [Child 1] kicked the tray off the high chair and fell out of the high chair. [Child 1] hit his nose on a table and his nose began to bleed.

Falsification of Incident Report

Incident Report #1

- 8) As a result of [child 1]'s fall, the Member was required to complete an incident report at the Centre. An incident report is a record that the Member is responsible for completing as part of her professional responsibilities.
- 9) On December 22, 2015, the Member completed an incident report and falsely indicated that [child 1] tripped over his own feet, fell, hit his nose on the floor and, as a result, his nose began to bleed ("Incident Report #1").
- 10) The Member signed Incident Report #1 as the Reporting Staff.
- 11) When the parent of [child 1] picked him up that afternoon, the Member falsely told the parent that [child 1] had tripped over his own feet, fell and hit his nose. The Member asked and/or allowed the parent of [child 1] to sign Incident Report #1.

Incident Report #2

- 12) On January 5, 2016, Ms. Morrison admitted to the Supervisor of the Centre that Incident Report #1 was false.
- 13) Later that day, the Member completed another incident report which accurately indicated that [child 1] kicked the tray off the high chair and fell out of the high chair,

which did not have the security straps. [Child 1] hit his nose on a table and his nose began to bleed (“Incident Report #2”).

College Standards of Practice

14) The Member agrees that the following are standards of the profession, as set out in the College’s Code of Ethics and Standards of Practice:

- a. **Standard I (F)** Early Childhood Educators ensure that in their relationship with the child’s family, the needs and best interests of the child are paramount; and
- b. **Standard III (A)(1)** Early Childhood Educators maintain safe and healthy learning environments.
- c. **Standard IV (E)(2)** Early Childhood Educators recognize that they are role models for children, families, members of their profession, supervisees and other colleagues and avoid conduct which could reasonably be perceived as reflecting negatively on the profession of early childhood education.

15) The Member admits that she contravened Standards I (F) and III (A)(1) when she placed [child 1] in a high chair without security straps and failed to adequately supervise [child 1], as described in paragraphs 5-7, above.

16) The Member agrees that she contravened Standards (I) (F) and IV (E)(2) when she included false information in Incident Report #1, signed it, and then repeated the false information in Incident Report #1 to the parent of [child 1], as described in paragraphs 8-13, above.

Admissions of Professional Misconduct

17) The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 5 to 16 above, and as defined in subsection 33(2) of the ECE Act, in that:

- a. She failed to supervise adequately a person who is under her professional supervision, contrary to paragraph 2 of section 2 of Ontario Regulation 223/08;
- b. She failed to maintain the standards of the profession, contrary to paragraph 8 of section 2 of Ontario Regulation 223/08;
- c. She 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 paragraph 10 of section 2 of Ontario Regulation 223/08;
- d. She signed or issued, in her professional capacity, a document that she knows or ought to know contains a false, improper or misleading statement, contrary to paragraph 16 of section 2 of Ontario Regulation 223/08; and
- e. She falsified a record relating to her professional responsibilities, contrary to paragraph 17 of section 2 of Ontario Regulation 223/08.

DECISION

8. Based on the Agreed Statement of Facts and the Member's admissions of professional misconduct, the panel unanimously found that the allegations as set out in the Notice of Hearing have been established on a balance of probabilities.

REASONS FOR DECISION

9. The Committee finds the Member to be guilty of professional misconduct based on the facts presented in the signed Agreed Statement of Facts. The Member acknowledged her conduct constituted professional misconduct.

10. The Member failed to maintain a safe environment for a child in her care. Specifically, the Member did not appropriately secure a child in a high chair, which resulted in said child kicking off the tray and falling onto the floor causing his nose to bleed. Without considering the impact of her actions on the child, the family, and the Centre, the Member took advantage of her position of authority to falsify the incident report, indicating that the child had tripped over his feet causing his fall onto the floor. These incidents are a direct violation of Ontario Regulation 223/08 subsections 2(2), 2(8) and 2(10). In a profession built on trust, where one provides care to vulnerable children, the Member's careless regard for the maintenance of safe environments failed to meet the expectations of the profession, contrary to Standard I(F) and III(A)(1).

11. Moreover, by falsifying the incident report, the Member demonstrated a blatant disregard for the child's health, and she lied to the parents, administrators, and her colleagues. Failure to accurately complete an incident report is a direct violation of Ontario Regulation 223/08 subsections 2(8), 2(10), 2(16), and 2(17). Her willingness and intent to deceive the parents, her colleagues, and the administration is not conducive to a climate of trust, honesty and respect in the workplace and directly contravenes Standard I(F) and IV(E)(2).

12. The conduct exhibited by the Member is unacceptable for an early childhood educator. Her failure to maintain safe healthy environments for the children in her care, as well as her purposeful, deceitful behaviour is not only unbecoming, but would reasonably be regarded

by members as disgraceful, dishonourable and unprofessional, contrary to subsections 2(2), 2(8), 2(10), 2(16) and 2(17) of Ontario Regulation 223/08.

13. The Committee finds the Member's failure to maintain a safe and healthy environment as well as her purposeful and intentional falsification of the incident report to be dishonorable, disgraceful, unprofessional, and contemptible.

POSITION OF THE PARTIES ON PENALTY

14. College counsel submitted a Joint Submission on Penalty signed by the Member on April 12, 2017 (Exhibit 5). The parties submit that an appropriate penalty in this matter would include the following:

- a. Requiring the Member to appear before the Panel to be reprimanded within 30 days of the date of this Order.

- b. Directing the Registrar to suspend the Member's certificate of registration for two months. The suspension will take effect from the date of this Order, and will run without interruption as long as the Member remains in good standing with the College.

- c. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE"), the Member, at her own expense, will enter into 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. does not currently have a matter before the Discipline Committee of the College, and
 - v. is pre-approved by the Director of Professional Regulation (“Director”).
 - 1. 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.
- 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 employer(s).
- 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
 - iv. a copy of the Panel’s Decision and Reasons.

- d. The Member will meet with the Mentor every two weeks after he/she has been approved by the Director, for a total of three meetings 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 Member's clients, 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. The Member will ensure that within 30 days after the last meeting with the Member, the Mentor provides a report to the Director, confirming 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 14(c)(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 14(c)(c) and discussed the subjects set out in paragraph 14(c)(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.

- f. All documents delivered by the Member to the College or the Mentor will be delivered by registered mail or courier, and the Member will retain proof of delivery.
15. College Counsel submitted that the Committee should accept the joint submission as it is an appropriate and reasonable penalty for the misconduct found and it satisfies the College's duty to protect the public interest. Further, College Counsel submitted that the Committee should accept the proposed penalty as it satisfied general sentencing principles including: 1: specific deterrence, 2: general deterrence, 3: remediation, and 4: that the penalty be proportionate to the offence committed. It was submitted that joint submissions should not be interfered with lightly. The Supreme Court of Canada has recently reiterated the principle that joint submissions should not be rejected unless the Committee is of the view that it is "contrary to the public interest" and would "bring the administration of justice into disrepute."
16. Counsel for the College submitted that the proposed penalty was crafted with the aim of denouncing the conduct, deterring similar behaviour, and rehabilitating the Member. College Counsel asserted the joint submission on penalty was appropriate for the professional misconduct found. A reprimand allows the College to verbalize and convey the disapproval of the Member's conduct and to reinforce the seriousness of her actions. The purpose of the reprimand is to remind the Member of her professional obligations and the need to adhere to the standards expected of her by the College. In addition to serving as a specific deterrent by discouraging future acts of misconduct by the Member, the reprimand,

which will be published, will deter other members of the profession from erring in a similar fashion for fear of similar condemnation.

17. Counsel for the College stated that a suspension is a significant specific deterrent as the Member will be unable to be employed as an early childhood educator whilst under suspension. Further, the suspension also serves as a general deterrent by informing other members of the profession of the kind of penalty that they could expect should they commit similar acts of misconduct.
18. Counsel for the College stated that the penalty was assessed on aggravating and mitigating factors. Specifically, College Counsel asserted that the aggravating factors included the Member's failure to supervise a child, falsifying documents, and lying to parents. Moreover, the mitigating factors were noted to be the absence of any previous disciplinary proceedings, the Member's cooperation throughout the investigation, and the fact that she agreed to both the plea and the penalty, thereby saving the College the time and expense of a contested hearing. While the Committee recognizes that the Member has cooperated and participated throughout the investigation and disciplinary process, it does not absolve her of the deliberate wrong-doing, harm caused to the child in her care, and purposeful deceit in falsifying the incident report.
19. College Counsel submitted that requiring the Member to enter into a mentoring relationship, pre-approved by the Director of Professional Regulation, prior to the Member commencing or resuming employment as an RECE, serves as a specific deterrent, but also serves a rehabilitative function. The fact that the Member will have to meet with a mentor every two weeks for a total of three meetings to review the acts of her misconduct, will provide purposeful remediation to ensure the conduct does not reoccur.

20. Finally, publication in the College *Connexions* is an effective way of deterring future misconduct. As there is an element of public shaming associated with publication, the Member will be dissuaded from committing similar acts of misconduct in the future so as to avoid repeated public scrutiny of her actions. Moreover, publication allows the College to inform other members of the penalty for committing such acts of misconduct.
21. As indicated by Counsel for the College, the joint submission was in line with previous penalties imposed by the Committee, referencing *College of Early Childhood Educators v. Tammy Uithoven, 2012*, *College of Early Childhood Educators v. Sivamini Srikrishnarajah, 2012* and *College of Early Childhood Educators v. Shawna Lee Swain, 2015*.
22. Counsel for the Member stated that the Member has significant remorse for her actions, and was regrettable and wishes she would have done things differently.
23. Both College Counsel and Counsel for the Member asserted that the Member was cooperative, and participated willingly throughout the entire disciplinary process.

PENALTY DECISION

24. After considering the Joint Submission on Penalty and the oral submissions made by College Counsel and the Counsel for the Member, the Committee makes the following order as to penalty:
 - 1) Requiring the Member to appear before the Panel to be reprimanded within 30 days of the date of this Order.

2) Directing the Registrar to suspend the Member's certificate of registration for two months. The suspension will take effect from the date of this Order, and will run without interruption as long as the Member remains in good standing with the College.

3) Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE"), the Member, at her own expense, will enter into 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. does not currently have a matter before the Discipline Committee of the College, and
- v. is pre-approved by the Director of Professional Regulation ("Director").

1. 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.

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 employer(s).

- 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
 - iv. a copy of the Panel's Decision and Reasons.

- d. The Member will meet with the Mentor every two weeks after he/she has been approved by the Director, for a total of three meetings 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 Member's clients, 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. The Member will ensure that within 30 days after the last meeting with the Member, the Mentor provides a report to the Director, confirming 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 24(3)(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 24(3)(c) and discussed the subjects set out in paragraph 24(3)(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.

- f. All documents delivered by the Member to the College or the Mentor will be delivered by registered mail or courier, and the Member will retain proof of delivery.

REASONS FOR PENALTY DECISION

- 25. The Committee found that the penalty proposed by the parties was reasonable, in keeping with similar cases and serves to protect the public interest.

- 26. An oral reprimand provides the Committee with the opportunity to remind the Member of her professional obligations as an early childhood educator. By hearing the disapproval of her actions directly from her peers, the Member is able to witness the effect of her actions on the profession. Reprimands, particularly ones delivered orally, are generally unpleasant experiences for members receiving them. For this reason, the Committee feels that a reprimand will discourage the Member from ever committing such acts of misconduct again. Requiring the Member to appear before the Committee to receive an oral reprimand not

only holds the Member responsible for her actions, but it demonstrates that the College takes matters such as professional misconduct seriously and will take an active role in addressing concerning behaviour by members. By recording the fact of the reprimand on the register, the public is assured that the Committee recognizes the seriousness of the Member's inappropriate behaviour and responds to acts of professional misconduct fairly and transparently.

27. Suspension of the Member's certificate of registration is appropriate in this matter, given the fact that the Member permitted a child in her care to fall onto the floor causing harm, and falsified the incident report with purposeful intent to deceive parents, colleagues, and the administrators. A suspension holds the Member accountable for her actions and communicates to her the severity of her misconduct. While the suspension demonstrates the Committee's disapproval of the Member's conduct, it is not intended to be solely punitive. A suspension provides the Member with an opportunity to learn from her mistakes, reflect on her conduct and refocus on her professional responsibilities.

28. Ordering the Member to participate in a formal mentor relationship with a pre-approved mentor is intended to bring her practice in line with the acceptable College standards, encouraging her to remediate and apply her knowledge and professional skill set. Moreover, by correcting the errors in her practice, the Member will avoid making similar mistakes in the future, thus reducing the likelihood of her committing similar acts of professional misconduct.

29. The significance of holding the Member financially responsible for the sourcing and securing of a formal mentor requires her to make an investment in her rehabilitation, thereby holding her accountable for her own learning and success.

30. Finally, publication of this matter promotes awareness of the high standards to which the College holds its members and assures both the public and other members of the profession that the College will not tolerate this kind of conduct. Publication will ensure that future potential employers are made aware of the Member's misconduct and are able to reference the findings of the Committee prior to making hiring decisions. It will also communicate to the Member that the professional misconduct she committed is serious and the consequences for committing such acts are serious and detrimental to her career.
31. In conclusion, the Committee is confident that the penalty serves the interests of the public and the profession.

Date: July 21, 2017



Sasha Fiddes, RECE
Chair, Discipline Panel



Barbara Brown, RECE
Member, Discipline Panel



Jason Powell
Member, Discipline Panel