

DECISION AND REASONS

This matter came on for a hearing before a panel of the Discipline Committee of the College of Early Childhood Educators (the "Panel") on May 24, 2019.

THE ALLEGATIONS

The allegations against Amanda Ring (the "**Member**") as stated in the amended Notice of Hearing dated April 22, 2019 (Exhibit 1) were as follows:

1. At all material times, the Member was a member of the College of Early Childhood Educators (the "**College**") and employed by the Hub Child & Family Centre as an Early Childhood Educator at the Queen Elizabeth School Summer Camp Program (the "**Centre**") in Picton, Ontario.
2. On or about July 25, 2016, the Member was supervising a group of children at the Centre. After the Member repeatedly told a ten-year-old child with special needs that he needed to clean up, the child became upset and began hitting and kicking children and staff.
3. When the child kicked the Member, she told him that she would kick him back, or words to that effect, if he did not stop. The Member attempted to kick the child, but missed him. The Member then stepped on the child's toes and the child screamed that she had "hurt his toes" and/or to "stop", or words to that effect. After stepping on the child's toes, the Member grabbed the child by his ankles and dragged him from the hallway into a classroom, where she proceeded to yell at him.
4. On or about January 28, 2016, the Member's employment at the Centre was terminated as a result of the incident described in paragraphs 2-3 above.
5. By engaging in the conduct set out in paragraphs 2-3 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) 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 children and/or to respond appropriately to the needs of children, contrary to Standard I.E of the Standards of Practice;
 - iii. she failed to ensure that the needs and best interests of the children were paramount, contrary to Standard I.F of the Standards of Practice;
 - iv. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the Standards of Practice;
 - v. she failed to support children in developmentally sensitive ways and/or to provide caring, stimulating, and respectful opportunities for learning and care that are welcoming to children and their families, contrary to Standard III.C.1;
 - vi. she failed to make decisions, resolve challenges and/or 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;
 - vii. 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
 - viii. she physically, psychologically and/or emotionally abused a child under her professional supervision, contrary to Standard V.A.1 of the Standards of Practice;
- e) 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 Ontario Regulation 223/08, subsection 2(10);

- f) she conducted herself 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 Notice of Hearing.

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

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, which read as follows.

The Member

1. The Member has had a certificate of registration with the College for approximately 6 years. She remains 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 by the Hub Child & Family Centre at the Centre in Picton, Ontario.

Overview

3. On July 25, 2016, the Member and several other staff, including C.M.M. (a social worker who was the Day Camp Leader), were supervising a group of children at one of the Centre's classrooms.
4. At approximately 11:30am, the Member yelled at K.H., a ten-year-old child with autism (the "**Child**"), that he needed to clean up. The Child, who was trying to rest, became upset and began yelling, hitting and kicking children and staff. The Member left the classroom.
5. The Child also left the classroom and went into the hallway, where he lay on the floor, swinging his arms and legs, trying to hit other children. C.M.M. tried to protect the children and placed herself between them and the Child. The Child was hitting C.M.M. and kicking at her as she attempted to calm him down and convince him to go back into the classroom.

6. The Member returned and saw that the Child was hitting and kicking C.M.M. The Member approached the Child, who was still lying on the floor. The Child then began kicking the Member.
7. When the Child kicked the Member, she told him that she would kick him back if he did not stop. The Member then attempted to kick the Child, but missed him. The Member then stepped on the Child's toes. The Child screamed "stop" that she "hurt his toes".
8. The Member then grabbed the Child by his ankles and dragged him from the hallway into a classroom. The Member shut the door. She yelled at the Child that she was going to call his mother to tell her about his behavior. This caused the Child to begin crying and hitting himself.
9. C.M.M entered the classroom and instructed the Member to leave. C.M.M approached the Child. She kneeled near him, spoke to him in a soft voice and asked what he needed to calm down. The Child began punching himself in the head and then threw himself into C.M.M's lap, sobbing. C.M.M walked the Child over to another area of the Centre and sat with him as he calmed down and ate lunch.
10. The entire incident lasted approximately 20 – 30 minutes.
11. The Member did not report the incident to the Centre's management.
12. As a result of the incident, the Member's employment at the Centre was terminated.
13. If the Member were to testify, she would advise the following:
 - a. She accidentally stepped on the Child's toes while they were at the hallway.
 - b. She is remorseful for what had happened and acknowledges that she should have taken a different course of action in order to remove the Child from the hallway.
 - c. The Child was known to have violent outbursts, almost on a daily basis.

Admissions of Professional Misconduct

14. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 – 11, and 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 children and/or to respond appropriately to the needs of children, contrary to Standard I.E of the Standards of Practice;
 - iii. she failed to ensure that the needs and best interests of the children were paramount, contrary to Standard I.F of the Standards of Practice;
 - iv. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the Standards of Practice;
 - v. she failed to support children in developmentally sensitive ways and/or to provide caring, stimulating, and respectful opportunities for learning and care that are welcoming to children and their families, contrary to Standard III.C.1;
 - vi. she failed to make decisions, resolve challenges and/or 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;
 - vii. 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
 - viii. she physically, psychologically and/or emotionally abused a child under her professional supervision, contrary to Standard V.A.1 of the Standards of Practice;
- e. 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 Ontario Regulation 223/08, subsection 2(10);
- f. she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

DECISION ON THE ALLEGATIONS

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found that she committed all of the acts of professional misconduct set out in the Notice of Hearing as outlined above.

REASONS FOR DECISION

The Panel considered the Agreed Statement of Facts and the Member's plea and found that the evidence supported findings of professional misconduct as alleged in the Notice of Hearing.

Specifically, the allegations of professional misconduct set out in paragraph 5 of the Notice of Hearing were all supported by the admissions of professional misconduct set out in paragraph 14 of the Agreed Statement of Facts. This evidence established that the Member contravened the standards of practice as outlined in paragraphs 2 and 3 of the Statement of Allegations. By yelling at the Child, telling the Child that she would kick him back if he did not stop kicking, attempting to kick the Child, stepping on the Child's toes, grabbing the Child by his ankles and dragging him from the hallway into a classroom and yelling at the Child that she was going to call his mother to tell her about his behavior (which caused the Child to begin crying and hitting himself), the Member engaged in conduct that would be regarded by members of the profession as disgraceful, dishonourable and unprofessional. The Member's conduct was disrespectful. The RECE has a particular responsibility to promote the full inclusion of all children, including those with special needs. Every RECE has a professional responsibility to treat all children with dignity, and in this case the Member's conduct neglected the unique, individual needs of the child.

This conduct constituted physical, emotional and psychological abuse. It was not caring, empathetic, supportive or responsive to the Child's special needs. The Member engaged in inappropriate behavioural management practices, which disregarded her professional obligations and reflected negatively on the profession.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty. The joint submission as to penalty proposed that the Panel 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
 - a. 7 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 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:

Coursework

- a. 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 "**ECE Act**"), 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, one or more courses addressing the following topics (subject to the Director's pre-approval):
 - i. Behaviour guidance; and
 - ii. Inclusion in early childhood education and addressing the needs of children with disabilities.
- 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 ECE Act, the Member, at her own expense, will arrange for 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, 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. a copy of 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(c),
 - 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. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, to be paid on the date of this Order.

PENALTY DECISION

The Panel accepted the penalty jointly proposed by the parties, and orders the following as to penalty and costs:

1. The Member is required to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 7 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 this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

Coursework

- a. 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 ECE Act, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director if a grade is not assigned) and at her own expense, one or more courses addressing the following topics (subject to the Director's pre-approval):
 - i. Behaviour guidance; and
 - ii. Inclusion in early childhood education and addressing the needs of children with disabilities.
- 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 ECE Act, the Member, at her own expense, will arrange for 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, 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. a copy of 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(c),
 - 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 the Member to pay the College's costs fixed in the amount of \$1,000, to be paid within 30 days.

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 order that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct, and should reflect the mitigating and aggravating factors of the case.

The parties agreed that the mitigating factors in this case were:

- The Member acknowledged wrongdoing and expressed remorse.
- The Member clearly expressed insight into her actions, leading the Panel to accept that rehabilitation is likely to be successful.
- The Member intervened to protect her colleague and other children from being harmed.
- The Member cooperated with the investigation, and was frank and forthcoming.
- The Member pled guilty, saving resources for the College and avoiding the need for witnesses to attend the hearing.
- The Member has been an RECE for approximately six years with no prior incidents of misconduct.
- The Member cooperated with the College and, by agreeing to the facts and proposed penalty has demonstrated acceptance of responsibility.

The prime aggravating factors in this case were the nature of the professional misconduct involved and the facts that:

- The incident involved a 10-year old child with autism who was known to be prone to violent outbursts.
- The Member did not treat the child with sensitivity, nor was she attuned to his needs.
- The Member stripped the child of his dignity, and reinforced the stigmatization of children with special needs, as her behaviour was observed by other children and staff.
- The child was emotionally impacted as evidenced by crying when the Member dragged the child and threatened to call the child's mother.
- The abusive conduct did not end until a colleague intervened and was able to calm the child.
- The incident lasted almost 30 minutes.
- The Member did not report the incident to management.

The Panel found that the penalty satisfies the principles of general deterrence and public protection. The length of suspension is appropriate, given the aggravating factors in this case, as listed above. The suspension, along with the reprimand, will act as specific deterrents to the Member, and general deterrents to other members of the profession, from engaging in such conduct. The terms, conditions and limitations, involving both course work and mentorship, will help to rehabilitate the Member and protect the public.

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

In *Hashimi*, the Discipline Committee considered a case where a member struck or slapped a child in the back of the head, causing him to fall, and ordered a penalty that included a suspension of seven (7) months. In *Bechard*, the Discipline Committee ordered a suspension of eight (8) months plus coursework where a member engaged in two harsh and aggressive interventions where no intervention was required in the circumstances.

These cases illustrate the range of penalties that have been imposed by the Discipline Committee in similar circumstances, and confirm that the penalty proposed was within this range.

The Panel finds, therefore, that the proposed suspension is in keeping with the range of suspensions that were imposed in the previous cases that were put before the Panel. The Panel is aware that no two cases are exactly alike. However, reviewing earlier cases can help determine the level of appropriate penalty. The Panel therefore considered the previous cases that were presented. In this regard, College Counsel provided two other cases from this College in support of the proposed penalty: *College of Early Childhood Educators v. Hashimi* (2018) and *the College of Early Childhood Educators v. Bechard*, (2018). The Panel finds that this penalty is indeed in the public interest.

ORDER AS TO COSTS

Subsection 33(5)(4) of the ECE 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 that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable. 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 orders that the Member pay the College its costs, fixed in the amount of \$1000 within seven months of the date of this Order.

I, Karen Damley, sign this decision and reasons for the decision as Chairperson of this Discipline panel and on behalf of the members of the Discipline panel.



Karen Damley, Chairperson

July 4, 2019

Date