

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

Citation: College of Early Childhood Educators vs Colleen Teresa Stewart,
2016 ONCECE 1
Date: 2016-08-18

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 COLLEEN TERESA
STEWART, a current member of the College of Early Childhood
Educators.

PANEL: Eugema Ings, RECE,
Chair Sasha Fiddes,
RECE
Larry O'Connor

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD)	Lara Kinkartz,
EDUCATORS)	WeirFoulds
)	LLP,
-and-)	for the College of Early Childhood
)	Educators
)	
COLLEEN TERESA STEWART)	
REGISTRATION# 17552)	
)	Christopher
)	Selby, Cassels
)	Brock,
)	For Colleen Teresa Stewart

Christine Lonsdale,
McCarthy Tetrault LLP,
Independent Legal
Counsel

Heard: April 13, 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 April 13, 2016 at the College of Early Childhood Educators (the "College") at Toronto .
2. .A Notice of Hearing, dated February 19, 2016 (Exhibit 1A), was served on Colleen Teresa Stewart (the "Member"), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators on April 13, 2016 at 9:00 a.m. for a hearing. The College tendered an Affidavit of Service sworn by Lisa Searles, Hearings Coordinator (Exhibit 1 A(i)) and sworn March 1, 2016, confirming the Notice of Hearing was served on the Member.
3. The Member, who was not in attendance at the hearing, was represented by legal counsel.

THE ALLEGATIONS

4. The allegations against the Member, as stated in the Notice of Hearing, are as follows :
 - i. She failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8) in that:
 - i. she failed to ensure that in her relationship with children's families, the needs and best interests of the children were paramount, contrary to Standard I.F.;
 - ii. she failed to provide a safe and healthy learning environment, contrary to Standard III.A.1.;
 - iii. she failed to obtain and familiarize herself with information concerning any relevant allergy and emergency contact information relating to children under her professional supervision, contrary to Standard III.B.1.;

- iv. she failed to promote a healthy lifestyle, including but not limited to nutrition and physical activity, contrary to Standard III.B.3.;
- v. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to her professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2.;
- vi. she failed to provide safe and secure supervision of children based on age and stage of development, contrary to Standard IV.B.1.;
- vii. she failed to assess, obtain information about and familiarize herself with the levels of development of the children under her professional supervision for the purpose of planning and developing curriculum and programs which are appropriate to and meet the needs of the children, contrary to Standard IV.B.2.;
- viii. she failed to observe and monitor the learning environment and anticipate when support or intervention was required, contrary to Standard IV.B.3.;
- ix. she failed to work collaboratively with colleagues in her workplace in order to provide safe, secure, healthy and inviting environments for children and families, contrary to Standard IV.C.1.;
- x. she failed to support, encourage and work collaboratively with her co- workers to enhance the culture of her workplace, contrary to Standard IV.C.1.;
- xi. she failed to build a climate of trust, honesty and respect in the workplace, contrary to Standard IV.C.2.;
- xii. she failed to provide supervisees with guidelines, parameters and direction that respected their rights, contrary to Standard IV.C.3.;
- xiii. she failed to ensure a level of supervision which was appropriate in light of the supervisees' education, training, experience and the activities being performed, contrary to Standard IV.C.3.; and,

- xiv. 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.;

 - ii. she failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - iii. 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);
 - iv. .she permitted, counselled or assisted a person who was not .a member to represent themselves as a member, contrary to Ontario Regulation 223/08, subsection 2(13);
 - v. she signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false, improper or misleading statement, contrary to Ontario Regulation 223/08, subsection 2(16);
 - vi. she falsified a record relating to her professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(17);
 - vii. she failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
 - viii. she contravened a law, which contravention was related to her suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);
 - ix. she contravened a law, which contravention caused or may have caused a child who was under her professional supervision to be put at or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and,
 - x. .she conducted herself in a manner that is unbecoming a member, contrary to Ontario, Regulation 223/08, subsection 2(22).
5. The College submitted a plea inquiry signed by the Member on April 10, 2016 (Exhibit 1 C), indicating the following :
- i. The Member understands the nature of the allegations made against her;

- ii. The Member understands that by admitting the allegations, she is waving the right to require the College to prove the case against her and the right to have a hearing;
 - iii. The Member voluntarily decided to admit to the allegations against her;
 - iv. The Member understands that depending on the order made by the Committee, the Committee's decision and a summary of its reasons could be published in the College's official publication, Connexions, including a reference to her name;
and,
 - v. The Member understands that any agreement between counsel for the College and herself with respect to the order proposed does not bind the Committee.
6. By entering into the plea inquiry, the Member submitted a plea of no contest to the allegations of professional misconduct.
7. The College also submitted a Registrar's Certificate signed by Beth Deazeley, Registrar and Chief Executive Officer at the College (Exhibit 1 B). The Certificate states that Ms. Stewart's current registration status is "Suspended for non-payment of fees or penalties" and it outlines the historical changes that occurred since the Member was issued a Certificate of Registration.

AGREED STATEMENT OF FACTS

8. The College advised the Committee that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts, signed April 12, 2016 (Exhibit 1 D). The Agreed Statement of Facts provides as follows:
- i. At all relevant times, Colleen Teresa Stewart (the "Member") was registered as an early childhood educator ("RECE") with the College of Early Childhood Educators (the "College").
 - ii. At all relevant times, the Member was the Director and approved Supervisor of Dino & Kidz (formerly Tiny Hoppers) at the Cambridge location (the "Centre").
 - iii. The Member's certificate of registration is currently suspended for non-payment of fees.

I. Falsification of [Child 1]'s Enrolment Form

- iv. On December 1, 2014, C.T. enrolled her son, [child 1], at the Centre. On the enrolment form, C.T. indicated that [child 1]'s date of birth was January 6, 2014. The Member subsequently created a false copy of [child 1]'s enrolment form, changed his date of birth to October 2, 2013, and falsified C.T.'s signature on the enrolment form.
- v. There is no indication that the Member received any monetary compensation in exchange for falsifying [child 1]'s enrolment form, other than possibly winning an iPad that was offered as an incentive for boosting enrolment. There is no evidence as to whether the Member in fact received an iPad from the Centre.
- vi. On February 23, 2015, the Member told Jessica Rego, a staff member who was assigned to the Toddler class, that when the Program Advisor from the Ministry of Education came for an inspection, she should tell the Program Advisor that she did not remember the children's ages or birthdays.
- vii. On March 2, 2015, the Member observed another staff member assigned to

the Toddler class, Laurie Amos, completing an attendance list that contained the children's birthdates. The Member directed Ms. Amos to record October 2, 2013 (the birthdate listed on [child 1]'s falsified form), as [child 1]'s birthdate.

- viii. Subsequently, Ms. Amos and Ms. Rego discovered that there were two separate enrolment forms for [child 1] and that the two forms did not list the same birthdate. They also noted that the signature on the forms appeared to be different. Ms. Amos and Ms. Rego reported the falsified enrolment form to the Ministry of Education.
- ix. On March 19, 2015, Leslie Peat and Suzan Walton, Program Advisors with the Ministry of Education, visited the Centre in response to the complaint made by Ms. Rego and Ms. Amos. Upon Ms. Peat and Ms. Walton's arrival, the Member asked Ms. Rego to get rid of [child 1]'s enrolment form to avoid it being seen by the Ministry staff.
- x. During Ms. Peat and Ms. Walton's March 19, 2015 licencing inspection:
 - a. When Ms. Peat asked the Member to see [child 1]'s file, the Member falsely told Ms. Peat that she did not have the keys to the filing cabinet where the file was located.
 - b. Ms. Peat and Ms. Walton confirmed the existence of the falsified enrolment form.
 - c. The Member denied the existence of the falsified form until she was confronted with photographic evidence. At that point, she admitted to having created a second falsified enrolment form for [child 1].
- xi. On April 17, 2015, the Member admitted to [child 1]'s father that she had changed [child 1]'s date of birth and forged C.T.'s signature on the enrolment package. The Member also admitted this information to C.T. on April 20, 2015. [Child 1]'s parents subsequently withdrew him from the Centre.
- xii. The Member was arrested for falsifying [child 1]'s enrolment form. She admitted to the police that she had forged the enrolment form, and her case was handled by way of Adult Pre-Charge Diversion.

II. The Operation, Programming and Supervision of the Centre

- xiii. As the approved Supervisor of the Centre, the Member was responsible for planning and directing the Centre's program, being in charge of the children, overseeing the staff and being responsible to the operator.

- xiv. Between January 1 and March 25, 2015, the Member placed infants under the age of 18 months in the Toddler classroom. The Centre's mixed-age approval permitted three infants to be enrolled in the Toddler program, provided that the classroom and programming were fit for the infants' needs. The Toddler classroom did not suit the needs of the infants who were enrolled, as it was designed for older children.

- xv. Between January 1 and May 5, 2015, the Member failed to promptly address concerns expressed by staff members about the lack of age-appropriate equipment in the Toddler classroom. On multiple occasions, Ms. Amos and Ms. Rego informed the Member of their concerns that the furnishings in the Toddler room were unsuitable for infants. After several conversations during which Ms. Rego and Ms. Amos reiterated these concerns, the Member purchased some additional furniture for the Toddler room; however, it was insufficient to meet the needs of the infants who were enrolled.

- xvi. If the Member were to testify, she would state that she endeavoured to provide all the necessary equipment; however, she was unable to do so because of an ongoing issue with the credit cards provided by the Centre for purchasing equipment.

- xvii. As a result of the unsuitable furnishings in the Toddler room, one of the infants:
 - a. Fell off the sofa climber and sustained minor injuries;

 - b. Frequently fell out of her chair during meal times onto the floor; and,

 - c. Fell out of her chair and hit her face on the floor, resulting in injury to her lip.

- xviii. When informed of the incident described in described in paragraph 17(c) above, the Member directed Ms. Rego to notify the child's parents and tell them that the child was no longer bleeding or crying, when the child was in

fact crying and had a bleeding lip.

- xix. If she were to testify, the Member would state that she was not in the classroom and was not responsible for directly supervising the children in the Toddler room when the incidents described in paragraph 17 occurred. She would further testify that the safety and care of the children was of the utmost importance to her and that promptly addressing any injuries was a priority.
- xx. Between January 1 and May 5, 2015, the Member failed to promptly address concerns expressed by staff members about the lack of safety in the outdoor play area. In particular, Ms. Rego and Ms. Amos repeatedly expressed concerns about the ice outside the Centre. The Member arranged for the purchase of salt, however, she did so only after one of the children fell and sustained minor injuries while he was outside with two other staff members.
- xxi. If she were to testify, the Member would state that once she purchased sand and salt for the playground, it was stored in empty cat litter pails, with lids, on the playground and was accessible to all employees.
- xxii. Between January 1 and May 5, 2015, the Member failed to ensure that the classrooms followed appropriate policies with respect to allergy and anaphylaxis procedures. In particular, the classrooms contained incomplete or out-of-date individual allergy boards, anaphylaxis posters were missing, there were no individual menus posted for children with allergies and there were no allergy forms to fill out for individual children's food allergies.
- xxiii. Between January 1 and May 5, 2015, the Member failed to ensure that there was proper staffing and supervision. In particular:
 - a. There were insufficient staff with the proper qualifications to supervise the children;
 - b. Inexperienced and untrained staff were not properly supervised and supported;
 - c. The proper ratios of adults to children were not maintained at all times;
and,
 - d. Children were not supervised by adults at all times.
- xxiv. Between January 1 and May 5, 2015, the Member failed to ensure that

children enrolled at the Centre were provided with a suitable learning environment, in that she:

- a. Failed to ensure classrooms contained the appropriate furniture and supplies;
 - b. Failed to provide a safe outdoor play area; and,
 - c. Failed to ensure that the Centre provided sufficient and properly prepared food. In particular, there were occasions when the Centre:
 - i. Did not provide each child with an adequate-size meal;
 - ii. Did not serve the required amount of vegetables and fruits; and,
 - iii. Served food to the children that was raw or not properly cut up, such that it presented a choking hazard.
- xxv. The issues in paragraph 24, above, were brought to the Member's attention by staff members. The Member failed to address these concerns in an appropriate and/or timely manner. As the Supervisor, it was ultimately the Member's responsibility to ensure these concerns were remedied, either by addressing them personally or by directing the staff under her supervision to do so.
- xxvi. If she were to testify, the Member would state that it was the staff under her supervision who directly prepared the food and fed the children. The Member did not personally feed any child an item of food that constituted a choking hazard.
- xxvii. Between January 1 and May 5, 2015, the Member held Ms. Mehdiya Hudda out to be an RECE to other staff at the Centre, when this was not the case.
- xxviii. If the Member were to testify, the Member would state that she understood Ms. Mehdiya Hudda to be an early childhood education professional, licenced to practice in the United Kingdom, who was in the process of seeking RECE equivalency.
- xxix. During the Ministry of Education's March 19, 2015 licencing

inspection, the Program Advisors, Ms. Peat and Ms. Walton, observed the following non-compliances:

- a. . The capacity in Preschool Room 1 exceeded 24 children .
- b. The Centre did not have the number of adults and/or group size required for mixed age approval, and had placed non-walking infants in the Toddler program.
- c. Younger or older children had been placed in more than one group for an age category set out in schedule 3 of the *Day Nurseries Act*.
- d. The Member had not followed the agency criminal reference check policy.
- e. . The daily program did not provide for the separation of infants not yet able to walk from other children during active play. The Member enrolled non-walking infants in the Toddler program, and these infants were not separated from the other children during active play.
- f. Eight emergency records reviewed did not have readily available emergency information for each enrolled child, including:
 - i. The name, address and phone number of the family physician;
 - ii. The home and work addresses and phone numbers of a parent and a phone number of a person to be contacted if a parent could not be reached; and,
 - iii. Any special medical or additional information provided by a parent that could be helpful in an emergency
- g. The play equipment and/or furnishings in the Centre were inappropriate for the ages and abilities of the children. There was not adequate infant equipment in the Toddler room to support three infant-age children.
- h. The Member had not kept up-to-date records for each child that included that parent's signature and with written instructions

concerning any special requirements for diet, rest or exercise. The Member did not have on file written parental permission for the infant children to rest on cots.

- i. There were not enough staff in the Centre who had the qualifications required or approval by the Ministry. There were not enough qualified staff in the Preschool room.
- j. The Centre had not maintained adequate ratios during periods of arrival, departure and rest.

xxx. On March 25, 2015, Ms. Peat and Ms. Walton returned to the Centre to conduct a licensing inspection following another anonymous complaint alleging that additional children had been placed in the toddler room before they were developmentally ready to be there. Ms. Peat and Ms. Walton observed the following:

- a. The Centre did not have the number of adults and/or group size required for the mixed age approval. The Centre used the 20% mixed age grouping to place children in groups that were not developmentally appropriate.
- b. A varied and flexible program of activities that included group and individual activities to support children's development and active and quiet play had not been provided.
- c. The daily program had not been provided for the separation of non- walking infants from other children during active indoor and outdoor play. A new non-walking infant had been enrolled in the Toddler program on March 24, 2015, bringing the total number of infants to four.
- d. Not all of the children were supervised by an adult at all times.
- e. The license for the Centre was not posted in an easily-seen location.

xxxii. Ms. Peat and Ms. Walton reviewed the enrollment list, toddler attendance records and toddler emergency information. They confirmed that there were four infants under the age of 18 months enrolled in the Toddler room and that two of the infants were non-walking.

xxxiii. Ms. Peat and Ms. Walton recommended that Director Approval for the

approved Supervisor of the program (the Member) be revoked.

xxxiii. On April 2, 2015, Zeljko Ilincic, an inspector from the Ministry of Labour, visited the Centre to follow up on a complaint alleging a lack of Centre policies. The inspector concluded that the Centre was in violation of the *Occupational Health and Safety Act*, and issued the following orders to the employer to remedy its deficiencies:

- a. An order to prepare and review, at least annually, a written occupational health and safety policy;
- b. An order to have workers select at least one health and safety representative, who shall inspect the health and safety of the workplace at least once a month;
- c. An order to prepare a workplace violence policy;
- d. An order to prepare a workplace harassment policy;
- e. An order to assess the risks of workplace violence that may arise from the nature of the workplace;
- f. An order to develop and maintain a program and implement the policy with respect to workplace violence;
- g. An order to provide a worker with information and instruction that is appropriate based on the contents of the workplace violence policy;
- h. An order to develop and maintain a program and implement the policy with respect to workplace harassment.
- i. An order to provide a worker with information and instruction that is appropriate based on the contents of the workplace harassment policy; and,
- j. An order to ensure that a worker who performs work for the employer completes a basic occupational health and safety awareness training program that meets Ministry of Labour requirements.

xxxiv. Staff members had previously alerted the Member to some of the

deficiencies referred to in paragraph 33; however, the Member did not bring them to the operator's attention or take steps to address them herself. If the Member were to testify, she would state that throughout the course of her employment at the Centre, she did not understand that ensuring the Centre's compliance with the *Occupational Health and Safety Act* was among her responsibilities, although she now recognizes that it was .

III. The Member's Conduct Towards the Staff in the Toddler Room

xxxv. After the Ministry of Education inspected March 19, 2015, which occurred in response to a complaint made by Ms. Rego and Ms. Amos (two Toddler room staff), the Member acted unprofessionally towards employees in the Toddler classroom in the following .ways:

- a. On March 20, 2015, the Member confiscated Ms. Rego and Ms. Amos' keys to the Centre. If the Member were to testify, she would state that she did so following instructions from the owners of the Centre.
- b. As of March 20, 2015, the Member precluded Ms. Rego and Ms. Amos from accessing the keys for the medication box, electrical room and storage room. As a result, Ms. Rego and Ms. Amos did not have independent access to tools, winter salt, programming supplies or the children's medication, without the supervision of a staff member who was authorized to hold a key. Ms. Rego and Ms. Amos were told that they were required to request the supplies they needed for their Toddler classroom; however, when they did so, their request were ignored or they were not given adequate supplies for the number of children in their classroom.
- c. On March 24, 2015, the Member advised Ms. Amos and Ms. Rego that they were required to turn in their cell phones upon arriving at work and retrieve them at the end of the day.
- d. Between March 20 and April2, 2015, the staff assigned to the Toddler room were provided with inadequate staffing and improper break coverage.

- xxxvi. The restrictions referred to in paragraph 35 were imposed only on Toddler room staff.
- xxxvii. On April 2, 2015, the Member fired Ms. Amos and Ms. Rego. Ms. Amos subsequently brought an application for wrongful dismissal under s. 50 of the Occupational Health and Safety Act. The Ontario Labour Relations Board found in Ms. Amos' favour and granted judgement against the Centre.
- xxxviii. On May 5, 2015, the Member's employment with the Centre was terminated .
- xxxix. On September 4, 2015, the Centre ceased operations and on September 8, 2015, the license for the Centre was formally closed in the Ministry's licensing system.
- xl. The Member acknowledges that she has had the opportunity to receive independent legal advice and has retained counsel to represent her throughout this proceeding. She further acknowledges that she is entering into this Agreed Statement of Facts voluntarily and after consulting with her legal counsel.
- xli. The Member and the College agree that these facts are substantially accurate.
- xlii. The Member and the College consent to the panel viewing the Notice of Hearing, this Agreed Statement of Facts and the Joint Submission as to Order prior to the start of the hearing.

DECISION

9. Having considered the Exhibits filed, the Agreed Statement of Facts and the submissions made by the College and the Member, the Discipline Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Colleen Stewart, the Member, committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08 , section 2, subsections 2, 8, 10, 13, 16, 17, 18, 20, 21,22 and Standards

1.F, 3.A.1, 3.B.1, 3.B.3, 4.A.2, 4.B.1, 4.B.2, 4.B.3, 4.C.1, 4.C.2, 4.C.3
and 4.E.2 of the College's Code of Ethics and Standards of Practice.

REASONS FOR DECISION

10. The Member pleaded guilty and acknowledged that her conduct as described in the Agreed Statement of Facts constitutes professional misconduct. As such, the Committee accepts the Agreed Statement of Facts and finds the Member to be guilty of professional misconduct.

11. While the motivation behind the Member's actions remains unclear to the Committee, it is apparent that the Member failed to appreciate her responsibilities as an early childhood educator. The evidence suggests that the Member, while in a supervisory position at the Centre, changed a child's enrollment form without parental permission and falsified the mother's signature. When the Member was confronted by two staff members who discovered the discrepancy, the Member denied any wrongdoing. The Member then penalized the staff members after they raised their concerns to the Ministry of Education, which led to an inspection and a subsequent order to the Member to remedy multiple deficiencies found within the Centre. It is the view of the Committee that the Member's actions failed to uphold the standards of the profession.

12. By not updating emergency contact information, mixing ratios, failing to supply the classrooms with age-appropriate furnishings and equipment, and providing insufficient and improperly prepared food to children, the Member created an unsafe environment for the children in her care. More specifically, the Member's apathetic approach to supervision resulted in a number of injuries sustained by children, including children falling off equipment and furniture. Her

blatant disregard for the interests of children is particularly concerning, given that, as an early childhood educator, ensuring the wellbeing of the children is her primary responsibility. As a result of the Member's conduct, the Committee finds her to be in violation of Standards 1.F, 3.A.1, 3.B.1, 3.B.3, 4.A.2, 4.B.1 of the College's *Code of Ethics and Standards of Practice* and Ontario Regulation 223/08 subsections 2(2) and 2(8).

13. The conduct exhibited by the Member was deceitful and took advantage of the position of trust she had with her colleagues and parents at the Centre. As a supervisor, the Member's colleagues relied on her to provide them with accurate information in order for them to provide proper care to the children under their professional supervision and to fulfill their job duties. Not only did the Member falsify records, contrary to Ontario Regulation 223/08 subsections 2(16), 2(17), 2(18), 2(20) and 2(21), but by lying about the child's age, the Member made it difficult for the child's educators to obtain information about and familiarize themselves with the level of development of a child in their care, contrary to Standards 4.B.1, 4.B.2 and 4.B.3. Furthermore, the Member held a staff member out to be an RECE, when the staff member was not a member of the College. In so doing, the Member contravened Ontario Regulation 223/08 subsection 2(13).
14. Far from inspiring confidence in the profession, the Member abused her position of authority to manipulate records, have staff to lie to Ministry of Education officials and parents, as well as enforce strict policies on certain staff members. Her deliberate attempts to create a challenging work environment for Ms. Amos and Ms. Rego is not only unprofessional, but malicious and mean spirited. The Member's reprehensible behavior towards her colleagues is a direct contravention of

Standards 4.C.1, 4.C.2, 4.C.3 and 4.E.2.

15. The conduct exhibited by the Member is unacceptable for an early childhood educator. Her deceitful behaviour and lack of integrity is not only unbecoming, but would reasonably be regarded by members as disgraceful , dishonourable and unprofessional , contrary to subsections 2(10) and 2(22) of Ontario Regulation 223/08.

JOINT SUBMISSION ON PENALTY

16. The College and the Member submitted a Joint Submission as to Penalty, signed by the Member on April12 , 2016 (Exhibit 1 E), which provides as follows:
- i. Ms. Colleen Teresa Stewart (the "Member") shall be reprimanded by the Discipline Committee in writing and the fact of the reprimand shall be recorded on the register.
 - ii. The Registrar is directed to suspend the Member's Certificate of Registration for a period of six (6) months. The suspension shall be served starting on the earlier of:
 - a. The date on which the Member pays all outstanding fees and penalties and thereby becomes eligible for a certificate of registration in good standing; or,
 - b. April13, 2018.
 - iii. The Registrar is directed to immediately impose the following terms, conditions or limitations on the Member's Certificate of Registration:
 - a. The Member must successfully complete a course of study in "Professional Supervision in Early Learning and Care" that has been pre-approved by the Registrar. The Member shall complete the course at her own expense and provide proof of successful completion (that is satisfactory to the Registrar) before the conclusion of the six (6) month suspension period referenced in paragraph 2.
 - b. The Member's ability to practise is subject to the following restrictions:

- i. The Member is prohibited from working as a supervisor or manager at any place(s) of employment referenced in paragraph 3(c)(i); and,
 - ii. The Member is prohibited from working within the scope of practice of early childhood education in an independent, unsupervised or self-employed capacity
 - c. The Member is required to:
 - i. Immediately notify the Registrar if the Member accepts employment with any employer that provides services falling within the scope of practice of early childhood education;
 - ii. Provide a copy of the Decision and Order of the Discipline Committee in this matter to the senior administrator of the employer(s) referenced in paragraph 3(c)(i) prior to starting employment;
 - iii. Provide written confirmation (that is satisfactory to the Registrar) from the employer(s) referenced in paragraph 3(c)(i) within thirty (30) days of commencing employment. The written confirmation shall confirm 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 terms, conditions, and limitations in paragraph 3(b);
 - d. The terms, conditions and limitations in paragraphs 3(b) and 3(c) 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 in accordance with

paragraph 3(b);

- ii. She has been in full compliance with all terms, conditions and limitations in this Order.
 - iv. The results of the hearing shall be recorded on the register in accordance with the *Early Childhood Educators Act, 2007* and the College's by-laws.
 - v. The Discipline Committee's Decision and Order shall be published in full, including the Member's name, on the College's website and in summary in the College's publication, *Connexions*.
17. The College submitted that the Committee should accept the proposed Order, which has been agreed to by the parties, is an appropriate and reasonable penalty for the misconduct found and it satisfies the College's duty to protect the public interest. The proposed Order has been crafted with due regard to various aggravating and mitigating circumstances that are present in the case at hand.
18. The College stated that there are several aggravating factors , including the fact that the misconduct involved conduct th t resulted in the Member's arrest; the misconduct involved deficiencies that affected the safety of the facilities and the supervision of the children over a period of a few months' time; and, the misconduct involved a lack of care and professionalism . The College also referred to the mitigating factors as the fact that the Member has admitted to having committed professional misconduct and has taken responsibility for her actions; this is the first time that the Member is before the College's Discipline Committee; and the Member has agreed to be bound by a joint submission as to Order, thereby increasing the likelihood that remedial measures will be successful.
19. The College submitted that, a reprimand is appropriate as it allows the Discipline Committee to convey directly to Ms. Stewart its disapproval of her conduct. Due to

the serious nature of the misconduct, the suspension of Ms. Stewart's Certificate of Registration is also appropriate, since it 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 the Member'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 "Professional Supervision in Early Learning and Care," the Member will have an opportunity to reflect on her conduct and apply her learning to her future employment. This provides both specific deterrence and rehabilitation. Finally, the publication of the Member's name is an important and appropriate measure for the protection of the public at large and serves as a general deterrent to College Members.

20. The College argued that the Discipline Committee has previously accepted joint submissions as to facts, finding and Order, and has made findings of professional misconduct based upon an Agreed Statement of Facts and imposed a penalty consistent with the parties' joint submission as to Order. While a joint submission is not binding on the Discipline Committee, both the Court of Appeal of Ontario and the Divisional Court have held that a joint submission must be given "serious consideration" and should not be rejected unless the Committee is of the view that "the joint submission is contrary to the public interest and the sentence would bring the administration of justice into disrepute." 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 . The College referred to R. v. Cerasuolo (2001), 151 C.C.C. (3d) 445 (C.A.) and R. v. Haufe, [2007] O.J.. No. 2644 (C.A.).

21. The College submitted 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 . The College further submitted that, findings and orders proposed by way of joint submission also have the benefit of full agreement by the Member or former Member, contributing to the acceptance and therefore the effectiveness of remedial measures.
22. The College submitted that the proposed Order is appropriate , protects the public interest by serving the functions of general and specific deterrence, sufficiently addresses the rehabilitation of the Member and is proportionate to the misconduct as found. The College stated that this position is also consistent with other decisions of the College's Discipline Committee, wherein members have been found to have committed professional misconduct in a similar manner. The College referenced the following cases: College of Early Childhood Educators v. Rainey, 2013 CanIII 57829; College of Early Childhood Educators v. Captstick (heard September 19, 2013) ; College of Early Childhood Educators v. Belfiore, 2012 CanIII 93766; College of Early Childhood Educators v. Uithoven, 2012 CanIII 93769; College of Early Childhood Educators v. Campbell, 2015 CanIII 65874; College of Early Childhood Educators v. Pucci , 2012 CanIII 93764.
23. The Member was in agreement with the College's submissions.

ORDER DECISION

24. After considering the joint submission made by the College and the

Member, the Committee makes the following order as to Order :

- i. Ms. Colleen Teresa Stewart (the "Member") shall be reprimanded by the Discipline Committee in writing and the fact of the reprimand shall be recorded on the register.
- ii. The Registrar is directed to suspend the Member's Certificate of Registration for a period of six (6) months . The suspension shall be served starting on the earlier of:
 - a. The date on which the Member pays all outstanding fees and penalties and thereby becomes eligible for a certificate of registration in good standing; or,
 - b. April 13, 2018.
- iii. The Registrar is directed to immediately impose the following terms , conditions or limitations on the Member's Certificate of Registration:
 - a. The Member must successfully complete a course of study in "Professional Supervision in Early Learning and Care" that has been pre-approved by the Registrar. The Member shall complete the course at her own expense and provide proof of successful completion (that is satisfactory to the Registrar) before the conclusion of the six (6) month suspension period referenced in paragraph 2.
 - b. The Member's ability to practise is ?Object to the following restrictions:
 - i. The Member is prohibited from working as a supervisor or manager at any place(s) of employment referenced in paragraph 3(c)(i); and,
 - ii. The Member is prohibited from working within the scope of practice of early childhood education in an

independent, unsupervised or self-employed capacity.

- c. The Member is required to:
 - i. Immediately notify the Registrar if the Member accepts employment with any employer that provides services falling within the scope of practice of early childhood education;
 - ii. Provide a copy of the Decision and Order of the Discipline Committee in this matter to the senior administrator of the employer(s) referenced in paragraph 3(c)(i) prior to starting employment;
 - iii. Provide written confirmation (that is satisfactory to the Registrar) from the employer(s) referenced in paragraph 3(c)(i) within thirty (30) days of commencing employment. The written confirmation shall confirm 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 terms , conditions , and limitations in paragraph 3(b);
 - d. The terms, conditions and limitations in paragraphs 3(b) and 3(c) 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 in accordance with paragraph 3(b);
 - ii. She has been in full compliance with all terms, conditions and limitations in this Order.
- iv. The results of the hearing shall be recorded on the register in

accordance with the *Early Childhood Educators Act, 2007* and the College's by-laws.

- v. The Discipline Committee's Decision and Order shall be published in full, including the Member's name, on the College's website and in summary in the College's publication, *Connexions*.

REASONS FOR ORDER DECISION

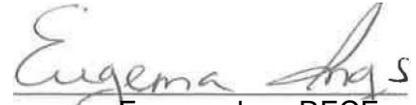
25. In matters where there is a joint submission as to Order, the task before the Committee is to determine whether or not the submission falls within an appropriate range of penalty given the Member's misconduct.
26. As the Member was not in attendance at the hearing, a written reprimand provides the Committee with the opportunity to express its disapproval of the Member's conduct and reiterate the violations and acts of non-compliance she has engaged in. As the Member was unaware of the responsibilities associated with her position, a written reprimand also serves to educate the Member on the roles of a supervisor, particularly in terms of supporting staff and providing effective supervision. Moreover, by recording the fact of the reprimand on the public register, the Member is being held publically accountable for her actions and the public is assured that the Committee responds to acts of professional misconduct fairly and transparently.

27. Suspension of the Member's certificate of registration is appropriate in this matter, given that the Member failed to appreciate her commitment to the profession, particularly in her role as a supervisor. A six month suspension provides the Member with an opportunity to learn from her mistakes, refocus on her professional responsibilities and reflect on her conduct. The Panel finds the length of suspension to be an adequate amount of time for the Member to concentrate on her professional development before returning to the profession. While the suspension is intended to be punitive, the Committee hopes that the Member will develop an understanding that the level of unprofessionalism she demonstrated has serious consequences. The fact that the Member's conduct resulted in a suspension also serves to deter other RECEs from engaging in similar behaviour for fear of the same penalty. It further serves to protect the public interest by preventing her from practising and provides restitution for what her colleagues, particularly Ms. Amos, Ms. Rego, as well as [child 1]'s family endured.
28. By completing a course in "Professional Supervision in Early Learning and Care," the Member will be required to address the weaknesses and recognize the strengths in her professional skill set. This educational component is intended to rehabilitate the Member and instill in her the skills to be supportive to her colleagues and provide them with the information necessary for them to perform their job duties accordingly. In addition to imparting a strong understanding of her roles and responsibilities as an early childhood educator, the course will refresh her knowledge of the developmental needs of various age groupings and teach her the concepts of risk and protective factors for children and colleagues. Since the course must be completed no more than six months after paying her dues and penalties to the College, the education she receives will be current to the time she rejoins the profession.

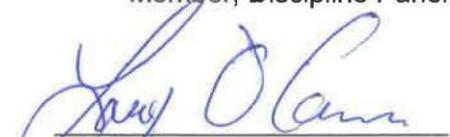
29. The Committee restricted the Member's ability to practise in order to demonstrate to her the seriousness of her conduct and to protect the public interest. By preventing her from working in a supervisory position or working in a self-employed capacity, she is held accountable for her past behaviour. Furthermore, the public is not at risk of being subjected to similar conduct by the Member.
30. Mindful of the rehabilitative purpose of the penalty, the Member is required to not only inform her future employer(s) of the Committee's decision, but to provide the Registrar with evidence that she is working within the conditions of the Order. The fulfillment of this requirement demonstrates to the College that the Member is candid about her past misconduct and that her employer(s) are able to enforce the limitations of the Member's scope of practice. By placing these conditions on her certificate of registration until she has completed six months of continuous work in full compliance of the Order, the Member is carefully integrated back into the profession, which assists with her rehabilitation.
31. Finally, publication on the public register, College website and in the newsletter, *Connexions*, 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. As transparency is essential to self-regulation, the Committee appreciates the importance of demonstrating that it acts decisively and in the public interest when faced with acts of misconduct. Publication will ensure that future potential employers are made aware of the Member's misconduct and are able to reference the finding 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 disadvantageous to her.

32. In conclusion, the Committee is confident that the penalty serves the interests of the public and the profession.

Date: August 18, 2016


Eugema Ings, RECE
Chair, Discipline


Sasha Fiddles, RECE
Member, Discipline Panel


Larry O'Connor
Member, Discipline Panel