

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

Citation: College of Early Childhood Educators vs Maria Walters,
2015 ONCECE 3
Date: 2015-01-29

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 Maria Walters, a current member of
the College of Early Childhood Educators.

PANEL: Barbara Brown, RECE, Chair
Bruce Minore
Eugema Ings, RECE

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD)	Jordan Glick,
EDUCATORS)	WeirFoulds LLP,
)	for the College of Early Childhood Educators
- and -)	
)	
MARIA WALTERS)	Maria Walters was not present,
REGISTRATION# 11031)	nor was she represented
)	
)	
)	
)	Caroline Zayid,
)	McCarthy Tetrault LLP,
)	Independent Legal Counsel
)	
)	Heard: January 29, 2015

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 January 29, 2015 at the College of Early Childhood Educators (the "College") at Toronto.

2. A Notice of Hearing, dated November 18, 2014 (Exhibit 1, Tab 1), was served on Maria Walters (the "Member"), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators (the "Committee") on December 16, 2014 at 10:00 a.m. to set a date for a hearing. Counsel for the College submitted an Affidavit of Service sworn by Lisa Searles, Hearings Coordinator (Exhibit 1, Tab 1), and sworn December 12, 2014, confirming the Notice of Hearing was served on the Member.
3. Counsel for the College tendered a document that indicated the hearing was scheduled for January 29, 2015 (Exhibit 1, Tab 1).
4. A second Notice of Hearing, dated December 16, 2014 (Exhibit 1, Tab 2), was served on the Member, specifying the charges and requesting the Member's attendance before the Committee on January 29, 2015 for a hearing. Counsel for the College submitted an Affidavit of Service sworn by Lisa Searles, Hearings Coordinator (Exhibit 1, Tab 2), and sworn December 29, 2014, confirming that the second Notice of Hearing was served on the Member.
5. The hearing was scheduled to commence at 9:00a.m. on January 29, 2015. The Member did not appear, nor was she represented by legal counsel. The Committee was satisfied that the Member had been served with the Notice of Hearing, informing the Member of the time and date of the Hearing. The Committee therefore commenced the proceedings at approximately 9:30a.m.

THE ALLEGATIONS

6. Counsel for the College advised the Committee that the College would be proceeding with the Notice of Hearing dated December 16, 2014 (Exhibit 1, Tab 2). The allegations against the Member, as stated in the Notice of Hearing dated December 16, 2014, are as follows:

IT IS ALLEGED that Maria Walters, RECE (the "Member"), is guilty of professional misconduct as defined in subsection 33(2) of the ECE Act, in that:

- (a) 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 thrive and families are welcome, contrary to Standard I.D;
 - ii. she failed to ensure that in her relationship with the child's family, the needs and best interests of the child are paramount, contrary to Standard I.F;
 - iii. she failed to make decisions, resolve challenges and work collaboratively in the best interest of the children under her professional supervision, contrary to Standard IV.B.4; and,
 - iv. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standards IV.E.2.
- (b) she acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10).
- (c) she conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

7. Now and at all times relevant to the Allegations in the Notice of Hearing, the Member was registered as an early childhood educator with the College of Early Childhood Educators (the "College").
8. From on or around May 7, 2007 until on or around July 21, 2014, the Member was employed as an early childhood educator at Mallow Day Care Centre Ltd. (the "Centre").

9. At or around 3:00 p.m., on or around July 21, 2014, the Member engaged in a physical altercation with a parent, V.T., in a classroom where children were present and napping. During the altercation, the Member:
- a) Pointed her finger close to V.T.'s face while accusing V.T. of making a complaint against her to the Director of the Centre;
 - b) Told V.T. that she could point her finger at anyone she wants, following V.T.'s request that the Member cease finger pointing;
 - c) Slapped V.T.'s face, causing V.T. to fall to the floor;
 - d) Kicked and punched V.T. in the head while V.T. was lying on the floor; and,
 - e) Held V.T.'s legs while V.T. was lying on the floor kicking.
10. Flora Nagai, RECE and Director of the Centre, entered the classroom while the Member was holding V.T.'s legs and forcefully told the Member and V.T. to stop fighting.
11. When the altercation ended, the Member pointed her middle finger at V.T. as she exited the classroom. The Member then turned her back to V.T. and started dancing and spanking herself in a mocking fashion in V.T.'s direction in front of the children.
12. On or around July 21, 2014, the Member's employment at the Centre was suspended.
13. On or around July 22, 2014, Ms. Nagai filed a serious occurrence report in response to the Member's conduct.
14. On or around July 22, 2014, the Member's employment at the Centre was terminated, effective July 21, 2014.

MEMBER'S PLEA

15. As the Member was not present, nor represented by counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the Notice of Hearing dated December 16, 2014 (Exhibit 1, Tab 2). The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

THE EVIDENCE

16. Counsel for the College called two witnesses: [V.T.], RECE, the parent involved in the incident; and, Flora Nagai, RECE, the Operator/Supervisor of the Centre.

Evidence of [V.T.], RECE

17. [V.T.], RECE, is the mother of a child formerly under the care of the Member, a former colleague of the Member and the sister of Flora Nagai, Operator/Supervisor of Mallow Daycare Centre Ltd. (the "Centre"). From 2008 to 2013, [V.T.] worked at the Centre with the Member. [V.T.] stated that when she worked with the Member at the Centre, they had a good relationship. [V.T.] indicated that at the time the incident occurred, [Child 1] was four-and-a-half years old.
18. [V.T.] was able to identify a document tendered by College counsel – the original complaint [V.T.] filed with the College against the Member (Exhibit 1, Tab 4). According to this document, [V.T.] submitted a complaint to the College against the Member on July 23, 2014 and was received by the College on July 25, 2014. [V.T.] stated that to her knowledge, the document presented was her original complaint.
19. Ms. Tritten was asked by College counsel to describe the incident that occurred on July 21, 2014. Ms. Tritten stated that she had permission from Ms. Nagai to wake [Child 1] from his nap. Ms. Tritten stated that she arrived at the Centre shortly before 3:00 p.m., as the children in the Member's classroom were beginning to wake from their naps. Ms. Tritten indicated that she woke [Child 1] up from his nap, as she had promised him she would. As she was putting on [Child 1]'s shoes, she was confronted by the Member who accused Ms. Tritten of making a complaint against her to the Director of the Centre for calling [V.T.]'s son a "baby."
20. [V.T.] stated that she assured the Member that she had not made a complaint against her to the Director of the Centre, but the Member insisted that she was lying and pointed her finger at [V.T.]'s face. When [V.T.] asked the Member not to point at her face,

the Member responded, "I can point at anyone I want," and pointed her finger even closer to [V.T.]'s face, almost poking her in the eye.

21. [V.T.] stated that after she motioned to push the Member's hand away, the Member slapped her in the face, causing [V.T.] to lose her balance and fall to the floor. When [V.T.] was on the floor, the Member kicked her repeatedly. [V.T.] stated that she was kicked all over her body including the left side of her head. [V.T.] stated that the children in the classroom, including [Child 1], watched as the Member attacked her. Terrified that the Member would cause severe damage to her face, [V.T.] screamed for help and tried to kick the Member away from her. [V.T.] states that when Ms. Nagai entered the room, she screamed at [V.T.] and the Member to stop, but the Member continued to attack the Member. Ms. Nagai then inserted herself between [V.T.] and the Member, which allowed [V.T.] the opportunity to remove herself from the situation.
22. [V.T.] stated that after the incident, the Member pointed her middle finger at her then turned around and started dancing and spanking herself in a mocking fashion. [V.T.] indicated that this took place in front of the children.
23. [V.T.] stated that as she was leaving the Centre with [Child 1], the Member approached them and called [Child 1] a bully and a liar.

Evidence of Flora Nagai

24. Flora Nagai, RECE is the Operator/Supervisor of Mallow Daycare Centre Ltd. (the "Centre") and has been in that role since February 2004. The Centre provides care for 14 children, both full and part-time, between the ages of 18 months and five years of age.

25. Ms. Nagai stated that the Member began her career with the Centre in 2007 as an early childhood educator placement student. In 2008, after the Member completed her placement, she was hired by Ms. Nagai as a part-time assistant at the Centre, which turned into a full-time position that same year. Ms. Nagai stated that in 2011, the Member was promoted to a supervisory position, a position she held until her employment was terminated in July 2014.

26. College counsel tendered a document, which Ms. Nagai identified as the Centre's professional code of ethics, which is included in the Centre's employee handbook (Exhibit 1, Tab 6). Ms. Nagai also identified the confirmation of acceptance signed by the Member on March 12, 2009, indicating that the Member read and accepted the practices and policies as outlined in the employee handbook (Exhibit 1, Tab 6). Ms. Nagai testified that before staff members sign the confirmation of acceptance, she reviews the professional code of ethics with them to ensure that they are aware of their obligations. Ms. Nagai further indicated that all staff members are required to review the Centre's policies and procedures every six months.

27. Ms. Nagai testified that the Member had a history of poor professional conduct and received verbal and written warnings about her behaviour.

28. Ms. Nagai stated that on July 21, 2014 at approximately 2:55 p.m., she was tending to the toileting and diapering needs of two children in the washroom. At approximately 3:00 p.m., while Ms. Nagai was in the washroom, she heard screaming coming from the Member's classroom. When she walked into the classroom, she saw [V.T.] on the floor, trying to kick the Member away from her, and the Member holding [V.T.]'s legs. Ms. Nagai stated that she screamed at both of them to stop fighting, but they did not comply. Once more, Ms. Nagai screamed at [V.T.] and the Member to stop fighting, at which point

they stopped fighting and disengaged. Ms. Nagai stated that she asked the Member and [V.T.] to leave the room.

29. Ms. Nagai testified that at approximately 6:00 p.m., she had a meeting with the Member and Director of the Centre about the incident. At the meeting, Ms. Nagai suspended the Member's employment for one week. Ms. Nagai stated that on July 23, 2014, the Member's employment with the Centre was terminated.
30. The Committee asked Ms. Nagai if the Member was permitted to work with the children in the classroom on July 21, 2014, following the incident. Ms. Nagai stated that following the incident, the Member returned to the classroom and continued to execute her RECE duties until her employment was suspended at approximately 6:00 p.m. that day.

Documentary Evidence

31. Counsel for the College also entered the following documents into evidence:

Termination of Employment Letter, dated July 23, 2014: (Exhibit 1, Tab 7)

32. This letter, dated July 23, 2014, is a correspondence from Ms. Nagai to the Member. The letter states that the Member's employment with the Centre has been terminated as a result of the physical altercation she engaged in with a parent on July 21, 2014. The letter further states that the Member's conduct was inexcusable and contrary to the Centre's Behaviour Management policy. In the letter, Ms. Nagai indicates that the incident on July 21, 2014 was not the first time the Member's behaviour required discipline and referenced an earlier incident where the Member engaged in a heated argument with another parent at the Centre.

Letter to Parents, dated July 22, 2014: (Exhibit 1, Tab 8)

33. This letter, dated July 22, 2014, is a correspondence from Ms. Nagai to the parents of the Centre. In the letter, Ms. Nagai informs the parents about a disagreement that took place at the Centre between a parent and a staff member. The letter states that at no time were any children at risk of harm during the incident. The letter further states that the Member's employment with the Centre had been suspended, effective immediately.

Reasons for the Decision of the Ministry of Labour Provincial Claims Centre and accompanying Cover Letter to Ms. Nagai, dated December 23, 2014: (Exhibit 1, Tab 9)

34. This document provides the reasons for the decision made by Andrew Thompson, Employment Standards Officer #1141, of the Ministry of Labour Provincial Claims Centre (the "Ministry") in respect to a claim made by the Member alleging contravention of the *Employment Standards Act, 2000* by Ms. Nagai, in particular, that the Member was terminated without any notice or severance pay. It is stated in the decision that following an investigation into the claim, no contraventions were found.

SUBMISSIONS OF COLLEGE COUNSEL AS TO FINDING

35. Counsel for the College submitted that the Member should be found guilty of professional misconduct as alleged, citing violations of the College's professional misconduct regulation (Ontario Regulation 223/08).

Violations of the Professional Misconduct Regulation (Ontario Regulation 223/08)

36. Counsel for the College submitted that the Member violated Ontario Regulation 223/08, section 2, subsection 8 by failing to maintain the standards of the profession as outlined in the College's *Code of Ethics and Standards of Practice* (College bylaw 21). Counsel for the College stated that contrary to Standard I.D, the Member failed to provide nurturing learning

environments where children thrive and families are welcome. Involving herself in a physical altercation against a family member of the Centre in front of students, he argued, cannot be characterized as a nurturing learning environment for children or the family members. As such, there is clear discrepancy between the Member's conduct and the standard.

37. Counsel for the College further submitted that the Member's conduct contravened Standard I.F, which states that early childhood educators are to ensure that in their relationship with the child's family, the needs and best interests of the child are paramount. According to witness testimony, the Member engaged in a physical altercation with [V.T.] in a classroom with children present. Counsel for the College argued that by failing to remove herself from the vicinity of children prior to engaging in any sort of discussion with [V.T.], the Member demonstrated direct, accusatory and aggressive conduct in plain sight of all of the children under her care. The conduct demonstrated by the Member cannot be characterized as being in the best interest of the children in her care. College counsel referred to the Centre's policies and procedures (Exhibit 1, Tab 6), which the Member signed as having reviewed, detailing the judicious nature with which staff must approach and carry themselves on with respect to family members.

38. It was submitted by College counsel that by engaging in a physical altercation with [V.T.], the Member contravened Standard IV.B.4. As stipulated in Standard IV.B.4, early childhood educators are to resolve challenges and work collaboratively in the best interest of the children under their professional supervision. By engaging in a physical altercation with a parent of the Centre, College counsel argued, the Member failed to reach a resolution to the challenge she encountered in accordance with the direction of the Standard and in so doing, the Member contravened Standard IV.B.4.

39. Counsel for the College submitted that engaging in a physical altercation with a parent at the Centre is undoubtedly a contravention of Standard IV.E.2, as such actions reflect negatively on the profession of early childhood education.
40. College counsel stated that it is disgraceful, dishonourable and unbecoming to engage in a physical altercation with a parent in a classroom of children under the age of five. As such, the Member's conduct was a direct violation of Ontario Regulation 223/08, section 2, subsections 10 and 22.

DECISION

iii. Onus and Standard of Proof

41. The College bears the onus of proving the allegations contained in the Notice of Hearing dated December 16, 2014 on a balance of probability (more likely than not), based on clear, convincing and cogent evidence, in accordance with the Supreme Court of Canada's decision in *F.H. v. McDougall*, [2008] 3 S.C.R. 41.

ii. Findings of Fact

42. The Committee finds the following as facts:
- a) The Member has been a member of the College of Early Childhood Educators (Registration number 11031) since May 26, 2009.
 - b) From on or around May 7, 2007, until on or about July 21, 2014, the Member was employed as an early childhood educator at Mallow Day Care Centre Ltd. (the "Centre")
 - c) At or around 3:00 p.m., on or around July 21, 2014, the Member engaged in a physical altercation with a parent, [V.T.], in a classroom where children were present and napping. During the altercation, the Member:

- i. Pointed her finger close to [V.T.]'s face while accusing [V.T.] of making a complaint against her to the Director of the Centre;
 - ii. Told [V.T.] that she could point her finger at anyone she wants, following [V.T.]'s request that the Member cease finger pointing;
 - iii. Slapped [V.T.]'s face, causing [V.T.] to fall to the floor;
 - iv. Kicked and punched [V.T.] in the head while [V.T.] was lying on the floor; and,
 - v. Held [V.T.]'s legs while [V.T.] was lying on the floor kicking.
- d) Flora Nagai, RECE and Director of the Centre, entered the classroom while the Member was holding [V.T.]'s legs and forcefully told the Member and [V.T.] to stop fighting.
- e) When the altercation ended, the Member pointed her middle finger at [V.T.] as she exited the classroom. The Member then turned her back to [V.T.] and started dancing and spanking herself in a mocking fashion in [V.T.]'s direction in front of the children.
- f) On or around July 21, 2014, the Member's employment at the Centre was suspended.
- g) On or around July 22, 2014, Ms. Nagai filed a serious occurrence report in response to the Member's conduct.
- h) On or around July 22, 2014, the Member's employment at the Centre was terminated, effective July 21, 2014.

iii. Decision

43. Having considered the evidence and onus and standard of proof, and the submissions made by counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Maria Walters, the Member, committed acts of professional misconduct as alleged, more particularly, breaches of

Ontario Regulation 223/08, section 2, subsections 8, 10, 22 and Standards I.D, I.F, IV.B.4 and IV.E.2 of the *College's Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

44. The Committee found the witness testimonies to be, on the whole, credible and consistent. The evidence given by [V.T.] and Flora Nagai contained a number of relevant similarities, including that the Member was holding [V.T.]'s legs as [V.T.] was on the ground kicking the Member away. Both witnesses also testified that the incident took place in a classroom with children present.
45. It is the view of the Committee that the evidence provided by [V.T.] and Ms. Nagai sufficiently demonstrates that the Member is guilty of all the allegations brought against her by the College. The evidence suggests that the incident between the Member and [V.T.] began as a confrontation initiated by the Member that escalated into a physical altercation. Without considering the effect of her actions on the psychological and emotional well-being of the children, the Member intentionally and maliciously attacked a parent in the presence of her students. Not only did the Member fail to provide a nurturing learning environment, she gave rise to a climate of fear and hostility at the Centre, contrary to Standard I.D.
46. Moreover, the Member subjected [Child 1] to a traumatic event by allowing him to witness the vicious attack against his mother. The Member demonstrated a total lack of regard for the best interests of [Child 1], contrary to Standard I.F.
47. In a profession where one's actions have a direct influence on children, the Member's grossly inappropriate and dangerous behaviour failed to promote appropriate conflict resolution strategies. Far from responding to a challenging situation with tact and

diplomacy, as is expected of early childhood educators, the Member resorted to physical violence and childish mockery in order to settle a dispute. The Member failed to work collaboratively with [V.T.] to resolve their differences, and in so doing violated Standard IV.B.4. Furthermore, the Member's reckless endangerment of the health and safety of the learning environment is a direct violation of Standard IV.E.2.

48. By engaging in such reckless conduct, the Member has failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8). Her willingness to physically assault a parent at the Centre in the presence of children brings shame upon the profession and directly contravenes Standard IV.E.2.
49. The conduct exhibited by the Member is unacceptable for an early childhood educator. Her display of aggression and complete disregard for the health and safety of everyone at the Centre 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.
50. It is regrettable that the Member was not in attendance at the hearing and the Committee was not provided the opportunity of hearing the Member's side of the story. As a result, the Committee had to rely entirely on the College's submission and the testimony of the witnesses in arriving at a decision. Furthermore, the Committee was unable to determine whether the Member felt remorse for her actions or whether she still felt she acted appropriately in that situation. The fact that she failed to participate in the hearing or even provide the College with a reason for not doing so, demonstrates her intention not to cooperate with the professional body of which she is a member. This reflects poorly on her professionalism and as a member of the College.

SUBMISSIONS OF COLLEGE COUNSEL AS TO PENALTY

51. Counsel for the College submitted that the Committee direct the Registrar to place a six month suspension on the Member's certificate of registration as well as terms, conditions and limitations requiring the Member to complete a course in Stress and Anger Management. College counsel further submitted that the Member be reprimanded by the Committee in writing and the fact of the reprimand be recorded on the public register. In addition, College counsel submitted that the Committee's decision be published on the College's website and in the College newsletter, *Connexions*, with the Member's name in full.
52. College counsel stated that there are three overarching principles for determining an appropriate penalty- specific deterrence, general deterrence and rehabilitation. Specific deterrence is devised to ensure that the Member will not repeat an act of professional misconduct. General deterrence is intended to inform other members of the profession of the type of penalty that awaits them should they commit professional misconduct in a similar manner. Finally, rehabilitation seeks to address any underlying concerns that the Committee may have while protecting the public interest.
53. College counsel stated that the proposed penalty is in accordance with the three overarching penalty principles and would be appropriate, given the finding of professional misconduct. A written reprimand serves as a specific deterrent by allowing the Committee an opportunity to dialogue with the Member and convey to her the disapproval of her conduct. A written reprimand is particularly important given the fact that the Member was not present at the hearing.
54. College counsel stated that a suspension is appropriate given the severity of the misconduct which has been exacerbated by the fact that the Member flaunted College processes and chose not to participate in the proceedings. The suspension not

only acts as a specific deterrent, but is also a significant general deterrent as it informs other members of the profession that physical violence will not be tolerated by the College.

55. Counsel for the College further stated that completing a course in "Stress and Anger Management" is intended to rehabilitate the Member and address any underlying issues the Member might be facing.
56. College counsel submitted that the publication of the Member's conduct serves as both a specific and general deterrent. As there is an element of public shaming associated with publication, not only will the Member be discouraged from committing future acts of misconduct, but so will other members of the profession. Moreover, publishing the College's decisions with the Member's name reflects the important principles of access and transparency to College processes, which helps build confidence in the College's ability and willingness to police itself, thereby serving the public interest.
57. Counsel for the College cited aggravating factors including the fact that the altercation took place in front of young children and that the situation was completely avoidable. College counsel also stated that there is no indication of remorse felt by the Member as she was unwilling to participate in the College's disciplinary process.
58. Counsel for the College also cited mitigating factors, including an otherwise clear discipline record and the fact that the situation was a single occurrence and not a pattern of behaviour.
59. College counsel stated that the College's submissions were in line with previous penalties imposed by the Committee and by other professional regulatory bodies, referencing *College of Early Childhood Educators v. Cynthia Skinner*, 2013, *Law Society of Upper Canada v.*

Julia Carmen Ranieri, 2009, *College of Nurses of Ontario v. Carolyn Jamieson*, 2008, *Ontario College of Teachers v. Chauvin*, 2012 LNONCTD 23, *Ontario College of Teachers v. Cobden*, 2011 LNONCTD 14, *Law Society of Upper Canada v. Harris*, [2011] L.S.D.D. No. 215, and *Law Society of Upper Canada v. Cammisuli*, [2012] L.S.D.D. No. 177.

PENALTY DECISION

60. After considering the submissions made by College counsel, the Committee makes the following order as to penalty:

- a) The Member shall be reprimanded by the Discipline Committee in writing and the fact of the reprimand shall be recorded on the College register.
- b) The Registrar shall be directed to suspend the Member's certificate of registration for a period of six months and to make a notation of the suspension on the register.
- c) The Registrar shall be directed to impose a term, condition and limitation on the Member's certificate of registration, to be recorded on the public register, requiring the Member, at her own expense, to successfully complete a course in "Stress and Anger Management." The course must be approved by the Registrar and must be completed within three months from the date of the Committee's Order.
- d) Furthermore, the Registrar shall be directed to impose an additional term, condition and limitation on the Member's certificate of registration, to be recorded on the register, requiring the Member, at her own expense, to successfully complete a course in "Ethical and Professional Standards." The course must be approved by the Registrar and must be completed prior to or

within three months of being employed as a registered early childhood educator.

- e) The Discipline Committee's finding and order shall be published, with the Member's name in full, on the College's website and in summary in the College's official publication, *Connexions*.

REASONS FOR PENALTY DECISION

- 61. The Committee has ordered a penalty consistent with the submissions made by College counsel, with the addition of a course in "Ethical and Professional Standards," having determined that the penalty is reasonable and serves to protect the public interest.
- 62. 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. The reprimand also serves a rehabilitative function as it identifies the shortcomings in the Member's professional practice which she can then work on improving.
- 63. 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. 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.

64. 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. A suspension provides the Member with an opportunity to learn from her mistakes, refocus on her professional responsibilities and reflect on her conduct. It also serves to protect the public interest by not allowing her to practice for six months and holds her accountable for her actions.
65. By completing a course in "Ethics and Professional Standards," the Member will be required to address the weaknesses in her professional skill set. This educational requirement is intended to rehabilitate the Member and provide her with the tools and resources she needs to succeed as a professional and an early childhood educator. The course will encourage her to reflect on her practices and to refocus on her professional responsibilities. Since the course must be completed no more than three months after being employed as an RECE, the education she receives will be current to the time she rejoins the profession.
66. Completing a course in "Stress and Anger Management," is intended to serve a rehabilitative function by equipping the Member with effective stress and anger management strategies. The Member will develop an awareness of the sources of her stress and anger, which will then help her cope with the triggers present in her day-to-day living.
67. Ordering the Member to complete the courses at her own expense serves as a specific deterrence in two ways. Firstly, by correcting the errors in her practice, the Member will avoid making similar mistakes in the future, thus reducing the likelihood of recommitting similar acts of professional misconduct. Secondly, by making the Member financially responsible for the courses, she will understand the monetary repercussions associated with committing professional misconduct, which will discourage her from

engaging in similar conduct in the future.

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

Date: January 29, 2015



Barbara Brown, RECE
Chair, Discipline Panel



Bruce Minore
Member, Discipline Panel



Eugema Ings, RECE
Member, Discipline Panel