

DECISION AND REASONS

This matter was heard by a panel of the Discipline Committee (the “Panel”) of the College of Early Childhood Educators (the “College”) on January 14, 2021. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (the “Act”), *the Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

At the outset of the hearing, the Panel ordered that no person shall make any audio or video recording of these proceedings by any means except as directed or explicitly permitted by the Panel.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the *Early Childhood Educators Act, 2007*. The order bans the public disclosure, publication and broadcasting outside of the hearing room, of the names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated December 21, 2020, (Exhibit 1) which provided as follows:

1. At all material times, Leslie Nicole Raybon (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at a child care centre in Amherstburg, Ontario (the “Centre”).
2. On or about November 4, 2019, the Member was responsible for supervising a group of five toddlers and pre-school aged children, including a 3 year old boy (the “Child”). During

lunch time, at approximately 12:08 p.m., for several minutes, the Member forcefully pinned the Child to a cot while he struggled to resist, cried and screamed. During this time, the Member also yelled at the Child, sat on top of the Child, held the Child's head down, pushed on the Child's back and covered his head with a blanket.

3. By engaging in the conduct set out in paragraph 2 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) The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
 - b) The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
 - c) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
 - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
 - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or

- v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- d) The Member 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); and/or
- e) The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

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 (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 10 years. She is 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 at the Centre.

The Incident

3. On November 4, 2019, the Member was responsible for supervising a group of five toddlers and pre-school aged children, including the Child. During lunch time, at approximately 12:08pm, for several minutes, the Member forcefully pinned the Child to a cot while he struggled to resist, cried and screamed "No", "Ow" and "Mama". During this

time, the Member also yelled at the Child, leaned over the Child, held the Child's head down, pushed on the Child's back and covered his head with a blanket.

Additional Information

4. The day of the incident was the Child's first day at the Centre.
5. The incident was recorded on video, which the Centre's owner watched shortly after the incident.
6. The College is not aware of any physical marks or injuries to the Child as result of the incidents.
7. The incident was reported the same day to the Children's Aid Society ("CAS"). CAS investigated the incident and verified that the Member used physical force towards the Child. It further verified that the Member's knowledge of caregiving skills was limited and that there was a risk that the Child could be harmed.
8. As a result of the incident, the Member's employment at the Centre was terminated.
9. If the Member were to testify, she would advise that the following:
 - a. On the day of the incident she came to work with a blood shot eye and a sore throat, which caused her stress. She did not report feeling unwell, as she assumed she would be required to report to work regardless.
 - b. She was concerned about the Child's safety, as during the morning he repeatedly tried to open doors and then during lunch he began standing on chairs. At the time of the incident she was angry, although she was "trying her best" to contain her anger.
 - c. She reflected on her actions and regrets them. She now understands that she should have been more considerate and tried to calm the Child down instead of forcing him to stay on the cot.

Admissions of Professional Misconduct

10. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraph 3 above, and as defined in subsection 33(2) of *the Early*

Childhood Educators Act, 2007, S.O. 2007, c. 7, Sch. 8, in that:

- a) The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
- b) The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
- c) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
 - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
 - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
 - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- d) The Member 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); and/or

- e) The Member acted 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 Agreed Statement of Facts.

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

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the Member was guilty of professional misconduct and physical, psychological and emotional abuse of a child under her care. All of the allegations of misconduct are supported by the facts set out in the Agreed Statement of Facts.

College counsel submitted that the facts demonstrate that on or about November 4, 2019, at approximately 12:08 p.m., the Member, while supervising a group of 5 toddlers and preschool age children engaged in rough interactions with the Child lasting for several minutes. The Member pinned the Child to a cot while the Child struggled to resist, cried and screamed "Ow", "No" and "Mama". The Member yelled at the Child, leaned over the Child, pushed on the Child's back, held the Child's head down, and covered their head with a blanket. This conduct constitutes physical, psychological and emotional abuse.

College counsel submitted that the Member's conduct was a breach of standards. RECEs are expected to be caring and empathetic and to act with integrity. The Member's conduct demonstrated that she failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2. By her

actions, the Member failed to engage in supportive and respectful interactions with a child under her care, contrary to Standard I.C.2. While dealing with a child under her care, the Member used excessive force while pinning the Child to the cot, leaning over the Child, pushing on the Child's back and holding the Child's head down and covering the Child's head with a blanket while he struggled, cried and screamed. By these actions, the Member psychologically and emotionally abused the Child and potentially impacted the emotional well-being of other children present.

College counsel submitted that the Member failed to establish a caring relationship and to respond to the needs of the Child by maintaining a safe, healthy and inviting learning environment, contrary to III.C.1. Further, the Member failed to know, understand and abide by legislation, policies and procedures relevant to the profession and to make decisions and provide positive behavior guidance in the best interest of the Child, contrary to Standard IV.B.1. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

College counsel stated that there were no physical marks evident on the Child following the incident. The supervisor reviewed video footage of the incident and reported it later that day to the CAS. Upon completion of a CAS investigation it was deemed that physical abuse had taken place and the Member had limited knowledge of caregiving. The Member admitted to having come to work that day feeling unwell and stressed and, while recognizing that she might be unable to cope with the children's behaviours, she did not seek assistance and support.

College counsel submitted that the Member failed to model professional values, beliefs and behaviours with children, families and colleagues. She failed to understand that her conduct reflects on her as a professional and on her profession at all times contrary to Standard I.B.4.

The Member made no submission on liability, but agreed, by way of the Agreed Statement of Facts that she had committed the acts of professional misconduct as outlined in the Notice of Hearing.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in Notice of Hearing and as set out in the Agreed Statement of Facts.

The Panel finds that all of the allegations set out in the Notice of Hearing are supported by the facts contained in the Agreed Statement of Facts presented by the parties. The Panel finds that the College met its onus and established that it was more likely than not that the Member engaged in the acts of misconduct as alleged.

The Panel finds that on November 4, 2019, the Member was responsible for supervising a group of 5 toddlers and preschool aged children at the Centre. She had a physical interaction with a 3 year old child which lasted several minutes. During this period, the Member engaged in physically pinning the Child on a cot, leaning over the Child, and holding the Child's head down. Each one of these activities on their own would constitute physical abuse. Further, the Member psychologically and emotionally abused the Child by yelling and covering the Child's head with a blanket. The Panel holds that the Child was distressed, as they cried and screamed "Ow", "No" and "Mama".

The Panel finds that the Member physically, psychologically and emotionally abused a child under her care. She failed to engage in supportive and respectful interactions with a child under her care. The Panel acknowledges that this was a single incident, but all RECEs are held to a high standard and even one incident is too many and unacceptable according to College standards and values.

The Panel finds that the Member failed to model professional values and behaviours with children. All of her conduct, as outlined above, would clearly be regarded by members of the profession as disgraceful, dishonourable and unprofessional. It reflects negatively on the Member and the profession, and would also constitute conduct unbecoming a member of the profession.

We find that the facts as presented support the finding that the Member engaged in all of the acts of misconduct alleged and as defined in the Act, Ontario Regulation 223/08 and the College's Standards of Practice.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that the Panel should make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded within 30 days of the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 9 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 a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*,

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, the following course(s) (subject to the Director’s pre-approval):

- i. Positive intervention strategies; and
 - ii. Anger management.
- 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 *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange 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, once the suspension in section 2 above ends, 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. 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(e),
 - 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.
- j. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 30 days of the date of the Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the Proposed Order was appropriate in the circumstances. College counsel submitted that the Proposed Order would send a message broadly to the community of RECEs and to the public at large that the Member's conduct was unacceptable and would not be tolerated. It would discourage other RECEs from engaging in similar conduct and it would send a specific message to the Member that her conduct was

unacceptable. The Proposed Order would assist in rehabilitating the Member and ensure that she learned fully from her wrongdoing. The Proposed Order was also within the range of penalties imposed in similar cases, while taking into account the specific aggravating and mitigating factors of this case.

The College indicated that there were seven aggravating factors in this case:

1. The age of the Child – the Child was 3 years old, vulnerable, and physically unable to stop the abuse or report the conduct.
2. The extreme level of violence.
3. The length of time of the incident – the incident occurred over several minutes.
4. The emotional impact on the Child – the incident happened on the first day of the Child being enrolled at the Centre.
5. The impact on the other children – the incident was observed by other children and could have had a negative impact on their sense of security.
6. The Member's failure to seek assistance and support – the Member acknowledged that she was not well and needed support but she did not seek it.
7. The Member's failure to self-report – the incident was only discovered when the supervisor viewed the video recording.

The College submitted that there were two mitigating factors: the Member pleaded guilty, thereby saving the College the time and expense of a contested hearing; and the Member had been registered with the College for approximately 10 years and had no prior discipline history.

College counsel submitted that there were two additional considerations that were neither aggravating nor mitigating but which warranted consideration: that no marks were left on the Child; and, this was a single incident and not a pattern of behaviour.

College counsel advised the Panel that it should be mindful that a jointly proposed penalty should be accepted unless the penalty was so harsh or lenient that it would bring the administration of justice into disrepute or would otherwise not be in the public interest.

College counsel provided the Panel with four cases to satisfy the Panel that the Proposed Order was proportionate and consistent with similar conduct.

1. *College of Early Childhood Educators v Diba Hashimi*, 2018 ONCECE 3
2. *College of Early Childhood Educators v Kwang Won Kim*, 2019 ONCECE 13
3. *College of Early Childhood Educators v Mandip Kaur*, 2020 ONCECE 16
4. *College of Early Childhood Educators v Amanda Ring*, 2019 ONCECE 9

College counsel submitted that these cases demonstrated that RECEs who were found to have physically abused a child under their care received penalties consisting of suspensions in the range of five to eight months in addition to terms of supervision and coursework. While no two cases are identical, College counsel submitted that these cases showed that the Proposed Order was within the range of what was appropriate and fell within the range of penalties ordered in similar cases.

College counsel submitted that the Proposed Order included an amount for costs agreed upon by the parties. The College submitted that, although this was a symbolic amount representing a fraction of the College's actual costs, it was important to demonstrate that the membership as a whole, through their dues, should not be required to pay for the inappropriate actions of one member.

The Member made no submission on penalty or costs.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before a Panel of the Discipline Committee to be reprimanded within 30 days of the date of the Order.

2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 9 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 a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, 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, the following course(s) (subject to the Director's pre-approval):
 - i. Positive intervention strategies; and
 - ii. Anger management.
- 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 *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange 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, once the suspension in section 2 above ends, 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. 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(e),

- 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.

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 that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

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 is aware that no two cases are exactly alike. However, reviewing earlier cases can help determine the appropriate level of penalty. The Panel therefore considered the previous cases that were presented by College Counsel and felt that the Proposed Order was proportionate and consistent with other cases where there was similar conduct. The Panel found that the facts in this case, the intensity and severity of the Member's conduct put it at the higher end of the range of the cases presented, and noted that the panel in the case of *Hashimi* imposed a penalty consisting of a suspension of seven months as a result of a joint submission. The panel in that case considered rejecting the joint submission but accepted it because of the high threshold for rejecting joint submissions, but commented:

In future, the Panel feels that the penalty imposed to address misconduct which includes physical abuse of a child needs to be stronger in order to deter this behaviour on the part of members of the profession, as we have noticed an increase in complaints and discipline proceedings involving this type of misconduct.

The Panel therefore found that the penalty jointly proposed by the parties in this case, which was harsher than that at issue in *Hashimi*, was appropriate. The Panel also considered that the Member cooperated with the College by agreeing to the facts and proposed penalty and has accepted responsibility for her conduct.

The Panel found that the penalty ordered satisfies the principles of specific and general deterrence and public protection. The suspension of the Member along with the reprimand and mentorship will act as specific deterrents to the member and will provide general deterrence to other members of the profession, preventing them from engaging in such conduct.

The Panel found that a suspension is necessary in this case to address the Member's engagement in physical and emotional abuse of a child under her care and her use of physical force and emotional distress as a totally unacceptable form of child guidance and reinforcement. The Member should have a number of behaviour management strategies at her disposal, to support and promote pro-social behaviour. The Panel trusts that this suspension will demonstrate to the Member how seriously the College takes this kind of unacceptable conduct and allow her time to reflect on her actions.

The terms, conditions and limitations imposed as part of the Penalty Order, including courses in positive intervention strategies and anger management will help to rehabilitate the Member and educate her regarding best practises for early learning. This will also help protect the public.

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

ORDER AS TO COSTS

Subsection 33(5)(4) of the 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 this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000 to be paid within 30 days of the date of the Order.

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



Garry Bates, Chairperson

January 22, 2021

Date