

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

Citation: College of Early Childhood Educators vs Jessica Lealess,
2018 ONCECE 2
Date: 2018-03-12

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 JESSICA LEALESS, a current
member of the College of Early Childhood Educators.

PANEL: Kath Gradwell, RECE, Chairperson
Larry O’Connor
Kristine Parsons, RECE

| | | |
|----------------------|---|--|
| BETWEEN: |) | |
| |) | |
| COLLEGE OF EARLY |) | Jill Dougherty, |
| CHILDHOOD EDUCATORS |) | WeirFoulds LLP, |
| |) | for the College of Early Childhood Educators |
| - and - |) | |
| |) | |
| JESSICA LEALESS |) | Christopher Horkins, |
| REGISTRATION # 09567 |) | Cassels Brock & Blackwell LLP, |
| |) | for Jessica Lealess |
| |) | |
| |) | |
| |) | Elyse Sunshine, |
| |) | Rosen Sunshine LLP, |
| |) | Independent Legal Counsel |
| |) | |
| |) | Heard: January 30, 2018 |

DECISION AND REASONS

This matter came on for a hearing before a panel of the Discipline Committee of the College of Early Childhood Educators (the “Panel”) on January 30, 2018.

THE ALLEGATIONS

Counsel for the College of Early Childhood Educators (the “College”) advised the Panel that the College was requesting leave to withdraw the allegations set out in paragraphs (e) & (f) of the Notice of Hearing dated January 8, 2018, because they were duplicative of other allegations. The Panel felt it was reasonable for the College to withdraw the allegations and granted this request.

The remaining allegations against the Member as stated in the Agreed Statement of Facts as signed by the member on January 9, 2018, are as follows:

- a) she failed to supervise adequately a person who was under her professional supervision, contrary to *Ontario Regulation 223/08*, subsection 2(2);
- b) she failed to maintain the standards of the profession, contrary to *Ontario Regulation 223/08*, subsection 2(8) in that:
 - i. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College’s Standards of Practice;
 - ii. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to the Member’s professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the College’s Standards of Practice;
 - iii. she failed to observe and monitor the learning environment and anticipate when support or intervention was required, contrary to Standard IV.B.3 of the College’s Standards of Practice;
 - iv. she failed to work collaboratively with colleagues in the workplace in order to provide a safe, secure, healthy and inviting environment for children and families, contrary to Standard IV.C.1 of the College’s Standards of Practice; and
 - v. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College’s Standards of Practice;
- c) she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to *Ontario Regulation 223/08*, subsection 2(10); and

- d) she failed to comply with the Act and/or the professional regulation made under the Act (being *Ontario Regulation 223/08*), contrary to *Ontario Regulation 223/08*, subsection 2(19).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Notice of Hearing as set out in paragraphs a, b, c and d.

The Panel conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

EVIDENCE

Counsel for the College and Counsel for the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which read as follows:

1. The Member initially registered with the College as a Registered Early Childhood Educator ("RECE") on May 19, 2009 and remained in good standing until September 15, 2016, when she was suspended for non-payment of fees. The Member has no prior history of discipline or complaints with the College.
2. At all relevant times, the Member was employed as an RECE at the Next to Mom Inc. childcare centre in Belmont, Ontario (the "Centre").
3. On or about May 14, 2015, the Member was terminated from her position as an RECE at the Centre as a result of the incident described below. The Member subsequently was employed by her former employer, The Little Red School House in London, Ontario, for approximately 10 months. According to the Member, in or around April 2016 she took a leave based on medical advice from her family physician. The Member has not worked as an RECE since that time.

Unsupervised Child on May 13, 2015

4. On or about May 13, 2015, at approximately 4:30 p.m., the Member and another staff member, C.M. (who was not an RECE), were responsible for supervising a group of 16 children in the senior preschool classroom at the Centre. The classroom was located on the middle floor of the three-storey Centre.
5. Children from three other classrooms were being transitioned to the senior preschool classroom as parents picked their children up at the end of the day. During that transition period, a two-year-old preschool child (the "Child") who had been transitioned

to the Member's care, left the senior preschool classroom unsupervised, followed the parent of another child down the stairs, and went out the front door of the Centre and onto the sidewalk a few feet outside the front door where he was found by another staff member, S.F., and promptly returned to the senior preschool classroom.

6. According to the Member, at the time the Child left the classroom, the Member was assisting other children in the class in the washroom. The Member states that her practice was to advise her teaching partner (in this case, C.M.) when she was assisting children in the washroom, so that the teaching partner could watch the door for parents arriving to pick up their children. C.M. did not recall the Member telling her that she was assisting children in the washroom.
7. The Member and C.M. had limited prior experience with the Child before May 13, 2015, and they were unaware of the Child's history (known to S.F. and the teacher responsible for the Child's class) of running out of classrooms at the Centre.
8. The Child was observed a few feet from the Centre's door, walking away from the Centre, by another staff member, S.F., who was positioned outside the front door of the Centre where buses were picking up students. S.F. immediately returned the Child to the senior preschool room approximately 5 minutes after the Child left the classroom.
9. The Member and C.M. had not noticed that the Child was absent during the approximately 5 minutes in which he had been away from the room. S.F. advised the Member and C.M. that they should report the incident to management at the Centre. The Member's teaching partner, C.M., advised the Member that she would report the incident to the supervisor the following morning, because she would be arriving to the Centre for work earlier than the Member the next day.
10. According to the May 14, 2015 letter from the Centre Director, terminating the Member's employment, the Member did not report the incident to Centre management, even though the Member went to the Director's office at the end of her shift on May 13, 2015, to hand in a late slip from a parent and spoke to the Director at that time. If the Member were to testify, she would state that although she went to the office on the afternoon of May 13, 2015, following the incident, she does not recall speaking with the Director at that time and did not report the incident because her (the Member's) supervisor had left for the day and because the Member had agreed that C.M. would report it the next morning at the earliest opportunity.
11. On May 14, 2015, C.M. reported the incident to management at the Centre. That same day, the Member's and C.M.'s employment at the Centre was terminated.
12. The College is unaware of any complaints by the Child's parents to the Centre in relation to this incident. S.F. advised the College during its investigation that "I don't think [the Child's] parent was too upset about it" and that the Child "wasn't upset at all,

he was just fine.” According to the details of the serious occurrence report filed by the Centre with the Ministry of Education, the Child’s mother (an employee of Elgin Family and Children’s Services) felt that the Centre’s termination of the Member’s and C.M.’s employment was sufficient and did not want the Centre to consult with the Children’s Aid Society further, because the Child was not harmed, mistreated or abused. The St. Thomas Elgin Family and Children’s Services confirmed on May 21, 2015, that no further action was required on the part of the Children’s Aid Society in light of the steps taken by the Centre, which included the termination of the Member and the filing of a report with the College.

Centre Policies

13. The Centre’s policy and procedures manual, which was acknowledged and signed by the Member, stated the following with respect to supervision of children indoors:

Anytime, you are inside, you also need to position yourself in a way that your back is never to children. You need to have an accurate count of the children at all times – this means scanning the room periodically and counting to yourself. You need to be on the floor playing with the children at most times. If you have to do anything such as prep work, cleaning tables, getting beds out etc. you still need to be scanning the room and assisting to supervise the children. If you need to leave the room for any reason, such as the bathroom, you need to tell your co-worker where you are going. If you are in a room alone, you need to call to the office or the kitchen and have someone relieve you. At no time can any child be left unsupervised. All programming supplies should be gathered before or after your shift or on lunch break and not during the time you should be with the children. The half door in the school age room should be kept closed at all times. Children are not to leave the room for any reason without you knowing where they are going and must be supervised.

14. The Member did not comply with the Centre’s policies and procedures when the Child left the senior preschool classroom unsupervised and when the Member failed to ensure an accurate count of the children under her care during the transition of the other children to the senior preschool classroom, or around the time of the incident. In addition, the Member failed to promptly report the incident involving the Child.
15. The Centre identified prior concerns with the Member’s supervision of children in late 2014. A file note from the Centre, dated October 27, 2014, indicated that the Member left children unattended in the hallway or classroom in October 2014. Another file note, dated November 6, 2014, indicated that the Member needed to improve supervision of children in the washroom. The Member had previously received a recommendation and

warning note from the Centre in relation to a failure to inform management of incidents involving children under her supervision on four occasions in 2014.

16. None of those prior incidents were reported to the College at the time and none of them have been the subject of a complaint or a report to the College, or a separate investigation by the College. No allegations of misconduct arising from those incidents have been referred to the Discipline Committee.

College's Standards of Practice

17. The Member agrees that the standards of the profession are as set out in the College's *Code of Ethics and Standards of Practice*.

Admissions of Professional Misconduct

18. The Member admits that, by reason of the facts set out above, she engaged in and is guilty of professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, 2008, in that:
 - a. she failed to supervise adequately a person who was under her professional supervision, contrary to *Ontario Regulation 223/08*, subsection 2(2).
 - b. she failed to maintain the standards of the profession, contrary to *Ontario Regulation 223/08*, subsection 2(8) in that:
 - i. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice;
 - ii. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to the Member's professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the College's Standards of Practice;
 - iii. she failed to observe and monitor the learning environment and anticipate when support or intervention was required, contrary to Standard IV.B.3 of the College's Standards of Practice;
 - iv. she failed to work collaboratively with colleagues in the workplace in order to provide a safe, secure, healthy and inviting environment for children and families, contrary to Standard IV.C.1 of the College's Standards of Practice; and
 - v. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College's Standards of Practice;

- c. she acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to *Ontario Regulation 223/08*, subsection 2(10); and
- d. she failed to comply with the Act and/or the professional regulation made under the Act (being *Ontario Regulation 223/08*), contrary to *Ontario Regulation 223/08*, subsection 2(19).

DECISION ON THE ALLEGATIONS

The Panel deliberated and made the findings of professional misconduct as set out in paragraph 18 of the Agreed Statement of Facts, and in paragraphs a, b, c and d of the Notice of Hearing in that she has:

- a) failed to supervise adequately a person who was under her professional supervision, contrary to *Ontario Regulation 223/08*, subsection 2(2).
- b) failed to maintain the standards of the profession, contrary to *Ontario Regulation 223/08*, subsection 2(8) in that:
 - i. she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice;
 - ii. she failed to know, understand and abide by the legislation, policies and procedures that are relevant to the Member's professional practice and to the care and learning of children under her professional supervision, contrary to Standard IV.A.2 of the College's Standards of Practice;
 - iii. she failed to observe and monitor the learning environment and anticipate when support or intervention was required, contrary to Standard IV.B.3 of the College's Standards of Practice;
 - iv. she failed to work collaboratively with colleagues in the workplace in order to provide a safe, secure, healthy and inviting environment for children and families, contrary to Standard IV.C.1 of the College's Standards of Practice; and
 - v. she conducted herself in a manner that could reasonably be perceived as reflecting negatively on the profession of early childhood education, contrary to Standard IV.E.2 of the College's Standards of Practice;
- c) 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
- d) failed to comply with the Act and/or the professional regulation made under the Act (being *Ontario Regulation 223/08*), contrary to *Ontario Regulation 223/08*, subsection 2(19).

REASONS FOR DECISION

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

The Member neglected to properly watch over the children and allowed a child to wander off alone unsupervised for an extended period of time. In this regard, the Member failed to supervise a person in her care. This was also a major breach of the standards of the profession, which exposed the child to grave physical risk. It is obvious from this behaviour that the Member did not make it her foremost responsibility to ensure the safety and well-being of a child who was under her professional supervision.

The Member did not utilize strategies to ensure safe and appropriate supervision based on the age and development of the child and the current environment of a transition.

The Member did not utilize information from the Centre and apply it in this situation regarding safety concerns for the child. She failed to observe the increased need for supervision of children during a transition and access support within the Centre.

The Member failed to abide by policies and procedures by demonstrating a consistent pattern of ignoring directives around appropriate supervision in a variety of locations for children under her care.

The Member's practice did not demonstrate her application of the Centre's policies and procedures. Upon obtaining employment with the Centre, the Member accepted responsibility for implementation of the Centre's policies and procedures by signing and acknowledging that she understood said documents.

The Member's lack of communication during a transition time demonstrates a failure to work collaboratively with her colleague to ensure that the room was adequately supervised and to provide a safe, secure and healthy environment for children. Through her carelessness, she failed to act as a role model for her colleague and for other early childhood educators.

The Member failed to report this incident to her supervisor in a timely fashion. This demonstrates a level of disregard for the necessary communication and the seriousness of the incident.

The risk associated with a lost child could reasonably be perceived as reflecting negatively on the profession of Early Childhood Education.

All of these actions or inactions support that the Member has conducted herself in a manner that is regarded as disgraceful, dishonourable or unprofessional.

The Member failed to meet her obligations as an RECE by not complying with *Early Childhood Educators Act, 2007*.

POSITION OF THE PARTIES ON PENALTY

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

1. Requiring the Member to appear before the Panel to be reprimanded on the date of this Order.
2. Directing the Registrar to suspend the Member's certificate of registration for four (4) months. The suspension will take effect from the date the Member obtains a certificate of registration in good standing with the College, and will run without interruption as long as the Member remains in good standing with the College.
3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:
 - a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007* ("Employment"), the Member, at her own expense, will arrange for a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director of Professional Regulation (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.
 - b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employer(s).
 - c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the

Director, or within 14 days after the release of such documents, whichever is earliest:

- i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty, and
 - iv. a copy of the Panel's Decision and Reasons.
 - d. The Member will meet with the Mentor every two weeks after she 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)).
 - e. After a minimum of five sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour
 - f. All documents delivered by the Member to the College or the Mentor will be delivered by registered mail, courier or email, and the Member will retain proof of delivery. If delivered by email, documents will be deemed to have been received by the recipient on the date of the email being sent.
4. Directing that in accordance with section 29(2) of the *Early Childhood Educators Act, 2007* (and as required even in the absence of the Discipline Committee's direction), the Member's suspension, the terms, conditions and limitations imposed on her certificate of registration and a link to the Discipline Committee's decision will be publicly posted on the College's register.
5. Requiring the Member to pay the College's costs fixed in the amount of \$1,000.00, to be paid in four (4) equal installments of \$250.00 with the first payment due on the date of the hearing, the second on February 28, 2018, the third on May 31, 2018, and the fourth

on September 28, 2018, by means of four post-dated cheques to be provided by the Member to the College on the date of the hearing.

6. All documents delivered by the Member to the College will be delivered by registered mail, courier or email, and the Member will retain proof of delivery. If delivered by email, documents will be deemed to have been received by the recipient on the date of the email being sent.

The parties submitted that the proposed order was appropriate and reasonable in light of the facts agreed upon.

Counsel for the College submitted that the College retained jurisdiction over the Member even though she was suspended for non-payment of her fees pursuant to s.18(3) of the Act.

Counsel for the College further submitted that a joint submission should be accepted by the Panel unless it would bring the administration of justice into disrepute.

Counsel for the College submitted that the proposed penalty was appropriate and protected the public interest by serving the functions of general and specific deterrence. The proposed penalty was further proportionate to the misconduct and was consistent with penalties in analogous cases. In this regard, College Counsel provided other cases from this College in support of the proposed penalty, which contained analogous conduct and findings of misconduct.¹

College Counsel submitted that it was a mitigating factor that this was the first time that the Member's conduct has come before a Panel of the Discipline Committee. An aggravating factor was that the Member placed a child at risk and failed to report the incident to her supervisor.

The Member's counsel submitted that the fact that the Member entered into a plea, thereby saving the College the time and expense of a contested hearing was a significant mitigating factor. Member's counsel also argued that the Member had limited experience with the child at issue and was not aware that the child was an escapee. However, this information was well known in the child's classroom. Member's counsel also highlighted that the parents of the child were not concerned and had not made a complaint.

PENALTY DECISION

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

¹ College of Early Childhood Educators v. McKenzie, 2017 ONCECE5 (CANLII), College of Early Childhood Educators v. Coleman, 2017 ONCECE8 (CANLII), College of Early Childhood Educators v. Belfiore, 2012 ONCECE4 (CANLII).

1. The Member is required to appear in person to be reprimanded by the Discipline Panel as outlined in s. 33(5)1 of the *Early Childhood Educators Act, 2007*, SO 2007, c 7, Sch 8 (the “Act”).
2. The Registrar is directed to suspend the Member’s certificate of registration for four (4) months. The suspension will take effect from the date the Member obtains a certificate of registration in good standing with the College, and will run without interruption as long as the Member remains in good standing with the College.
3. The Registrar is directed to impose the following terms, conditions and limitations on the Member’s certificate of registration:
 - a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007* (“Employment”), the Member, at her own expense, will arrange for a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.
 - b. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employer(s).
 - c. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel’s Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty, and
 - iv. a copy of the Panel’s Decision and Reasons.

- d. The Member will meet with the Mentor every two weeks after she 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)).
 - e. After a minimum of five sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(c),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(c) and discussed the subjects set out in paragraph 3(d) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
 - f. All documents delivered by the Member to the College or the Mentor will be delivered by registered mail, courier or email, and the Member will retain proof of delivery. If delivered by email, documents will be deemed to have been received by the recipient on the date of the email being sent.
4. In accordance with section 29(2) of the *Early Childhood Educators Act, 2007* (and as required even in the absence of the Discipline Committee's direction), the Member's suspension, the terms, conditions and limitations imposed on her certificate of registration and a link to the Discipline Committee's decision will be publicly posted on the College's register.
 5. The Member is required to pay the College's costs fixed in the amount of \$1,000.00, to be paid in four (4) equal installments of \$250.00 with the first payment due on the date of the hearing, the second on February 28, 2018, the third on May 31, 2018, and the fourth on September 28, 2018, by means of four post-dated cheques to be provided by the Member to the College on the date of the hearing.
 6. All documents delivered by the Member to the College will be delivered by registered mail, courier or email, and the Member will retain proof of delivery. If delivered by email, documents will be deemed to have been received by the recipient on the date of the email being sent.

7. The results of this hearing shall be recorded on the College's Public Register in accordance with the Act and the College's by-laws.
8. The Discipline Panel'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 PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate RECEs. 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 level of appropriate penalty. The Panel therefore considered the previous cases that were presented.

The Member cooperated with the College and, by agreeing to the facts and proposed penalty has accepted responsibility.

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

An oral reprimand provides the Panel with the opportunity to remind the Member of her professional obligations as an early childhood educator.

The suspension of four months, to be applied from the date the Member obtains a certificate of registration in good standing, acts a specific deterrent to the Member and as a general deterrent to other members of the profession, from engaging in such conduct. This also enhances the public's confidence that the College will address such serious breaches of the Code of Ethics and Standards of Practice.

If the Member returns to practice, she will be rehabilitated through the specified mentorship relationship and continuous professional learning and take full ownership of her breaches in the Code of Ethic and Standards of Practice as ordered by the Panel.

These terms, conditions and limitations will be listed on the Member's registration until they have been satisfied.

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 \$1,000.00, to be paid in four (4) equal installments of \$250.00 with the first payment due on the date of the hearing, the second on February 28, 2018, the third on May 31, 2018, and the fourth on September 28, 2018, by means of four post-dated cheques to be provided by the Member to the College on the date of the hearing.

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

Kath Gradwell

March 12, 2018

Kath Gradwell, Chairperson

Date