

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

Citation: College of Early Childhood Educators vs Sarah Scott,
2015 ONCECE 2
Date: 2015-01-22

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 Sarah Scott, RECE, a
current member of the College of Early Childhood Educators.

PANEL: Rhiannon Brown, RECE,
Chair Rosemary Fontaine
Jacqueline Hooper-Boyd

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD	)	M. Jordan
EDUCATORS	)	Glick
	)	WeirFoulds
	)	LLP,
-and-	)	for the College of Early Childhood Educators
)	
SARAH SCOTT)	
REGISTRATION # 34628)	
	)	Sarah Scott,
	)	RECE on her
	)	own behalf
)	
)	
)	
	)	David Leonard,
	)	McCarthy Tetrault
	)	LLP,
	)	Independent Legal Counsel

Heard: January 22, 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 22, 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 Sarah Scott, RECE (the "Member"), specifying the charges and requesting her attendance before the Discipline Committee of the College of Early Childhood Educators on December 16, 2014 at 11:00 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 29, 2014, confirming the Notice of Hearing was served on the Member.
3. The Member was in attendance at the hearing and was not represented by legal counsel.

THE ALLEGATIONS

4. The allegations against the Member, as stated in the Notice of Hearing, are as follows:

IT IS ALLEGED that Sarah Scott, 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 maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice; and,
 - ii. She failed to recognize that she is a role model for children, families, members of her profession, supervisees and other colleagues and thereby conducted herself in a manner that reasonably could be perceived as reflecting negatively on the profession, contrary to Standard IV.E.2 of the College's Standards of Practice.
- 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(22).

AGREED STATEMENT OF FACTS

5. Counsel for the College submitted an affidavit signed on January 7, 2015 by S. E. Corke, Registrar and Chief Executive Officer of the College (Exhibit 1, Tab 2). The affidavit states that Sarah Scott is a member of the College, her current registration status is "Current Member" and it outlines the historical changes that occurred since the Member was issued a certificate of registration.

AGREED STATEMENT OF FACTS

6. Counsel for the College advised the Committee that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts, signed December 12, 2014 (Exhibit 1, Tab 3). The Agreed Statement of Facts provides as follows:

- a) Sarah Scott ("Ms. Scott" or the "Member") is, and was at all times relevant to the Allegations in the Notice of Hearing, a registered member of the College of Early Childhood Educators (the "College").
- b) From on or about January 2014 until on or about August 15, 2014, the Member was employed as a Registered Early Childhood Educator at Ska:na Little Friends Child and Family Development Centre (the "Centre").
- c) On August 8, 2014 at or around 7:15a.m., the Member brought a marijuana cigarette into the Centre with the intention of giving it to her colleague, A.D., later in the day. The marijuana cigarette was contained in a Tylenol bottle inside the Member's purse, and her purse was stored in a cupboard inside the infant room.
- d) At or around 11:30 a.m., on August 8, 2014, N.B., an RECE who was working with the Member in the infant room at the Centre, detected the smell of marijuana in the cupboard where the Member's purse was stored. The Member confessed to N.B. that there was marijuana in her purse and that she intended to give it to A.D. to help relieve A.D.'s insomnia. At N.B.'s request, the Member removed the Tylenol bottle containing the marijuana cigarette from the infant room and placed it in N.B.'s car.
- e) At or around 5:00p.m. on August 8, 2014, N.B. drove A.D. home. When they

arrived at A.D.'s apartment building, N.B. gave A.D. the Tylenol bottle containing the marijuana cigarette.

- f) On August 13, 2014:
 - i. N.B. informed Faith Hale, RECE and Executive Director of the Centre, that the Member brought a marijuana cigarette to the Centre with the intention of giving it to another Centre employee.
 - ii. Sandra Poirier, President of the Centre's Board of Directors, filed a serious occurrence report with the Ministry of Education.
 - iii. The Police were contacted to investigate the matter, but no charges were laid.
- g) As a result of the Member's conduct, her employment at the Centre was terminated on August 15, 2014.
- h) The parties agree that these facts are substantially accurate.
- i) Ms. Scott admits that by reason of the facts set out above, she engaged in professional misconduct, as defined in subsection 33(2) of the ECE Act, in that:
 - i. She failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8) in that:
 - 1. She failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice; and,
 - 2. She failed to recognize that she is a role model for children, families, members of her profession, supervisees and other colleagues and thereby conducted herself in a manner that reasonably could be perceived as reflecting negatively on the profession, contrary to Standard IV.E.2 of the College's Standards of Practice.
 - ii. 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).
 - iii. She conducted herself in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).
- j) The Member understands the nature of the allegations that have been made against her and that by voluntarily admitting to these allegations; she waives her right to require the College to otherwise prove the case against her.
- k) The Member understands that the Discipline Committee can accept that the facts herein

constitute professional misconduct.

- l) The Member understands that the panel's decision and reasons may be published, including the facts contained herein along with her name.
7. During the hearing, the Member made an oral admission of guilt following a plea inquiry made by the Committee.

DECISION

8. Having considered the Exhibits filed, and based on the Agreed Statement of Facts and guilty plea, and the submissions made by College counsel and the Member, the Discipline Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Sarah Scott, the Member, committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections 2(8), 2(10), 2(22) and Standards III.A.1 and IV.E.2 of the College's *Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

9. The Committee finds the Member to be guilty of professional misconduct based on the admitted facts and allegations contained in the signed Agreed Statement of Facts and her oral admission of guilt. The facts in the agreement were uncontested by the Member and she acknowledged that her conduct under examination constituted professional misconduct. As such, the Committee accepts the Member's plea and the Agreed statement of Facts.
10. The Member jeopardized the health and safety of the learning environment and compromised the reputation of the Centre by storing a controlled substance in a

classroom. Not only did the Member expose both the students and her colleagues to the potentially serious health risks associated with illegal drugs, but her reckless actions could have caused irreparable damage to the Centre's image by associating it with illicit drug activity.

11. While the Member's actions were deliberate, there is no indication that they were maliciously motivated or intended to expose the children, her colleagues or the Centre to any undue harm. Rather, the evidence presented suggests that the Member exercised very poor judgment in an ill-planned attempt to relieve her colleague's insomnia.
12. However, the Member's well-meaning intentions do not negate the fact that her conduct was a clear violation of the College's *Code of Ethics and Standards of Practice* as well as Ontario Regulation 223/08, nor does it allow the Committee to ignore the misconduct at hand. As the Committee is obligated to protect the public interest, the careless behaviour demonstrated by the Member is not something that will be overlooked or tolerated.

JOINT SUBMISSION ON PENALTY

13. College counsel submitted a Joint Submission as to Penalty signed by the Member on December 12, 2014 (Exhibit 1, Tab 4), which provides as follows:
 - a) Ms. Sarah Scott ("Ms. Scott" or the "Member") shall be reprimanded by the Discipline Committee and the fact of the reprimand shall be recorded on the register.
 - b) The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the register, requiring the Member to research and complete a written paper of at least 1,000 words on the

topic of, and entitled, "10 ways of demonstrating professionalism as an ECE and as a leader in professional practice." The written paper must be submitted to the Registrar within three (3) months from the date of the Committee's Order and must be completed to the satisfaction of the Registrar.

- c) The results of the hearing shall be recorded on the Register.
 - d) 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 publication, *Connexions*.
 - e) The Member and the College agree that if the Committee accepts this Joint Submission as to Penalty, there will be no appeal of the Committee's decision to any forum.
14. Counsel for the College submitted that in determining an appropriate penalty for the Member, the Committee should take into consideration the overarching principles of specific and general deterrence. Specific deterrence is devised to ensure that the Member will not repeat an act of professional misconduct, while general deterrence is intended to inform other members of the profession of the type of penalty that awaits them should they err in a similar fashion.
15. College counsel indicated that the Committee has previously accepted joint submissions as to penalty, adding that while such submissions are not binding on the Committee, both the Ontario Court of Appeal and Divisional Court have held that joint submissions should not be rejected unless they are "contrary to the public interest" and would "bring the administration of justice into disrepute."
16. Counsel for the College submitted that the proposed penalty, which has been agreed to by the parties, is appropriate and reasonable and satisfies the College's duty to protect the public interest. College counsel stated that a reprimand is appropriate as it allows the College to dialogue with the Member and to convey to her disapproval of

her conduct. In addition to the reprimand, the Member is required to complete a written paper, a measure which is not intended to be punitive but rather remedial and educational. By completing a research and writing assignment, the Member will have an opportunity to reflect on her conduct, thus serving a specific deterrence function. Counsel for the College further stated that publication of the Member's conduct is an important and appropriate measure for the protection of the public at large and serves as a general deterrent to College members.

17. College counsel submitted that the proposed penalty is appropriate, protects the public interest by serving the functions of general and specific deterrence and is proportionate to the misconduct as found.

PENALTY DECISION

18. After considering the joint submission made by College counsel and the Member, the Committee makes the following order as to penalty:
 - a) The Member shall appear before the Discipline Committee immediately following the hearing to receive a reprimand, and the fact of the reprimand shall be recorded on the College's register.
 - b) The Registrar shall be directed to impose a term, condition and limitation on the Member's Certificate of Registration, to be recorded on the register, requiring the Member to research and complete a written paper of at least 1,000 words on the topic of, and entitled, "10 ways of demonstrating professionalism as an ECE and as a leader in professional practice." The written paper must be submitted to the Registrar within three months from the date of the Committee's Order and must be completed to the satisfaction of the Registrar.
 - c) 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

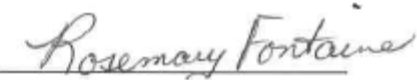
19. In matters where there is a joint submission as to penalty, the task before the Committee is to determine whether or not the submission falls within an appropriate range of penalty given the Member's misconduct. The Committee has ordered a penalty consistent with the joint submission, having determined that the proposed penalty is reasonable and serves to protect the public interest.
20. An oral reprimand provides the Committee with the opportunity to express its concerns to the Member about her professional conduct. By hearing the disapproval of her actions directly from her peers, the Member is able to witness the affect her actions have on the profession. The reprimand acts as a specific deterrence in that it discourages the Member from recommitting a similar act of misconduct by virtue of being an unpleasant experience for the Member that she would unlikely want to partake in again. Moreover, there is an added element of public shaming inherent in a reprimand, particularly one given orally, which further deters future misconduct. By recording the fact of the reprimand on the public register, the public is assured that the Committee recognizes the seriousness of the Member's behaviour and responds to acts of professional misconduct fairly and transparently.
21. By researching and completing a written paper on the topic "10 ways of demonstrating professionalism as an ECE and as a leader in professional practice," the member will be given an opportunity to review her professional responsibilities and reflect on her conduct. Researching the information for the paper will serve as a learning exercise for the Member and will equip her with the knowledge required to improve her professional practice. The intention of this assignment is to help the Member move forward in her professional practice by obligating her to give careful thought and spend time reflecting


on the behaviour that brought her before the Committee. The Member will also be committing on paper, that she understands the nature of her misconduct and is prepared to raise her level of professionalism to an acceptable standard.

22. The Committee's decision to publish the Member's name in full on the College's website and in summary in the College's newsletter *Connexions*, serves as a general deterrent by communicating to members of the profession the type of penalty that awaits them should they be found guilty of a similar offence. Publication also provides the public and potential future employers with the information needed to make reasonable and sound decisions. The Committee respects the importance of transparency and understands that the public's confidence in the College is dependent on its ability and willingness to police itself.
23. Given her full participation in the hearings process, the Committee is of the view that the Member will learn from this experience, and moving forward, will take into consideration the impact her actions have on the children in her care, colleagues and place of employment, and will exercise better judgment.
24. In conclusion, the Committee is confident that the penalty serves the interests of the public and of the profession.

Date: January 22, 2015


Rhianon Brown, RECE
Chair, Discipline Panel


Rosemary Fontaine
Member, Discipline Panel


Jacqueline Hooper-Boyd, RECE
Member, Discipline Panel