

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Debra Jo-Anne Harwood this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

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

PANEL: CeCil Kim, RECE, Chairperson
Julie Benoit, RECE
Geneviève Breton

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
DEBRA JO-ANNE HARWOOD)	Kathleen Klein
REGISTRATION # 68248)	Valin Partners LLP
)	For the Member
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: March 23, 2022

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 March 23, 2022. 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, the Panel noted that the hearing was being recorded in the Zoom platform at the direction of the Panel for the hearing record, and ordered that no person shall make any audio or video recording of these proceedings by any other means.

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 Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, of any 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 January 5, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Debra Jo-Anne Harwood (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at YMCA of Northeastern Ontario (the “YMCA”) in North Bay, Ontario.

Incident 1

2. On or about the afternoon of September 10, 2019, the Member was responsible for supervising a group of school aged children, including a 6½ year old boy (“Child 1”), who

stepped out into the hallway. The Member approached Child 1 and restrained him by forcefully wrapping her arms around him and lifting him off the ground. The Member released Child 1 after he punched her in the shoulder a few times. Child 1 then returned to the classroom. The Member followed Child 1 back into the classroom and then sat down, restraining Child 1 in her lap.

3. A few minutes later, Child 1 stepped out into the hallway again and attempted to leave the YMCA through an exit leading out of the building. The Member shut the door to the classroom and did not take any action to prevent Child 1 from leaving the building. Child 1 was stopped by another staff member, who spoke to him until his mother arrived to pick him up.
4. The Member did not report the incident to the Centre's management or to the Child's parents.
5. On or about September 12, 2019, after other staff reported the incident to the Centre's management, the Member completed an incident report regarding the incident ("Report 1"). In Report 1, the Member provided a misleading description of her interaction with Child 1 by stating that she "redirected" Child 1, without indicating that she forcefully restrained him, twice.

Incident 2

6. On or about the morning of September 11, 2019, the Member forcefully restrained Child 1 in the gym, causing him to fall down on his buttocks and begin crying.
7. The Member did not report the incident to the Centre's management or to the Child's parents.
8. On or about September 12, 2019, after other staff reported the incident to the Centre's management, the Member completed an incident report regarding the incident ("Report 2"). In Report 2, the Member provided a misleading description of her interaction with Child 1, by stating that she "tried to redirect" Child 1, without indicating that she forcefully restrained him, causing him to fall onto the floor.

Incident 3

9. On or about the morning of September 11, 2019, the Member was responsible for transitioning a 4 year old kindergarten student ("Child 2") to his classroom. During the transition, Child 2 left the group and went to an outdoor playground on the YMCA premises,

alone and unsupervised. A short time later, another staff member noticed Child 2 and he was escorted to his classroom. The Member did not realize that Child 2 was unsupervised for approximately 15 minutes, until the Centre's Supervisor approached the Member to advise her that that he had been found.

10. By engaging in the conduct set out in paragraphs 2 – 9 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act in that:

- a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2;
- b. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
- c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
- d. 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.
- e. 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);
- f. The Member signed or issued, in her professional capacity, a document that the Member knew or ought to have known, contained a false, improper or misleading statement, contrary to Ontario Regulation 223/08, subsection 2(16); and/or
- g. 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 3 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 YMCA of Northeastern Ontario (the "Centre") in North Bay, Ontario.

Incident #1

3. On the afternoon of September 10, 2019, the Member was responsible for supervising a group of school aged children, including Child 1 who stepped out into the hallway. The

Member approached Child 1 and restrained him by forcefully wrapping her arms around him and lifting him off the ground. The Member released Child 1 after he punched her in the shoulder a few times. Child 1 then returned to the classroom. The Member followed Child 1 back into the classroom and then sat down, restraining Child 1 in her lap.

4. A few minutes later, Child 1 stepped out into the hallway again and attempted to leave the YMCA through an exit leading out of the building. The Member shut the door to the classroom and did not take any action to prevent Child 1 from leaving the building. Child 1 was stopped by another staff member, who spoke to him until his mother arrived to pick him up.
5. The Member did not report the incident to the Centre's management or to the Child's parents.
6. On September 12, 2019, after other staff reported the incident to the Centre's management, the Member completed an incident report regarding the incident ("Report 1"). In Report 1, the Member provided a misleading description of her interaction with Child 1 by stating that she "redirected" Child 1, without indicating that she forcefully restrained him, twice.

Incident #2

7. On the morning of September 11, 2019, the Member forcefully restrained Child 1 in the gym, causing him to fall down on his buttocks and begin crying.
8. The Member did not report the incident to the Centre's management or to the Child's parents.
9. On September 12, 2019, after other staff reported the incident to the Centre's management, the Member completed an incident report regarding the incident ("Report 2"). In Report 2, the Member provided a misleading description of her interaction with Child 1, by stating that she "tried to redirect" Child 1, without indicating that she forcefully restrained him, causing him to fall onto the floor.

Incident #3

10. On the morning of September 11, 2019, the Member was responsible for transitioning a group of children from the before-school program to the supervision of their teachers, including a 4 year old kindergarten student ("Child 2").

11. The YMCA's supervision procedures required the Member to complete three headcounts during the transition: while getting ready to go outside, before going outside and when transitioning the children to the teacher. The Member failed to follow the procedure, and counted the children in the group only once, before leaving the before-school program room with the group. As a result, the Member did not notice that during the transition, Child 2 left the group and went to an outdoor playground on the YMCA premises, alone and unsupervised.
12. A short time later, another staff member noticed Child 2 and he was escorted to his classroom.
13. The Member did not realize that Child 2 was unsupervised for approximately 15 minutes, until the Centre's Supervisor approached the Member to advise her that he had been found.

Additional Information

14. The YMCA Program Statement and YMCA policies detail prohibited practices, stating that physical restraint of a child is prohibited, unless "the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and is used only as a last resort and only until the risk of injury is no longer imminent."
15. Less than two weeks prior to the incidents the Centre's management placed the Member on an Improvement Plan (the "Plan"). The concerns leading to the imposition of the Plan included, among other things, often yelling at children, and punishing children by restraining them on her lap or making them stand in the kitchen. The Plan identified three areas where the Member's performance had to be improved: (i) positive relationships with children; (ii) responsibility to the profession; and (iii) good practices when interacting with children.
16. As part of the Plan the Member was instructed to review the College's Code of Ethics and Standards of Practice, as well as the YMCA Program Statement. The Member signed off on reviewing the YMCA's procedures and the legislation on September 3, 2019, a week prior to the incidents.
17. The Member was terminated from her position as an RECE at the Centre as a result of the incidents described above.

18. The allegations were reported to the Children's Aid Society ("CAS"). CAS investigated the incidents and verified the following:

- a. The Member used physical intervention with Child 1, causing risk that he was likely to be harmed.
- b. Risk that Child 1 was likely to be emotionally harmed, resulting from the Member's actions or inaction and/or inadequate response.
- c. The Member inadequately supervised Child 2, resulting in risk that he was likely to be harmed and/or distressed.

19. If the Member were to testify, she would advise the following:

- a. She did not intend to harm Child 1 when she made physical contact with him.
- b. Following the incidents, the Member undertook extensive professional development to improve and enhance her practice. Among other things, she attended 22 hours of instruction on positive behaviour guidance strategies and behaviour guidance of children exhibiting challenging behaviours.

Admissions of Professional Misconduct

20. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 13 above, and as defined in subsection 33(2) of the Act in that:

- a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2;
- b. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
- c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);

- d. 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.
- e. 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);
- f. The Member signed or issued, in her professional capacity, a document that the Member knew or ought to have known, contained a false, improper or misleading statement, contrary to Ontario Regulation 223/08, subsection 2(16); and/or

- g. 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 parties submitted that the Panel could rely on the facts as outlined in the Agreed Statement of Facts, and only those facts, to make a finding of professional misconduct.

The College submitted that by leaving Child 2 in the hallway alone, the Member failed to supervise Child 2 adequately. Excessive and unnecessary physical contact with Child 1 constituted physical abuse. The College submitted that Child 1's attempt to get away by leaving the hallway and his crying, were evidence that the Member emotionally abused Child 1. The College submitted that by filling out misleading incident reports and failing to follow procedures, the Member failed to maintain the standards of the profession which was behaviour that was disgraceful, dishonorable and unprofessional and unbecoming of a member.

The Member agreed with the submissions of the College and highlighted the fact that following the incident, the Member completed 22 hours of professional development courses covering positive behaviour guidance.

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 the Notice of Hearing and the Agreed Statement of Facts.

The Panel found that based on the Agreed Statement of Facts the Member's actions constituted professional misconduct.

The evidence established that the Member failed to properly supervise and care for the children that were under her responsibility when she did not prevent Child 1 from leaving the Centre and when she failed to conduct proper transitioning procedures such that she failed to realize Child 2 had been left unsupervised in the playground.

There was also evidence before the Panel that the Member improperly restrained Child 1 on more than one occasion. Such conduct would support a finding of physical abuse of a child who was under the Member's professional supervision.

The facts were clear that Child 1 was crying during the Member's abusive interactions with him and this establishes that the Member psychologically or emotionally abused a child who was under her professional supervision.

Through her physical conduct and interactions with Child 1 and by failing to supervise Child 1 and Child 2, the Member failed to maintain the standards of the profession. Her conduct demonstrated that she was not knowledgeable about appropriate strategies supporting positive interactions with children. She further failed to engage in supportive and respectful interactions with children when she was physical with Child 1. Her conduct demonstrates that she did not create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion. By failing to interact appropriately with Child 1 and by not supervising Child 1 and 2 properly, the Member demonstrated that she failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children. Her conduct demonstrated a complete failure to model professional values, beliefs and behaviours and further demonstrated that she did not understand that her conduct reflects on her as a professional and on her profession.

The evidence before the Panel included that the Member created incident reports that were not accurate and were misleading in relation to her interactions with Child 1. This established that the Member engaged in misconduct by signing or issuing a document that the Member knew or ought to have known, contained a false, improper or misleading statement.

The evidence established that the Member acted in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional and would be viewed as conduct unbecoming a member.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and Counsel for 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 immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 10 months.

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:

Mentorship

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator or engaging in the practice of early childhood education, as defined in section 2 of the Act, 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 of Professional Regulation. 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.

- 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 employers.
- 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 Costs, and
 - iv. the Panel's Decision and Reasons.
- d. 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)).
 - e. 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(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 email, registered mail or courier, and the Member will retain proof of delivery.
 - g. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 30 months of the date of this Order.

Submissions of the College on Penalty and Costs

The College submitted that the proposed order was appropriate and reasonable in light of the facts agreed upon. The College provided seven cases in support of the proposed penalty,¹ and submitted that while there has never been a case before the College with both contained issues of physical abuse and failure to supervise, these cases represented conduct of a similar nature and established that the proposed penalty was reasonable and would not bring the administration of justice into disrepute.

The College submitted that the prime aggravating factors in this case were:

- 1) The Member's conduct towards Child 1 was forceful on three separate occasions.
- 2) Child 1 was emotionally impacted by the Member's conduct.
- 3) The Member did not take action to prevent Child 1 from leaving the building, potentially exposing him to further harm.
- 4) The Member failed to report the incident in an appropriate manner
- 5) After other staff reported the incident, the Member prepared falsified incident reports. This could have impacted the investigation.
- 6) By not following head count procedures during transition, the Member did not take appropriate actions that could have prevented Child 2 being left without supervision.
- 7) The Member did not realize Child 2 was missing until another staff member brought it to her attention that the Child 2 was found unsupervised.
- 8) The Member exhibited a pattern of concerning behaviors for both abusive conduct and failure to supervise.
- 9) Prior concerns were expressed regarding her behavior and she was put on an improvement plan during the time of these incidents.

The parties agreed that the mitigating factors in this case were:

- 1) Immediately after the incidents, the Member showed insight and voluntarily took steps to undertake professional development.

¹ *College of Early Childhood Educators v. Hashimi* (2018), *College of Early Childhood Educators v. Alves* (2018), *College of Early Childhood Educators v. Jenkins* (2020), *College of Early Childhood Educators v. Raybon* (2021), *College of Early Childhood Educators v. Li* (2018), *College of Early Childhood Educators v. Liu* (2019), *College of Early Childhood Educators v. Al Azawi* (2021),

- 2) The Member pleaded guilty to the allegations of professional misconduct, thereby saving time and resources for the College.
- 3) The Member has been an RECE for 3 years with no reports of prior misconduct.

The College also submitted that the Panel could consider the fact that none of the children were harmed by the Member's lack of supervision.

- a. The College is not aware of any long-term emotional impact on the children.
- b. Child 2 was not exposed to hazards while left unsupervised.

The College submitted that with respect to the proposed costs order, costs are routinely imposed in professional discipline matters. The costs being sought were a symbolic amount (although not for the Member). The Member's financial hardship was taken into account regarding the timing for the repayment.

Submissions of the Member on Penalty and Costs

The Member echoed the submissions of the College. The Member further submitted that no criminal charges were laid and that she cooperated with CAS. The Member is currently not working and lives in a small northern community. The Member voluntarily undertook additional training. She has good standing in her community and is known for her involvement and contribution.

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 the Panel to be reprimanded immediately following the hearing of this Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 10 months. 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:

Mentorship

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator or engaging in the practice of early childhood education, as defined in section 2 of the Act, 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 of Professional Regulation. 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.

- 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 employers.

- 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 Costs, and
 - iv. the Panel's Decision and Reasons.

- d. 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)).

- e. 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(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 email, registered mail or courier, and the Member will retain proof of delivery.
- g. 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 level of appropriate penalty. The Panel therefore considered the previous cases that were presented.

The Panel noted that the Member cooperated with the College and, by agreeing to the facts and proposed penalty, has accepted responsibility for the misconduct. Having considered all of these factors, the Panel was satisfied that the proposed penalty in this case was appropriate and in the public interest. The suspension is in keeping with the range of suspensions that were imposed in the previous cases that were put before the Panel. This suspension is appropriate given the aggravating factors in this case. The suspension, along with the reprimand, will act as specific deterrents to the Member, and general deterrents to other members of the profession, from engaging

in such conduct. The terms, conditions and limitations imposed will help to protect the public. The Member will be rehabilitated through the mentoring sessions.

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 costs, fixed in the amount of \$1,000 to be paid within 30 months of the date of the order.

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



CeCil Kim, RECE, Chairperson

March 30, 2022
Date