

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Sandra Teves 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: Geneviève Breton, Chairperson
Yalin Gorica, RECE
Ann Hutchings, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Matthew Paik
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
SANDRA TEVES)	Self-represented,
REGISTRATION # 26833)	
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: April 25, 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 April 25, 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, 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 March 23, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Sandra Teves (the “Member”) was a member of the College and was employed as a designated Early Childhood Educator (“ECE”) at Oakridge Public School, in Mississauga, Ontario (the “School”).
2. On or about January 6, 2020, at approximately 11 a.m., the Member was supervising a group of kindergarten-aged children at the School’s fenced-in outdoor play area, including a 4½ year old child (the “Child”). At approximately 12 p.m., the Member locked the play area and brought the children inside, without conducting a headcount, checking the attendance and walking

through the yard to ensure that all the children were present. As a result, the Child remained in the play area, alone and unsupervised. The temperature at the time was 1 degree Celsius.

3. The Child attempted to open the play area and waved to passersby for assistance. Approximately 30 – 40 minutes later, a mailman noticed the Child in the play area and escorted him back to the School. The Member did not notice that the Child was missing until approximately 12:50 p.m., when she observed him crying in the company of the School's Principal.
4. By engaging in the conduct set out in paragraphs 2 – 3 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(2);
 - b) 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. 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;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or 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;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;

- c) 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
- d) 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:

1. The Member has held a certificate of registration with the College for approximately 12 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 a designated ECE at the School.

The Incident

3. On January 6, 2020, at approximately 11 a.m., the Member was supervising a group of kindergarten-aged children at the School's fenced-in outdoor play area, including the Child. At approximately 12 p.m., the Member locked the play area and brought the children inside, without conducting a headcount, checking the attendance and walking through the yard to ensure that all the children were present. As a result, the Child remained in the play area, alone and unsupervised. The temperature at the time was 1 degree Celsius.
4. After bringing the children inside, the Member left on a lunch break without conducting a physical count of the children, who remained under the supervision of another staff member.
5. The Child attempted to open the play area and waved to passersby for assistance. He felt sad and missed his parents. Approximately 30 – 40 minutes later, a mailman noticed the Child in the play area and escorted him back to the School.

6. The Member did not notice that the Child was missing until approximately 12:50 p.m., when she returned from her lunch break and observed the Child crying in the company of the School's Principal.

Additional Information

7. As a result of the Incident, the Child's parents withdrew his attendance from the School.
8. The incident was reported to the CAS, which verified that the Member inadequately supervised a child and placed the Child at risk of physical harm.
9. The Member had been employed by the Peel District School Board for approximately 19 years, prior to the Incident. There have been no prior concerns regarding her behaviour or professional abilities. Following the conclusion of the CAS investigation, the Member received a discipline letter from the School.
10. If the Member were to testify, she would advise that she feels terrible about the Incident.

Admissions of Professional Misconduct

11. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 6 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(2);
 - b. 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. 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;

- iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or 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;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;
- c. 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
- d. 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

College counsel submitted that the facts set out in the Agreed Statement of Facts would support findings of misconduct. The College submitted that the evidence established that the Member failed to do a headcount and check the attendance on returning from the outdoor play area which resulted in the Child being left on the playground on a 1 degree Celsius day. The Child remained in the playground unsupervised for 30-40 minutes. The Child was found by a member of the public. Until then, the Member had not realized the Child was missing. The Member did not provide the children under her care with a safe environment. She failed to model appropriate behaviour required by

legislation and regulation, and by the College's Code of Ethics and Standards of Practice. Her conduct negatively reflected on the profession as a whole and could erode public confidence.

The Member did not make any submissions.

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 Agreed Statement of Facts and the Notice of Hearing

The Panel found that the allegations of misconduct contained in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The evidence shows that the Member contravened the standards of practice when she failed to conduct a headcount, check the attendance and walk through the yard to ensure all children were present when the Member locked the play area and brought the children inside. As a result, the Child remained in the play area outside, alone and unsupervised. The temperature at the time was 1 degree Celsius.

Furthermore, the Member did not notice the Child was missing and went for her lunch break at 12:00 p.m. It was only when the Member returned that she observed the Child crying in the company of the School's Principal at 12:50 p.m. All of these facts combined establish on a balance of probabilities that the Member failed to adequately supervise the Child, who was under her professional supervision.

The Member also contravened the standards of practice when she neglected to properly follow established procedures for transitions, as described in paragraphs three through six of the Agreed Statement of Facts. By engaging in such conduct, the Member admitted, and the Panel finds, that the Member's conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional. In addition, the Member did not comply with the Act, and thereby failed to meet her obligations as a RECE. Finally, the Member engaged in conduct unbecoming of 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 6 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 (“RECE”) 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 (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.

- 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 5 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 days of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the Proposed Order was appropriate and reasonable in light of the facts agreed upon. It meets the principles by sending a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College. The Proposed Order would also deter the Member from engaging in misconduct in the future. Counsel also submitted that the penalty order, which contains a program of mentorship, would help to rehabilitate and support the Member in her return to practice.

Counsel for the College provided three cases in support of the Proposed Order and submitted that 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. These cases were:

College of Early Childhood Educators v. Ban Al Azawi, 2021 ONCECE 9 (CanLII)

College of Early Childhood Educators v. Jenny Ng-Nakatani, 2019 ONCECE 17 (CanLII)

College of Early Childhood Educators v. Rebecca Ann Wardhaugh, 2019 ONCECE 19 (CanLII)

College counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented the following aggravating factors for the Panel's consideration:

- The very young age of the Child (4 ½ years old)
- The length of time the Child was left alone and unsupervised (30-40 minutes)
- The Member did not realize the Child was missing
- She did not follow procedures and failed to take specific action which could have prevented the situation (i.e., failing to do a headcount and not reviewing attendance)
- The Child was emotionally impacted, felt sad and missed his parents. Following the incident, the child was observed crying in the School's Principal company. The Child was withdrawn by the parents from the School.
- The Child was exposed to weather elements (1 degree Celsius).

The College also identified the mitigating factors in this case, including the following:

- The Member acknowledged her wrongdoing, accepted responsibility, and cooperated with the investigation.
- She pleaded guilty to the misconduct charges which saved time and resources for the College. She also agreed to a joint submission on penalty which showed insight into her conduct.

- She has been a member in good standing for twelve years and has no previous misconduct.

The College noted that there were additional considerations that were described as the absence of aggravating factors including the fact that the Child was not physically injured and that this was an isolated incident and not a pattern of behaviour.

Submissions of the Member on Penalty and Costs

The Member did not make any submissions.

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 immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of 6 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 practicing 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 RECE 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 . 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 5 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 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 by the College, each of which involved similar facts to those of this case and a similar penalty to that proposed. The Panel took note that the Child was left alone, unsupervised, for 30-40 minutes. Had the Member taken appropriate action and followed procedures, the situation could have been prevented. The Panel was concerned that the Child was physically exposed to 1 degree Celsius weather conditions and was emotionally impacted by this incident. These were all factors the Panel considered in determining the penalty.

The Panel considered 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 is appropriate and in the public interest.

The Panel found that the suspension is generally consistent 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 deterrent to the Member, and a general deterrent 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 also be rehabilitated through the mentoring sessions.

ORDER AS TO COSTS

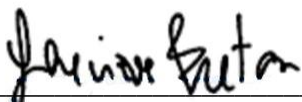
Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College's legal costs and expenses, investigation costs and hearing costs.

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 its costs, fixed in the amount of \$1,000 to be paid within 30 days of the date of the Order.

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



Geneviève Breton, Chairperson

April 29, 2022
Date