

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Abena Brimpomaa Akosah 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: Yalin Gorica, RECE, Chairperson
Dana Sharkey, RECE
Richard Filion

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
ABENA BRIMPOMAA AKOSAH,)	Self-represented
RECE # 31699)	
)	
)	
)	Lonny Rosen,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	
)	Heard: July 20, 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 July 20, 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 *Early Childhood Educators Act, 2007*. 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 June 23, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Abena Brimpomaa Akosah (the “Member”) was a member of the College of Early Childhood Educators and the Supervisor and Co-Owner of Jolly Ranchers Daycare Inc., in Orangeville, Ontario (the “Centre”).
2. On or about the afternoon of November 22, 2019, the Member was responsible for supervising a group of preschool-aged children in the Centre’s fenced playground, including ■■■ (the “Child”). The Member failed to ensure that all the children were accounted for when she transitioned them back into the Centre. As a result, the Child remained in the playground alone

and unsupervised. The temperature at the time was approximately 2 degrees Celsius and it was windy.

3. Approximately 6 minutes later, a staff member noticed the Child in the playground and alerted the Member. The Member did not notice that the Child was missing until that point. The Member then went outside and brought the Child into the Centre.
4. The Member failed to do the following:
 - a) She did not document the incident.
 - b) She did not report the incident to the Ministry of Education (the “Ministry”).
 - c) She did not report the incident to the Child’s parents.
5. Four days later, a staff member reported the incident to the Ministry. The Member then provided false information to the Ministry, first by denying the incident occurred, and then by providing false and/or misleading information regarding her own involvement in the incident.
6. By engaging in the conduct set out in paragraphs 2 – 5 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act*, 2007, S.O. 2007, c. 7, Sch. 8 (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 understand the importance of creating and maintaining positive relationships with families and colleagues to support children’s well-being, contrary to Standard I.B.4 of the College’s Standards of Practice;
 - ii. 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;

- iii. 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;
 - 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;
 - v. 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;
- 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
- 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 (Exhibit 2), set out below, which included all of the allegations of professional misconduct set out in the Notice of Hearing.

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.

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 8 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 the Supervisor and Co-Owner of the Centre.

The Incident

3. On the afternoon of November 22, 2019, the Member was responsible for supervising a group of preschool-aged children in the Centre's fenced playground, including the Child, who was non-verbal. The Member failed to ensure that all the children were accounted for when she transitioned them back into the Centre. As a result, the Child remained in the playground alone and unsupervised. The temperature at the time was approximately 2 degrees Celsius and it was windy.
4. Approximately 6 minutes later, a staff member noticed the Child in the playground and alerted the Member. The Member did not notice that the Child was missing until that point. The Member then went outside and brought the Child into the Centre.
5. The Member failed to do the following:
 - a) She did not document the incident.
 - b) She did not report the incident to the Ministry.
 - c) She did not report the incident to the Child's parents.
6. Four days later, on November 26, 2019, a staff member reported the incident to the Ministry. Later that day, the Ministry's Program Advisor (the "PA") conducted an unannounced inspection at the Centre. During the inspection, the Member provided false information to the PA, as follows:
 - a) The PA asked the Member whether there was an incident where a Child remained unsupervised. The Member responded "No".
 - b) The PA then reminded the Member that under the *Child Care and Early Years Act* ("CCEYA") she is prohibited from providing false information to the PA.

- c) The PA then asked the Member again whether the Child remained unsupervised. The Member again said “No” and stated that she stood in the doorway that led to the playground and supervised the Child from there.
- d) The PA reviewed the Centre’s video surveillance, which confirmed that the Child was left alone on the playground and that the door leading to the playground was closed. Only then did the Member admit that she left the Child unsupervised on the playground.

Additional Information

- 7. The Centre’s Policy on Adherence to the CCEYA, which was in effect in November 2019, stated the following:
 - a) “[The Centre] licensee in collaboration with the appointed supervisor will ensure serious occurrence incident reports are completed with 24 hours of being aware of the incident.”
 - b) [The Centre] licensees acknowledge the importance of adhering to professional conduct at all times. Therefore, licensees have implemented this policy to enforce zero tolerance for any falsifying/provision of misleading information by any of their staff to representative of Ministry.”
 - c) “Falsifying or provision of misleading information by any [Centre] staff will be the cause of immediate termination of their employment at [Centre] without any monetary compensation.
- 8. The Incident was reported to the Children’s Aid Society (“CAS”), and the concerns regarding lack of supervision were verified.
- 9. As a result of the Incident, the Ministry cited the Centre for multiple non-compliances. This included, among other things, failing to file a Serious Occurrence report within 24 hours, knowingly providing the Ministry with false or misleading information and failing to provide a daily written record of an incident affecting the health, safety or well- being of a child.
- 10. The Member’s role as Supervisor at the Centre was suspended as a result of the Incident, and she no longer works at the Centre.

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

- a) She is remorseful for her conduct and acknowledges it was wrong.
- b) She deeply regrets not advising the Child's parents of the incident the day it occurred. She did call the Child's mother and spoke with her about the incident on November 26, 2019, after the PA's inspection.
- c) She has taken measures to improve her practice.

Admissions of Professional Misconduct

12. 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 Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, 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 understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being, contrary to Standard I.B.4 of the College's Standards of Practice;
 - ii. 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;
 - iii. 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;
 - 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;

- v. 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;
- 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
- d) The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

SUBMISSIONS OF THE PARTIES ON LIABILITY

Submissions of the College

The College submitted that the Member was responsible for supervising a group of preschool-aged children in the Centre's fenced playground, including the Child. The Member failed to ensure that all the children were accounted for when she brought them back into the Centre. As a result, the Child remained in the playground alone and unsupervised. The temperature at the time was approximately 2 degrees Celsius and it was windy. Approximately 6 minutes later, a staff member noticed the Child in the playground and alerted the Member. The Member did not notice that the Child was missing until that point. The Member then went outside and brought the Child into the Centre. The Member, in her supervisory role, failed to follow policy and procedures in documenting and reporting the incident to the Ministry and the Child's parents.

The incident was reported to the Ministry by a colleague, and while under investigation the Member provided false information and lied about her role in the incident. The College submitted that these facts, contained in the Agreed Statement of Facts, clearly establish the allegations of professional misconduct set out in the Notice of Hearing. The Member admitted to the conduct and

acknowledged the facts as set out in the Agreed Statement of Facts. The College argued that any reasonable member of the profession would consider this conduct to be dishonest, unethical and unprofessional.

Submissions of the Member

The Member submitted that her actions were unacceptable. She noted that although the Agreed Statement of Facts included the fact that she was no longer working at the Centre she had been working at the Centre until June 3, 2022. The Member also state that she had taken measures to improve her practice.

The College clarified that the Agreed Statement of Facts was signed on June 10, 2022. At that time, the Member was no longer working at the Centre, thus the agreed facts were accurate.

FINDINGS AND REASONS FOR DECISION

With 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 accepted that the incident occurred as described in the Agreed Statement of Facts, and that the Member's admission was informed and voluntary. The Panel found that all of the allegations set out in the Notice of Hearing were supported by the facts contained in the Agreed Statement of Facts. Specifically, the Child was under the Member's professional supervision, and the Member failed to adequately supervise her. In doing so, the Member breached the following Standards of the College's Standards of Practice: Standard I.B.4, by failing to understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being; Standard III.C.2, by failing to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations; and Standard III.C.5, by failing to provide safe and appropriate supervision of children based on age, development and environment. Through her conduct after the Child was returned to the Centre, the Member breached: Standard IV.B.1, by failing to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children; Standard IV.C.4, by failing 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.

Although failure to supervise children is, unfortunately, the most common type of incident that leads to allegations of misconduct heard by the Discipline Committee, the incident in question in this case is particularly egregious. This is because the Member, as a supervisor, was required to document and report the incident to the Ministry. She failed to do so, and lied about the incident while under investigation. The seriousness of her conduct demonstrates the Member's lack of integrity, lack of judgment and lack of responsibility, such that it reflects negatively on the profession. The Panel found that the Member's conduct in this case showed dishonesty, and disregard for the welfare and safety of children in her care. Such conduct shall not be tolerated, and would reasonably be regarded by members of the profession and the public as disgraceful, dishonorable or unprofessional, as well as conduct unbecoming a member of this profession.

POSITION OF THE PARTIES ON PENALTY

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

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 12 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) and 3(b) below,

Whichever is greater.

The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practicing or suspended the Member for any other reason.

3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Coursework

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, an ethics course (subject to the Director's pre-approval).
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,

- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
- vi. is pre-approved by the Director 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.

- d. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- e. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
 - i. the Panel's Order,
 - ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- f. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,

- iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- g. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(e),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(e) and discussed the subjects set out in paragraph 3(f) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- h. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- i. The College may require proof of compliance with any of the terms in this Order at any time.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000 within 3 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that the matter before the Panel involves one of the most serious acts of professional misconduct that has come before the Discipline Committee. The College requested that the Panel suspend the Member's Certificate of Registration for 12 months and the Member must successfully complete an ethics course and an extensive mentorship program upon

return to the profession. The College also requested that the Panel make an order for costs in the amount of \$1,000. These terms of penalty and costs were submitted jointly on behalf of the College and the Member.

College counsel submitted that the penalty must take into account the aggravating and mitigating factors in this case.

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

1. The Member was in a position of trust and authority; as a supervisor she is obligated to uphold all legislative requirements, and she failed to do so;
2. The Child who was left alone was a toddler and non-verbal;
3. The length of time the Child was left unsupervised, 6 minutes;
4. The member did not notice the Child was missing until it was brought to her attention;
5. The Child was exposed to weather-related risk (it was windy and 2 degree Celsius);
6. The Member did not document the incident; she failed to comply with reporting procedures mandated by the Ministry;
7. The Member did not report the incident as a Serious Occurrence within the 24-hour time frame, and therefore failed to follow CCEYA requirements. In fact, the Member engaged in a deliberate attempt not to report the incident, which was only investigated because other staff reported the incident.
8. The Member lied to the Ministry and tampered with the investigation;
9. The Member failed to report the incident to the Child's parents, ultimately creating a breach of trust; and
10. The Member's actions could have a significant negative impact on the ECE profession and parents who trust her.

The mitigating factors in this case were that:

1. The Member pled guilty and agreed to a joint submission, which saves the College time and money in this case;
2. The Member cooperated with the College and admitted her wrongdoing; and
3. The Member has been an RECE for 8 years and had a clean record before the incident.

The College also submitted three additional factors for the Panel to consider, which were not aggravating or mitigating but still relevant:

1. The Child was not physically injured;
2. The impact of the incident did not seem to have had any long-lasting emotional harm to the Child; and
3. This was an isolated incident.

The College submitted that the penalty must achieve the following objectives:

1. It must send a strong message to the community of early childhood educators and to the public that this type of misconduct is unacceptable and will not be tolerated by the College.
2. The penalty must deter other early childhood educators from engaging in similar misconduct.
3. It also must send a message to this specific Member that the behaviour is unacceptable.
4. Finally, the penalty must also address the principles of remediation and rehabilitation

The Panel finds that the proposed penalty achieves each of these objectives.

Counsel for the College noted that the facts of this case are unique and that, although the Discipline Committee has seen many cases involving a failure to supervise young children, no previous cases have involved both a failure to supervise young children and deceit/dishonesty. Counsel for the College provided three cases to demonstrate that the proposed penalty was consistent with the penalty ordered in previous cases relating to conduct of a similar nature. The College submitted that, based on these cases the proposed penalty was reasonable and accepting the parties' joint submission as to penalty would not bring the administration of justice into disrepute. These cases were:

1. *College of Early Childhood Educators v Mvidi Helene Batulapuka*, 2021 ONCECE 7
2. *College of Early Childhood Educators v Alexandra Louise Forrestall*, 2022 ONCECE 4
3. *College of Early Childhood Educators v Ban Al Azawi*, 2021 ONCECE 9

Submissions of the Member on Penalty and Costs

The Member did not make a submission on penalty and costs.

PENALTY DECISION

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

1. The Member is required to appear before 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:
 - a. 12 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) and 3(b) below,

Whichever is greater.

The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practicing or suspended the Member for any other reason.

3. Directing the Registrar to impose the following terms, conditions and limitations on the Member's certificate of registration:

Coursework

- a. Prior to the Member commencing or resuming employment as a Registered Early Childhood Educator ("RECE") or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, an ethics course (subject to the Director's pre-approval).
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as a RECE or engaging in the practice of early childhood education, as defined in section 2 of the *Early Childhood Educators Act, 2007*, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
- i. is a 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 a RECE after arranging a mentorship relationship with a pre-approved Mentor.

- d. Within 14 days of commencing or resuming employment as a RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- e. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
- i. the Panel's Order,

- ii. the Agreed Statement of Facts,
 - iii. the Joint Submission on Penalty and Costs, and
 - iv. the Panel's Decision and Reasons.
- f. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- g. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
 - i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(e),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(e) and discussed the subjects set out in paragraph 3(f) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.

- h. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.
- i. The College may require proof of compliance with any of the terms in this Order at any time.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise contrary to the public interest because the proposed penalty is so “unhinged” from the circumstances of the case that it must be rejected.

It is the Panel’s conclusion that the penalty ordered met the objectives outlined above. Accordingly, the Panel accepted the joint submission.

In reaching its decision, the Panel carefully considered the joint submission of the parties, the aggravating and mitigating factors, and the findings of comparable cases submitted by the College Counsel. 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. These two cases which involved the failure to supervise a child, resulting in suspensions of six and nine months in addition to terms, conditions and limitations, and one case which involved misconduct relating to dishonesty and deceit and resulted in a suspension of 24 months in addition to terms, conditions and limitations. Based on the foregoing, and particularly the aggravating factors in this case, the Panel found that the proposed penalty is appropriate. The suspension, along with the reprimand, will act as a 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 and the ethics course work.

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 3 months of the date of the Order.

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



Yalin Gorica, RECE
Chairperson

August 9, 2022
Date