

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Latesha Kristen Parenteau 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: Barbara Brown, RECE, Chairperson
Richard Fillion
Stacee Stevenson, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
LATESHA KRISTEN PARENTEAU)	Self-represented
REGISTRATION # 70222)	
)	
)	
)	
)	Lonny Rosen,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: July 21, 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 21, 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, 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 June 27, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Latesha Kristen Parenteau (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at a childcare centre in Ontario (the “Centre”).
2. On or about October 2, 2020, the Member, C.P. (RECE) and one other staff were responsible for supervising a group of children during nap time. Two 22 month old children,

("Child 1") and ("Child 2"), whose cots were located side by side, did not want to lay down on their cots. In response, the Member and C.P. engaged in the following conduct:

- a) C.P. stated to Child 2 words to the effect of "it's nap time and not a choice" and tightly wrapped her in a blanket, restraining Child 2's hand and feet.
 - b) C.P. then forced Child 1 to lay down on her cot, while Child 1 cried and screamed. C.P. pushed Child 1 a few times by her shoulders back to the cot, as Child 1 attempted to resist. The Member then came to assist C.P. with Child 1.
 - c) The Member forcefully wrapped Child 1 and rocked her in the cot for approximately 25-30 minutes. Child 1 continued crying and screaming until she fell asleep.
 - d) While the Member was with Child 1, C.P. forcefully swaddled Child 2 and put C.P.'s leg over Child 2's abdomen, which she held there for approximately 10-15 minutes.
 - e) After Child 1 and Child 2 fell asleep, the Member and C.P. raised their middle fingers at Child 1 and Child 2, in the view of at least one of the other children in the group, who was not yet asleep.
3. By engaging in the conduct set out in paragraph 2 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 in that:
- a) The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
 - b) The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
 - c) 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.
- d) 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
- e) 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 4 years. She is currently suspended for non-payment of fees or penalties and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE at the Centre.

The Incident

3. On October 2, 2020, three staff members, including the Member and C.P. (RECE), were responsible for supervising a group of children during nap time. Child 1 and Child 2 (collectively, the "Children"), whose cots were located side by side, did not want to lay down on their cots. In response, the Member and C.P. engaged in the following conduct:
 - a) C.P. stated to Child 2 words to the effect of "it's nap time and not a choice" and tightly wrapped her in a blanket, restraining Child 2's hand and feet.
 - b) C.P. then forced Child 1 to lay down on her cot, while Child 1 cried and screamed. C.P. pushed Child 1 a few times by her shoulders back to the cot, as Child 1 attempted to resist. The Member then came to assist C.P. with Child 1.
 - c) The Member forcefully wrapped Child 1 and rocked her in the cot for approximately 25-30 minutes. Child 1 continued crying and screaming until she fell asleep.

- d) While the Member was with Child 1, C.P. forcefully swaddled Child 2 and put C.P.'s leg over Child 2's abdomen, which she held there for approximately 10-15 minutes.
- e) After Child 1 and Child 2 fell asleep, the Member and C.P. raised their middle fingers at Child 1 and Child 2, in the view of at least one of the other children in the group, who was not yet asleep.

Additional Information

- 4. The College is not aware of any physical marks, injuries or long-lasting impact to the Children as a result of the Incident.
- 5. The Sleep Arrangements Form (the "Form") in the Children's registration package stated they "(like) to be swaddled and uses a soother." The Form was updated approximately a year before the Incident, stating the Children are "swaddled + placed into a moss bag tikinagan for sleep."
- 6. Kenora-Rainy River Districts Child and Family Services ("CFS") investigated the Incident, and the child protection concerns of cruel/inappropriate treatment resulting in harm/illness were verified.
- 7. The Member's employment at the Centre was terminated as a result of the Incident. According to the Centre's management, there have been no prior concerns regarding her behaviour or professional abilities.

Admissions of Professional Misconduct

- 8. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraph 3 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 physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
 - b) The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);

- c) 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.
- d) 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
- e) 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

The College submitted that the Member was guilty of professional misconduct and physical, psychological and emotional abuse of a child under her care. All of the allegations of misconduct are supported by the facts set out in the Agreed Statement of Facts.

College counsel submitted that the facts demonstrate that on or about October 2, 2020, during naptime, 3 staff members, including the Member, were supervising a group of children. The Member engaged in forcefully wrapping a child and rocking her in the cot for approximately 25-30 minutes while the child continued to cry and scream until she fell asleep. At the same time, the member observed another RECE forcefully swaddling and putting her leg over child 2's abdomen, which she held there for approximately 10-15 minutes. After Child 1 and Child 2 fell asleep, the Member and the other RECE raised their middle fingers in view of another child who was not asleep. The College submitted that this conduct constitutes physical, psychological and emotional abuse.

College counsel submitted that the Member's conduct was a breach of the standards of practice of the profession. RECEs are expected to be caring and empathetic and to act with integrity. The Member's conduct demonstrated that she failed to be knowledgeable about how to de-escalate the situation at hand, and use 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. The College submitted that, by her actions, the Member failed to engage in supportive and respectful interactions with a child under her care, contrary to Standard I.C.2. While dealing with a child under her care, the Member used excessive force while forcefully wrapping the child and rocking her in the cot, while she cried and screamed. By these actions, the Member psychologically and emotionally abused the Child and potentially impacted the emotional well-being of other children present.

College counsel submitted that the Member failed to establish a caring relationship and to respond to the needs of the Child by maintaining a safe, healthy and inviting learning environment, contrary to Standard III.C.1 of the College's Standards of Practice. Further, the Member failed to know, understand and abide by legislation, policies and procedures relevant to the profession and to make decisions and provide positive behavior guidance in the best interest of the Child, contrary to Standard IV.B.1. The College submitted that the Member failed

to model professional behaviour with children and her colleagues, contrary to Standard IV.C.4. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

College counsel stated that there were no physical marks evident or long-lasting effects on the Child following the incident. Upon completion of a CFS investigation, the child protection concerns of cruel/inappropriate treatment resulting in harm/illness were verified. College counsel submitted that the Member failed to model professional values, beliefs and behaviours with children, families and colleagues. 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.

The Member made no submission on liability, but agreed, by way of the Agreed Statement of Facts, that she had committed the acts of professional misconduct as outlined in the Notice of Hearing.

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 as set out in the Agreed Statement of Facts.

The Panel finds that all of the allegations set out in the Notice of Hearing are supported by the facts contained in the Agreed Statement of Facts presented by the parties. The Panel finds that the College met its onus and established that it was more likely than not that the Member engaged in the acts of misconduct as alleged.

Specifically, the Panel finds that on October 2, 2020, the Member was responsible for supervising a group of children at the Centre. She had a physical interaction with a child which lasted 25 - 30 minutes. During this period, the Member used excessive force while forcefully wrapping the child and rocking her in the cot, while she cried and screamed. Further, she observed her RECE colleague forcefully swaddle and put her leg over a child's abdomen, and the member raised her middle finger at the two sleeping children in the view of at least one awake child in the group (as did the other RECE). The Panel finds that a result of this conduct, the Member physically, psychologically and emotionally abused a child under her care, and

she failed to engage in supportive and respectful interactions with a child under her care. RECEs are required to be caring and empathetic and to act with integrity, and to comply with the standards of practice of the profession. The Standards of Practice engaged in this case include: Standard I.B.2, which requires RECEs to be knowledgeable about how to de-escalate the situation at hand, and use a range of strategies that support ongoing positive interactions with children and families; Standard I.C.2, which requires members to engage in supportive and respectful interactions with a child under her care; Standard III.C.1, which required the Member 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 by maintaining a safe, healthy and inviting learning environment; Standard IV.B.1, which required the Member to know, understand and abide by legislation, policies and procedures relevant to the profession and to make decisions and provide positive behavior guidance in the best interest of the Child; and Standard IV.C.4, which requires members to model professional behaviour with children and colleagues. The Panel finds that the Member breached all of these standards.

The Panel finds that the Member failed to model professional values and behaviours with children. All of her conduct, as outlined above, would clearly be regarded by members of the profession as disgraceful, dishonourable and unprofessional. It reflects negatively on the Member and the profession, and would also constitute conduct unbecoming a member of the profession.

The Panel acknowledges that this was a single incident, but even a single incident can constitute physical, psychological and emotional abuse of a child as well as breach of numerous standards of practice.

We find that the facts as presented support the finding that the Member engaged in all of the acts of misconduct alleged and as defined in the Act, Ontario Regulation 223/08 and the College's Standards of Practice.

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. 10 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 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:

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, the following course(s) (subject to the Director’s pre-approval):
 - i. Building positive and responsive relationships with children; and
 - ii. Positive intervention strategies.

- 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 \$1,000.00 within 6 months 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 in the circumstances. College counsel submitted that the Proposed Order would send a message broadly to the community of RECEs and to the public at large that the Member's conduct was unacceptable and would not be tolerated. It would discourage other RECEs from engaging in similar conduct and it would send a specific message to the Member that her conduct was unacceptable. The Proposed Order would assist in rehabilitating the Member and ensure that she learned fully from her wrongdoing. The Proposed Order was also within the range of penalties imposed in similar cases, while taking into account the specific aggravating and mitigating factors of this case.

The College indicated that there were seven aggravating factors in this case:

1. The age of the Child – the child was very young, vulnerable, and physically unable to stop the abuse or report the conduct.
2. The fact that the Member engaged in forceful conduct and an unnecessary power struggle with the Child.
3. The length of time of the incident – the incident occurred over 25 – 30 minutes.

4. The emotional impact on the Child – the Child attempted to resist, and instead of comforting the Child the Member allowed the situation to become a power struggle.
5. The impact on the other children – the incident was observed by other children and could have had a negative impact on their sense of security.
6. Disrespect/Disregard to all children – the Member and the other RECE put up their middle finger to the sleeping children in view of an awake child.
7. The Member's failure to intervene – the Member witnessed the other RECE forcefully swaddling a child and placing their leg over the child's abdomen for 10 – 15 minutes. By not intervening in the other RECE's conduct, the Member breached the obligation of maintaining a safe environment.

The College submitted that there were two mitigating factors: the Member pleaded guilty, thereby saving the College the time and expense of a contested hearing; and the Member had been registered with the College for approximately 4 years and had no prior discipline history.

College counsel submitted that there were three additional considerations that were neither aggravating nor mitigating, but which warranted consideration: that no marks were left on the Child; there was no evidence to suggest long lasting effects; and this was a single incident and not a pattern of behaviour.

College counsel advised the Panel that it should be mindful that a jointly proposed penalty should be accepted unless the penalty was so harsh or lenient that it would bring the administration of justice into disrepute or would otherwise not be in the public interest.

The College provided the Panel with two cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct.

1. *College of Early Childhood Educators v Diba Hashimi*, 2018 ONCECE 3
2. *College of Early Childhood Educators v Leslie Nicole Raybon*, 2021 ONCECE 2

College counsel submitted that these cases demonstrated that RECEs who were found to have physically abused a child under their care received penalties consisting of suspensions in the range of seven to nine months in addition to terms of mentorship and coursework. While no two cases are identical, College counsel submitted that these cases showed that the Proposed Order was not far out of the range of penalties imposed in similar cases and was appropriate in this particular case.

College counsel submitted that the Proposed Order included an amount for costs agreed upon by the parties. The College submitted that, although this was a symbolic amount representing a fraction of the College's actual costs, it was important to demonstrate that the membership as a whole, through their dues, should not be required to pay for the inappropriate actions of one member.

Submissions of the Member on Penalty and Costs

The Member made no submission on penalty or 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. 10 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 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:

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, the following course(s) (subject to the Director’s pre-approval):
 - i. Building positive and responsive relationships with children; and
 - ii. Positive intervention strategies.
- 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.

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.

The Panel is aware that no two cases are exactly alike. However, reviewing earlier cases can help determine the appropriate level of penalty. The Panel therefore considered the previous cases that were presented by College Counsel and based on these cases, was satisfied that the Proposed Order was proportionate and consistent with other cases where there was similar conduct.

The Panel found that the penalty jointly proposed by the parties in this case was harsher than that at issue in *Hashimi and Raybon*, but was appropriate in the circumstances of this case. The Member physically, psychologically and emotionally abused the Child, and additionally failed to intervene after observing her RECE colleague engage in misconduct. This factor particularly warrants a heavier penalty as our RECE's are required to intervene in incidents of abuse. The Panel also considered that the Member cooperated with the College by agreeing to the facts and proposed penalty and has accepted responsibility for her conduct, and found that the Proposed Penalty took these mitigating factors into account.

The Panel found that the penalty ordered satisfies the principles of specific and general deterrence and public protection. The suspension of the Member along with the reprimand, coursework and mentorship will act as specific deterrents to the member and will provide general deterrence to other members of the profession, preventing them from engaging in such conduct.

The Panel found that a suspension is necessary in this case to address the Member's engagement in physical and emotional abuse of a child under her care and her use of physical force and emotional distress as a totally unacceptable form of child guidance and reinforcement. The Member should have a number of behaviour management strategies at her disposal, to support and promote pro-social behaviour. The Panel expects that this suspension will demonstrate to the Member how seriously the College takes this kind of unacceptable conduct and the obligation of providing a safe environment for children. The Panel trusts that this suspension will allow her time to reflect on her actions.

The terms, conditions and limitations imposed as part of the Penalty Order, including courses in positive intervention strategies and building positive relationships with children, will help to rehabilitate the Member and educate her regarding best practises for early learning. This will also help protect the public.

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

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 finds that 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 6 months of the date of this order.

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



Barbara Brown, RECE, Chairperson

August 10, 2022

Date