

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Yujie Chen 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, Chair
Katie Begley, RECE
Richard Filion

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
YUJIE CHEN)	Self-represented
REGISTRATION # 104371)	
)	
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	
)	Heard: September 13, 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 September 13, 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.

MEMBER’S NON-ATTENDANCE AT THE HEARING

Yujie Chen (the “Member”) was not present for the hearing. Counsel for the College advised that she anticipated that the Member would not attend and that the matter was proceeding by way of a joint agreement on liability and on penalty and costs. After taking a break to try to reach the Member, counsel for the College provided evidence that the Member had been properly served with the Notice of Hearing and was aware of the date, time, and location of the hearing. Counsel for the College advised the Panel that the Member had signed an Agreed Statement of Facts and Joint Submission on Penalty and Costs and was aware the hearing would be proceeding on a consent basis. The evidence provided satisfied the Panel that the Member had been informed of the purpose, date, time and location of the hearing and that she wished to proceed with the matter on an uncontested basis. Accordingly, the hearing proceeded in the Member’s absence.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, 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 August 26, 2022, (Exhibit 1) which provided as follows:

1. At all material times, the Member was a member of the College and was employed as an Early Childhood Educator (“ECE”) at the YMCA, in London, Ontario (the “Centre”).

The Incident

2. On or about December 11, 2020, at approximately 2:40 p.m., the Member was responsible for supervising a group of toddlers, including a 23 month old boy (the “Child”). The Member bit the Child’s left forearm, in a prohibited attempt to discipline the Child, after he had bitten the Member a number of times.
3. As a result of the Member’s actions, the Child sustained an injury on his forearm, which included visible teeth impressions.

Criminal Court Proceedings

4. The incident was reported to Police, who laid an assault charge against the Member.
5. In July 2021, the Member pleaded guilty to assaulting the Child, as in paragraphs 2 and 3 above. The Member was found guilty, conditionally discharged, and placed on probation for 18 months.

Professional Misconduct Alleged

6. By engaging in the conduct set out in paragraphs 2 – 5 above, the Member committed professional misconduct as defined in subsection 33(2) of the Act, 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);
- e. The Member contravened a law, which contravention is relevant to her suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);
- f. The Member contravened a law, which contravention has caused a child who was under her professional supervision to be put at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and/or
- g. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College 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 had a certificate of registration with the College for approximately 3 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE at the Centre.

The Incident

3. On the afternoon of December 11, 2020, the Member was responsible for supervising a group of toddlers, including the Child. At approximately 2:40 p.m., the Member bit the Child's left forearm, in a prohibited attempt to discipline the Child, after he had bitten the Member a number of times.
4. As a result of the Member's actions, the Child sustained an injury on his forearm, which included visible teeth impressions.
5. When J.L., the Member's room partner, returned from her lunch break, the Member immediately told J.L. that she had bitten the Child. The Member applied ice to the Child's injury, and contemplated whether she needed to fill out a formal report and how she would explain the incident to the Child's parents. The Member reported the incident to the Centre's management only after J.L. instructed her to do so.

Criminal Court Proceedings

6. The incident was reported to Police, who laid an assault charge against the Member.
7. In July 2021, the Member pleaded guilty to assaulting the Child, as described in paragraphs 3 and 4 above. The Member was found guilty, conditionally discharged, and placed on probation for 18 months.

Additional Information

8. The Child's father advised the Centre's Supervisor that the incident broke his trust of the

Centre's staff.

9. During the sentencing proceeding in criminal court, the Child's mother read-in the victim impact statement on behalf of the family. She indicated that the assault affected the Child in many ways: he was inconsolable, refused to eat dinner, woke up crying many times during the night of the assault, and pulled his arm away anytime his parents tried to change his shirt or look at his arm.
10. Prior to the incident, the Child had bitten other children and staff on numerous occasions. To guide his behaviour in a positive and developmentally appropriate way, the Centre's staff asked the Child's parents to bring a chewing toy for him.
11. Approximately a year prior to the incident, the Member was instructed by the Centre to review and comply with the Centre's policies and procedures, as well as the College's Code of Ethics and Standards of Practice, particularly as they relate to the health, safety and well-being of children.
12. The Children's Aid Society verified that the Member engaged in physical force and/or maltreatment causing physical harm to the Child.
13. The Member was terminated from her position as an RECE at the Centre as a result of the incident described above.
14. If the Member were to testify, she would advise the following:
 - a. In biting the Child, the Member wanted to show him that his biting hurt her and discourage him from biting in the future. She did not intend to harm him.
 - b. She is remorseful and apologetic about the incident.

Admissions of Professional Misconduct

15. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 7 above, and as defined in subsection 33(2) of the Act, 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);
- e. The Member contravened a law, which contravention is relevant to her suitability to hold a certificate of registration, contrary to Ontario Regulation 223/08, subsection 2(20);

- f. The Member contravened a law, which contravention has caused a child who was under her professional supervision to be put at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and/or
- g. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Agreed Statement of Facts.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel did not conduct a verbal plea inquiry as the Member was not present. However, the Panel was satisfied that the Member's admission was voluntary, informed and unequivocal from evidence presented by the College during the hearing.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the Member is guilty of professional misconduct, and physical 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 December 11, 2020, the Member was supervising a group of toddlers, including the Child. At approximately 2:40 p.m., the Member was bitten a number of times by Child and responded to his behaviour by biting the Child's forearm as a form of attempted discipline. This caused the Child to sustain physical injuries, specifically teeth marks on the Child's forearm, and emotional injuries, such as being inconsolable, refusing to eat dinner and waking up crying during the night. The Member engaged in forceful and aggressive behaviour, used undue force and disregarded the Child's physical and emotional well-being.

The Member's actions were excessive and she failed to mitigate the situation and work with other staff to positively guide the Child's behaviour. She disregarded a plan put in place and agreed to with the parents. As a result of this incident, the police were contacted resulting in charges being

laid against the Member. The Member was found guilty of assaulting the Child. Her conduct fell below expectations of RECEs. She failed to model RECE values to colleagues, parents and more broadly, to the profession.

College counsel submitted that the Member's conduct was a breach of the standards of practice of the profession. RECEs are expected to be knowledgeable of behavioural guidance techniques, 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, as per the Code of Ethics and Standards of Practice. The College submitted that, by her actions, the Member failed to engage in supportive and respectful interactions with the Child who was under her care. While dealing with the Child, the Member used excessive force. By these actions, the Member physically, psychologically and emotionally abused the Child.

College counsel submitted that 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. Additionally, 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. 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. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

The Member was not present at the hearing and therefore made no submissions but had signed the Agreed Statement of Facts.

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 all 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 found 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 found that on December 11, 2020, the Member was supervising a group of toddler children and during this time, the Member engaged in rough and aggressive interactions with the Child - in response to the Child's biting behaviour.

The Panel found that as a result of this conduct, the Member physically, and emotionally abused a child under her care, and 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.

By her conduct, the Member failed to demonstrate that she was 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 as required by Standard I.B.2. She failed to engage in supportive and respectful interactions with a child under her care contrary to Standard I.C.2. Through her actions, she neglected 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 which is required by Standard III.C.1. Her conduct demonstrated that she did not comply with Standard IV.B.1, which required her 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. Through her actions, she did not model professional behaviour with children and colleagues in contravention of Standard IV.C.4.

The Code of Ethics requires RECEs to make the well-being, learning and care of children their foremost responsibility. It requires them to value the rights of ALL children and create learning environments where all children can experience a sense of belonging and inclusion. The Panel finds that the Member breached the Code and 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 and emotional abuse of a child, as well as breach 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 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 following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 11 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 an RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, 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 Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director of Professional Regulation. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- 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 18 months of the date of this Order.

Submissions of the College on Penalty and Costs

College Counsel submitted that the Proposed Order was appropriate in the circumstances and 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.

Physical abuse is the most common form of professional misconduct found with RECEs, but this case stands out in severity. An "eye for an eye" response or mimicking a child's misbehaviour is never appropriate for an RECE.

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

1. The age of the Child – the Child was a toddler, which made him particularly vulnerable to the Member's conduct.
2. The Child sustained an injury as a result of the Member's bite.

3. The Child was emotionally affected by the Member's conduct by exhibiting changes in mood, sleep and appetite.
4. One year prior to the incident, the Centre emphasized to the Member, the importance of adhering to its standards and procedures and to those of the RECE profession. Despite this, the Member failed to do so and bit the Child as a form of discipline.
5. The Member's conduct had a significant impact on the Child's parents, who reported that they had "loss trust in the Centre staff". This shows that misconduct of one RECE can erode the trust of the profession as a whole.

The College indicated that there were two mitigating factors:

1. The Member pleaded guilty and agreed to a joint statement of facts and penalty. By doing so, she saved the College the time and expense of a contested hearing. She accepted responsibility, showed remorse for her conduct and apologized to the Centre.
2. The Member has no prior history of misconduct, this being the first time she is coming before the Discipline Committee.

The College put forth additional considerations:

1. This was a single brief incident. There was no pattern of physically abusive behaviour.
2. The Member did not try to hide the Child's injury.
3. She immediately applied ice to the Child's arm and reported the incident to her classroom partner.
4. Although she did not report the incident immediately to Centre management, she did so once her classroom partner told her to do so. There was no significant delay in reporting the incident.

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 three cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct:

1. *College of Early Childhood Educators v Leslie Nicole Raybon*, 2021 ONCECE 2
2. *College of Early Childhood Educators v Latesha Kristen Parenteau*, 2022 ONCECE 11

3. *College of Early Childhood Educators v Amal Ali*, 2019 ONCECE 2

While no two cases are identical, College counsel submitted that these cases showed that the Proposed Order was within 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 was not present at the hearing and therefore made no 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 the Panel to be reprimanded within 60 days of the hearing of this Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 11 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 an RECE or engaging in the practice of early childhood education, as defined in section 2 of the Act, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of 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 Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and

- vi. is pre-approved by the Director of Professional Regulation. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

For clarity, once the suspension in section 2 above ends, the Member can commence or resume employment as an RECE after arranging a mentorship relationship with a pre-approved Mentor.

- 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 not in the public interest. The Panel concluded that the penalty was indeed appropriate

and served to protect the public and deter RECE's from engaging in prohibitive behaviour guidance strategies. It is never appropriate for RECE's to mimic a child's behaviour as a way of discouraging behaviour. It is never appropriate to bite a child. The penalty also addresses rehabilitation and remediation for the Member to return with a better sense of her professional responsibilities. By agreeing to the Proposed Order, the Member accepted responsibility and agreed to do the course work and participate in mentorship. The Proposed Order was also consistent with cases where there was similar conduct and is proportionate to the conduct.

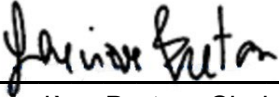
ORDER AS TO COSTS

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 \$1000 to be paid within 18 months of the date of the Order.

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



Geneviève Breton, Chair

September 29, 2022
Date