

NOTICE OF PUBLICATION BAN

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

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

PANEL: Geneviève Breton, Chairperson
Katie Begley, RECE
Lois Mahon, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
KARYN SHELLEY SNOW)	Self-represented
REGISTRATION # 22487)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	
)	Heard: August 24, 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 August 24, 2022. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (the “Act”), *the Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

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

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated July 19, 2022, (Exhibit 1) which provided as follows:

1. At all material times, Karyn Shelly Snow (the “Member”) was a member of the College of Early Childhood Educators and was employed as a Supervisor at We Care Childcare, in Maple, Ontario (the “Centre”).
2. On or about August 6, 2019, during nap time, the Member engaged in forceful and aggressive interactions with a pre-school aged boy with autism (the “Child”). The Member grabbed the Child by his wrist and walked him out of the preschool room and into the infant room. In the infant room, the Member berated the Child while standing in close proximity to him and pointing at him. The Child appeared frightened and put both his hands up on the sides of his face. The

Member moved closer to the Child, bent over him and twice forcefully pushed his hands down from his face. The Member then grabbed the Child's arm and pulled him towards the door. She then let go of the Child's arm, and pushed him twice from behind as he was walking towards the door – first, on the back of his head, and then on his upper back.

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

EVIDENCE

Counsel for the College and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

- 1. The Member has held a certificate of registration with the College for approximately 5 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 at the Centre.

The Incident

- 3. On August 6, 2019, during nap time, the Member was supervising a group of children in the Centre's preschool room, including the Child, a preschool-aged boy with autism. The Member engaged in the following rough and aggressive interactions with the Child, as described below:
 - a) The Child did not want to remain on his cot. He rolled from the cot onto the floor and laid down beside it. The Member spoke to the Child from halfway across the room, to which the Child responded by shaking his head "no", standing on the cot and then sitting on it. When the Child got off the cot and sat on a stool beside it, the Member approached him, grabbed him by the wrist and quickly walked him out of the preschool room.
 - b) The Member walked the Child into the infant room. There, for a period of approximately a minute, the following occurred:
 - i. The Member berated the Child while standing in close proximity to him and making pointing gestures. The Child appeared frightened and put both his hands up on the sides of his face, covering his ears.

- ii. The Member bent forward closer to the Child and continued making pointing gestures as she spoke with him. The Child kept his hands on the sides of his face.
- iii. The Member remained bent over the Child and took a step forward to move even closer to the Child. The Member then forcefully and aggressively pushed the Child's hands down from his face.
- iv. The Child attempted to put his hands back to his face, and the Member again pushed them down. The Member remained bent over the Child and continued making pointing gestures as she spoke with him.
- v. The Member then grabbed the Child's arm and pulled him towards the door.
- vi. The Member let go of the Child's arm and pushed the back of his head. A moment later, she pushed the Child a second time, on his upper back, directing him towards the door.

Additional Information

4. The interactions between the Member and the Child, as described in paragraph 3 above, were captured by video.
5. The College is not aware of any physical marks, injuries or long-term emotional impact to the Child as a result of the Incident.
6. The Centre's Program Statement clearly prohibited "Corporal punishment (physical punishment such as hitting, spanking, kicking, heavy pushing, shoving, grabbing, squeezing arms, ears, etc.)", as well as "Deliberate harsh or degrading treatment that would humiliate a child or undermine his or her self-respect". The Program Statement emphasized that "these practices are never permitted at the Centre. Rather, the children benefit from an affirming approach that encourages positive interactions with other children and with adults, rather from a negative or punitive approach to managing unwanted behavior."
7. If the Member were to testify, she would advise the following:
 - a) She did not intend to harm the Child. She recognizes that her interactions with the Child were inappropriate and acknowledges she should have handled the situation differently.
 - b) As a result of the incident, the Ministry of Education rescinded the Member's approval to act as a Supervisor for a licensed daycare Centre. This, in turn, had a significant financial and emotional impact on the Member.

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 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); 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.

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the Member was 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 August 6, 2019, during nap time, the Member engaged in a forceful and aggressive interaction with a preschool aged boy with autism. The Member used undue force, berated the Child and disregarded the Child's physical and emotional well-being. The Member's actions were excessive and she failed to mitigate the situation and to work with other staff to make the Child feel safe. Her conduct fell below expectations of registered early childhood educators (RECEs). She failed to model RECE values to the staff 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 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, contrary to 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 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 moving him into the infant room. By these actions, the Member psychologically and emotionally abused the Child.

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, and 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. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

The Member made no submission on liability, but agreed 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 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 August 6, 2019, the Member was supervising a group of preschool children in the sleep room. During this time, the Member engaged in rough and aggressive interactions with a preschool aged boy with autism.

The Panel finds that as a result of this conduct, the Member physically, 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.

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. Contrary to Standard 3 C.8, she failed to consider how the environment affects children through daily routines and transitions, including sleep or rest time. 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 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 Counsel for the Member made a joint submission as to an appropriate penalty and costs Order (the "Proposed Order"). The parties submitted that the Panel should make an Order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a) 7 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 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 courses (subject to the Director's pre-approval):
 - i. Behaviour Guidance; and
 - ii. Inclusion in early childhood education and addressing the needs of children with disabilities.
- b) The Member must provide the Director with proof of enrollment and successful completion of the courses.

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 12 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 only preschool age which made him vulnerable.
2. This was a Child diagnosed with autism. The Member was aware of that fact, yet was not sensitive or respectful, nor did she attune to his needs.
3. The Child was emotionally affected by the Member's conduct, which he demonstrated by looking afraid and attempting to cover his ears.
4. The Member used unnecessary force which resulted in a power struggle. There was no need for the Member to engage in physical intervention. The Member sent a message that nap time was not a choice, the Child had no rights and that it was "my way or the highway." She removed him from the preschool room to the infant room. She removed his hands from his ears when in fact the Child was only trying to protect himself.
5. The Member was the Centre Supervisor and had enhanced requirements to serve as a role model. She was also responsible to ensure the Centre's program statement and the Ministry's policies were followed.

The College submitted that the mitigating factors included her guilty plea. By agreeing to the facts and penalty, she saved the College the time and expense of a contested hearing. This also demonstrated that the Member had insight into her conduct and willingness to improve by agreeing to the remediation. The Member also had been registered with the College for approximately 5 years and without any prior history of misconduct.

College counsel submitted that there were three additional considerations that were neither aggravating nor mitigating, but which warranted consideration: the Child suffered no physical injuries; there was no evidence to suggest he experienced any long-lasting effects or emotional impact; and this was a single very brief 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 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 Amanda Ring*, 2019 ONCECE 9
3. *College of Early Childhood Educators v Diba Hashimi*, 2018 ONCECE 3

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 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 agreed to the Proposed Order and did not make any further submission.

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. 7 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. The Registrar is directed 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 courses (subject to the Director's pre-approval):
 - i. Behaviour Guidance; and
 - ii. Inclusion in early childhood education and addressing the needs of children with disabilities.
- b. The Member must provide the Director with proof of enrollment and successful completion of the courses.

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 not in the public interest. It is the Panel's conclusion that the joint proposal on penalty addresses the principles of specific and general deterrence, rehabilitation, and the confidence and protection of the public.

While the Panel understands the high threshold of a joint submission and as such, did not interfere with the joint submission, the Panel expressed concern at the increasing number of discipline cases involving physical abuse, most specifically the physical abuse of children with special needs. It is the obligation of RECEs to treat all children with respect, dignity and create environments where all children can safely experience a sense of belonging and inclusion. The Panel wants to send a clear message to the membership that physical abuse will not be tolerated and urges the College to seek more severe penalties in the future for this conduct and particularly where the circumstances involve children with special needs.

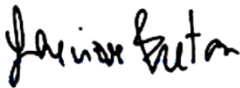
ORDER AS TO COSTS

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 within 12 months of the date of this Order.

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



Geneviève Breton, Chairperson

September 14, 2022

Date