

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Rosie Jameak Black 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: Katie Begley, RECE, Chairperson
Geneviève Breton
Lois Mahon, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
ROSIE JAMEAK BLACK)	Self-represented,
REGISTRATION # 70566)	
)	
)	
)	Heard: February 15, 2023
)	
)	
)	

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 February 15, 2023. 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 January 30, 2023, (Exhibit 1) which provided as follows:

1. At all material times, Rosie Jameak Black (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at Giant Leap Childcare (the “Centre”) in Brampton, Ontario.
2. On or about January 25, 2022, the Member was supervising a group of preschool-aged children, including a 3-year-old child (the “Child”) in the Centre’s preschool room. At approximately 10:45 a.m., the Member engaged in the following interactions with the Child, while another child stood in close proximity to her, observing her actions:

- a. The Child laid down on the floor. The Member approached the Child, forcefully grabbed them by one arm, and abruptly lifted them off the floor, causing the Child to rotate mid-air. The Child appeared dazed and laid back down onto the floor immediately after the Member moved away from them.
 - b. A few moments later, the Member approached the Child again. The Member grabbed the Child's arm, dragged them a short distance, lifted them up, and placed them onto a chair, causing the Child to cry.
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 had a certificate of registration with the College for approximately 4 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 January 25, 2022, the Member was supervising a group of preschool-aged children, including the Child in the Centre's preschool room. At approximately 10:45 a.m., the Member engaged in the following interactions with the Child, while another child stood in close proximity to her, observing her actions:
 - a. The Child laid down on the floor. The Member approached the Child, forcefully grabbed them by one arm, and abruptly lifted them off the floor, causing them to rotate

mid-air. The Child appeared dazed and laid back down onto the floor immediately after the Member moved away from them.

- b. A few moments later, the Member approached the Child again. The Member grabbed the Child's arm, dragged them a short distance, lifted them up, and placed them onto a chair, causing the Child to immediately begin crying.

Additional Information

4. The interactions between the Member and the Child, as described in paragraph 3 above, were captured by video.
5. The Children's Aid Society investigated the Incident and verified the use of excessive force causing a risk of harm to the Child.
6. The College is not aware of any physical marks, injuries or long-term emotional impact to the Child as a result of the Incident.
7. The Centre's policies prohibited corporal punishment and aggressive behaviour. Instead, the Centre required staff to engage in positive child guidance practices with specific emphasis on being attuned to a child's individual needs, giving children a sense of belonging, supporting self-regulation, fostering overall well-being of a child's physical and mental health, and providing opportunities for physical and verbal expression.
8. The Member is no longer employed at the Centre.
9. If the Member were to testify, she would acknowledge her wrongdoing and express remorse for her conduct. In retrospective, she realizes she should have "done things differently".

Admissions of Professional Misconduct

10. 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 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 through her conduct. All of the allegations of misconduct were supported by the facts set out in the Agreed Statement of Facts.

College Counsel submitted that the facts demonstrate that on January 25, 2022, the Member engaged in forceful and aggressive conduct towards a young child, disregarding the Child's social, mental and emotional well-being. She failed to support the sense of well-being, belonging, and safety of the Child and the other children in the room, and to work with other staff to make the Child feel safe.

The Member's conduct fell below expectations of registered early childhood educators (RECEs) and was not developmentally appropriate. She failed to follow the Standards of Practice and the 'Center's policies which prohibited corporal punishment and aggressive behaviour and to engage in positive child guidance practices. She failed to model professional values to the children and other RECEs and more broadly, to the profession.

RECEs are expected to be caring and empathetic and to act with integrity. 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 the Child, the Member used excessive force in forcefully grabbing them by the arm and abruptly lifting them up. She walked away and came back when they were lying down again, and this time, she abruptly lifted them from the ground and dragged them a short distance to a chair. The Child cried as a result of the Member's conduct. By these actions, the Member physically, 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 January 25, 2022, while the Member was supervising a group of preschool children, she engaged in aggressive and forceful conduct towards a three-year-old child.

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 knowledge 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 other RECEs 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 other RECEs 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 security and belonging. 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.

The Panel finds that the facts as presented support the finding that the Member engaged in all of the acts of misconduct alleged in the Notice of Hearing.

POSITION OF THE PARTIES ON PENALTY AND COSTS

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed 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. 6 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 terms, conditions and limitations on the Member's certificate of registration with respects to coursework and mentorship as set out below.

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. 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 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. 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, to be paid within 6 months of the date of this Order and in accordance with the following payment schedule:
 - a. \$200 within thirty (30) days following the date of the Order;
 - b. \$200 within sixty (60) days following the date of the Order;
 - c. \$150 within ninety (90) days following the date of the Order;
 - d. \$150 within one hundred and twenty (120) days following the date of the Order;
 - e. \$150 within one hundred and fifty (150) days following the date of the Order; and
 - f. \$150 within one hundred and eighty (180) days following the date of the 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 four aggravating factors in this case:

1. The age of the Child – the Child was only preschool age which made him vulnerable.
2. The manner that the Member used to guide behaviour was aggressive, forceful and caused an unnecessary power struggle. After walking away, the Member engaged in inappropriate physical contact a second time
3. The Child was emotionally affected by the Member's conduct, which they demonstrated by crying.

4. The conduct occurred in the presence of other children, one of which was in close proximity. This impacted the sense of security and belonging for all children in the room.

The College submitted that the mitigating factors included the Member's guilty plea. By agreeing to the facts and penalty, the Member saved the College the time and expense of a contested hearing. This also demonstrated that the Member had insight into her conduct and a willingness to improve by agreeing to the remediation. The Member also had been registered with the College for approximately 4 years 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 they experienced any long-lasting effects or emotional impact; and this was a single very brief incident and not a pattern of behaviour.

The College added that a suspension is not sufficient to address the conduct given the intention to have the Member return to the profession. The Member's rehabilitation and remediation through mentorship and course work will enhance her insight upon returning to practice.

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 Sarah Catherine Kowlessar*, 2022 ONCECE 8
2. *College of Early Childhood Educators v Karyn Shelley Snow*, 2022 ONCECE 12
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 in similar circumstances received penalties consisting of suspensions in the range of six to seven 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 submissions.

PENALTY DECISION

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

1. The Member is required to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 6 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 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 if a grade is not assigned) and at her own expense, the following courses (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 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. 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 RECEs. 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 Proposed Order addresses the principles of specific and general deterrence, rehabilitation, and ensures the confidence and protection of the public. The Panel renewed its concern at the increasing number of discipline cases involving physical abuse. 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 reinforce that physical abuse will not be tolerated and urges the College to continue seeking more severe penalties in the future for this 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 the nature and 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 the Member to pay the College's costs fixed in the amount of \$1,000 to be paid within 6 months of the date of the Order and in accordance with the following payment schedule:

- a. \$200 within thirty (30) days following the date of the Order;
- b. \$200 within sixty (60) days following the date of the Order;
- c. \$150 within ninety (90) days following the date of the Order;
- d. \$150 within one hundred and twenty (120) days following the date of the Order;
- e. \$150 within one hundred and fifty (150) days following the date of the Order; and
- f. \$150 within one hundred and eighty (180) days following the date of the Order.

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



Katie Begley, REECE, Chair

February 17, 2023

Date