

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Carolyn General 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
Ann Hutchings, RECE
Stacee Stevenson, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
CAROLYN GENERAL)	Not represented and not present
REGISTRATION # 08648)	
)	
)	Elyse Sunshine
)	Rosen Sunshine
)	Independent Legal Counsel
)	
)	
)	Heard: March 30, 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 March 30, 2023. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007 S.O. 2007, c. 7, Sch. 8* (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

Carolyn General (the “Member”) was not present for the hearing. Counsel for the College provided evidence (Exhibits 1, 1-A, 1-B and 1-C) outlining the College’s communications with the Member about the hearing. The evidence provided by the College showed that the College had informed the Member of the purpose, date, time, and location of the hearing and that the hearing could proceed in the Member’s absence.

The Panel was satisfied that the Member had been informed of the purpose, date, time and location of the hearing and proceeded with the hearing in her 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 February 28, 2023, (Exhibit 1) which provided as follows:

1. At all material times, the Member was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at a child care centre (the “Centre”) in Ontario.
2. On or about the afternoon of November 14, 2019, the Member was responsible for supervising the preschool class, including a non-verbal 4-year-old child with autism (the “Child”). At approximately 3:26 p.m., despite knowing the Child was unwell, the Member transitioned the Child to the Centre’s outdoor play area. There, the Member left the Child laying on a concrete pad for approximately 15 minutes, despite other staff telling her to bring the Child to the Supervisor’s office, so that the Child could warm up and be taken care of. The Child was largely motionless during this time, while the temperature was approximately -2 to -4 degrees Celsius, with light snow and strong winds.
3. While the Child was laying on the concrete pad, the Member attended the Supervisor’s Office and called the Child’s family, requesting the Child to be picked up. When the Child’s sister arrived to pick the Child up, the Child was sitting on the concrete pad, with their hat pulled over their eyes, hugging themselves. The Child was cold and had to be carried home. The following day, the Child had a fever of approximately 39 degrees Celsius, with a cough and a runny nose.
4. By engaging in the conduct set out in paragraphs 2 – 3 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Act, in that:
 - a) The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
 - b) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:

- i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. 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;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;
- c) The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- d) 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 an agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 14 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 a Registered Early Childhood Educator (“RECE”) at the Centre.

The Incident

3. On the afternoon of November 14, 2019, the Member was responsible for supervising the preschool class, including the Child. The Child was unwell and slept for most of the day. At approximately 3:25 p.m., despite the Member and other staff knowing the Child was unwell, the Child was transitioned to the Centre’s outdoor play area.
4. The Member carried the Child to a picnic table and appeared to have difficulty holding the Child seated. The Child slid to the ground. The Member stood over the Child, closed the Child’s coat and left the Child laying on a concrete pad. The temperature was approximately -2 to -4 degrees Celsius, with light snow and strong winds.
5. The Child remained largely motionless. Other staff who were present in the play area told the Member to bring the Child to the Supervisor’s office, so that the Child could warm up and be taken care of. Although the Member approached the Child several times, observed the Child and briefly touched the Child, she did not pick the Child up and did not bring the Child inside.
6. While the Child was laying on the concrete pad, the Member attended the Supervisor’s Office and called the Child’s family, requesting the Child to be picked up. Other staff remained in the play area while the Member went into the building. During the call, the Child’s mother asked the Member to bring the Child inside to wait for the Child’s sister, but the Member responded that that was not possible “because of the ratio”.
7. The Child remained laying on the concrete pad for approximately 15 minutes until, at approximately 3:41 p.m., the Member pulled the Child up by the Child’s arm and sat with the Child at the picnic table.
8. When the Child’s sister arrived to pick the Child up, the Child was sitting on the concrete pad, with their hat pulled over their eyes, hugging themselves. The Child was cold and had to be carried home. The following day, the Child had a fever of approximately 39 degrees Celsius, with a cough and a runny nose.

Additional Information

9. The interactions between the Member and the Child on the play area, as described in paragraphs 4 – 7 above, were captured by video.
10. Although the Child had an assigned support worker, who often provided the Child with one-on-one support, that worker was off sick on the day of the Incident.
11. Following the Incident, the Member resigned to pursue employment at another daycare centre.
12. Family and Children's Services investigated the Incident and verified child protection concerns of neglect of the Child's physical needs and inadequate supervision.
13. The Child's family was deeply concerned about the Incident, and expressed anger, frustration and disappointment on social media.
14. Following the Incident, the Member engaged in professional development to improve and enhance her practice, particularly with children with autism.
15. If the Member were to testify, she would advise the following:
 - a. The Child was leaning on her when the Child's sister arrived to pick the Child up.
 - b. She is apologetic about the Incident and recognizes that she should have handled it differently.
 - c. Upon reflection, she believes that at the time of the Incident she was "drowning with stress both personal and professional" and felt "alone" because her colleagues "did not redirect or help" with the Child as much as she did. Since the Incident, she strengthened her skills in seeking help from her colleagues and guidance from management.

Admissions of Professional Misconduct

16. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 8 above, and as defined in subsection 33(2) of the Act in that:

- a. The Member failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);
- b. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
 - ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
 - iii. 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;
 - iv. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;
- c. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- d. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

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

The Panel received a written plea inquiry (Exhibit 3) which was signed by the Member. The Panel 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, neglect of a child's physical needs, and failure to adequately supervise 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 demonstrated that while in the Centre's outdoor area, the Member failed to provide a safe, healthy and inclusive environment, and failed to attend to the needs of a vulnerable child. The Member's conduct fell below expectations of a RECE. 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 College submitted that, by her actions, the Member failed to engage in supportive and respectful interactions with a child under her care. College counsel submitted that the Member failed to provide adequate supervision to a child with special needs. While the Member did not intend to harm the Child, her conduct demonstrates she did not know current legislation, policies relevant to her practice. The College submitted that the Member failed to model professional behaviour with her colleagues, and she failed to understand that her conduct reflects on her as a professional and on her profession at all times. The Member did not avoid exposing the Child to potential harm by leaving the Child outside on the concrete, knowing the Child was unwell. Her conduct in these instances was disgraceful, dishonourable, unprofessional and unbecoming.

The Member made no submission on liability, but by signing the Agreed Statement of Facts, acknowledged and admitted 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 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 the afternoon of November 14, 2019, the Member was supervising a group of preschool children, including one child with autism who was physically unwell. Despite the Member and other staff knowing the Child was unwell, the Child was transitioned to the Centre's outdoor play area. During this time, the Member allowed the Child to lay on cold concrete, during cold (-2 to -4) and snowy weather, for a period of approximately 15 minutes. During this time, the Child remained largely motionless. Despite being encouraged by the staff, and being directly asked by the parent to bring the Child inside, the Member chose to leave the child outside.

The Panel finds that as a result of this conduct, the Member neglected to care for the Child's physical needs, and she failed to provide adequate supervision to a child with autism, and knowing that the Child was unwell. RECEs are required to be caring and empathetic and to act with integrity, and to comply with the Standards of Practice of the profession.

Through her actions the Member neglected to provide a safe, healthy and inclusive environment. Her actions failed to model professional behaviour with children and colleagues. The Member's 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 as a whole and constitutes conduct unbecoming of a RECE.

We find that the facts as presented support the finding that the Member engaged in the acts of misconduct alleged in the Notice of Hearing.

POSITION OF THE PARTIES ON PENALTY AND COSTS

Counsel for the College provided the Panel with 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. 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 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 (subject to the Director’s pre-approval):

- i. Inclusion in early childhood education and addressing the needs of children with special needs.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course.

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 5 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 this was a unique case arising out of neglect of a child's physical needs and inadequate supervision. College counsel argued that the Proposed Order was appropriate in the circumstances. College counsel submitted that given that the Member

was not present, it would be reasonable for the Panel to amend the Proposed Order to require the reprimand to be delivered within 60 days, instead of immediately following the hearing.

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 four years old.
2. The Child was vulnerable – The Child had autism and required regular one on one enhanced supervision.
3. The length of time – The Child was left on the cold concrete for approximately 15 minutes. It was not a momentary lapse in the Member's judgment.
4. The weather – The Child was left outside in cold (-2 to - 4 degrees) and snowy weather.
5. Negatively impacted the Child – When the Child's sister picked up the Child, the Child was so cold that they were unable to walk by themselves. The Member's conduct may have negatively contributed to the Child's health.
6. Impact on the family – The incident had a profound emotional effect on the family.
7. The Member ignored the advice of the Staff – She was asked to bring the Child inside and failed to do so. She also failed to act as a role model.

The College submitted that there were three mitigating factors:

1. By pleading guilty, agreeing to the facts and penalty, the Member saved the College the time and expense of a contested hearing.
2. The Member also had been registered with the College for approximately 14 years, without any prior history of misconduct.
3. The Member chose to enhance her skills, demonstrated insight, desire and commitment to improving her practice. She engaged in coursework to enhance her knowledge of working with children with special needs.

College counsel submitted that there were two additional considerations:

1. This was a single incident and not a pattern of behaviour
2. There was no evidence to suggest it was done in malice or that the Child was targeted.

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

1. *College of Early Childhood Educators v Mimruza Rahman, 2021 ONCEC 6*
2. *College of Early Childhood Educators v Gurpreet Lubana, 2018 ONCECE 6*
3. *College of Early Childhood Educators v Ariana Belen Ontaneda, 2022 ONCECE 18*
4. *College of Early Childhood Educators v Karyn Shelley Snow, 2022 ONCECE 12*

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 provide 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 a Panel to be reprimanded within 60 days of this Order. This change was made with the agreement of College counsel given that the Member was not present at the hearing and does not constitute the joint submission not being accepted.
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. 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 (subject to the Director's pre-approval):
 - i. Inclusion in early childhood education and addressing the needs of children with special needs
- b. The Member must provide the Director with proof of enrollment and successful completion of the course.

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 5 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.

The panel emphasized that individual development must be taken into account to provide safe and adequate supervision.

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.

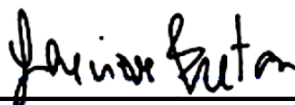
ORDER AS TO COSTS

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.

1. The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000, to be paid within 6 months of the date of this Order 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, 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

April 17, 2023

Date