

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Sheryl Anne Grant 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, Chair  
Melissa Downey, RECE  
Adesua Ezeokafor

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
SHERYL ANNE GRANT	)	Not present and not represented
REGISTRATION # 12764	)	
	)	
	)	
	)	Lonny Rosen,
	)	Rosen Sunshine LLP
	)	Independent Legal Counsel
	)	
	)	
	)	Heard: May 29, 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 May 29, 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.

## **MEMBER’S NON-ATTENDANCE AT THE HEARING**

Sheryl Anne Grant (the “Member”) was not present for the hearing. Counsel for the College provided evidence in the form of affidavits with copies of emails and memoranda of telephone calls 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.

The Panel was further satisfied that it had continuing jurisdiction over the Member, even though she had resigned her membership. Accordingly, the hearing proceeded in the Member’s absence.

## **PUBLICATION BAN**

The Panel ordered a publication ban following a motion by College counsel, pursuant to section 35.1(3) of the *Early Childhood Educators Act, 2007*. 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 April 26, 2023, (Exhibit 1) which provided as follows:

1. At all material times, the Member was a member of the College and was employed as an Early Childhood Educator (“ECE”) at Our Kids Child Care (the “Centre”) in Sarnia, Ontario.
2. On or about January 12, 2021, during the morning hours, the Member held the upper arm of a preschool-aged boy (“Child 1”) and forcefully pushed him towards a table.
3. Between around April 2021 and July 16, 2021, the Member engaged in the following conduct towards preschool-aged children and toddlers:
  - a. On multiple occasions, the Member aggressively picked up the chairs while children were sitting on them and pushed them into the table. The Member engaged in this conduct towards at least three children, including a non-verbal 4-year-old boy (“Child 2”), and a 3-year-old boy with delayed speech (“Child 3”).
  - b. On multiple occasions, the Member engaged in aggressive interactions with children during nap time, including as follows:
    - i. The Member pinned down Child 3.
    - ii. The Member flipped two 3-year-old boys (“Child 4” and “Child 5”) onto their stomachs, restrained their feet by “aggressively” placing blankets over them, and forcefully turned their heads. The Member also briefly held Child 4 and Child 5 down.
    - iii. The Member flipped a 2-year-old girl (“Child 6”) onto her stomach, restrained her feet by placing blankets over them, and forcefully turned her head. When Child 6 did not sleep, the Member yelled at her.
    - iv. The Member aggressively held and rocked a toddler-aged boy (“Child 7”) and put him forcefully on his cot when he would not sleep.

- v. During or around the week of July 5 to 9, 2021, the Member attempted to force a preschool-aged girl (“Child 8”) to sleep by being aggressive, raising her voice, and forcefully holding Child 8 against the bed for 5 to 10 minutes. As a result of the Member’s conduct, Child 8 was upset, screamed, and cried. After releasing Child 8, the Member said words to the effect of “I’m just so done with her”.
  - c. On multiple occasions, the Member grabbed and/or shoved children, including forcefully putting them onto chairs.
  - d. Around the end of June 2021, the Member caused a 4-year-old boy (“Child 9”) to hit his head off a bookshelf while flipping him over in his bed during naptime. Child 9 began to cry and said words to the effect of “ow, you’re hurting me”. The Member did not check whether Child 9 had been injured and told him words to the effect of “you wouldn’t get hurt if you went to sleep properly and stopped goofing around”. Child 9 continued to cry for 5 to 10 minutes until he fell asleep.
  - e. The Member yelled at the children on multiple occasions.
  - f. The Member spoke in an inappropriate manner with a toddler-aged boy (“Child 10”) and told him, among other things, that he was a “bad kid”, or words to that effect.
4. On or about July 19, 2021, the Member engaged in the following conduct towards preschool aged children:
- a. The Member yelled at the children throughout the day.
  - b. The Member repeatedly grabbed children by their wrists, forcefully pulled them on to their beds, and/or aggressively forced children to sit on their beds.
  - c. On one occasion, the Member aggressively pulled a child “so that he couldn’t keep up”, causing him to trip. The Member then forcefully sat him on the bed and yelled at him.
  - d. The Member said “do you need new batteries in your hearing aids” to a child who did not require the use of hearing aids.

5. By engaging in the conduct set out in paragraphs 2 – 4 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act*, 2007, S.O. 2007, c. 7, Sch. 8 in that:
- a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - d. 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.

- e. 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
- f. 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 the College and the Member had reached an agreement on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

### **The Member**

- 1. The Member obtained a certificate of registration with the College in June 2009. She resigned her membership with the College in February 2023 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 Incidents**

- 3. On January 12, 2021, during the morning hours, the Member held the upper arm of a preschool-aged boy ("Child 1") and forcefully pushed him towards a table, while using harsh language and raising her voice.
- 4. Between April 2021 and July 16, 2021, the Member engaged in the following conduct towards preschool-aged children and toddlers:
  - a. On multiple occasions, the Member aggressively picked up the chairs while children were sitting on them and pushed them into the table. The Member engaged in this

conduct towards at least three children, including a non-verbal 4-year-old boy (“Child 2”), and a 3-year-old boy with delayed speech (“Child 3”).

- b. On multiple occasions, the Member engaged in aggressive interactions with children during nap time, including as follows:
  - i. The Member pinned down Child 3.
  - ii. The Member flipped two 3-year-old boys (“Child 4” and “Child 5”) onto their stomachs, restrained their feet by “aggressively” placing blankets over them, and forcefully turned their heads. The Member also briefly held Child 4 and Child 5 down.
  - iii. The Member flipped a 2-year-old girl (“Child 6”) onto her stomach, restrained her feet by placing blankets over them, and forcefully turned her head. When Child 6 did not sleep, the Member yelled at her.
  - iv. The Member aggressively held and rocked a toddler-aged boy (“Child 7”) and put him forcefully on his cot when he would not sleep.
  - v. During the week of July 5 to 9, 2021, the Member attempted to force a preschool-aged girl (“Child 8”) to sleep by being aggressive, raising her voice, and forcefully holding Child 8 against the bed for 5 to 10 minutes. As a result of the Member’s conduct, Child 8 was upset, frustrated, screamed, and cried. After releasing Child 8, the Member said words to the effect of “I’m just so done with her”.
- c. On multiple occasions, the Member grabbed and/or shoved children, including forcefully putting them onto chairs.
- d. Around the end of June 2021, the Member caused a 4-year-old boy (“Child 9”) to hit his head off a bookshelf while flipping him over in his bed during naptime. Child 9 began to cry and said words to the effect of “ow, you’re hurting me”. The Member did not check whether Child 9 had been injured and told him words to the effect of “you wouldn’t get hurt if you went to sleep properly and stopped goofing around”. Child 9 continued to cry for 5 to 10 minutes until he fell asleep.

- e. The Member yelled at the children on multiple occasions.
  - f. The Member spoke in an inappropriate manner with a toddler-aged boy (“Child 10”) and told him, among other things, that he was a “bad kid”, or words to that effect.
5. On July 19, 2021, the Member engaged in the following conduct towards preschool-aged children:
- a. The Member yelled at the children throughout the day.
  - b. The Member repeatedly grabbed children by their wrists, forcefully pulled them on to their beds, and/or aggressively forced children to sit on their beds.
  - c. On one occasion, the Member aggressively pulled a child “so that he couldn’t keep up”, causing him to trip. The Member then forcefully sat him on the bed and yelled at him.
  - d. The Member said “do you need new batteries in your hearing aids” to a child who did not require the use of hearing aids.
6. The Member’s conduct, as described in paragraphs 3 – 5 above, negatively impacted the children’s emotional state. On multiple occasions, as a result of the Member’s actions, children felt nervous, upset and/or frustrated, screamed and cried.

### **Additional Information**

7. On Friday, July 16, 2021, staff at the Centre reported to the Ministry of Education (the “Ministry”), that she witnessed the Member “cause harm to children” in the Centre’s toddler and preschool rooms.
8. Three days later, on July 19, 2021, a program advisor from the Ministry conducted an unannounced inspection visit at the Centre to observe the Member’s interactions with the children in her care. During the visit, the program advisor made the observations described in paragraph 5 above. The Ministry concluded that it was unable to “distinguish a specific victim but felt that all children” were at risk. The Ministry then contacted the Sarnia-Lambton Children’s Aid Society (“CAS”).



9. CAS investigated the concerns reported against the Member and verified that the Member used “excessive/inappropriate physical force on the children, which put them at risk of being harmed.” CAS verified allegations in relation to 9 children and assessed the risk of harm to children under the Member’s care to be “high” because the children were less than 5 years old and some children had “medical condition/developmental disability.”
10. The Member’s actions violated, among other things, the Centre’s policies, including the Prohibited Practices Policy, Anti-Abuse Policy (childcare) and Childcare Health and Safety Policy.
11. The Member began working at the Centre in March 2018.
12. In a letter dated May 16, 2019, staff reported to the Centre’s management that the Member engaged in concerning conduct with children, including yelling and/or screaming at children “on a daily basis”, grabbing and/or dragging children by their arms, wrists, ankles and/or feet, forcefully restraining a child during naptime, and lifting and then slamming chairs and/or beds onto the floor while children were on them.
13. On October 20, 2020, the Centre’s management issued a written warning letter to the Member. It detailed, among other things, that the Member made “negative, sarcastic and condescending comments towards children and other staff” to the point staff were crying at work. It also stated that the Member’s actions created “a negative and uncomfortable environment for everyone.” The letter warned the Member that she “must cease all negative and sarcastic comments that are negatively influencing workplace moral[e] immediately, especially while children are present” and that her behaviour “will not be tolerated at all.”
14. In March 2021, the Centre’s management received reports from a parent of a child in the preschool room and staff that the Member was forcing children to “sit on a time out chair”. In response, the management moved the Member to work in the Centre’s toddler room.
15. On May 10, 2021, the Centre’s management issued a second and “final” written warning letter to the Member in response to “recent complaints by other staff and a parent regarding [the Member’s] negative behaviour, verbal complaints and treatment towards children”. Among other things, the letter warned the Member that she “must not use any harsh or aggressive behavior towards the children and no isolation (e.g. time outs) or intimidation of children will be tolerated” and that she must “conduct [herself] in an ethical and professional

manner” at all times. Sometime later, the Centre’s management moved the Member back to the preschool room.

16. The Member’s employment at the Centre was terminated as a result of the Incidents described above, on July 22, 2021, three days after the Ministry’s visit and CAS’ investigation began.

### **Admissions of Professional Misconduct**

17. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 – 6 above, and as defined in subsection 33(2) of *the Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, in that:
  - a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - d. 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.
- e. 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
- f. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

### **THE MEMBER'S PLEA**

By signing the Agreed Statement of Facts and through communications with College counsel, which were conveyed to the Panel, 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 through her conduct, and that all of the allegations of misconduct contained in the Notice of Hearing were supported by

the facts set out in the Agreed Statement of Facts.

College counsel submitted that the facts demonstrate that during the period between January 2021 and July 22, 2021, the Member engaged in forceful and aggressive conduct towards ten young children, disregarding the children's physical, emotional and psychological well-being. She failed to support the sense of well-being, belonging, and safety of all the children in the room, and to work with other staff to make the children feel safe.

The Member's conduct fell far below expectations of registered early childhood educators (RECEs), and was not appropriate. She failed to follow the Standards of Practice and the Centre's policies and expectations, which prohibited aggressive behavior, harsh language, isolating children and additionally, the Member was warned not to cultivate a negative environment.

The Ministry of Education conducted a monitoring visit of the Centre in response to a complaint. The Ministry program advisor verified that the Member used "excessive/inappropriate physical force on the children, which put them at risk of being harmed." CAS verified allegations in relation to nine children and assessed the risk of harm to children under the Member's care to be "high" because the children were less than 5 years old and some children had "medical condition/developmental disability."

RECEs are expected to be caring and empathetic and to act with integrity. 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 behaviors 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

The College submitted that the Member's conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

The Member was not present and made no submission on liability. College counsel presented signed documentation to confirm the Member's agreement 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 between January and July 22, 2021, while the Member was employed at the Centre, she engaged in aggressive and forceful conduct towards the children in her care on multiple occasions.

The Panel finds that as a result of this conduct, the Member physically, verbally, psychologically and emotionally abused children in her care, and she failed to engage in supportive and respectful interactions with children under her care.

The Panel found that the Member engaged in physical abuse of a child when she pinned down a child, flipped two 3-year-old boys onto their stomachs, restrained their feet by “aggressively” placing blankets over them, and forcefully turned their heads. The Member also briefly held two children down and flipped a 2-year-old girl onto her stomach, restrained her feet by placing blankets over them, and forcefully turned her head.

The Panel found that the Member verbally abused children when she yelled at them on multiple occasions and used a harsh tone. Specifically, when a child did not sleep, the Member yelled at her.

The Panel found that the Member emotionally and psychologically abused children when she attempted to force a preschool-aged girl to sleep by being aggressive, raising her voice, and forcefully holding the child against the bed for 5 to 10 minutes. As a result of the Member’s conduct, the child was upset, frustrated, screamed, and cried. After releasing the child, the Member said words to the effect of “I’m just so done with her”.

The Panel found that the Member demonstrated physical, verbal, emotional and psychological abuse when she caused a 4-year-old boy to hit his head off a bookshelf while flipping him over in his bed during naptime. The boy began to cry and said words to the effect of “ow, you’re hurting me”. The Member did not check whether he had been injured and told him words to the effect of “you wouldn’t get hurt if you went to sleep properly and stopped goofing around”. He continued to cry for 5 to 10 minutes until he fell asleep.

The Panel was satisfied, based on the Agreed Statement of Facts and the document references contained therein, that the Member demonstrated a pattern of behaviour in which she engaged in the acts of professional misconduct outlined above over a six-month period. 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**

Counsel for the College advised that the College and the Member were making a joint submission as to an appropriate penalty and costs order (the “Proposed Order”), with the Member and the

Director of Professional Regulation of the College having signed a document outlining the Proposed Order (Exhibit 4). The parties jointly 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 within 60 days of the date of this Order.
2. Directing the Registrar to immediately revoke the Member's certificate of registration.
3. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 6 months of the date of this Order.

### **Submissions of the College on Penalty and Costs**

Counsel for the College submitted that the Proposed Order was appropriate in the circumstances and that it would send a message broadly to the profession and to the public at large that the Member's conduct was unacceptable and would not be tolerated. Counsel further submitted that 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 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 ten aggravating factors in this case:

1. The Member's conduct was a pattern of behaviour which occurred over a period of six months.
2. The age of the children (toddler/preschool age) made them vulnerable.
3. On multiple occasions the Member's conduct involved violence and excessive force against the children.
4. Physical abuse involved nine different children. The Ministry's report stated that all children were at risk.
5. Some of the children involved had medical needs and developmental disabilities and this increased their vulnerability.
6. The Member's conduct was detrimental to the children's well-being.
7. The Member showed disregard for the children's physical health even in the face of possible injury. Despite a child stating they were hurt, the Member was not responsive.

8. Verbal abuse occurred on multiple occasions; including yelling, labelling a child as a “bad kid” and using sarcasm.
9. The verbal abuse in conjunction with the physical abuse, occurred in the presence of other children, which eroded the sense of security for all children in the classroom.
10. The Member was undeterred after receiving written warnings, and did not change her conduct even when being observed by the Ministry program advisor

The College submitted that the mitigating factors included the Member’s guilty plea but stated that nothing short of a revocation could suffice to address the Member’s conduct. By agreeing to the facts and penalty, the Member saved the College the time and expense of a contested hearing. The Member also had been registered with the College since 2009 without any prior reported history of misconduct, which was also a mitigating factor, although the College noted that the Member did have a history of complaints being made about her within her organization.

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 to the Member’s conduct and consistent with penalties imposed for similar conduct:

1. *College of Early Childhood Educators v Leslie Nicole Raybon*, 2021 ONCECE 2
2. *College of Early Childhood Educators v Karyn Shelley Snow*, 2022 ONCECE 12
3. *College of Early Childhood Educators v Rosie Jameak Black*, 2023 ONCECE 1
4. *College of Early Childhood Educators v Amal Ali*, 2019 ONCECE 2

College counsel reiterated that nothing short of a revocation would suffice considering that the Member’s conduct continued after two written warnings and a report from the Ministry of Education.

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 but did not make any submissions as she was not present at the hearing.

### **PENALTY DECISION**

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

1. The Member is required to appear before the Panel to be reprimanded within 60 days of the date of this Order.
2. The Registrar is directed to immediately revoke the Member's certificate of registration.

### **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 Proposed Order addresses the principles of specific and general deterrence, and ensures the confidence of the public in the ability of the College to regulate the profession as well as protection of the public.

The Discipline Committee has previously expressed concern at the increasing number of discipline cases involving physical abuse, and the Panel reiterates this concern. 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 wishes to reinforce that physical, verbal, emotional and psychological abuse will not be tolerated and urges the College to continue seeking severe penalties in future cases involving such conduct.

**ORDER AS TO COSTS**

Subsection 33(5)(4) of the Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College’s legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and that the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000 to be paid within six months of 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, RECE, Chair

June 16, 2023  
\_\_\_\_\_  
Date