

NOTICE OF PUBLICATION BAN

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

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

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

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
CARMINA BAUTISTA JULIO)	Self-represented
REGISTRATION # 103663)	
)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: June 1, 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 June 1, 2023. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8 (the “ECE Act”) 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 ECE 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 May 1, 2023, (Exhibit 1) which provided as follows:

1. At all material times, Carmina Bautista Julio (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at BrightPath Childcare Centre (the “Centre”) in Brampton, Ontario.
2. On or about November 23, 2021, the Member was supervising a 3-year-old child with special needs (the “Child”) in the Centre’s preschool room. Between approximately 1:35 p.m. and 1:50 p.m., the Member forcefully restrained the Child for approximately 8 – 10 minutes, while the Child was face down on their cot, by placing her legs across the Child’s upper body. The

Child, whose body and head were fully covered with a blanket, cried, and attempted to resist by kicking the Member and trying to get up.

3. The Centre's Supervisor (the "Supervisor") heard the Child's crying, entered the preschool room and confronted the Member. Only then did the Member lift her legs off the Child and remove the blanket from the Child.
4. As a result of the Member's actions, the Child sustained marks on their face, chest, and back.
5. Later that day, the Member asked the Supervisor not to report the incident.
6. By engaging in the conduct set out in paragraphs 2 to 5 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the ECE 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:

The Member

- 1. The Member has had a certificate of registration with the College for approximately 3 years. She is in good standing with the College and does not have a prior discipline history with the College.
- 2. At all material times, the Member was employed as a Registered Early Childhood Educator ("RECE") at the Centre.

The Incident

- 3. On November 23, 2021, the Member was supervising the Child, a non-verbal 3-year-old child with autism, in the Centre's preschool room. Between approximately 1:35 p.m. and 1:50 p.m. the Member forcefully restrained the Child for approximately 8 – 10 minutes, while the Child was face down on a cot, by placing her legs across the Child's upper body, over their shoulder blades. The Child, whose body and head were fully covered with a blanket, cried, and moved

their head back and forth. The Child also attempted to resist by kicking the Member and trying to get up.

4. The Supervisor heard the Child's crying, entered the preschool room, and confronted the Member by telling her the conduct was unacceptable. Only then did the Member lift her legs off the Child and remove the blanket, while apologizing to the Supervisor.
5. As a result of the Member's actions, the Child sustained marks on their face, chest, and back.
6. The Member went to the Supervisor's office and asked the Supervisor not to say anything about the Incident. The Supervisor instructed the Member to go home. Later in the evening, the Member texted the Supervisor and further "begged" for another chance. The Supervisor did not adhere to the Member's requests and reported the Incident as required.

Additional Information

7. The Member's employment at the Centre was terminated as a result of the Incident.
8. Police investigated the Incident and cautioned the Member against physically restraining a child. No criminal charges were laid.
9. The Children's Aid Society ("CAS") investigated the incident and verified that the Member used "excessive/inappropriate force" with the Child, placing the Child "at risk of harm." CAS noted that the risk was heightened by the fact that the Child was "younger and more vulnerable due to the fact that [they were] non-verbal."
10. Prior to the Incident, as a result of a concern regarding the Member's interaction with another child, the Centre provided the Member with "training on behaviour management and working with children with autism" and reminded the Member that it was the Member's "responsibility to ask for help if [the Member] needs help or is being overwhelmed."
11. The Child's mother was very upset about the Incident and commented on what had happened on various social media platforms. A member of the public responded to one of the posts as follows: "It takes a lot for a parent to trust anyone, let alone strangers to watch over and care for their children. I'm disgusted to hear of the recent abuse of a child here. Absolutely awful".

12. Following the Incident, the Member engaged in professional development to improve and enhance her practice, particularly with young children.
13. If the Member were to testify, she would advise that she is remorseful and agrees her actions were inappropriate. The Member learned a “hard lesson”, and now understands that she should have “done something different”.

Admissions of Professional Misconduct

14. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 6 above, and as defined in subsection 33(2) of the ECE 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 acts of misconduct set out in the Agreed Statement of Facts.

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

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the Member was guilty of professional misconduct and physical and emotional abuse of a child under her care. All of the allegations of misconduct were supported by the evidence set out in the Agreed Statement of Facts.

College Counsel submitted that the Member physically restrained a non-verbal child with autism on a cot. The Child was face down with the Member's legs on top of the Child's body while the Child was covered with a blanket. This lasted 8 minutes until the Supervisor entered the room and made the Member stop.

College Counsel submitted that the evidence established that the Member used undue force and disregarded the Child's physical and emotional well-being. This was despite the fact that the Member had received training due to a prior incident.

College Counsel submitted that the Member's conduct was a breach of standards. RECEs are expected to be caring and empathetic and to act with integrity. The Member's conduct demonstrated that she failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children. By her actions, the Member failed to engage in supportive and respectful interactions with a child under her care.

College Counsel further 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. 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. The Member failed to model the values of RECE's by requesting that the Supervisor not report her misconduct. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly unbecoming.

College Counsel stated that the Member failed to model professional values, beliefs and behaviours with children, families and colleagues. She failed to understand that her conduct reflects on her as a professional and on her profession at all times.

The Member made no submissions with respect to the allegations.

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 evidence 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.

The Panel finds that the Member physically, and emotionally abused a child under her care and failed to engage in supportive and respectful interactions. RECEs are required to be caring and empathetic and to act with integrity, and to comply with the Standards of Practice of the profession. Forceful physical restraint is a prohibited practice.

By her conduct, the Member failed to demonstrate that she was knowledgeable about how to de-escalate the situation at hand and use a range of strategies that support ongoing positive interactions with children and families. She failed to engage in supportive and respectful interactions with a child under her care. Through her actions she neglected to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion.

The Member's conduct demonstrated that she did not comply, 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. The Code of Ethics requires RECEs to make the well-being, learning and care of children their foremost responsibility. It requires them to value the rights of all children and create learning environments where all children can experience a sense of belonging and inclusion. The Panel finds that the Member failed to model professional values and behaviours with children.

The Panel was particularly disturbed with the Member's attempt at influencing the Supervisor in not reporting her misconduct. The duty to report is paramount in an RECE's and supervisor's responsibilities. 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, and would also constitute conduct unbecoming a member of the profession.

The Panel found that the facts as presented support the finding that the Member engaged in all of the acts of misconduct alleged and as presented in the Agreed Statement of Facts.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). The parties submitted that the Panel should make an order as follows:

1. Requiring the Member to appear before a Panel of the Discipline Committee to be reprimanded immediately following the hearing of this matter.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 13 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 ECE 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;
 - ii. Inclusion in early childhood education and addressing the needs of children with special needs; and
 - iii. Professionalism and Ethics.

- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE 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, 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 is appropriate in the circumstances and that it will send a message broadly to the community of RECEs and to the public at large that the Member's conduct was unacceptable and will not be tolerated. It will discourage other RECEs from engaging in similar conduct and it will send a specific message to the Member that her conduct was unacceptable. The Proposed Order will assist in rehabilitating the Member and ensure that she learns from her wrongdoing. The Proposed Order is 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 Child was only preschool age which made them vulnerable.
2. The Child was non-verbal with autism. The Member did not use a developmentally appropriate approach or show sensitivity to a very vulnerable child who could not speak up for themselves.
3. The Member's physical conduct was forceful.
4. The Member forcefully and aggressively restrained the Child for 8-10 minutes and as such, this was not a momentary lapse of judgment.

5. The Child was significantly emotionally impacted; crying so loud that the Supervisor heard the Child from another room.
6. The Member did not stop voluntarily. She only stopped her conduct once confronted by the Supervisor.
7. The Child sustained injury on their face, chest and back.
8. The Child's family was deeply upset as per postings on social media. The public response demonstrates a loss of trust in the Centre, and how they see the profession as a whole.
9. The Member engaged in abusive conduct despite receiving training on behaviour management and working with children with autism as a result of a previous incident with another child. The training should have heightened her awareness.
10. The Member attempted to prevent the Supervisor from reporting her abusive conduct. This demonstrated a lack of integrity and honesty and was dishonest.

The College submitted three mitigating factors to consider.

1. By agreeing to the facts and penalty, the Member saved the College the time and expense of a contested hearing.
2. The Member had no prior misconduct history with the College.
3. Following the Incident, the Member voluntarily engaged in professional development.

The College further submitted that suspension was not enough in this case. In light of the severity of the Member's conduct, further training, structured mentoring and coursework; including ethics was necessary.

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 Leslie Nicole Raybon*, 2021 ONCECE 2
2. *College of Early Childhood Educators v Latesha Kristen Parenteau*, 2022 ONCECE 11
3. *College of Early Childhood Educators v William George De Wit*, 2021 ONCECE 12
4. *College of Early Childhood Educators v Karyn Shelley Snow*, 2022 ONCECE 12

College Counsel submitted that these cases demonstrated that RECEs who were found to have physically abused a child under their care received penalties consisting of suspensions in the range of seven to ten months, in addition to terms of mentorship and coursework where a return to practise is contemplated. While no two cases are identical, College Counsel submitted that these cases showed that the Proposed Order was appropriate in this particular case.

College Counsel submitted that the Proposed Order included an amount for costs agreed upon by the parties. The College submitted that, although this was a symbolic amount representing a fraction of the College's actual costs, it was important to demonstrate that the membership as a whole, through their dues, should not be required to pay for the inappropriate actions of one member.

Submissions of the Member on Penalty and Costs

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

PENALTY DECISION

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

1. The Member is required to appear before 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. 13 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) and 3(b) below, whichever is greater.

The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

3. The Registrar is directed to impose the following terms, conditions, and limitations on the Member's certificate of registration:

Coursework

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE 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;
 - ii. Inclusion in early childhood education and addressing the needs of children with special needs; and
 - iii. Professionalism and Ethics.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE 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. The Panel concluded that the joint proposal on penalty addresses the principles of specific and general deterrence, rehabilitation, and the confidence and protection of the public.

While the Panel understands the high threshold of a joint submission and as such, did not interfere with the joint submission, the Panel expressed concern at the increasing number of discipline cases involving physical abuse, most specifically the physical abuse of children with special needs. The Panel will expect the College to consider their concern in future matters. The Panel noted that this is the most serious case of physical restraint with a child with special needs that has been brought before the discipline committee.

It is the obligation of RECEs to treat all children with respect and dignity and to create environments where all children can safely experience a sense of belonging and inclusion. The Panel wants to send a clear message to the membership that physical abuse, including physical restraint, will not be tolerated and urges the College to seek more severe penalties in the future for this conduct, particularly where the circumstances involve children with special needs.

Finally, the Panel wishes to express its deep concern for the public's response to this incident on social media that such cases erode the public's confidence in RECE's and the profession as a whole.

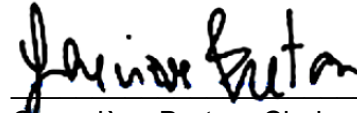
ORDER AS TO COSTS

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

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

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

June 21, 2023

Date