

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Beverly Anne Renaud 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: Lois Mahon, RECE, Chair
Katie Begley, RECE
Geneviève Breton

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
BEVERLY ANNE RENAUD)	Self-represented,
REGISTRATION # 00030)	
)	
)	
)	Elyse Sunshine
)	Rosen Sunshine
)	Independent Legal Counsel
)	
)	Heard: May 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 May 30, 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”), *the Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* and the College’s Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee.

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

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the 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 4, 2023 (Exhibit 1) which provided as follows:

1. At all material times, Beverly Anne Renaud (the “Member”) was a member of the College and was employed as the Executive Director at Linda Lowe Daycare Centre, located in Pakenham, Ontario (the “Centre”).
2. On multiple occasions, between about February 2021 and June 2021, the Centre’s staff reported to the Member, verbally and in writing, concerns that several registered early childhood educators (“RECEs”) employed at the Centre’s preschool room (“Room 4”) repeatedly engaged in abusive conduct towards the children. Among other things, the concerns

reported to the Member included information that the RECEs were forcefully grabbing and dragging children, shoving children by their backs, yelling in children's faces, referring to children as "retarded", "dumb", and telling children words to the effect of "jump off a bridge" and "run in front of a car."

3. Between about February 2021 and June 2021, despite receiving the reports described in paragraph 2 above, the Member failed to do the following:

- a) She did not take adequate steps to prevent the abusive conduct reported to her from re-occurring and/or to ensure the safety and well-being of the children in Room 4.
- b) She did not document any of the concerns that the Centre's staff verbally reported to her.
- c) She did not report any of the concerns raised by the Centre's staff to the Children's Aid Society ("CAS").
- d) She did not instruct any of the Centre's staff who reported concerns to her to report directly to CAS.
- e) She did not report the concerns to the Ministry of Education (the "Ministry") by way of a Serious Occurrence Report ("SOR"), until the Centre's Board of Directors instructed her to do so on or about June 23, 2021.

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 ECE 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 understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being, contrary to Standard I.B.4 of the College's Standards of Practice;

- ii. The Member failed to ensure that in her relationship with families and colleagues, the needs and best interests of the child are her highest priority, contrary to Standard I.C.7 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 observe and monitor the learning environment and to take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
- v. 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;
- vi. 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;
- vii. The Member failed to provide guidance and direction to supervisees that is respectful and fair and/or failed to ensure a level of supervision that is appropriate in light of the supervisee's education, training, experience and the activities being performed, contrary to Standard IV.C.8 of the College's Standards of Practice;
- viii. The Member failed to report professional misconduct, incompetence and incapacity of colleagues which could create risk to the health or well-being of children or others to the appropriate authorities, including to the College in relation to conduct of another RECE, contrary to Standard IV.C.11 of the College's Standards of Practice;
- ix. The Member failed to be knowledgeable about legislation, policies and procedures related to the *Child and Family Services Act*, contrary to Standard VI.B.4 of the College's Standards of Practice;

- x. The Member failed to comply with the *Child and Family Services Act* about her duty to report suspected child abuse and neglect to the Children’s Aid Society, contrary to Standard VI.C.8 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);
- d) The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
- e) The Member contravened a law, which contravention has caused or may cause a child who is under her professional supervision to be put or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); 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 and the Member advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts (“ASF”) (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 the Executive Director the Centre.

The Incidents

3. On multiple occasions, between February 2021 and June 2021, the Centre’s staff reported to the Member, verbally and in writing, concerns that several RECEs employed at the Centre’s

preschool Room 4, particularly D.M. and T.F., repeatedly engaged in abusive conduct towards the children. Among other things, the concerns reported to the Member included information that the RECEs were forcefully grabbing and dragging children, shoving children by their backs, yelling in children's faces, referring to children as "retarded", "dumb", and telling children words to the effect of "jump off a bridge" and "run in front of a car."

4. Between February 2021 and June 2021, despite receiving the reports described in paragraph 3 above, the Member failed to do the following:
 - a. She did not take adequate steps to prevent the abusive conduct reported to her from re-occurring and/or to ensure the safety and well-being of the children in Room 4.
 - b. She did not document any of the concerns that the Centre's staff verbally reported to her.
 - c. She did not report any of the concerns raised by the Centre's staff to the CAS.
 - d. She did not instruct any of the Centre's staff who reported concerns to her to report directly to CAS.
 - e. She did not report the concerns to the Ministry by way of a SOR, until the Centre's Board of Directors instructed her to do so on June 23, 2021.

Additional Information

5. D.M. and T.F.'s conduct had profound emotional impact on children in Room 4. As a result of their conduct, many of the children cried on multiple occasions, felt sad and were scared. Among other things, some of the children began repeatedly referring to themselves and other children as "bad". At least one child did not want to attend the Centre, and repeatedly "begged" their parents to stay home.
6. The Centre's Child Protection Policy and Procedure (the "Policy"), which was in effect between June 2020 and July 2021, stated that the Centre "promotes a healthy and safe environment for all children in its care" and that "all reports of [abuse] will be taken seriously and will be dealt with appropriately, in accordance with the Child, Youth, and Family Services Act (2017)".
7. The Policy outlined the procedure for any staff who has reasonable grounds to suspect child abuse, which included, among other things, the following:

- a. “You must immediately inform the Director of your suspicion of, and intention to report, child abuse to a CAS. Your Director will support you by ensuring you have the privacy and staff coverage that you require to make the call. The Director will notify the Board that the call has been made to a CAS.”
 - b. “You are not to ask anyone else for help in making the decision to report suspected child abuse and/or rely on anyone else to make a report on your behalf. You must directly report your suspicion of child abuse to the appropriate CAS.”
8. After receiving the SOR, the Ministry immediately reported the concerns to CAS.
9. The Ministry determined that D.M. and T.F. engaged in prohibited practices and issued Compliance Orders against them.
10. The Ministry also cited the Centre for two non-compliances, as a result of the Member being aware and/or having knowledge that Room 4 staff engaged in prohibited practices yet taking no action to address the concerns reported to her.
11. CAS conducted an investigation and verified the following child protection concerns arising from the conduct of D.M. and T.F.:
 - a. Physical force and/or maltreatment resulting in risk of harm to a child;
 - b. Risk of emotional harm to a child as a result of an action and/or inaction and or inadequate response;
 - c. Inadequate supervision resulting in risk of harm to a child and/or distress to child.
12. CAS also verified concerns of “extreme severity” that the Member made “minimal effort to protect” children.
13. The Ministry ordered that all Centre staff, including management, receive duty to report training. The Member ensured that staff completed the training, including herself, and provided proof of completion to the College.
14. An ECE student who was assigned to work in Room 4 alongside D.M. and T.F. withdrew from her placement at the Centre. On June 25, 2021, sometime after reporting her concerns to the Member, the student emailed the Board advising she was resigning after observing the staff

in Room 4 being “mean and aggressive with the children” and expressed concerns regarding an “unprofessional and toxic environment”, among other things.

15. Several staff members advised during their interviews with CAS that they would resign from the Centre if D.M. and T.F. were allowed to continue working there.
16. After CAS verified the concerns against T.F. and D.M., T.F. resigned her employment with the Centre and the Centre terminated the employment of D.M.
17. As a result of the Incident, the Member ensured that all staff reviewed and were aware of the Centre’s policies.
18. If the Member were to testify, she would advise the following:
 - a. As a result of the COVID-19 restrictions in effect at the time of the Incident, the Centre’s management, including the Member, were discouraged from spending too much time in program rooms for health and safety reasons, which led to restricted interactions.
 - b. The Member acknowledges her wrongdoing and has used the Incidents as an opportunity for growth and continued improvement.

Admissions of Professional Misconduct

19. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 4 above, and as defined in subsection 33(2) of the ECE 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 understand the importance of creating and maintaining positive relationships with families and colleagues to support children’s well-being, contrary to Standard I.B.4 of the College’s Standards of Practice;

- ii. The Member failed to ensure that in her relationship with families and colleagues, the needs and best interests of the child are her highest priority, contrary to Standard I.C.7 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 observe and monitor the learning environment and to take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
- v. 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;
- vi. 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;
- vii. The Member failed to provide guidance and direction to supervisees that is respectful and fair and/or failed to ensure a level of supervision that is appropriate in light of the supervisee's education, training, experience and the activities being performed, contrary to Standard IV.C.8 of the College's Standards of Practice;
- viii. The Member failed to report professional misconduct, incompetence and incapacity of colleagues which could create risk to the health or well-being of children or others to the appropriate authorities, including to the College in relation to conduct of another RECE, contrary to Standard IV.C.11 of the College's Standards of Practice;
- ix. The Member failed to be knowledgeable about legislation, policies and procedures related to the *Child and Family Services Act*, contrary to Standard VI.B.4 of the College's Standards of Practice;

- x. The Member failed to comply with the *Child and Family Services Act* about her duty to report suspected child abuse and neglect to the Children's Aid Society, contrary to Standard VI.C.8 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);
- d) The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
- e) The Member contravened a law, which contravention has caused or may cause a child who is under her professional supervision to be put or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); 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

The Member admitted to the allegations in the ASF.

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 evidence contained in the ASF clearly establish the allegations of professional misconduct and failure to report as set out in the Notice of Hearing. The College argued that any reasonable member of the profession would consider the Member's conduct to be dishonest, unethical and unprofessional.

The College submitted that the Member, as Executive Director, was responsible for protecting the children attending the Centre. As supervisor she had the duty to provide strong professional guidance to the Centre staff. She failed to direct supervisees to report observation and/or suspicion of abuse and did not take any steps to address the concerns raised by staff.

Over a period of four months, the Member ignored multiple verbal and written reports of ongoing abuse. In her role of trust and authority, she failed to take any adequate steps to protect the children against the abuse therefore leaving them at risk of harm. The abusive conduct had a profound emotional impact on the children. Children begged their parents not to take them to the Centre.

She failed to document and keep records of verbal reports of abuse by staff. She failed to report the abuse to CAS contravening the *Child and Family Services Act*, the *Childcare and Early Years Act*, the ECE Act, the College's Code and Standards, and the Centre's policies.

The Ministry cited the Centre for non-compliance of prohibited practice and failure to report serious occurrences. The Ministry ordered all Centre staff, including management, to receive training on the duty to report.

These events occurred despite the fact that at the time, the College strongly impressed upon RECEs the important obligation and duty to document and report suspicion of abuse.

The College further submitted that the Member failed to know and understand relevant procedures. Her conduct eroded the public trust and is unbecoming, disgraceful, and dishonorable of an RECE.

The Member admitted to the conduct and acknowledged the facts as set out in the ASF. She submitted that the events at issue occurred during Covid where it was particularly hard to properly supervise children. She also explained that she had only been in the role for a year.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the ASF, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in the Notice of Hearing.

The Panel accepted that the evidence as described in the ASF, and that the Member's admission was informed and voluntary. The Panel found that all of the allegations set out in the Notice of Hearing were supported by the facts contained in the ASF. The Panel finds that it is more likely than not that the events occurred as stated in the ASF.

As a supervisor, the Member was required to document and report the incidents to CAS and the Ministry. She failed to report and document several incidents of abuse to children under her care. The seriousness of her conduct demonstrates the Member's lack of integrity, lack of judgment and lack of responsibility, such that it reflects negatively on the profession. The Panel found that the Member's conduct in this case showed complete disregard for the welfare and safety of children in her care. Such conduct shall not be tolerated and would reasonably be regarded by members of the profession and the public as disgraceful, dishonorable, unprofessional and unbecoming of a member of the RECE profession.

POSITION OF THE PARTIES ON PENALTY AND COSTS

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order"). 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 within 30 days of the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 9 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 course (subject to the Director's pre-approval):
 - i. Effective and positive communication with families, staff and the community.
- 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 was appropriate in the circumstances. College Counsel submitted that the Proposed Order would send a message broadly to the community of RECEs and to the public at large that the Member's conduct was unacceptable and would not be tolerated. It would discourage other RECEs from engaging in similar conduct and it would send a specific message to the Member that her conduct was unacceptable. The Proposed

Order would assist in rehabilitating the Member and ensure that she learned fully from her wrongdoing. The Proposed Order was also within the range of penalties imposed in similar cases, while taking into account the specific aggravating and mitigating factors of this case.

The College indicated that there were ten aggravating factors in this case:

1. The conduct included a repeated breach of the duty to report. The conduct at issue was not a momentary lapse of judgment as it went on for four months. The Member reported a serious occurrence only after her Board instructed her to.
2. The Member was a leader of a Centre. The Member was in a position of authority and trust. She failed to advise staff to report to CAS and also failed to abide by her duty to report. She failed to enforce legislation and policies.
3. The Member did not act in response to multiple staff reports about the abuse that was occurring.
4. The children were only preschool age which made them vulnerable to such abusive conduct.
5. The reports that the Member received from staff should have been a red flag. RECEs who suspect such conduct should be reporting it to the authorities. There is no doubt that staff responsible for such abusive conduct were putting these vulnerable children at risk. The role of an individual receiving such a report is not to determine whether the reports are true or not, but to report on the basis of suspicion.
6. The Member did not take any steps to stop the abuse from recurring. She failed to protect the children while they remained at risk of harm. The Member did not issue an internal warning or conduct an investigation. Nothing was done to prevent the abuse. The Ministry cited the Centre for non-compliance of prohibited practice. The CAS stated extreme severity of abuse and minimal efforts to protect children.
7. The abusive conduct had a profound emotional impact on the children. They were scared and begged their parents to stop attending the Centre. Had the Member reported the abuse immediately, it would have reduced the children's suffering.
8. The Member failed to document warnings from staff. The obligation to report and keep records is paramount for RECEs in leadership roles. Lack of documentation may interfere with the authorities' ability to investigate.
9. The events occurred in 2021 after the College repeatedly communicated with members about the importance of the duty to report.

10. The Member's conduct erodes trust in the RECEs profession. Parents and the public may lose confidence in the RECEs to protect children in their care.

The College submitted that there were two mitigating factors:

1. The Member pleaded guilty and by agreeing to the facts and penalty, she saved the College the time and expense of a contested hearing. The Member had insight into her conduct and demonstrated her willingness to improve by agreeing to the remediation.
2. The Member had no prior history of misconduct.

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 Asma Ather Kidwai*, 2019 ONCECE 11
2. *College of Early Childhood Educators v Abena Brimpomaa Akosah*, 2022 ONCECE 9
3. *College of Early Childhood Educators v Rosie Jameak Black*, 2023 ONCECE 1
4. *College of Early Childhood Educators v Karyn Shelley Snow*, 2022 ONCECE 12

College Counsel submitted that this case is unique as the key misconduct was failure to duty to report and to advise supervisees of their duty to report. As Executive Director, her failure was serious. All RECEs must abide by their duty to report. This is a basic and fundamental responsibility that the profession must fulfill.

College Counsel submitted that this is only the second case of failure of duty to report brought before the Discipline Committee. This case must provide strong guidance to the profession of the crucial importance of immediately reporting suspicion of abuse.

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 submitted that she had been working for 40 years in the field and expressed a desire to “clear her name”. She wants to make sure that this never happens again.

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 30 days of the date of this Order.
2. The Registrar is directed to suspend the Member’s certificate of registration for a period of
 - a. 9 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 course (subject to the Director's pre-approval):

- i. Effective and positive communication with families, staff and the community.
- 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 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 penalty ordered met the objectives outlined above. Accordingly, the Panel accepted the joint submission.

In reaching its decision, the Panel carefully considered the joint submission of the parties, the aggravating and mitigating factors, and the findings of comparable cases submitted by the College Counsel. The Panel found that the penalty is proportionate with the range of suspensions that were imposed in the comparable cases that were put before the Panel.

The suspension, along with the reprimand, will act as a specific deterrent to the Member, and a general deterrent to other members of the profession, from engaging in such conduct. The terms, conditions and limitations imposed will help to protect the public. The Member will also be rehabilitated through the mentoring sessions and the ethics course work.

The Panel urges the College to send an update to all members regarding the duty to report and the particular role that a supervisor plays in that regard. Given the resources available through the College and the knowledge we have on the damage abuse has on the children, the Panel urges the College to issue more severe consequences and penalties on cases of failure to report in the future.

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 the Order.

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

 RECE

Lois Mahon, RECE, Chair

June 20, 2023

Date