

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Cynthia Nicole Rochon 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  
Richard Fillion, DDS  
Krista Johnson, RECE

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
CYNTHIA NICOLE ROCHON	)	Self-represented
REGISTRATION # 51048	)	
	)	
	)	
	)	
	)	Lonny Rosen,
	)	Rosen Sunshine LLP
	)	Independent Legal Counsel
	)	
	)	Heard: August 18, 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 August 18, 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, of 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 July 14, 2023, (Exhibit 1) which provided as follows:

1. At all material times, Cynthia Nicole Rochon (the “Member”) was a member of the College of Early Childhood Educators and was employed as a Registered Early Childhood Educator (“RECE”) at Weefolk Playhouse Inc. (the “Centre”), in Ottawa, Ontario.
2. Between on or about July 19, 2021 to July 22, 2021, the Member engaged in the following conduct towards a four-year-old boy (“Child 1”), she was responsible for supervising in the preschool classroom:

- a. The Member grabbed Child 1 and violently picked him up. Child 1 said “No!” and the Member slammed him onto a chair. Child 1 cried loudly as a result of the Member’s conduct. The Member walked away from Child 1 and blamed him for her conduct.
  - b. The Member screamed at Child 1 words to the effect of “You are not a baby; you are the eldest in the class, but you are acting like a baby! I am going to send you to the baby room. Do you want me to put a diaper on you?”
  - c. During circle time, the Member violently grabbed Child 1 by the arm and brought him outside of the classroom to the cubby area. The Member sat Child 1 in the cubby area. Child 1 began to cry, and the Member said to him “You are a baby”, or words to that effect. The Member then left Child 1 alone and unsupervised in the cubby area for approximately 5-7 minutes.
3. Between on or about July 19, 2021 to July 23, 2021, the Member engaged in the following conduct towards preschool-aged children she was responsible for supervising, including Child 1:
  - a. On multiple occasions, the Member engaged in aggressive and/or forceful interactions with children, including:
    - i. On or around July 22, 2021, the Member did not allow an almost three-year-old girl (“Child 2”) to go to sleep with the rest of the children. When Child 2 clearly expressed that she was tired, the Member responded by yelling “You should be sitting up on your bed, reading your book. You can’t go to sleep now because you wake up too early” and added “If you don’t sit up, I will make you sit up!”, or words to that effect.
    - ii. On multiple occasions, during nap time, the Member hit and/or struck the children’s backs and was rough with them, particularly when it took children longer to fall asleep than the Member expected.
    - iii. On or around July 22, 2021, the Member threw a blanket over Child 2’s whole body, including her head, and instructed Child 2 not to move or take off the blanket, and go to sleep.

- iv. On or about July 23, 2021, during nap time, while Child 2 was laying on her stomach on her cot, the Member pinned down Child 2 by placing her leg and thigh over Child 2's back, preventing Child 2 from moving on the cot. The Member said to Child 2 that she was a "stubborn" child.
- b. On multiple occasions, the Member threatened children, yelled at them, mocked them and/or made inappropriate comments to them, including as follows:
  - i. The Member frequently screamed at the children.
  - ii. The Member frequently told the children they were "bad", and that they were making the Member "mad", or words to that effect.
  - iii. On multiple occasions, the Member said to the children in a threatening manner, "If you don't listen and stop talking, you will go to your chair, at the table, and sit there doing nothing all day!" and "You have three chances", or words to that effect.
  - iv. On multiple occasions, the Member mocked the children, by mimicking them when they cried.
  - v. The Member said to the children that "September cannot come quick enough, you all should leave. I am tired of having you all" or words to that effect.
  - vi. The Member occasionally cursed at the children. On one occasion, during circle time the Member screamed at one of the children and told him words to the effect of "shut the fuck up".
  - vii. The Member said to one of the children "I am not your parents who allow you to have temper tantrums! Keep your temper tantrums for your parents! I'm not dealing with it", or words to that effect.
- c. The Member prohibited the children from speaking during mealtimes and required them to sit at the table in complete silence, including while waiting for staff to serve the food. The Member screamed at children who spoke while sitting at the table and threatened that she would not allow them to go outside to play.

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 physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - c. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - d. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - e. 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College’s Standards of Practice;
    - v. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College’s Standards of Practice;

- vi. 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
  - vii. 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.
- f. 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
- g. 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 agreement had been reached between the Member and the College 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 9 years. She is in good standing with the College and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as an RECE at Weefolk Playhouse Inc. (the "Centre") in Ottawa, Ontario.

### **The Incidents**

3. Between July 19, 2021 to July 22, 2021, the Member engaged in the following conduct (the "Incidents") towards a four-year-old boy ("Child 1") she was responsible for supervising in the

preschool classroom:

- a. The Member grabbed Child 1 and violently picked him up. Child 1 said “No!” and the Member slammed him onto a chair. Child 1 cried loudly as a result of the Member’s conduct. The Member walked away from Child 1 and blamed him for her conduct.
  - b. The Member screamed at Child 1 words to the effect of “You are not a baby; you are the eldest in the class, but you are acting like a baby! I am going to send you to the baby room. Do you want me to put a diaper on you?”
  - c. During circle time, the Member violently grabbed Child 1 by the arm and brought him outside of the classroom to the cubby area. The Member sat Child 1 in the cubby area. Child 1 began to cry, and the Member said to him “You are a baby”, or words to that effect. The Member then left Child 1 alone and unsupervised in the cubby area for approximately 5–7 minutes.
4. Between July 19, 2021 to July 23, 2021, the Member engaged in the following conduct towards preschool-aged children she was responsible for supervising, including Child 1:
- a. On multiple occasions, the Member engaged in aggressive and/or forceful interactions with children, including as follows:
    - i. On July 22, 2021, the Member did not allow an almost three-year-old girl (“Child 2”) to go to sleep with the rest of the children. When Child 2 clearly expressed that she was tired, the Member responded by yelling “You should be sitting up on your bed, reading your book. You can’t go to sleep now because you wake up too early” and added “If you don’t sit up, I will make you sit up!”, or words to that effect.
    - ii. On multiple occasions, during nap time, the Member hit and/or struck the children’s backs and was rough with them, particularly when it took children longer to fall asleep than the Member expected.
    - iii. On July 22, 2021, the Member threw a blanket over Child 2’s whole body, including her head, and instructed Child 2 not to move or take off the blanket, and go to sleep.

- iv. On July 23, 2021, during nap time, while Child 2 was laying on her stomach on her cot, the Member pinned down Child 2 by placing her leg and thigh over Child 2's back, preventing Child 2 from moving on the cot. The Member said to Child 2 that she was a "stubborn" child.
- b. On multiple occasions, the Member threatened children, yelled at them, mocked them and/or made inappropriate comments to them, including as follows:
  - i. The Member frequently screamed at the children.
  - ii. The Member frequently told the children they were "bad", and that they were making the Member "mad", or words to that effect.
  - iii. On multiple occasions, the Member said to the children in a threatening manner, "If you don't listen and stop talking, you will go to your chair, at the table, and sit there doing nothing all day!" and "You have three chances", or words to that effect.
  - iv. On multiple occasions, the Member mocked the children, by mimicking them when they cried.
  - v. The Member said to the children that "September cannot come quick enough, you all should leave. I am tired of having you all" or words to that effect.
  - vi. The Member occasionally cursed at the children. On one occasion, during circle time, the Member screamed at one of the children and words to the effect of "shut the fuck up".
  - vii. The Member said to one of the children "I am not your parents who allow you to have temper tantrums! Keep your temper tantrums for your parents! I'm not dealing with it", or words to that effect.
- c. The Member prohibited the children from speaking during mealtimes and required them to sit at the table in complete silence, including while waiting for staff to serve the food. The Member screamed at children who spoke while sitting at the table and threatened that she would not allow them to go outside to play.



## **Additional Information**

5. On Thursday, July 22, 2021, and again the following day, an employee of the Centre reported concerns to the Centre's Supervisor that the Member engaged in abusive conduct as described above. Then, on Sunday, July 25, 2021, the employee reported the concerns to the Children's Aid Society ("CAS").
6. The following day, on Monday, July 26, 2022, a CAS worker attended the Centre to begin investigating the Member's conduct. Later that day, the Centre's Licensee filed a Serious Occurrence Report with the Ministry of Education (the "Ministry"), and the Member's employment at the Centre was terminated.
7. CAS conducted an investigation and verified the following child protection concerns against the Member:
  - a. Physical force and/or maltreatment – risk that the child is likely to be harmed; and
  - b. Risk that the child is likely to be emotionally harmed resulting from caregiver's actions or inactions and/or inadequate response.
8. The College is not aware of any physical marks, injuries or long-term emotional impact to any of the children as a result of the incidents.
9. The Centre's policies outline the following prohibited practices:
  - a. Physical restraint of the child, unless the physical restraint is for the purpose of preventing a child from hurting himself, herself or someone else, and it is used only as a last resort and only until the risk of injury is no longer imminent.
  - b. Use of harsh or degrading measures or threats or use of derogatory language that would humiliate, shame or frighten the child or undermine his or her self-respect, dignity or self-worth.
  - c. Confining the child in an area or room without adult supervision.
10. The Ministry also investigated the Member conduct. It determined that the Member engaged in prohibited practices and issued a Compliance Order against her.

11. Prior to the incidents described above, the Centre’s staff and management noted concerns regarding the Member’s conduct and tone of voice with children. The Member then took a two week leave July 5–16, 2021.
12. If the Member were to testify, she would advise the following:
- a. In the year and a half prior to the Incidents, since the Covid-19 pandemic began, the Member’s anxiety “spiked” and began affecting her work. Additionally, at the time of the Incidents the Member was dealing with challenging personal circumstances, which included an abusive relationship, that has since ended.
  - b. The Member acknowledges she “lost her composure”, acted aggressively and “took it out on the children.” She reflected on her conduct and regrets it.
  - c. Since the Incidents, the Member dedicated time to learn strategies for coping with stress and she is committed to being a “better educator”.

#### **Admissions of Professional Misconduct**

13. 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 physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - c. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - d. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - e. 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
  - v. The Member failed to provide safe and appropriate supervision of children based on age, development, and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
  - vi. 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
  - vii. 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.
- f. 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
- g. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

## **THE MEMBER'S PLEA**

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

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

## **SUBMISSIONS OF THE PARTIES ON LIABILITY**

The College submitted that the Member was guilty of professional misconduct and physical, verbal and emotional abuse of two children under her care. All of the allegations of misconduct are supported by the facts set out in the Agreed Statement of Facts.

College Counsel submitted that the facts demonstrate that the Member physically abused two preschool aged children by violently grabbing and engaging in forceful interactions. The Member also verbally abused the children by yelling, threatening and mocking. The Member showed a complete disregard for the children's emotional well-being.

College Counsel submitted that the Member's conduct fell far below the standard of RECE's, and showed a profound lack of compassion and respect toward the children. 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 and families. By her actions, the Member failed to engage in supportive and respectful interactions with children under her care. While dealing with children under her care, the Member created an atmosphere of fear by requiring children to be completely silent during meals, using forceful physical restraint and repeatedly subjecting children to verbal mocking, for example, telling them they are "all bad". Treating children in this manner takes away a layer of support and shatters their sense of security in an environment where they are supposed to feel safe. By these actions, the Member physically, verbally and emotionally abused two children and potentially impacted the emotional well-being of other children present.

College Counsel submitted that the Member failed to establish a caring relationship and to respond to the needs of the children under her care 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. Her conduct in these instances was disgraceful, dishonourable, unprofessional and clearly conduct unbecoming an RECE.

College Counsel stated that there were no physical marks or bruises evident on the children following the incident. The College is not aware of any residual emotional impacts suffered by the children involved.

The Member made no submissions on liability, but agreed by way of the Agreed Statement of Facts, 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 admissions and found her guilty of professional misconduct as alleged in the Notice of Hearing

The Panel finds that all of 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 finds 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, verbally and emotionally abused children under her care. She failed to engage in supportive and respectful interactions; additionally, her conduct did not represent the high standards and professional practices outlined in the *Code of Ethics and Standards of Practice*. The Panel acknowledges that this conduct occurred over a four-day period and that the College did not suggest it was indicative of an ongoing pattern of behaviour in the Member's professional practice. The Panel accepts that this was a unique situation, as the Member was facing stressful circumstances at the time that the abuse occurred. Having said this, the Panel stresses that RECEs are held to a high standard and even one incident of abuse of a child is too many. The Member's conduct was unacceptable and inconsistent with the College standards and values.

The Panel finds that the Member failed to model professional values and behaviours with children. All of her conduct, as outlined above, would clearly be regarded by members of the profession as disgraceful, dishonourable and unprofessional. It reflects negatively on the Member and on the profession as a whole, and would also constitute conduct unbecoming a member of the profession.

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

### **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. 12 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(s) (subject to the Director's pre-approval):
  - i. Anger management;
  - ii. Building positive and responsive relationships with children; and
  - iii. Positive intervention strategies.
- 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 two 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 seven 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 occurred over four days and was not a single incident. However, it was short and localized, not an ongoing pattern of behaviour.
2. The children were preschool age which made them more vulnerable as they are not able to verbalize what happened or report the abuse.
3. The conduct resulted in the children being subjected to an unnecessary and prohibitive power struggle, which escalated to forceful and violent interactions.
4. Although the Member's conduct was directed to different children, two children in particular were subjected to the abusive conduct.
5. The conduct negatively impacted the emotional well-being of Child 2, as shown by the child crying after being slammed on the chair and being forcefully placed in the cubby area.
6. The Member repeatedly subjected the children to verbal abuse through yelling, mocking and cursing at the children, and telling them they were bad. The Member also made negative comments about the children's parents, which, when done in the presence of a child diminishes the child's support and makes reporting the abusive conduct less likely.
7. The Member's verbal and physical abuse occurred in the classroom in front of all the children and likely eroded a sense of security for all of the children under her care.
8. The Member failed to supervise Child 1, which placed them in a vulnerable position that may have led to risk of harm.
9. The pattern of behaviour is serious enough to reflect negatively on the profession of early childhood education as a whole, and to erode the trust families place in RECEs.
10. There were prior concerns about the Member's conduct and tone of voice which resulted in the Member taking a leave of absence for two weeks, which occurred before the Incidents.

The College submitted that there were three mitigating factors. The Member pleaded guilty, thereby saving the College the time and expense of a contested hearing, the Member had no prior discipline history, and this was a unique situation as the Member had stressful personal circumstances at the time.

College Counsel submitted that there were two additional considerations that were neither aggravating nor mitigating but which warranted consideration: that no marks were left on the Child; and the College is not aware of any long-lasting emotional impacts on the children as a result of the Member's conduct.

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.

College Counsel provided the Panel with six cases to satisfy the Panel that the Proposed Order was proportionate and consistent with penalties ordered in the case of similar conduct.

1. *College of Early Childhood Educators v Leslie Nicole Raybon*, 2021 ONCECE 2
2. *College of Early Childhood Educators v Rosie Jameak Black*, 2023 ONCECE 1
3. *College of Early Childhood Educators v Sheryl Anne Grant*, 2023 ONCECE 6
4. *College of Early Childhood Educators v Amal Ali*, 2019 ONCECE 2
5. *Law Society of Ontario v Zopf*, 2019 ONLSTH 144
6. *College of Early Childhood Educators v Charmaine Louise Lindsay*, 2022 ONCECE 13

College Counsel submitted that while no two cases are identical, the above cases showed that the Proposed Order was within the range of what was appropriate and fell within the range of penalties ordered in similar cases. These cases demonstrated not only the length of suspension ordered in cases where RECEs were found guilty of abuse of children (in some cases, single incidents, and in other cases, where there was a pattern of conduct), but that the Discipline Committee as well as the Law Society Hearing Tribunal recognized that the member's personal circumstances could be considered when determining the penalty for misconduct.

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 investigation and prosecution of inappropriate actions of one member.

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

The Member made no submission on penalty or costs.

## **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 immediately following the hearing of this Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
  - a. 12 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 if a grade is not assigned) and at her own expense, the following course(s) (subject to the Director's pre-approval):
  - i. Anger management;
  - ii. Building positive and responsive relationships with children; and
  - iii. Positive intervention strategies.

- 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 two 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 seven 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**

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 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.

The Panel is aware that no two cases are exactly alike. However, reviewing earlier cases can help determine the appropriate level of penalty. The Panel therefore considered the previous cases that were presented by College Counsel and felt that the Proposed Order was proportionate and consistent with other cases where there was similar conduct.

The Panel found that a suspension is necessary in this case to address the Member's use of physical force, which is an unacceptable form of child guidance and reinforcement, in addition to her physical and emotional abuse of children under her care. The Member should have a number of appropriate behaviour management strategies at her disposal to support and promote pro-social behaviour. The Panel trusts that this suspension will demonstrate to the Member how seriously the College takes this kind of unacceptable conduct and allow her time to reflect on her actions.

The Proposed Order included a suspension that will last at least twelve months, and that will prevent the Member from practising as an RECE until she completes the extensive coursework required of her. The Panel viewed this suspension as appropriate, given the aggravating and mitigating factors, and particularly the fact that the misconduct occurred over a very short period of time and the Member admitted to her conduct and pleaded guilty. The Panel also accepted that the Member's difficult personal circumstances were relevant (she was leaving an abusive relationship around the time of the Incidents).

This suspension, together with the reprimand, would serve to deter the Member from engaging in further misconduct and deter other RECEs from engaging in such conduct. The Panel found that the extensive coursework and mentorship would provide both public protection and rehabilitation of the Member.

The Panel therefore found that the penalty jointly proposed by the parties in this case was appropriate. The Panel also considered that the Member cooperated with the College by agreeing to the facts and proposed penalty and has accepted responsibility for her conduct.

The Panel found that the penalty ordered satisfies the principles of specific and general deterrence and public protection. The suspension of the Member along with the reprimand, mentorship and coursework will act as specific deterrents to the Member and will provide general deterrence to other members of the profession, preventing them from engaging in such conduct.

The terms, conditions and limitations imposed as part of the penalty Order, including courses in positive intervention strategies and anger management, will help to rehabilitate the Member and educate her regarding best practises for early learning. This will also help protect the public.

Having considered all of these factors, the Panel was satisfied that the penalty ordered in this case was appropriate and in the public interest.

In future, the Panel feels that the penalty imposed to address misconduct which includes physical abuse of a child needs to be stronger in order to deter this behaviour on the part of members of the profession, as we have noticed an increase in complaints and discipline proceedings involving this type of misconduct. The Panel encourages the Discipline Committee to continue to seek suspensions of at least this length in the case of (multiple) incidents of physical (and/or) verbal abuse 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, 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

September 14, 2023  
Date