

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Pawandeep Kaur 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
Jasmine Brar, RECE
Michelle Eaton

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
PAWANDEEP KAUR)	Self-represented
REGISTRATION #100878)	
)	
)	
)	Lonny Rosen
)	Rosen Sunshine
)	Independent Legal Counsel
)	
)	Heard: December 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 December 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 Practice 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 the 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 November 16, 2023 (Exhibit 1), which provided as follows:

1. At all material times, Pawandeep Kaur (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator at BrightPath Kids, located in Maple, Ontario (the “Centre”).
2. On multiple occasions, between on or about January 4 and January 18, 2021, the Member observed A.K.D. (RECE) and M.V. (RECE) engage in aggressive, forceful and/or abusive conduct towards toddlers in the Centre’s toddler room. Among other things, the Member observed that A.K.D. and/or M.V. hit children on their head or body, physically restrained

children, and pulled or dragged children into the toddler classroom, causing the children to cry and be upset.

3. Despite observing A.K.D. and M.V.'s conduct, described in paragraph 2 above, the Member failed to do the following:
 - a. She did not take steps to prevent the abusive conduct she observed from reoccurring and ensure the safety and well-being of the children in the toddler room;
 - b. She did not report A.K.D. and M.V.'s conduct to the Children's Aid Society;
 - c. She did not document A.K.D. and M.V.'s conduct, in contravention of the Centre's Duty to Report policy; and
 - d. She did not report A.K.D. and M.V.'s conduct to the Centre's management, in contravention of the Centre's Duty to Report policy.
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 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 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;
 - viii. 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;
 - ix. 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;
- b) 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);
- c) The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);

- d) 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
- 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 advised the Panel that the parties had reached an agreement with respect to the facts, and filed 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 four 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 RECE at the Centre.

The Incidents

3. On multiple occasions, between January 4 and January 18, 2021, the Member observed her colleagues A.K.D. (RECE) and M.V. (RECE) engage in the following aggressive, forceful and/or demeaning conduct towards toddlers in the Centre's toddler room:
 - a. On January 4, 2021, during the morning, M.V. angrily smacked the hand of Child 1 after moving some toys away from them.
 - b. That same day, on January 4, 2021, M.V. hit Child 1 on the head after Child 1 attempted to touch a nearby plant.
 - c. That same day, on January 4, 2021, M.V. restrained Child 1 on their cot with her right leg, while also restraining Child 2 with her upper body.

- d. On January 5, 2021, during the afternoon, M.V. hit Child 2 on the back of the head, causing their head to jerk forward, after Child 2 threw their snack on the floor. M.V. then forcefully grabbed Child 2's arms and hit Child 2's hand on the table. As a result of M.V.'s conduct, Child 2 began to cry and flail their arms. M.V. then restrained Child 2's arms, while they appeared to be in distress.
 - e. On January 7, 2021, A.K.D. aggressively pushed Child 3's leg down, after Child 3 lifted it onto the table during mealtime. When Child 3 lifted their leg onto the table again, A.K.D. abruptly moved Child 3's chair back, causing Child 3 to fall sideways to the floor. A.K.D. then grabbed Child 3's leg and forcefully pulled Child 3 up from the floor by their leg.
 - f. That same day, on January 7, 2021, A.K.D. forcefully restrained Child 4 in her lap while Child 4 repeatedly resisted and tried to break free.
 - g. On January 11, 2021, during the afternoon, A.K.D. pulled Child 5 to the table by their sweater. She then hit Child 5's right arm, lifted them off the floor by the upper arms and roughly sat them on a chair. Child 5 cried and was visibly upset as a result of A.K.D.'s conduct.
 - h. On January 12, 2021, during lunch time, M.V. pulled Child 6 by Child 6's right hand, dragged them across the classroom and violently threw them down on the floor.
 - i. That same day, on January 12, 2021, A.K.D. hurriedly took Child 1 by their left wrist to sit with her on a bench. Child 1 dropped to a sitting position on the floor, cried and put their head down. A.K.D. forcefully pulled Child 1 upright and restrained them with her legs as Child 1 continued to cry.
 - j. On January 18, 2021, M.V. pushed Child 7, causing them to fall to the floor. She then roughly pulled Child 7 up from the floor by their left wrist.
4. Despite observing A.K.D. and M.V.'s conduct, described in paragraph 3 above, the Member failed to do the following:
- a. She did not intervene to stop A.K.D. and M.V.'s abusive conduct;

- b. She did not take steps to prevent the abusive conduct she observed from reoccurring and ensure the safety and well-being of the children in the toddler room;
- c. She did not report A.K.D. and M.V.'s conduct to the Children's Aid Society ("CAS");
- d. She did not document A.K.D. and M.V.'s conduct, in contravention of the Centre's Duty to Report policy; and
- e. She did not report A.K.D. and M.V.'s conduct to the Centre's management, in contravention of the Centre's Duty to Report policy.

Additional Information

- 5. In January and February 2021, the Member was assigned to work in the Centre's toddler room, and was responsible for supervising the toddlers with her room partners – M.V. and A.K.D.
- 6. The Incidents described in paragraph 3 above were captured on video. They were discovered after the Centre's management watched a livestream on February 3, 2021, and noticed concerning conduct by M.V. This prompted the review of earlier video recordings and the Centre's report to CAS.
- 7. CAS conducted a joint investigation with Halton Regional Police and verified that the A.K.D. and M.V. engaged in physical maltreatment towards several children, resulting in risk that the children were likely to be harmed.
- 8. The Ministry of Education issued Compliance Orders against A.K.D. and M.V. for engaging in a prohibited practice.
- 9. The College is not aware of any physical marks or injuries to any of the children as a result of the Incidents.
- 10. The Centre's Duty to Report Policy required staff who observe abusive conduct to do the following, among other things: immediately report any suspected child abuse to CAS, notify the Centre's management, and fully document the incident.
- 11. The Member was terminated from her position as an RECE at the Centre as a result of her role in the Incidents described above.

Criminal Court Proceedings against M.V. and A.K.D.

12. On June 30, 2022, M.V. pleaded guilty to and was found guilty of five counts of assault, in relation to her conduct with the toddlers between January 4 and February 3, 2021. Four of these counts included the Incidents described in paragraphs 3(a), 3(b), 3(d) and 3(h), above. M.V. was sentenced to a 15-months conditional sentence. Additionally, the judge imposed a three-year probation and a DNA order.
13. On January 25, 2023, A.K.D. pleaded guilty to and was found guilty of six counts of assault, in relation to her conduct with the toddlers between January 6 and January 12, 2021. One of these counts relate to the Incident described in paragraph 3(g), above. A.K.D. was sentenced to a 15-months conditional sentence. Additionally, the judge imposed a three-year probation and a DNA order.
14. Child 6's mother prepared a victim impact statement which highlighted the emotional distress she and her husband felt upon discovering the abuse Child 6 suffered, and the fear and anxiety she continues to experience when she drops off Child 6 at the Centre.

Admissions of Professional Misconduct

15. 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 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 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;
 - viii. 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;
 - ix. The Member failed to comply with the *Child and Family Services Act* about her duty to report suspected child abuse and neglect to CAS, contrary to Standard VI.C.8 of the College's Standards of Practice;
- b. 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);

- c. The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
- d. 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
- 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 allegations contained in the Agreed Statement of Facts and the Notice of Hearing.

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, consisting of the Agreed Statement of Facts, clearly established the allegations of professional misconduct as set out in the Notice of Hearing. The College submitted that the Member observed abusive conduct by other RECEs on multiple occasions over a period of two weeks and did nothing in response, despite her obligations to take steps. As a result, the children in her care were subjected to further harm.

The College submitted that the Member engaged in professional misconduct when, in her capacity as a RECE, she failed to intervene, document and report multiple incidents of abuse. Specifically, 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 College submitted that the best interest of the children and their needs are paramount. The Member failed to take adequate steps to protect the children against abuse, putting them at risk of physical and emotional harm. The Member's behavior fell below what is required of RECEs.

The College argued that any reasonable member of the profession would consider the Member's conduct to be disgraceful, dishonorable, unprofessional and unbecoming of an RECE. The College submitted that the Member's behavior reflects negatively on the profession as a whole and erodes the public trust.

The Member admitted to the conduct and acknowledged the facts as set out in the Agreed Statement of Facts. She did not make any submissions.

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 accepted 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 Agreed Statement of Facts. The Panel agreed that the College had established that the Member engaged in the acts of professional misconduct alleged, on the basis of the facts and admissions contained in the Agreed Statement of Facts.

The Member was required to document and report the incidents of abuse that she observed to CAS and the Ministry. However, she failed to intervene, report and document several incidents of abuse to children under her care.

This is a unique and egregious case in which the duty to intervene, document and report is front and centre. The Member observed a pattern abuse and did nothing about it. Had she intervened and reported what she observed, she could have prevented the children under her care from suffering weeks of abuse.

The seriousness of the Member's conduct demonstrates her lack of judgment and lack of responsibility such that it reflects negatively on the profession. This was not a momentary lapse of

judgment. The Panel finds that the Member's conduct in this case showed complete disregard for the welfare and safety of the children in her care. Such conduct should not be tolerated and would reasonably be regarded by members of the profession and the public as disgraceful, dishonorable or unprofessional, as well as conduct unbecoming a member of this 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 60 days from the date of the Order.
2. Directing the Registrar to suspend the Member's certificate of registration for a period of
 - a. 16 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 practicing 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. Duty to Report; and
 - ii. Ethics
- b. The Member must provide the Director with proof of enrollment and successful completion of the courses.

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 Practice Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practice 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.
- d. 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.
- e. 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)).
- f. The Member will complete a minimum of two mentorship sessions to the satisfaction of the Director prior to 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.
- 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(d),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(d) and discussed the subjects set out in paragraph 3(e) with the Member, and

- iv. the Mentor's assessment of the Member's insight into her behavior.
- 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.

Other

- i. 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.
 - j. 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

The Joint Submission on Penalty and Costs, outlined above, was filed as Exhibit 4.

Counsel for the College submitted that this was a precedent setting case. This is the first case in which an RECE was found guilty of professional misconduct, not because they directly engaged in abuse, but because they failed to intervene when they observed their colleague's abusive conduct. It is the basic and fundamental role of an RECE to not only prevent abuse, but to report and document it.

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 is also within the range of penalties imposed in similar cases, while considering the specific aggravating and mitigating factors of this case.

The College submitted that there were 13 aggravating factors in this case:

1. The nature of the abusive conduct observed by the Member was a pattern of egregious, abusive, demeaning and forceful conduct which resulted in criminal convictions.
2. The age of the children made them vulnerable. These were toddlers who were completely dependent on the RECEs for their safety and well-being. They were also helpless in the abuse and less likely to report the abuse than older children with more developed verbal skills.
3. The Member observed and failed to intervene in ten distinct incidents of abuse over a two-week period. In each incident, she stood by, doing nothing to stop the abuse or to protect the children, even though she saw them crying as a result.
4. The abusive conduct she observed involved seven children. This eroded the sense of security of not just the affected children, but all the children in the room.
5. The Member repeatedly failed to report to CAS. This obligation is ongoing. Every time she observed a new incident, she had a new obligation to report. Failure to do so was not a momentary lapse of judgment.
6. The Member failed to report to the Centre's management. Although reporting to the Centre's management would not have replaced the Member's requirement to report to CAS, doing so would have increased the likelihood of the incidents being dealt with.
7. The Member failed to document the behavior that she observed and also failed to intervene, which interfered with the authorities' ability to investigate concerns. .
8. The abusive conduct subjected the children to risk of harm, including negative emotional impact. Although there was no physical harm, negative emotional impact arises from abuse, and the children endured a pattern of abuse, not a single incident.
9. The abusive conduct had profound and ongoing emotional impact on the children's families. It created distress. For example, one mother experienced fear and anxiety. This constitutes a breach of trust and affects how families perceive the profession as a whole.
10. The Member condoned the abuse and enabled it to continue. If she had intervened immediately, upholding her RECE duty to report to CAS, the children could have been spared further abuse.
11. The abusive conduct was discovered by chance due to it being captured on video. The Member did nothing to bring it to light.
12. The College has repeatedly reminded members of their duty to report. As such, the Member should have been aware of this duty.

13. The Member's conduct erodes the reputation of early childhood education as a whole, causing parents, families and the public to lose trust in RECEs to protect the safety of their children.

The College submitted that there were three mitigating factors:

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

The College provided the Panel with five cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct:

1. *College of Early Childhood Educators v Beverly Anne Renaud*, 2023 ONCECE 8
2. *College of Early Childhood Educators v Chelsea Lynne May Jalbert*, 2023 ONCECE 11
3. *College of Early Childhood Educators v Diala Mahfouz*, 2023 ONCECE 15
4. *College of Early Childhood Educators v Magdelene Vasanthkumar*, 2023 ONCECE 18
5. *College of Early Childhood Educators v Amanjot Kaur Dhanoa*, 2023 ONCECE 19

The College also provided two examples of the College's communications with the profession regarding all members' reporting obligations.

College Counsel submitted that this case is unique as the key misconduct was failure to report. All RECEs must abide by their duty to report, as it is a basic and fundamental professional responsibility. This case must provide strong guidance to the profession of the crucial importance of immediately reporting abuse.

College Counsel submitted that the Proposed Order contains coursework and mentorship to help rehabilitate the member and that the penalty was appropriate and proportionate to the behavior.

Submissions of the Member on Penalty and Costs

The Member agreed to the Joint Submission on Penalty and Costs and did not make further submissions.

PENALTY DECISION

The Panel accepted the Joint Submission on Penalty and Costs, and made the following Order as to penalty:

1. The Member is required to appear before the Panel to be reprimanded within 60 days from the date of the Order.
2. The Registrar is directed to to suspend the Member's certificate of registration for a period of
 - a. 16 months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(f) 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 courses (subject to the Director's pre-approval):
 - i. Duty to Report; and
 - ii. Ethics
- b. The Member must provide the Director with proof of enrollment and successful completion of the courses.

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.
- d. 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.
- e. 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)).
- f. The Member will complete a minimum of two mentorship sessions to the satisfaction of the Director prior to 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.
- 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(d),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(d) and discussed the subjects set out in paragraph 3(e) 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.

Other

- i. 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.
- j. 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.

The Panel carefully considered the joint submission of the parties, the aggravating and mitigating factors, and the findings of comparable cases submitted by College Counsel. The Panel found that the proposed penalty is proportionate with the range of penalties that were imposed in 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 mandated course work.

Given the resources available and the numerous updates the College has shared over time with members on the importance of documenting and reporting child abuse, the Panel is particularly concerned by the Member's failure to report abuse. The Panel urges the College to seek more severe consequences and penalties in cases which involve failure to report. Not speaking up against any form of child abuse should not and will not be tolerated.

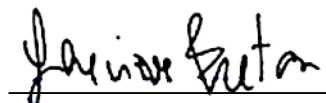
ORDER AS TO COSTS

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, 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

January 10, 2024

Date