

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Anna Alevtinovna Sempl 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 Filion, DDS
Chrystal Morden, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
ANNA ALEV TINOVNA SEMPL)	Self-represented
REGISTRATION # 70869)	
)	
)	
)	
)	Elyse Sunshine
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: January 12, 2024

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 January 12, 2024. 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.

MEMBER’S NON-ATTENDANCE AT THE HEARING

Anna Alevtinovna Sempl (the “Member”) was not present for the hearing. Counsel for the College advised that she was not expecting the Member to attend and that the Member was agreeable to the matter proceeding in her absence. Counsel for the College also provided evidence in the form of affidavits with copies of emails outlining the College’s communications with the Member about the hearing. The evidence provided by the College showed that the College had informed the Member of the purpose, date, time, and location of the hearing and that the hearing could proceed in the Member’s absence.

The Panel was satisfied that the Member had been informed of the purpose, date, time and location of the hearing. While generally, the Member’s non-attendance would mean the Member is deemed to contest the allegations, the College advised that the matter would proceed by way of agreement. Accordingly, the Panel determined that the hearing could proceed in the Member’s absence.

PUBLICATION BAN

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

1. At all material times, the Member was a member of the College and was employed as an Early Childhood Educator (“ECE”) at St. Matthew Child and Family Centre, in Binbrook, Ontario (the “Centre”).
2. On or about the afternoon of November 2, 2021, the Member was responsible for supervising a group of children in the Centre’s outdoor playground, including two six-year-old children, Child 1 and Child 2 (collectively, the “Children”). At approximately 4:35 p.m., the Member failed to conduct a headcount before transitioning the group back into the Centre. As a result, the Children remained outside, alone and unsupervised.
3. The Children left the Centre’s premises and walked alone and unsupervised a distance of approximately 700 metres to the home of Child 1’s family friend. The Children had to cross a number of streets to get there.
4. The Member did not notice that the Children were missing until Child 1’s parent came to pick them up. The Centre’s staff searched for the Children and called 911 before the Children were returned by the family friend. In total, the Children were unsupervised for approximately 40 minutes.
5. By engaging in the conduct set out in paragraphs 2–4 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the 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 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;
 - ii. 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;
 - iii. The Member failed to implement strategies to ensure sufficient time for safe and supportive transitions while maintaining supervision at all times, contrary to Standard III.C.8 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that his 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;
- 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); and/or
- d) 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 an agreement had been reached between the parties 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 five 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 ECE at the Centre.

The Incident

3. On the afternoon of November 2, 2021, the Member was responsible for supervising a group of children in the Centre's outdoor playground, including the Children. At approximately 4:35 p.m., the Member failed to conduct a headcount before transitioning the group back into the Centre. As a result, the Member did not notice that the Children were hiding behind a dumpster, and they remained outside, alone, and unsupervised.
4. The Children left the Centre's premises, crossed several streets, and walked a distance of approximately 700 metres to the home of Child 1's family friend.
5. The Member did not notice that the Children were missing until Child 1's parent came to pick them up. The Centre's staff searched for the Children within the Centre and the surrounding neighbourhood and then called 911. Shortly after, the family friend phoned the Centre to advise that the Children were with her. She then drove the Children back to the Centre. In total, the Children were unsupervised for approximately 40 minutes.

Additional Information

6. The Children appeared to be "in good spirits" when they returned to the Centre.
7. The Member's employment at the Centre was terminated following the Incident.

Admissions of Professional Misconduct

8. 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 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;
 - ii. 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;
 - iii. The Member failed to implement strategies to ensure sufficient time for safe and supportive transitions while maintaining supervision at all times, contrary to Standard III.C.8 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - v. 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;
- 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); and/or
- d. 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 was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that the facts set out in the Agreed Statement of Facts would support the findings of misconduct alleged in the Notice of Hearing. The College further submitted that evidence established that the Member failed to adequately supervise two children under her care by failing to provide a safe environment. The conduct exposed the Children to a risk of physical harm because the Children were unsupervised for an extended period of time and walked a significant distance away from the Centre. The key failure was that the Member did not observe and monitor the learning environment, nor did she conduct a headcount and observe that Children were missing. This was a serious disregard of the Member's professional obligations. The Member failed to act as a role model for her colleagues. Taken collectively, the Member's conduct would be viewed as unprofessional and conduct unbecoming.

The Member was not present at the hearing, and therefore, made no 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 found that the allegations of misconduct contained in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The evidence shows that the Member contravened the standards of practice as she failed to adequately supervise two kindergarten aged children and conduct a head count or an attendance check when moving from one area to another. She also failed to notice that the Children were hiding behind a dumpster.

Her action resulted in the Children being separated from the group and remaining unsupervised for 40 minutes. During that time, the Children walked a significant distance and were exposed to severe road-related risk when they crossed several streets unsupervised. The Member only noticed that the Children were missing when one of their parents came to pick up their child.

The Member contravened the standards of practice when she neglected to properly follow the Centre's established policies and procedures for transitions. The Member also failed to comply with the policies and procedures that are relevant to her professional practice and to the care and education of children. By engaging in such conduct, the Member admitted, and the Panel finds, that the Member's conduct would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional, and unbecoming of a member.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College provided the Panel with a joint submission from the parties 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. seven months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) 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:

Mentorship

- 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, 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 of Professional Regulation (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.
- b. 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.
- c. 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)).
- d. 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.
- e. After a minimum of five 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(b),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. 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

- g. 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.
 - h. 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 18 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that failing to supervise children is the most common type of misconduct brought before the Discipline Committee and this case is similar to other cases which have been before the Committee. College Counsel submitted that the Proposed Order met the principles that a penalty order was required to meet in that it would send a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College. The Proposed Order would also deter other members from engaging in this kind of conduct and it would deter the Member from engaging in misconduct in the future. College Counsel also submitted that the Proposed Order, which contains an extensive mentorship program, would help to rehabilitate and support the Member in her return to practice.

College Counsel also submitted that the penalty must take into account the aggravating and mitigating factors in this case, and presented the following factors for the Panel's consideration:

Aggravating Factors:

1. The Member failed to supervise two children.
2. The age of the Children required them to be supervised in public spaces; they were 6 years old.
3. The Children were unsupervised for 40 minutes.
4. The Children walked a lengthy distance (700 meters) from the Centre in a public domain.
5. The Children were exposed to road-related risk by crossing roads unsupervised.
6. The Children were located by a family friend, not by the Member or another Centre staff.

7. The Member did not notice that the Children were missing until one of the Children's parents came to pick up their child.
8. The Member failed to follow the Centre's procedures and conduct a headcount which enabled the Incident to occur.

Mitigating Factors:

1. The Member pleaded guilty and accepted responsibility, showing insight and remorse. This saved the College the time and resources required for a contested hearing.
2. The Member has no prior discipline history.

Other Considerations:

1. The Children were not physically harmed.
2. There was no evidence to suggest negative emotional impacts on the Children as they appeared to be "in good spirits."
3. This was an isolated incident, not a pattern of behaviour.

Counsel for the College submitted that the Proposed Order was consistent with the range of penalties given in similar cases and provided three cases for the Panel's consideration:

1. *College of Early Childhood Educators v Simonetta*, 2022 ONCECE 3
2. *College of Early Childhood Educators v Yudin*, 2020 ONCECE 13
3. *College of Early Childhood Educators v Elmi*, 2022 ONCECE 7

Counsel for the College submitted that these cases represented conduct of a similar nature and established that the Proposed Order was reasonable and would not bring the administration of justice into disrepute.

Submissions of the Member on Penalty and Costs

The Member was not present and did not make any submissions.

PENALTY DECISION

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

1. The Member is required to appear before the Panel to be reprimanded within 60 days from the date of the Order.
2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. seven months; or
 - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) 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:

Mentorship

- 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, 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.
- b. 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,
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- c. 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:
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 - 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)).

- d. 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.
- e. After a minimum of five 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,
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 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- f. 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

- g. 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.
- h. The College may require proof of compliance with any of the terms in this Order at any time.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate RECEs. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should also 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 suspending the Member's certificate of registration for seven months is appropriate in this matter, given her failure to meet the legislative and College standards. The suspension holds the Member accountable for her actions and communicates to her the severity of her misconduct. The suspension demonstrates the Panel's disapproval of the Member's conduct. The reprimand provides the Panel with an opportunity to express our disapproval of the Member's conduct and provides the Member with an opportunity to learn from her mistakes, reflect on her conduct and refocus on her professional responsibilities.

Moreover, the mentorship element of the penalty provides the Member with an opportunity to be directly involved in her own personal rehabilitation. It provides the Member with the opportunity to learn better how to meet the standards expected of a RECE while working directly with an appropriate role model. It also provides a level of supervision.

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

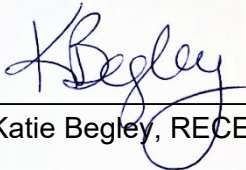
ORDER AS TO COSTS

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 \$1000, to be paid to be paid within 18 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

January 22, 2024
Date