

## NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Melanie Maureen Barbosa 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:** Krista Johnson, RECE, Chair  
Michelle Eaton  
Chrystal Morden, RECE

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
MELANIE MAUREEN BARBOSA	)	Salvatore Caramanna,
REGISTRATION # 71742	)	Caramanna, Friedberg LLP
	)	For the Member
	)	
	)	
	)	Elyse Sunshine,
	)	Rosen Sunshine, LLP
	)	Independent Legal Counsel
	)	
	)	Heard: January 29, 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 29, 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.

## **PUBLICATION BAN**

The Panel ordered a publication ban following a motion by College Counsel, on consent of the Member, pursuant to section 35.1(3) of the ECE Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

## **THE ALLEGATIONS**

The allegations against the Member were contained in the Notice of Hearing dated December 13, 2024, (Exhibit 1) which provided as follows:

1. At all material times, Melanie Maureen Barbosa (the “Member”) was a member of the College of Early Childhood Educators and was employed as Registered Early Childhood Educator (“RECE”) at Tiny Hoppers Early Learning Centre (Paramount location) (the “Centre”), in Stoney Creek, Ontario.
2. On or about November 13, 2020, the Member and N.B., an Early Childhood Assistant, were supervising a group of preschool aged children at the Centre’s outdoor play area. During this time, the Member engaged in the following interactions with children, while other children stood in close proximity to the Member, observing her actions:

- a. The Member pulled a three-year-old non-verbal child with autism (“Child 1”) roughly by the arm, sat them down aggressively on a tree stump, hit their upper body with her hand, and forcefully put their shoes back on while yelling at them. The Member then grabbed Child 1’s wrist and aggressively pulled them from the tree stump.
  - b. A short while later, twice and less than a minute apart, the Member picked up another child (“Child 2”), carried them a short distance and dropped them on the ground, causing them to fall on their buttocks. Both times, the Member left Child 2 on the ground and walked away from them.
- 3. By engaging in the conduct set out in paragraph 2 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the Early Childhood Educators Act, 2007, S.O. 2007, c. 7, Sch. 8 (the “Act”), in that:
  - a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
  - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
  - d. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
    - i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College’s Standards of Practice;
    - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College’s Standards of Practice;
    - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a

sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;

- iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
  - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- e. 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
- f. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

## **WITHDRAWAL OF ALLEGATIONS**

The College requested permission to withdraw allegations 2(b) and 3(c) in the Notice of Hearing as outlined above. The Member consented to the withdrawal of these allegations. On this basis, the Panel withdrew these allegations and the hearing proceeded on the basis of the remaining allegations in the Notice of Hearing.

## **EVIDENCE**

Counsel for the College advised the Panel that the parties had reached an agreement on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

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 an RECE at the Centre.

### **The Incident**

3. On the morning of November 13, 2020, the Member and N.B., an Early Childhood Assistant, were supervising a group of preschool-aged children at the Centre's outdoor play area, including a non-verbal three-year-old child with autism ("the Child"). When the Child removed their shoes, the Member became frustrated, pulled them by the arm and sat them down roughly on a tree stump. The Member then pushed the Child's upper body with her hand and impatiently put their shoes back on while yelling at them. The Member then grabbed the Child's wrist and abruptly pulled them from the tree stump.

### **Additional Information**

4. As a result of the Child's autism, the Child had a sensory difficulty regarding their shoes and had been regularly removing them. The Member worked in the Child's classroom for several months prior to the Incident.
5. The Member's interaction with the Child was observed by a community member who was walking by the Centre's outdoor play area. The community member posted her observations on Facebook, indicating she was "disturbed" by the Member's conduct. A parent whose child attended the Centre saw the Facebook post and notified the Centre.
6. The interaction between the Member and the Child as described in paragraph 3 above was also captured on video.
7. The College is not aware of any physical marks or injuries to the Child.
8. The Children's Aid Society ("CAS") investigated the Incident and concluded that the Member used excessive physical force towards the Child, and that there was risk of injury.
9. The Ministry of Education determined that the Member engaged in prohibited practices and issued a Compliance Order against her.

10. The Incident was reported to police, who laid an assault charge against the Member. In April 2022, the criminal charge was withdrawn after the Member entered into an 18-month peace bond, requiring her to “[r]eport to the College any employment that involves supervision or looking after children under the age of 12, for remuneration purposes”.
11. Before the assault charge was withdrawn, the Child’s mother prepared a victim impact statement on behalf of the family, stating that the incident “took a toll on [the Child] emotionally and mentally.”
12. The Member was terminated from her position as an RECE at the Centre as a result of the Incident.
13. Following the Incident, the Member took extensive steps to improve her professional practice and enhance her behaviour guidance strategies. The Member completed five courses in the Autism and Behavioural Science Program at Mohawk College. Among other things, the Member learned how to use visual aids with non-verbal children, techniques for figuring out the source of a child’s frustration, and getting help from others. The Member also completed other coursework, which focused on positive intervention strategies.
14. If the Member were to testify, she would advise the following:
  - a. She needed additional help and support in guiding the children’s behaviour, and discussed this with the Centre’s management before the Incident. The Member does not feel she received sufficient support, despite her discussion with the management.
  - b. At the time of the incident, she was suffering from a shoulder injury.
  - c. She deeply regrets what happened and sincerely apologizes.

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

15. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraph 3 above, and as defined in subsection 33(2) of the ECE Act, in that:
  - a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
  - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);

- c. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
- i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
  - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
  - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
  - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
  - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- d. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- e. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).

## **THE MEMBER'S PLEA**

The Member admitted to the 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 Agreed Statement of Facts supports all of the allegations of professional misconduct in the Notice of Hearing, aside from the withdrawn allegations 2(b) and 3(c). The College submitted that Agreed Statement of Facts was carefully crafted and agreed to by the parties. The College further submitted that the Panel should consider only the facts contained in that agreement. In addition, the facts and the acts of misconduct which were admitted to by the Member were sufficient to make a finding of professional misconduct against the Member.

The College submitted that the facts show that the Member roughly pulled, pushed and yelled at a young and vulnerable child with autism. This conduct constitutes physical and verbal abuse.

The College submitted that the Member's conduct breached the Standards of Practice when the Member displayed a lack of respect toward the Child and a lack of knowledge of positive and developmentally appropriate intervention strategies. The Member failed to uphold the Standards of the Profession when she failed to guide the Child's behaviour in a way that would foster a sense of belonging and well-being in the Child and by not creating a safe space or environment for the Child.

The College submitted that the Member's conduct could be perceived as reflecting negatively on the profession of early childhood education. The comments posted about the Member's conduct by a member of the public on Facebook demonstrate that such conduct erodes the public's trust in the profession as a whole.

The College submitted that the Member's conduct was unprofessional. While the wording in Ontario Regulation 223/08 2(10) includes the words "disgraceful, dishonourable or unprofessional", the College submitted that the Member's conduct was unprofessional. The College also submitted that the Member's conduct was unbecoming a member of the profession.



The Member made no submissions on liability.

## **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 the Notice of Hearing, except for the withdrawn allegations 2(b) and 3(c), and admitted to in the Agreed Statement of Facts.

The Panel found that the Agreed Statement of Facts supports the remaining allegations of misconduct as laid out in the Notice of Hearing. These allegations constitute professional misconduct and abuse.

The Member showed frustration with a three-year-old, non-verbal, autistic child and failed to maintain professional standards when she pulled the Child by the arm and sat them down roughly on a tree stump. The Member physically and verbally abused the Child when she pushed the Child's upper body with her hand and impatiently put their shoes back on while yelling at the Child. The Member's actions took a toll on the Child both emotionally and mentally, according to the Child's mother. Such conduct also violated the Member's commitment to protect children within her care, contrary to the College's Standards of Practice. The Member's actions failed to model professional values, beliefs and behaviours with children, families and colleagues. The Member's behaviour was clearly unprofessional. As evidenced by the reaction from the member of the public who observed the incident, the Member's conduct is unbecoming of a Member of the College.

## **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. six 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 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:

**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,
  - 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 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.
- 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 6 months of the date of this Order.

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

Counsel for the College submitted that public confidence in the College's ability to regulate the conduct of its members and to protect the young and vulnerable children entrusted to the care of RECEs is paramount. The first objective in determining a penalty is to send a message broadly to RECEs and the general public that the College will not accept this type of behaviour. The second objective is general deterrence so other RECEs do not participate in this type of behaviour. The third objective is to specifically deter the Member from repeating her behaviour. The fourth objective is rehabilitation, adding a further layer of public protection and supporting the Member. And finally, the fifth objective is to order a penalty that is similar to those in similar cases, taking into account the specific aggravating and mitigating factors of this case. The College submitted that the Proposed Order would meet those objectives.

The College submitted five aggravating factors for the Panel to consider:

- 1. The Child's young age made them more vulnerable to abusive conduct.

2. The Child was diagnosed with autism, and the abuse was a response to their sensory difficulty. The Member worked in the classroom for several months prior to the incident. She knew or ought to have known how to address the Child's needs.
3. The Child's vulnerability was likely heightened because they are non-verbal. It was fortunate that the Incident was captured on video.\.
4. The incident had a negative impact on the Child, taking a toll on them emotionally and mentally.
5. Although this was a brief incident, the Members' conduct was serious enough to reflect negatively on the profession.

The College submitted three mitigating factors:

1. The Member admitted to the misconduct and signed a joint submission on penalty which showed insight and remorse into her conduct, and saved the College the expense of a contested hearing.
2. The Member had no history of prior misconduct with the College.
3. Following the Incident, the Member engaged in extensive coursework to improve her ability to work with children with special needs. This is further indication of the Member's remorse and insight.

The College submitted two additional factors for the Panel's consideration which were characterized as the absence of aggravating factors:

1. This was a single incident and not a pattern of behaviour.
2. The College is not aware of any physical harm coming to the Child as a result of the Incident.

The College presented the Panel with two prior cases for consideration:

1. *College of Early Childhood Educators v. Black*, 2023 ONCECE 1
2. *College of Early Childhood Educators v. Snow*, 2022 ONCECE 12

The College submitted that the Proposed Order would not bring the administration of justice into disrepute and was appropriate when considering the circumstances of this case.

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

The Member's counsel echoed that the Proposed Order was appropriate and should be accepted by the Panel. He made submissions regarding the Member's personal situation. Additionally, the

Member's counsel listed the courses the Member voluntarily chose to pursue, including the Autism and Behavioural Science program at Mohawk College. The Member's counsel submitted that the Member displayed significant insight and remorse for her conduct following the incident. The Member's counsel submitted that, although there were significant factors going on at the time of the incident, the Member makes no excuses and accepts full responsibility for her actions. The Member deeply regrets and apologises for her conduct.

The Member submitted case law to support the principle that a jointly proposed penalty should be accepted when the parties are agreement.<sup>1</sup>

The Member's counsel submitted that in considering the Proposed Order and the circumstances in this case, the Panel can comfortably accept the joint submission on penalty and make the Proposed Order.

## **PENALTY DECISION**

The Panel accepted the Proposed Order 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. six 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 practicing or suspended the Member for any other reason.

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<sup>1</sup> *College of Audiologists and Speech-Language Pathologists of Ontario v. Dame*, 2023 ONCASP 3

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,
  - 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 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.
- 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 be proportionate to the misconduct.

In considering the Proposed Order, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute or it is otherwise not in the public interest. It is the Panel's conclusion that the Member committed misconduct and the Proposed Order was appropriate for the Member's conduct and actions in her professional practice.

The Panel considered the severity of the conduct and took into account the two previous cases with similar conduct that were provided and felt they supported the submissions that the Proposed Order was proportionate and would not bring the administration of the penalties were fitting for the Member. The Panel acknowledged that the Member took the initiative to remediate herself through extracurricular professional development by taking college courses. The Panel felt this demonstrated remorse and a desire to move forward with her professional growth. It is anticipated that she will continue to learn as she completes the prescribed mentoring sessions before re-entering the profession.

It is the Panel's hope that penalties such as these will deter the Member, and other members, from acting unprofessionally in the future. In striving to protect the public interest and to ensure all RECEs build and foster trusting relationships with families and children, penalties must be impactful in order to convey that misconduct will not be tolerated from members.

## **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 6 months of the date of the Order.

**I, Krista Johnson, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel.**

  
Krista Johnson, RECE, Chair

February 13, 2024  
Date