

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Christine Hélène Bojkov this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify, any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

DISCIPLINE COMMITTEE OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS

PANEL: Lois Mahon, RECE, Chair
Jasmine Brar, RECE
Richard Fillion, DDS

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
CHRISTINE HÉLÈNE BOJKOV)	Self-represented
REGISTRATION # 69401)	
)	
)	
)	Lonny Rosen
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: January 30, 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 30, 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, 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 January 12, 2024 (Exhibit 1), which provided as follows:

1. At all material times, Christine Hélène Bojkov (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at Central Eglinton Children’s Centre – Eglinton Junior Public School (the “Centre”) in Toronto, Ontario.
2. Between on or about May 2 and May 6, 2022, while the Member was supervising preschool-aged children at the Centre, she engaged in the following conduct:

- a. On or about May 3, 2022, the Member forcefully held a three-and-a-half-year-old child ("Child 1") in her arms as they cried and struggled to get out. The Member did not let Child 1 go until another staff intervened.
 - b. On or about May 3, 2022, during the morning, the Member picked up Child 1 and held them upside down by their legs, while their head was dangling above the floor. The Child began squirming, crying and screaming, appeared to be frightened and attempted to bite the Member. After the Member released the Child, another staff comforted and calmed them down.
 - c. On or about May 4, 2022, during nap time, Child 1 was sitting on their cot and did not want to lay down. The Member approached Child 1 and insisted they lay down. The Member then forcefully held Child 1 on the cot, despite Child 1's crying and attempts to resist. After some time, the Member said to Child 1 words to the effect of "Sit here and FRICKIN stay there". Child 1 sat back up on their bed and continued crying.
 - d. On one occasion, the Member singled out Child 1 as having a "sharing problem" in the presence of other staff and/or children.
 - e. On or about the afternoon of May 5, 2022, a four-year-old child ("Child 2") loudly requested water to drink and reached up with their arms towards a table that had water on it. The Member walked over to Child 2, forcefully grabbed Child 2's arms and pulled them down. The Member then turned Child 2 towards her as she leaned close to their face and said, "Don't." Child 2 screamed, cried, and appeared frightened as a result of the Member's conduct.
 - f. On multiple occasions, the Member roughly grabbed children and took them to the washroom, despite their refusal to go.
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 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 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).

EVIDENCE

Counsel for the College advised the Panel that agreement had been reached 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 Incidents

3. Between Monday, May 2 and Friday, May 6, 2022, while the Member was supervising preschool-aged children at the Centre, she engaged in the following forceful, aggressive and/or demeaning conduct:
 - g. On May 3, 2022, the Member forcefully restrained Child 1 in her arms as Child 1 cried and struggled to get out. The Member did not let Child 1 go until another staff member intervened.
 - h. On the morning of May 3, 2022, during outdoor play, the Member picked up Child 1 after Child 1 pushed other children and held Child 1 upside down by their legs, while their head was dangling above the floor. Child 1 was squirming, crying and screaming, appeared to be frightened and attempted to bite the Member. The Member walked by a staff member while holding the child upside down and

stated, "If I hold [Child 1] like this, [Child 1] can't bite me." After the Member released Child 1, another staff comforted and calmed them down.

- i. On May 4, 2022, during nap time, Child 1 was sitting on their cot and did not want to lay down. The Member approached Child 1 and insisted they lay down. The Member then forcefully held Child 1 on the cot, despite Child 1 crying and attempting to resist. After some time, the Member said to Child 1 words to the effect of "Sit here and FRICKIN stay there". Child 1 sat back up on their bed and continued crying.
- j. On one occasion, the Member singled out Child 1 as having a "sharing problem" in the presence of other staff and/or children.
- k. On the afternoon of May 5, 2022, during outdoor play, Child 2 loudly requested water to drink and reached up with their arms towards a table that had water on it. The Member walked over to Child 2, forcefully grabbed Child 2's arms and pulled them down. The Member then turned Child 2 towards her as she leaned close to Child 2's face and said, "Don't." Child 2 screamed, cried, and appeared frightened as a result of the Member's conduct.
- l. On multiple occasions, when children did not want to go to the washroom, the Member grabbed children roughly by their arm and/or hand and took them to the washroom against their will.

Additional Information

- 4. The Member's employment at the Centre was suspended on Monday, May 9, 2022, after staff reported the Incidents to the Centre's management and the Centre began its investigation. The Member resigned upon being notified of the suspension.
- 5. Approximately two months before the Incidents, the Member was issued a written warning by the Centre regarding her behaviour guidance strategies. As a response, the Member acknowledged that her actions were "not appropriate" and she "felt great remorse." The Member advised that she was implementing strategies to help her "combat stressful situations" to ensure that the conduct would "never happen again."

6. A month before the Incidents, the Member had a check-in meeting with the Director, where they reviewed the Centre's policies and the Member signed off on them. These policies clearly prohibited the Centre's staff from engaging in the following prohibited practices:
 - a. Physical restraint of a child;
 - b. Use of harsh or degrading measure or threats or use of derogatory language directed at or used in the presences of a child that would humiliate, shame or frighten the child or undermine his or her self-respect; and
 - c. Depriving a child of basic needs including food, drink, shelter, sleep, toilet use, clothing or bedding.
7. Among other things, the Centre's Sleep and Supervision Policy states that preschool children may sleep, rest or engage in quiet activities based on their needs, and if they are unable to sleep or wake early they may play quietly on their beds.
8. If the Member were to testify, she would advise the following:
 - a. At the time of the Incidents she was under an "extremely high level of stress" as a result of a family medical emergency, protocols implemented in the Centre due to the pandemic, and demanding job responsibilities.
 - b. She apologizes for her behavior and takes responsibility for the Incidents.
 - c. Following the Incidents, the Member stopped practicing the profession for approximately nine months, which she dedicated to "some serious reflection", self-care and learning strategies for stress management.

Admissions of Professional Misconduct

9. 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 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:
 - vi. 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;
 - vii. 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;
 - viii. 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;
 - ix. 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
 - x. 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).

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 facts contained the Agreed Statement of Facts is the only evidence before the Panel. These facts, including the Member's admission that she engaged in the misconduct alleged, support a finding of professional misconduct against the Member. The College submitted that the Panel is not permitted to speculate or go beyond the facts in the Agreed Statement of Facts when making its finding.

College Counsel submitted that the facts before the Panel establish that during five days in May 2022, the Member physically abused two preschool aged children. The Member's conduct included violently grabbing one child and other forceful interactions with the children. The Member verbally abused Child 1 by singling them out as having a "sharing problem" in the presence of other staff and children. The Member showed a complete disregard for the children's emotional and psychological well-being. Her actions caused both Child 1 and Child 2 to cry. This amounted to emotional abuse.

College Counsel submitted that it is clear that the Member's actions fell far below the standards of practise of the profession. Instead of ensuring that the learning environment promoted a sense of belonging, inclusion and well-being in the children, the Member showed a profound lack of compassion and respect toward the children. The Member's interactions with Child 1 included forceful physical restraint of the child, which is a prohibited practice and displays a lack of knowledge and adherence to the legislation, policies and procedures relevant to her professional

practice. The Member exhibited a lack of knowledge of a range of strategies that promote positive interactions with children. The College further submitted that there is no justification for verbal abuse or physical force as mechanisms for guiding children's behaviour, even during challenging interactions with children.

The College submitted that the Member failed to model professional behaviour to the children and other staff members who observed her conduct. The Member failed to understand that her conduct reflected negatively on her and the profession, and erodes the public trust in the profession as a whole.

College Counsel submitted that the Member's conduct could reasonably be regarded by members as disgraceful, dishonourable or unprofessional and was unbecoming a member of the profession.

The Member 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 admissions and found her guilty of professional misconduct as alleged in the Notice of Hearing.

The Panel finds that all of the allegations set out in the Notice of Hearing are supported by the facts presented by the parties and contained in the Agreed Statement of Facts. The Panel finds that the College met its onus and established that it was more likely than not that the Member engaged in the acts of misconduct as alleged.

The Panel finds that the Member physically, verbally and emotionally abused children under her care. She failed to engage in supportive and respectful interactions; additionally, her conduct did not represent the high standards and professional practices outlined in the *Code of Ethics and Standards of Practice*. The Panel acknowledges that this conduct occurred over a five-day period and it was a short and localized pattern of behaviour. The Panel accepts that while this was a unique situation, as the Member was facing a stressful family medical situation at the time the abuse occurred, regardless of the circumstances, abuse of children is never acceptable. The Panel stresses that registered early childhood educators ("RECEs") are held to a high standard

and even one incident of abuse of a child is harmful to the child involved, the families that put their trust in RECEs, and the standing and reputation of RECEs in the eyes of the public. The Member's conduct was unacceptable and inconsistent with the College standards and values.

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

The Panel finds that the facts as presented support the finding that the Member engaged in all of the acts of misconduct alleged.

POSITION OF THE PARTIES ON PENALTY AND COSTS

Counsel for the College provided the Panel with 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. 12 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 of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, the following course(s) (subject to the Director's pre-approval):
 - i. Anger management;
 - ii. Positive intervention strategies; and
 - iii. Building positive and responsive relationships with children.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited

- to) the name, registration number, telephone number, address and résumé of the Mentor.
- 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.
4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within six months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College reviewed the principles that the Panel must consider when determining whether a proposed penalty is appropriate. The College submitted that first and foremost, an appropriate penalty must protect the young vulnerable children whose safety and well-being is entrusted to RECEs. It must also protect the public interest and maintain the public's confidence in the College's ability to regulate the profession.

College Counsel submitted that the Proposed Order was appropriate in these circumstances. College Counsel submitted that the Proposed Order would send a message broadly to the

community of RECEs and to the public at large that the Member's conduct was unacceptable and would not be tolerated. It would discourage other RECEs from engaging in similar conduct and it would send a specific message to the Member that her conduct was unacceptable. The Proposed Order would also assist in rehabilitating the Member and ensure that she learned fully from her wrongdoing. The Proposed Order was within the range of penalties imposed in similar cases, while taking into account the specific aggravating and mitigating factors of this case.

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

1. The Member's conduct occurred over five days and was not a single incident or a momentary lapse in judgment. However, it was a short and localized pattern of behaviour.
2. The children were preschool age which made them more vulnerable as they are not able to verbalize what happened or report the abuse.
3. The Member's conduct resulted in the children being subjected to an unnecessary and prohibited power struggle, which escalated to forceful and violent interactions.
4. Although the Member's conduct was directed at multiple children, one child in particular (Child 1), was subjected to four instances of abusive conduct.
5. The Member's conduct negatively impacted the emotional well-being of two of the children (Child 1 and Child 2), who both cried as a result of the Member's interactions with them.
6. The Member singled out Child 1 as having a "sharing problem" in the presence of other staff and children. This type of demeaning conduct has the potential of embarrassing the child as well as negatively impacting the behaviour of other children and staff toward that particular child.
7. The Member's forceful interactions with Child 1 during naptime were in direct contravention of the Centre's Sleep and Supervision policy.
8. The Member's abusive conduct occurred in the learning environment in front of all the children and likely eroded a sense of security for all of the children under her care.
9. The pattern of behaviour is serious enough to reflect negatively on the profession as a whole, and to erode the trust families place in RECEs.
10. The Centre had prior concerns about the Member's conduct. As a result, she received a written warning and was required to review the Centre's policies. It is aggravating that the incidents that occurred in this case happened despite attempts to increase the Member's awareness of appropriate behaviour guidance strategies and despite her recent review of the Centre's policies.

The College submitted that there were four mitigating factors:

1. The Member pleaded guilty and agreed to a joint submission on penalty, showing insight and remorse for her conduct, as well as saving the College the time and expense of a contested hearing.
2. The Member had no prior discipline history with the College.
3. The Member had a unique, stressful, personal circumstance involving a family medical situation at the time of the Incidents.
4. The Member voluntarily removed herself from practise and took steps to reflect and gain tools to enable her to manage stress in her practise.

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

College Counsel reassured the Panel that the Proposed Order included an appropriate level of remediation, rehabilitation and protection of the public, because the Member would be required to complete the coursework and at least two mentorship sessions before she could return to practice.

College Counsel advised the Panel that it should be mindful that a jointly proposed penalty should be accepted unless the penalty was so harsh or lenient that it would bring the administration of justice into disrepute or would otherwise not be in the public interest.

College Counsel provided the Panel with six cases to support the position that the Proposed Order was proportionate and consistent with penalties ordered in cases of similar conduct:

1. *College of Early Childhood Educators v Cynthia Nicole Rochon*, 2023 ONCECE 16
2. *College of Early Childhood Educators v Leslie Nicole Raybon*, 2021 ONCECE 2
3. *College of Early Childhood Educators v Rosie Jameak Black*, 2023 ONCECE 1
4. *College of Early Childhood Educators v Sheryl Anne Grant*, 2023 ONCECE 6
5. *Law Society of Ontario v Zopf*, 2019 ONLSTH 144
6. *College of Early Childhood Educators v Charmaine Louise Lindsay*, 2022 ONCECE 13

College Counsel submitted that while no two cases are identical, the above cases showed that the Proposed Order was appropriate because it fell within the range of penalties ordered in similar

cases. These cases demonstrated not only the length of suspension ordered in cases where RECEs were found guilty of abuse of children (in some cases, single incidents, and in other cases, where there was a pattern of conduct), but that the Discipline Committee as well as the Law Society Hearing Tribunal recognized that the member's personal circumstances could be considered when determining the penalty for misconduct.

College Counsel submitted that the Proposed Order included an amount for costs agreed upon by the parties. The College submitted that, although this was a symbolic amount representing a fraction of the College's actual costs, it was important to demonstrate that the membership as a whole, through their dues, should not be required to pay for the investigation and prosecution of inappropriate actions of one member.

Submissions of the Member on Penalty and Costs

The Member 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. 12 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 will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

3. The Registrar is directed to impose the following terms, conditions and limitations on the Member's certificate of registration:

Coursework

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, the following course(s) (subject to the Director's pre-approval):
 - i. Anger management;
 - ii. Positive intervention strategies; and
 - iii. Building positive and responsive relationships with children.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course(s).

Mentorship

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
 - i. is an RECE in good standing with the College,
 - ii. is employed in a supervisory position,
 - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,

- v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.
- 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 RECEs. This is achieved through imposing a

penalty for serious misconduct that addresses the principles of specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

The Panel is aware that no two cases are exactly alike. However, reviewing earlier cases can help demonstrate whether a proposed penalty is within the range of penalties awarded in previous cases. The Panel therefore considered the previous cases that were presented by College Counsel and felt that the Proposed Order was proportionate and consistent with other cases where there was similar conduct.

The Proposed Order included a suspension that will last at least twelve months, and that will prevent the Member from returning to practice until she completes extensive coursework and at least two mentoring sessions. The Panel viewed this suspension as appropriate, given the aggravating and mitigating factors, and particularly in light of the fact that the misconduct occurred over a very short period of time and the Member admitted to her conduct and pleaded guilty. The Panel also accepted that the Member's difficult personal circumstances were relevant.

The Panel is very supportive of the term of the Proposed Order that the Member will participate in mentoring prior to returning to practice, as this will provide the Member with opportunity to focus on her behavior with someone to guide her before she returns to practice. The Panel felt that the coursework and mentoring during the suspension will assist the Member in gaining more insight into the importance of managing her stress and not allowing it to impact the children under her care. This will support and improve the Member's view of her own skills and her approach to practising the profession when she eventually returns to work. The continued mentoring program will assist the Member by providing her with ongoing guidance once she is back at work. The Panel believes that the extensive coursework and mentorship would provide both public protection and support the rehabilitation of the Member.

This suspension, together with the reprimand, would serve to deter the Member from engaging in further misconduct and deter other RECEs from engaging in such conduct.

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

The Panel was mindful of the fact that, in considering a joint submission, the 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 did not find that the penalty imposed in this case met the high bar of being so harsh or lenient that it could be characterized as being “unhinged” from the member or the misconduct. The Panel also agreed that the penalty was appropriate, given the Member’s personal circumstances. However, the Panel feels that penalties imposed to address misconduct that includes physical abuse of a child in the future need to be stronger in order to deter this behaviour on the part of members of the profession. Counsel for the College noted that there has been an increase in complaints and discipline proceedings involving this type of misconduct. The Panel encourages the College to continue to seek suspensions of at least this length in the case of (multiple) incidents of physical and/or verbal abuse in the future.

ORDER AS TO COSTS

Subsection 33(5)(4) of the ECE Act provides that in an appropriate case, a panel may make an order requiring a member who the panel finds has committed an act of professional misconduct to pay all or part of the College’s legal costs and expenses, investigation costs and hearing costs.

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1000, to be paid within six months of the date of the Order.

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

 RECE

Lois Mahon, RECE, Chair

February 22, 2024
Date