

**NOTICE OF PUBLICATION BAN**

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

**DISCIPLINE COMMITTEE  
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

**PANEL:** Geneviève Breton, Chair  
Kim Cole, RECE  
Ann Hutchings, RECE

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
REGINA EGOMIKA OYAGESHIO	)	Self-represented
REGISTRATION # 104150	)	
	)	
	)	
	)	Lonny Rosen,
	)	Rosen Sunshine
	)	Independent Legal Counsel
	)	
	)	Heard: March 22, 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 March 22, 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 March 6, 2024, (Exhibit 1) which provided as follows:

1. At all material times, Regina Egomika Oyageshio was a member of the College and was employed as a Registered Early Childhood Educator (“RECE”) at St. Gabriel Child Care Centre (the “Centre”), in Woodbridge, Ontario.
2. On or about January 12, 2023, the Member slapped a three-year-old child (the “Child”) on the face, causing the Child to cry.
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 psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
- 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).

## **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:

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 afternoon of January 12, 2023, the Member was supervising preschool-aged children, including the Child, with two other non-RECE staff members. When the Child did not follow the Member's direction to pick playdough up from the floor, the Member pulled the Child up by the upper arms, forcefully moved them a short distance, leaned over the Child and spoke to them with her face in close proximity to their face. The Child tried to walk away from the Member, and she forcefully pulled them back towards her. In response, the Child spat in the Member's face. The Member then slapped the Child on their face with an open palm. As a result of the Member's forceful conduct, the Child was upset, cried, and asked for their mother.

### **Additional Information**

4. The interactions between the Member and the Child, as described in paragraph 3 above, were captured on video.
5. Other children were near the Member and Child during the Incident, and observed at least part of the Incident.
6. After the Child's mother picked them up from the Centre, the Child told her that the Member had slapped them and that it "made [them] feel sad." Later that evening, the Child also told their

father about the Incident. The Child also asked their parents whether they had to go to the Centre the following day.

7. York Region Children's Aid Society ("CAS") investigated the Incident and verified the allegations against the Member. CAS concluded that the Member used "inappropriate and excessive physical discipline" against the Child.
8. The Ministry of Education also investigated the Member's conduct and determined that the Member engaged in a prohibited practice and issued a Compliance Order against her.
9. The College is not aware of any physical marks, injuries, or long-term emotional impact to the Child as a result of the Incident.
10. The Member's employment at the Centre was terminated as a result of the Incident.
11. If the Member were to testify, she would advise the following:
  - a. She did not intend to hurt the Child, but when the Child spat at her it went into her eye and her hand went up as a "reflex".
  - b. She deeply regrets her conduct during the incident and felt "disappointed in herself" and "ashamed".
  - c. Since the Incident, the Member has not been working as an RECE, and has taken time to reflect on the Incident. In retrospect, she recognizes she should have "responded differently", including by "asking for help" from other staff in the classroom.

### **Admissions of Professional Misconduct**

12. 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 psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);

- 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 Member engaged in an unnecessary power struggle with a young Child that involved physical force. She forcefully pulled the Child, moving them towards her and not allowing them to walk away. When the Child spit in her face, she slapped the Child. As a result, the Child felt sad and upset. The Child did not want to attend the Centre the next day.

The Member demonstrated a lack of knowledge of her profession and a lack of respect for the Child. Further, she failed to provide proper guidance. The Member engaged in a prohibited practice and failed to abide by policies. The Ministry of Education issued a compliance order against the Member.

Slapping a Child, regardless of the circumstances, reflects badly on the profession and erodes public trust.

The College submitted that the Agreed Statement of Facts contains facts that support a finding that the Member is guilty of all of the allegations of misconduct contained therein.

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

Specifically, the Panel found that the Member engaged in aggressive and forceful conduct towards a Child. The Panel also found the Member physically and emotionally abused a child under her care, and that she failed to engage in supportive and respectful interactions with a child under her care. RECEs are required to be caring and empathetic. They are required to act with integrity and comply with the Standards of Practice of the profession. The Member failed to do so.

By her conduct, the Member failed to demonstrate knowledge and use of a range of strategies that support ongoing positive interactions with children. Through her actions, she failed to work in partnership with children and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion for all the children under her care. She also failed to know the relevant legislation, policies and procedures, which she contravened, and to model professional values, beliefs and behaviours.

The Member's conduct would clearly be regarded by members of the profession as disgraceful, dishonorable and unprofessional. It reflects negatively on the Member and the profession, and constitutes conduct unbecoming.

## **POSITION OF THE PARTIES ON PENALTY**

Counsel for the College provided the Panel with a Joint Submission on Penalty and Costs (Exhibit 4) which outlined what the parties submitted was 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 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 Parties on Penalty and Costs**

College Counsel submitted that abusive conduct is one of the most common types of misconduct for which Members are investigated and disciplined.

College Counsel submitted that the penalty and costs terms in the Proposed Order meet the principles that a penalty order is required to meet, including protecting the young, vulnerable children whose safety is entrusted to RECEs and maintaining confidence in the College's ability and willingness to regulate members. The Proposed Order sends a message broadly to members of the profession and the public that the professional misconduct at issue is unacceptable and will not be tolerated.

College Counsel further submitted that the Proposed Order would deter other members from engaging in similar conduct and would deter the Member from engaging in similar misconduct in the future. The Proposed Order also includes terms that will provide public protection and safety and ensure the remediation and rehabilitation of the Member, so she will be supported when she returns to practice.

College Counsel also submitted that the Proposed Order must take into account the relevant aggravating and mitigating factors. College counsel submitted that there are five aggravating and three mitigating factors, as well as two additional factors in this case:

### **Aggravating Factors**

1. The age of Child made them more vulnerable due to their inability to report what happened.
2. The Member engaged in an unnecessary power struggle by pulling the Child and leaning close to the child's face. Had she guided the Child using positive interactions, this incident would not have taken place.
3. Her behaviour was not only inappropriate, it included violence.
4. The Child was emotionally impacted, as evidenced by their feelings of sadness and not wanting to attend the Centre the next day.
5. Other children observed the situation, eroding their sense of security.

### **Mitigating Factors**

1. The Member pleaded guilty and agreed to a Joint Submission. This showed insight and remorse.
2. The Member's admission saved the College from incurring additional time and resources for a contested hearing.
3. The Member does not have a prior history of misconduct.

### **Other Considerations:**

1. This was a single, very brief incident and not a pattern of behaviour. No prior concerns were raised about the Member.
2. There was no physical marks, injuries or long-term emotional effects on the Child.

College Counsel submitted that the Proposed Order was consistent with the range of penalties given in other cases involving discipline for similar misconduct, including the following:

- *College of Early Childhood Educators v. Black, 2023*
- *College of Early Childhood Educators v. Shaik, 2023*
- *College of Early Childhood Educators v. Hashimi, 2018*

College Counsel argued that these cases established that the Proposed Order was appropriate given that it was proportionate and reasonable. College counsel submitted that, in the case of joint submissions on penalty, the Panel had limited discretion and could only reject the jointly proposed penalty if it would bring the administration of justice into disrepute. The College submitted that the Proposed Order was within the range of penalties available and therefore its acceptance would not cause the public to lose trust in the College's ability to regulate its members or to bring the administration of justice into disrepute.

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 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 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,
  - 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.

### **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 must be accepted unless its acceptance would bring the administration of justice into disrepute, or it is otherwise not in the public interest.

The Panel therefore considered the previous cases presented by College Counsel and concluded that the penalty outlined in the Proposed Order was consistent and proportionate with penalties ordered for similar misconduct in other cases.

The Panel concluded that the Proposed Order addresses the principles of specific and general deterrence, as well as rehabilitation and remediation, and ensures the protection of the public. The Panel is satisfied that the proposed penalty is appropriate and in the public interest and that it would enhance the public's confidence in the ability and willingness of the College to address misconduct on the part of members.

The Panel is concerned by the increasing number of discipline cases involving physical abuse. It is the obligation of RECEs to treat all children with respect, dignity and create environments where all children can safely experience a sense of belonging and inclusion.



## **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 that the amount proposed by the parties is reasonable.

The Panel orders that the Member pay the College its costs, fixed in the amount fixed in the amount of \$1,000, to be paid within 18 months of the date of the Order.

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



**Geneviève Breton, Chair**

May 10, 2024

**Date**