

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Lexie Deborah Wayne 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: Stacey Stevenson, RECE, Chair
Richard Fillion, DDS
Kath Gradwell, RECE

BETWEEN:)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
LEXIE DEBORAH WAYNE)	Self-represented
Registration # 49427)	
)	
)	Elyse Sunshine,
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: April 16, 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 April 16, 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 March 28, 2024, (Exhibit 1) which provided as follows:

1. At all material times, Lexi Deborah Wayne (the “Member”) was a member of the College and was employed as a Registered Early Childhood Educator (“RECE”) at Vincent Massey Academy – Daisy Campus, located in Toronto, Ontario (the “Centre”).
2. On multiple occasions, between on or about November 2020 and March 2021, the Member observed A.K.J., an RECE in the Centre’s Toddler 2 classroom, tying children to chairs.

3. Despite observing A.K.J.'s conduct, described in paragraph 2 above, and the negative emotional impact the conduct had on several children, the Member failed to do the following:
 - a) She did not take steps to prevent the abusive conduct she observed from reoccurring and ensure the safety and well-being of the children in the toddler room;
 - b) She did not report A.K.J.'s conduct to the Children's Aid Society ("CAS"); and
 - c) She did not document A.K.J.'s conduct.

4. By engaging in the conduct set out in paragraphs 2–3 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the ECE Act in that:
 - a) The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to understand the importance of creating and maintaining positive relationships with families and colleagues to support children's wellbeing, contrary to Standard I.B.4 of the College's Standards of Practice;
 - ii. The Member failed to ensure that in her relationship with families and colleagues, the needs and best interests of the child are her highest priority, contrary to Standard I.C.7 of the College's Standards of Practice;
 - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
 - iv. The Member failed to observe and monitor the learning environment and to take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of

Practice;

- v. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
 - vi. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
 - vii. The Member failed to report professional misconduct, incompetence and incapacity of colleagues which could create risk to the health or well-being of children or others to the appropriate authorities, including to the College in relation to conduct of another RECE, contrary to Standard IV.C.11 of the College's Standards of Practice;
 - viii. The Member failed to be knowledgeable about legislation, policies and procedures related to the Child and Family Services Act, contrary to Standard VI.B.4 of the College's Standards of Practice;
 - ix. The Member failed to comply with the Child and Family Services Act about her duty to report suspected child abuse and neglect to the Children's Aid Society, contrary to Standard VI.C.8 of the College's Standards of Practice;
- b) The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10);

- c) The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
- d) The Member contravened a law, which contravention has caused or may cause a child who is under her professional supervision to be put or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and/or
- e) The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College advised the Panel that 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 10 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 Incidents

- 3. On multiple occasions, between November 2020 and March 2021, the Member observed A.K.J., an RECE in the Centre's Toddler 2 classroom, tying children to chairs.
- 4. Despite observing A.K.J.'s conduct, and the negative emotional impact the conduct had on several children, the Member did not:
 - a. Intervene to stop A.K.J. from tying the children, and except on one occasion, failed to untie the children;

- b. Take adequate steps to prevent the abusive conduct she observed from reoccurring and ensure the safety and well-being of the children in the toddler room, although on some occasions the Member hid the ties from A.K.J.;
- c. Report A.K.J.'s conduct to the CAS; and
- d. Document A.K.J.'s conduct.

Additional Information

- 5. In September 2020, the Member was assigned to work in the Centre's Toddler 2 classroom as an RECE, and was responsible for supervising the children alongside A.K.J. and another staff member.
- 6. On April 27, 2023, the College's Discipline Committee found A.K.J. guilty of physical, verbal, and emotional abuse of toddlers, among other things, as a result of:
 - a. Seven incidents of tying children to chairs from November 2020 to March 2021, and
 - b. Regularly warning toddlers that they would be tied to a chair when they did not listen to A.K.J.'s instructions.
- 7. The CAS and Toronto Police Service ("Police") conducted a joint investigation into A.K.J.'s abusive conduct. CAS verified the risk of physical harm from "Cruel/Inappropriate Treatment" by A.K.J. The Police decided not to lay criminal charges.
- 8. The Centre's Child Abuse Policy (the "Policy") states that staff have a "specific obligation to report" and that they "must make the report directly to a children's aid society." Further, the Policy stresses that "the person must not rely on anyone else

- to report on his or her behalf.”
9. The College is not aware of any physical marks, injuries, or long-lasting emotional impact to the children as a result of A.K.J.’s conduct.
 10. The Member was suspended by the Centre for two days due to her failure to report A.K.J.’s conduct.
 11. If the Member were to testify, she would advise the following:
 - a. She informed A.L.Y, the Centre’s Supervisor (the “Supervisor”) about A.K.J. tying children to chairs around November 2020 during a “casual conversation” and the Supervisor said she would look into the matter further. The Supervisor did not instruct the Member to document her observations and/or to report directly to CAS.
 - b. She refused to follow A.K.J.’s instructions to tie children to chairs, and confronted A.K.J. about her inappropriate conduct; and
 - c. Upon reflection, she understands that she had a duty to report her observations of A.K.J.’s conduct directly to CAS, regardless of having reported some of it to the Supervisor. She deeply regrets “not taking more immediate and assertive action” and “recognizes the importance of proactive intervention.”

Admissions of Professional Misconduct

12. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 4 above, and as defined in subsection 33(2) of the ECE Act, in that:
 - a. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:

- i. The Member failed to understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being, contrary to Standard I.B.4 of the College's Standards of Practice;
- ii. The Member failed to ensure that in her relationship with families and colleagues, the needs and best interests of the child are her highest priority, contrary to Standard I.C.7 of the College's Standards of Practice;
- iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
- iv. The Member failed to observe and monitor the learning environment and to take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
- v. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice;
- vi. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice;
- vii. The Member failed to report professional misconduct, incompetence and incapacity of colleagues which could create risk to the health or well-being of children or others to the appropriate authorities,

including to the College in relation to conduct of another RECE,
contrary to Standard IV.C.11 of the College's Standards of Practice;

- viii. The Member failed to be knowledgeable about legislation, policies and procedures related to the Child and Family Services Act, contrary to Standard VI.B.4 of the College's Standards of Practice;
 - ix. The Member failed to comply with the Child and Family Services Act about her duty to report suspected child abuse and neglect to the Children's Aid Society, contrary to Standard VI.C.8 of the College's Standards of Practice;
-
- b. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10);
 - c. The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18);
 - d. The Member contravened a law, which contravention has caused or may cause a child who is under her professional supervision to be put or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and/or
 - e. The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

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

Counsel for the College submitted that the evidence, consisting of the Agreed Statement of Facts, clearly established the allegations of professional misconduct as set out in the Notice of Hearing. Counsel for the College further submitted that the Member observed abusive conduct by another RECE on multiple occasions over four months and did nothing in response, despite her obligations to do so. As a result, the children in her care were subjected to further harm.

The College submitted that the Member engaged in professional misconduct when she failed to intervene, document and report multiple incidents of abuse. Specifically, she failed to report the abuse to CAS, contravening the *Child and Family Services Act*, the *Childcare and Early Years Act*, the ECE Act, the College's Code and Standards, and the Centre's Policy.

Counsel for the College submitted that the best interest of the children and their needs are paramount. The Member failed to take adequate steps to protect the children against abuse, putting them at risk of physical and emotional harm. The Member's behavior fell below what is required of RECEs.

Counsel further submitted that the Member also failed to document and failed to keep records as required. Her conduct contravened various standards, and fell below the manner expected of an RECE. The Member failed to ensure the needs of the children were her highest priority. She failed to ensure the learning environment was safe and healthy. The Member had a responsibility to not expose children to a harmful situation and she failed in that regard,

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

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

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted that the Member's admission was informed and voluntary, and found her guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing. The Member observed a pattern of abuse and took no steps. Had she intervened and reported what she observed, she could have prevented the children under her care from suffering months of abuse.

The Member was required to document and report the abuse incidents she observed to CAS and the Ministry. However, she failed to intervene, report and document several incidents of abuse to children under her care. By so doing, she demonstrated that she was unaware of, and did not follow, relevant legislation and policies.

The seriousness of the Member's conduct demonstrated a lack of judgment and a lack of responsibility such that it reflects negatively on the profession. This was not a momentary lapse of judgment. The Panel finds that the Member's conduct in this case showed complete disregard for the welfare and safety of the children in her care. Such conduct should not be tolerated and would reasonably be regarded by members of the profession and the public as disgraceful, dishonorable or unprofessional, as well as conduct unbecoming a member of this profession.

POSITION OF THE PARTIES ON PENALTY

Counsel for the College and the Member made a joint submission as to an appropriate penalty and costs order (the "Proposed Order") (Exhibit 4). The parties submitted that the Panel should make an order as follows:

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. 6 months; or
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. 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 a RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the "Director") if a grade is not assigned) and at her own expense, the following courses (subject to the Director's pre-approval):
 - i. Duty to Report; and
 - ii. Effective and positive communication with families, staff and the community.
- b. The Member must provide the Director with proof of enrollment and successful completion of the courses.

Mentorship

- c. Prior to the Member commencing or resuming employment as 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 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
 - i. review of the College's Code of Ethics and Standards of Practice,
 - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - iv. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- f. The Member will complete a minimum of 2 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 7 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. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 10 months of the date of this Order.

Submissions of the College on Penalty and Costs

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

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

The College submitted that there were 11 aggravating factors in this case:

1. The nature of the abusive conduct observed by the Member was a pattern of egregious, abusive, forceful conduct involving physical restraint.
2. The age of the children made them vulnerable. These were toddlers who were completely dependent on the RECEs for their safety and well-being. They were also helpless in the abuse and less likely to report the abuse than older children with more developed verbal skills.
3. The Member observed and failed to intervene in several incidents of abuse over a four-month period, stopping the abusive behaviour only once. In each of the other incidents, she stood by, doing nothing to stop the abuse or to protect the children.
4. The abusive conduct she observed happened in the presence of other children, which eroded the sense of security of not just the affected children, but all the children in the room.
5. The Member's conduct led to risk of harm, and negative emotional impact for the children in her care.
6. The Member repeatedly failed to report to CAS. This obligation is ongoing. Every time she observed a new incident, she had a new obligation to report. Failure to do so was not a momentary lapse of judgment.
7. The Member contravened the Policy, which provided that the Member is obligated to report individual concerns.

8. The Member's failure to document and report may have hindered the authorities' ability to investigate concerns.
9. The Member's failure to document and report enabled the abuse to continue over several months. Further incidents could have been prevented had the Member documented and reported.
10. The College has repeatedly reminded members of their duty to report. The College issued communications to its membership in January 2019 and October 2019 – prior to the incidents in this case. As such, the Member should have been aware of this duty.
11. The Member's conduct erodes the reputation of early childhood education, causing parents, families and the public to lose trust in RECEs to protect the safety of their children.

The College submitted that there were four mitigating factors:

1. The Member pleaded guilty, agreeing to the facts and penalty, which demonstrated remorse and insight into her conduct and a willingness to work to improve her practice.
2. The Member saved the College the time and expense of a contested hearing.
3. The Member had no prior history of misconduct.
4. The Member refused to follow A.K.J.'s direction to tie up the children.

Counsel for the College provided the Panel with the following cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct:

- *College of Early Childhood Educators v Amandeep Kaur Johal, 2023*
- *College of Early Childhood Educators v Pawandeep Kaur, 2023*
- *College of Early Childhood Educators v Diala Mahfouz, 2023*
- *College of Early Childhood Educators v Amanjot Kaur Dhanoa, 2023*
- *College of Early Childhood Educators v Beverly Anne Renaud, 2023*
- *College of Early Childhood Educators v Chelsea Lynne May Jalbert, 2023*

College Counsel submitted that the Proposed Order included an amount for costs agreed upon by the parties. College Counsel 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 agreed to the Proposed Order and did not make further 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. 6 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. 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 a RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director if a grade is not assigned) and at her own expense, the following courses (subject to the Director's pre-approval):
 - iii. Duty to Report; and
 - iv. Effective and positive communication with families, staff and the community.
- b. The Member must provide the Director with proof of enrollment and successful completion of the courses.

Mentorship

- c. Prior to the Member commencing or resuming employment as 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:
 - vii. is an RECE in good standing with the College,
 - viii. is employed in a supervisory position,
 - ix. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
 - x. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
 - xi. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
 - xii. 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:
 - v. the Panel's Order,

- vi. the Agreed Statement of Facts,
 - vii. the Joint Submission on Penalty and Costs, and
 - viii. the Panel's Decision and Reasons.
- e. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
- vi. review of the College's Code of Ethics and Standards of Practice,
 - vii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
 - viii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
 - ix. strategies for preventing the misconduct from recurring, and
 - x. 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 2 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 7 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:
- v. the dates the Member attended the sessions with the Mentor,
 - vi. that the Mentor received a copy of the documents referred to in paragraph 3(d),
 - vii. 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
 - viii. 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. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 10 months of the date of this Order.

REASONS FOR PENALTY

The Panel understands that the penalty ordered should protect the public and enhance public confidence in the ability of the College to regulate registered early childhood educators. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the joint submission, the Panel was mindful that a jointly proposed penalty should be accepted unless its acceptance would bring the administration of justice into disrepute, or it is otherwise not in the public interest.

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

The suspension, along with the reprimand, will act as a specific deterrent to the Member, and a general deterrent to other members of the profession, from engaging in such conduct. The terms,

conditions and limitations imposed will help to protect the public. The Member will also be rehabilitated through the mentoring sessions and the mandated course work.

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

ORDER AS TO COSTS

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

The parties agree on 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 ten months of the date of the Order.

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



Stacey Stevenson, RECE, Chair

May 12, 2024

Date