

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Marie Suzanne Cormier-Dein 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)	
)	
MARIE SUZANNE CORMIER-DEIN)	Self-represented
REGISTRATION # 44310)	
)	
)	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, Marie Suzanne Cormier-Dein (the “Member”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator (“ECE”) at St. Vincent de Paul Catholic Elementary School, in Hamilton, Ontario (the “School”).
2. On or about the morning of December 16, 2022, during outdoor play time, the Member engaged in forceful and aggressive interactions with a 6-year-old child with autism, who was non-verbal (the “Child”). The Member yelled at the Child, and then grabbed them by

their clothing near the back of their neck and pulled them towards a wall. The Member pushed the Child against the wall and yelled at the Child while standing in very close proximity to their face. The Child attempted to walk away, and the Member yelled at them again, instructing them to get back to the wall.

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 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 9 years. She is in good standing with the College.

2. At all material times, the Member was employed as an RECE at the School in Hamilton, Ontario.

The Incident

3. On the morning of December 16, 2022, during outdoor play time, the Member engaged in forceful and aggressive interactions with the Child. The Member yelled at the Child, and then grabbed them by their clothing near the back of their neck and pulled them towards a wall. The Member pushed the Child against the wall and yelled at the Child while standing in very close proximity to their face. The Child attempted to walk away, and the Member yelled at them again, instructing them to get back to the wall.

Additional Information

4. The College is not aware of any physical marks, injuries or long-term emotional impact to the Child as a result of the Incident.
5. The Member was terminated from her position as an RECE at the School as a result of the Incident described above.
6. On June 26, 2018, the Member received a letter of expectations from the Board that confirmed her requirement to follow the Board's protocols and guidelines, while reminding her about the "hands off policy when it comes to re-direction" in response to an incident wherein she was alleged to have jabbed her finger into the shoulder of a child while scolding the child for taking too long to get a drink.
7. On July 5, 2019, the Member received a three-day unpaid suspension, sensitivity training and was transferred to a different school in response to an incident wherein she was alleged to have angrily thrown a book in the direction of a child seated at a table. In the disciplinary letter to the Member, the Board advised that her conduct was inappropriate, did not rise to the standard expected of an ECE, and in the future, their expectation was for the Member to "exhibit the highest level of professionalism at all times."

Verbal Caution by the College's Complaints Committee

8. The incident described in paragraph 7 was reported to the College and was considered by the College's Complaints Committee. In a decision dated September 18, 2020, a panel of the Complaints Committee emphasized that the allegations were "not an isolated incident, but rather may have been part of a pattern of negative, harsh interactions with children." The Complaints Committee panel also noted that it was "troubled" by the Member's seeming lack of insight into the matter. The Complaints Committee panel outlined the following expectations for the Member in its decision:

"The Panel therefore reminds the Member of the importance of ensuring her interactions with children are always respectful and empathetic. The Panel expects the Member to foster a nurturing learning environment that supports children's

positive development and creates a sense of security and belonging for children. The Panel further reminds the Member to always be mindful of how others, particularly children, could perceive her words and actions. RECEs are expected to communicate and behave in a professional, respectful manner with children, families, and colleagues.”

The Complaints Committee panel decided to verbally caution the Member.

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 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 and plead guilty. 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 submitted that the Member admitted to engaging in professional misconduct as outlined in paragraph 9 of the Agreed Statement of Facts. The College submitted that the Member engaged in physically abusive behaviour when the Member pushed and pulled

the Child and also verbally abused them by yelling at them.

The Member demonstrated a lack of respect and empathy for the Child and failed to guide their behaviour in a positive manner. The Member did not follow accepted Standards of Practice and violated the school's "no hands" policies and procedures.

The College submitted that the Member's actions negatively reflect on the profession, and erode the trust of the public – especially parents of children with special needs. The College further submitted that the Member's conduct, taken as a whole, would be reasonably be regarded by members as disgraceful, dishonourable and unprofessional and that the conduct is and is clearly unbecoming.

Member submitted that she is in agreement with the Agreed Statement of Facts and added that she deeply regrets her actions.

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 Member engaged in several forceful and aggressive interactions with the Child, who was at increased vulnerability due to being non-verbal. The Member yelled at the Child several times and grabbed them by their clothing near the back of their neck and pushed them toward the wall. The Child attempted to walk away, and the Member yelled at them again, instructing them to get back to the wall.

Such conduct was abusive, both physically and verbally, and violated the Member's commitment to protect children within her care, contrary to the College's Standards of Practice. The Member's actions failed to model professional values, beliefs and behaviours with children, families and colleagues. The Member's behaviour was clearly unprofessional and unbecoming a Member of the College.

The Panel is disturbed to see a Member behaving in this manner having apparent disregard for the needs, dignity and rights of a Child under her care, her responsibilities and the trust placed in her by the Child's parents, her colleagues and the public.

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. 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. 9 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 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. Anger management;

- ii. Positive intervention strategies; and
 - iii. Inclusion in early childhood education and addressing needs of children with special needs;
- 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 a Registered Early Childhood Educator 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. Requiring the Member to pay the College's costs fixed in the amount of \$1,000 within 12 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College outlined that the first and foremost objectives of the Proposed Order are to protect young and vulnerable children, and to maintain the public's confidence in the College's willingness to regulate members' conduct. A further objective of the Proposed Order is to denounce the Member's unacceptable behaviour and demonstrate to the public and other RECEs that the College will not tolerate such behaviour.

Additionally, it is important that the Proposed Order provide general deterrence by demonstrating to other members of the College that there are serious consequences for such behaviour and remind them of their responsibilities.

The Proposed Order should also provide specific deterrence to the Member by being serious enough to deter her from similar misconduct. The Proposed Order should provide the Member opportunities to rehabilitate and remediate her behaviour to support a successful return to practice.

The College asked the Panel to consider eight aggravating factors in its deliberations:

1. The Child is young and vulnerable due to their diagnosis of autism.
2. The Child's vulnerability is further heightened by nature of their being non-verbal, posing barriers to seeking assistance and/or reporting the incident.

3. The Member's conduct was violent and an unnecessary power struggle with the Child. The Member was physically abusive (pushing, pulling, grabbing the Child's clothing and restricting their movement).
4. The Member was verbally abusive by yelling at the Child several times and in close proximity to their face, demonstrating demeaning and disrespectful interactions.
5. The Member's behaviour was witnessed by other children whose sense of belonging and security was negatively impacted.
6. Although this incident was brief, it was serious enough to reflect negatively on the profession and erode trust.
7. On two prior occasions – June 26, 2018 and July 5, 2019 – the Member's employer provided behaviour guidance to her reminding her of her obligations and outlining the policies and procedures she was expected to follow.
8. This situation is unique in that the Member was verbally cautioned by the Complaints Committee (September 2022) around a pattern of negative and harsh interactions with children. The Complaints Committee emphasized the Member's need to support children and follow accepted guidance strategies. On this basis, Counsel for the College urged the Discipline Committee, in its reasons, to highlight that ignoring guidance or directions provided by the Complaints Committee will not be tolerated and will result in significant consequences, including higher penalties for misconduct.

The College outlined two mitigating factors for the Panel to consider:

1. The Member has plead guilty, is remorseful and wants to improve her practice. By doing this the Member saved the College significant time and expense in a more involved hearing. Although there was a prior caution from the Complaints Committee, this is the first time the Member has appeared before a Discipline Panel and they are in attendance.
2. There were no known physical marks or injuries nor long lasting impact on the Child or children who witnessed the incident.

The College provided the Panel with three cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct:

- *College of Early Childhood Educators v Snow, 2022;*
- *College of Early Childhood Educators v Shaik, 2023;* and

- *College of Early Childhood Educators v Barbosa, 2024.*

College Counsel also submitted that the agreed upon costs order was appropriate in the circumstances.

Submissions of the Member on Penalty and Costs

The Member agreed to the Joint Submission on Penalty and Costs 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. 9 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 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):

- i. Anger management;
 - ii. Positive intervention strategies; and
 - iii. Inclusion in early childhood education and addressing needs of children with special needs;
- 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 a Registered Early Childhood Educator 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 12 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 RECEs. This is achieved through a penalty that addresses specific deterrence, general deterrence and, where appropriate, rehabilitation and remediation. The penalty should be proportionate to the misconduct.

In considering the 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.

The Panel urges the Member to take full advantage of the processes to reflect on their practice and develop strategies and systems to support their return to practice in a safe, compassionate and professional manner.

ORDER AS TO COSTS

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

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

The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000 to be paid within 12 months of the date of this 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, Chair

June 12, 2024

Date