

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Staci Kimberly Jessup, 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:** Barbara Brown, RECE, Chair  
Jasmine Brar, RECE  
Richard Fillion, DDS

<b>BETWEEN:</b>	)	
	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
Staci Kimberly Jessup	)	Self-represented
REGISTRATION # 48953	)	
	)	
	)	Elyse Sunshine
	)	Rosen Sunshine LLP
	)	Independent Legal Counsel
	)	

Heard: May 8, 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 May 8, 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 April 23, 2024, (Exhibit 1) which provided as follows:

1. At all material times, Staci Kimberly Jessup (the “Member”) was a member of the College and was employed as the Supervisor at Arnprior Heritage Child Care Centre, located in Arnprior, Ontario (the “Centre”).
2. On multiple occasions, between about April 25, 2022 and August 4, 2022, the Centre’s staff verbally reported to the Member concerns about “burn-like marks” they observed on a 2-year-old child (the “Child”).

3. Between about April 25, 2022 and August 4, 2022, despite receiving the reports described in paragraph 2 above, as well as personally observing the marks on the Child, the Member failed to do the following:
  - a) She did not take adequate steps to ensure the Child's safety and well-being;
  - b) She did not report to the Children's Services of Renfrew County ("CAS");
  - c) She did not instruct the staff who reported their concerns to her to report directly to CAS;
  - d) She did not file a Serious Occurrence Report with the Ministry of Education; and
  - e) She did not document the concerns the staff verbally reported to her, or any conversations she had with the Child's mother arising from the marks on the Child.
  
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 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 provide guidance and direction to supervisees that is respectful and fair and/or failed to ensure a level of supervision that is appropriate in light of the supervisee's education, training, experience and the activities being performed, contrary to Standard IV.C.8 of the College's Standards of Practice;
  - viii. 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;
  - ix. 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;
  - x. 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 an 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 currently suspended for non-payment of fees or penalties and does not have a prior discipline history with the College.
2. At all material times, the Member was employed as Supervisor at the Centre.

## **The Incidents**

3. On multiple occasions, between April 25, 2022 and August 4, 2022, the staff verbally reported to the Member concerns about “burn-like marks” they observed on the Child. The marks were observed on various locations on the Child’s body, including their shoulder and arm. According to the staff, the marks were “consistently there” and the Child “kept developing more marks”.
4. Between April 25, 2022 and August 4, 2022, despite receiving the reports described in paragraph 3 above, as well as personally observing the marks on the Child, the Member failed to do the following:
  - a) She did not take adequate steps to ensure the Child’s safety and well-being;
  - b) She did not report to the CAS
  - c) She did not instruct the staff who reported their concerns to her to report directly to CAS;
  - d) She did not file a Serious Occurrence Report with the Ministry of Education (the “Ministry”); and
  - e) She did not document the concerns the staff verbally reported to her or any conversations she had with the Child’s mother arising from the marks on the Child.

## Additional Information

5. Sometime between April 25, 2022 and August 4, 2022, one of the staff also reported to the Member other concerns related to the Child, including that the Child would cry and ask staff to be gentle during diaper changes, and that the Child would walk around pretending to smoke cigarettes.
6. At the end of July 2022, one of the staff reported the marks she observed on the Child to the Centre's Licensee (the "Licensee"), noting that she reported the marks to the Member "multiple times".
7. On August 4, 2022, the Member notified the Licensee about the concerns staff reported to her. The Licensee reported the concerns to CAS that same day. The following day, on August 5, 2022, CAS reported the concerns to the Ministry.
8. At the time of the Incidents, CAS was investigating concerns relating to the Child's family. The Licensee advised that after they reported the Incidents to CAS, the CAS worker they spoke with was upset the report was not made earlier, as it would have assisted CAS in their investigation.
9. The Ministry cited the Centre for a high-risk non-compliance arising from the Member's failure to report the marks on the Child.
10. The Centre had a policy regarding concerns about suspected abuse or neglect of a child (the "Policy"). The Policy emphasized that "everyone, including members of the public and professionals who work closely with children, is required by law to report suspected cases of child abuse or neglect". The Policy also stated that "persons who become aware of such concerns are also responsible for reporting this information to CAS as per the 'Duty to Report' requirement under the *Child and Family Services Act*."
11. As a result of the Incidents, the Centre issued the Member a written warning. Her role at the Centre was also changed to Assistant Supervisor. As of today, she is no longer employed at the Centre.

12. If the Member were to testify, she would advise that she was wrong to rely on assertion by the Child's mother that the marks on the Child's body were "birth marks". She regrets "waiting" to report and "learned from her mistake".

### **Admissions of Professional Misconduct**

13. 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 provide guidance and direction to supervisees that is respectful and fair and/or failed to ensure a level of supervision that is appropriate in light of the supervisee's education, training, experience and the activities being performed, contrary to Standard IV.C.8 of the College's Standards of Practice;
  - viii. 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;
  - ix. 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;
  - x. 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 Member was guilty of professional misconduct and further submitted that all misconduct allegations are supported by the facts set out in the Agreed Statement of Facts.

Counsel for the College submitted that the Member failed to take action on multiple occasions, between April 25, 2022, and August 4, 2022, when the staff verbally reported to the Member concerns about "burn-like marks" they observed on the Child. The marks were observed on various locations on the Child's body, including their shoulder and arm. According to the staff, the marks were "consistently there" and the Child "kept developing more marks".

Despite receiving the reports, as well as personally observing the marks on the Child, the Member failed to take adequate steps to ensure the Child's safety and well-being; she did not report the suspected child abuse to the CAS, she did not instruct the staff who reported their concerns to her to report directly to CAS, she did not file a Serious Occurrence Report with the Ministry of Education, and she did not document the concerns the staff verbally reported to her, or any conversations she had with the Child's mother arising from the marks on the Child.

College Counsel submitted that by neglecting her duty to report to CAS immediately, the Member has caused or may have caused a child under her supervision to be put or remain at risk for harm during the period of April 25, 2022, to August 4, 2022.

College Counsel also submitted that the Member failed to mitigate the situation and provide a safe, nurturing, healthy environment. Her conduct fell well below the expectations of RECEs. Further, her

conduct was a breach of the standards of practice of the profession. RECEs are expected to be caring and empathetic and to act with integrity. The Member's conduct demonstrated that she failed to be knowledgeable about the legislation, policies and procedures related to concerns of child abuse and failed to comply with her duty to report. The Member also failed to provide guidance and direction to her staff, contrary to the Code of Ethics and Standards of Practice.

The Member's conduct resulted in the Ministry citing the Centre for a high-risk non-compliance arising from the member's failure to report the marks on the child. The Member's conduct could reasonably be perceived as reflecting negatively on the membership as a whole. It erodes the trust parents put on RECEs. It was a serious disregard for the Member's professional obligations and clearly unbecoming.

The Member made no submission but agreed that she had committed the acts of professional misconduct as outlined in the Notice of Hearing.

## **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 met its onus of proof and established on a balance of probabilities that it was more likely than not that the Member engaged in the acts of misconduct as alleged. The Panel found that on multiple occasions between April 25, 2022, and August 4, 2022, the Member failed to fulfill her duty to report the burn-like marks on the child to CAS.

The Panel found that this conduct amounted to a failure to maintain standards that caused or may have caused a child under her supervision to be put or remain at risk of further harm. The Member's lack of knowledge about legislation, policies and procedures around the duty to report is inexcusable, given the requirements that RECEs must undertake in their Continuous Professional Learning

around the duty to report. The Member's conduct specifically breached Standards I.B.4, 1.C.7, III.C.1, III.C.2, IV.B.1, IV.C.2, IV.C.8, IV.C.11, VI.B.4 and VI.C.8.

The Code of Ethics requires RECEs to make the well-being, learning and care of children their foremost responsibility. It requires them to value the rights of all children and create learning environments where all children can experience a sense of safety and well-being. The Panel finds that the Member breached the Code and all of the aforementioned Standards. This would be regarded by members of the profession as disgraceful, dishonourable and unprofessional. The Panel is disturbed by the fact that the Member's failure to comply with the duty to report could and did impact a child under her care and the breach of numerous Standards of Practice.

### **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"). 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. 11 months; or
  - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(f) below,

Whichever is greater.

The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

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

## **Coursework**

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the “Director”) if a grade is not assigned) and at her own expense, the following courses (subject to the Director’s pre-approval):
  - i. Duty to Report; and
  - ii. Ethics
  
- 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 an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
  - i. is an RECE in good standing with the College,
  - ii. is employed in a supervisory position,
  - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
  - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
  - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
  - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

- d. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
  - i. the Panel's Order,
  - ii. the Agreed Statement of Facts,
  - iii. the Joint Submission on Penalty and Costs, and
  - iv. the Panel's Decision and Reasons.
  
- e. The Member will meet with the Mentor at least every 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. the coursework the Member is ordered to complete, as set out in paragraph 3(a) above,
  - v. strategies for preventing the misconduct from recurring, and
  - vi. 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 6 months of the date of this Order.

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

Counsel for the College submitted that the Proposed Order was appropriate in the circumstances and that it 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 learns from her wrongdoing. The Proposed Order was also within the range of penalties imposed in similar cases, while taking into account the specific aggravating and mitigating factors of this case.

Counsel for the College indicated that there were a number of aggravating factors in this case:

- 1. The Member repeatedly breached her duty to report which demonstrated a pattern of behaviour.

2. The Member was in a leadership role and the staff relied on her for guidance.
3. The Member received multiple reports that there were burn marks observed on the child, and the member had the duty to report it to CAS.
4. The child was only two years old and therefore more vulnerable to abuse.
5. The Member's failure to report may have impeded CAS' investigation.
6. The Member's actions resulted in the Ministry citing the Centre for non-compliance.
7. In 2022 the College provided resources on the Duty To Report to all members, so the Member should have been aware of her obligations.
8. The Member repeatedly failed to document verbal conversations with staff about their concerns for the Child.
9. As Centre Supervisor, the Member should have implemented and reinforced proper procedures.
10. The Member's conduct erodes the reputation of the profession of early childhood education. Parents and families will lose trust in early childhood educators.

Counsel for the College submitted that the mitigating factors included the Member's guilty plea. By agreeing to the facts and penalty, she saved the College the time and expense of a contested hearing. This also demonstrated that the Member had insight into her conduct and willingness to improve by agreeing to the remediation. The Member also had been registered with the College for approximately 10 years without any prior history of misconduct.

College Counsel submitted that there was an additional consideration that was neither aggravating nor mitigating, but which warranted consideration. Namely, even though the Member observed the marks on the Child, she did not directly observe any abusive or neglectful conduct. However, she is obligated to report all the same. College Counsel advised the Panel to be mindful that a jointly proposed penalty should be accepted unless the penalty was so harsh or lenient that it would bring the administration of justice into disrepute or would otherwise not be in the public interest.

College Counsel provided the Panel with examples of Duty To Report resources the College provided to all members during the time in which the Member was registered:

- *Professional Advisory on Duty to Report* (updated January 2019)
- *Connexions* article on Duty to Report (October 2019)
- Practice Note on *Professional Supervision of Supervisees* (April 2020)

In addition, College Counsel referred to three cases to demonstrate that the Proposed Order was proportionate and consistent with similar conduct:

- *College of Early Childhood Educators v. Beverly Anne Renaud, 2023 ONCECE 8*
- *College of Early Childhood Educators v. Chelsea Lynne May Jalbert, 2023 ONCECE 11*
- *College of Early Childhood Educators v. Pawandeep Kaur, 2024 ONCECE 1*

College Counsel submitted that costs were agreed upon by the parties and represented a small portion of the actual costs incurred.

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

The Member agreed to the Proposed Order and did not make any further submission.

### **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. 11 months; or
  - b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(f) below,

Whichever is greater.

The suspension will take effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

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



## **Coursework**

- a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act , the Member must successfully complete, with a minimum passing grade of 70% (or to the satisfaction of the Director of Professional Regulation (the “Director”) if a grade is not assigned) and at her own expense, the following courses (subject to the Director’s pre-approval):
  - i. Duty to Report; and
  - ii. Ethics
- 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 an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
  - i. is an RECE in good standing with the College,
  - ii. is employed in a supervisory position,
  - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
  - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
  - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
  - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

- d. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
  - i. the Panel's Order,
  - ii. the Agreed Statement of Facts,
  - iii. the Joint Submission on Penalty and Costs, and
  - iv. the Panel's Decision and Reasons.
- e. The Member will meet with the Mentor at least every 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. the coursework the Member is ordered to complete, as set out in paragraph 3(a) above,
  - v. strategies for preventing the misconduct from recurring, and
  - vi. 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 6 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. It is the Panel's conclusion that the joint proposal on penalty addresses the principles of specific and general deterrence, rehabilitation, and the confidence and protection of the public.

The Panel understands the high threshold of a joint submission and agrees with the penalty. The Panel, however, expresses concern at the number of discipline cases involving the duty to report. The Panel wants to send a clear message to the membership that claiming lack of knowledge about one's duty to report is inexcusable, particularly when pre-service training provides RECEs with the legislative knowledge about this requirement. Moreover, the College requires all RECEs to complete a continuous professional learning module, which includes the *Professional Advisory: Duty to Report*. Moreover, childcare centres also have their own child abuse policies and procedures. RECEs have a positive obligation to be aware of their legal and professional obligations and it is unacceptable that an RECE claims lack of knowledge as their reason for not reporting. Lack of knowledge as an excuse should not be tolerated and the panel urges the College to continue to seek more severe penalties in the future for this conduct.

#### **ORDER AS TO COSTS**

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

The parties are in agreement with respect to costs and the amount of costs to be ordered. The Panel agrees that this is an appropriate case for costs to be awarded and the amount proposed by the parties is reasonable. The Panel orders that the Member pay the College its costs, fixed in the amount of \$1,000 to be paid within 6 months of the date of this Order.

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



Barbara Brown, RECE, Chair

June 25, 2024

Date