

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Cassandra Jade Cespite, 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 Filion, DDS

BETWEEN:)	
)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
Cassandra Jade Cespite)	Self-represented
REGISTRATION # 54956)	
)	
)	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 Practice 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.

MEMBER'S NON-ATTENDANCE AT THE HEARING

Cassandra Jade Cespite (the "Member") did not attend the hearing. Counsel for the College provided documentary evidence (Exhibits B, C and D outlining the College's attempts to communicate with the Member about the hearing. This evidence indicated that the College had informed the Member of the purpose, date, time, and location of the hearing on several occasions. The evidence provided satisfied the Panel that the Member had been informed of the purpose, date, time and location of the hearing. Accordingly, the hearing proceeded in the Member's absence. While generally speaking, the fact that Member was not in attendance would mean that they would be deemed to deny the allegations, and in this case, College counsel advised that the Member had admitted to the allegations of misconduct and had signed and Agreed Statement of Facts.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel 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, the “Member” was a member of the College and was employed as an Early Childhood Educator (“ECE”) at Alpha Child Care Ltd. (the “Centre”) in Brampton, Ontario.
2. Between on or about May 2022 and July 2022, the Member engaged in the following aggressive, forceful and/or demeaning conduct towards preschool-aged children she was responsible for supervising at the Centre:
 - a. On one occasion, during naptime, Child 1, a child with a disability who was non-verbal, sat up on their cot. The Member grabbed Child 1’s arm and leg and pulled them down, causing Child 1 to hit their head on the cot and begin to scream and cry. The Member forced Child 1 to lie facing down and put a blanket over them, covering their head. The Member then used her bodyweight to restrain Child 1 for approximately 10-15 minutes, while Child 1 screamed and cried.
 - b. On one occasion, the Member forcefully grabbed Child 2, a child with a disability, by the hand, despite knowing it was sore due to a skin condition. She then forcefully dragged Child 2 to a table, causing them to cry. The Member sat Child 2 down, and then pulled their chair, causing them to fall and hit their head on the corner of the table. Child 2 fell to the floor and began to cry. The Member then said to Child 2, “That’s what you get” or words to that effect, and walked away, leaving them crying.
 - c. On one occasion, the Member took a spoon from Child 3 after they hit another child with it while playing in the sand. The Member then put the spoon in the other child’s hand, encouraged them to hit Child 3, and used the child’s hand to hit Child 3. Child 3 cried as a result of the Member’s conduct.
 - d. On one occasion, Child 4 approached the Member crying, due to spilling soap bubbles into their eyes. The Member refused to assist them and ignored their cries.

- e. On one occasion, when Child 5 came inside from the playground after having soiled themselves, the Member refused to change their clothing. The Member said to Child 5, "I'm not going to change you. You're not going outside." or words to that effect, and left Child 5 in soiled clothing for a period of time.
- f. On one occasion, Child 2 was having difficulty untying their shoelaces after soiling themselves. The Member kicked Child 2 on his back and told them "Hurry up and take off your shoes, it's your fault you peed yourself, you know exactly where you need to go to pee" or words to that effect. Child 2 began to cry, and the Member yelled at them while they continued attempting to untie their shoelaces.
- g. On one occasion, the Member repeatedly hit Child 3's shoe beside their leg when they didn't put their shoe on.
- h. On one occasion, the Member told Child 6, who did not like their snack, that she would not permit Child 6 to go outside with the rest of the children if Child 6 did not eat.
- i. On multiple occasions, the Member took children's food away from them and threw it out if they did not eat quickly, leaving the children hungry.
- j. On or about the morning of July 28, 2022, while the Member was supervising the children during outdoor play time, she engaged in the following conduct:
 - i. The Member pushed Child 1, while yelling words to the effect of "move from near me" after Child 1 approached her.
 - ii. The Member pushed Child 2 to the ground after removing them from a bike that was occupied by another child. Child 2 began to cry, and the Member walked away from them, leaving them on the ground.
- k. On or about May 24, 2022, Child 3 was upset and an ECE placement student (the "Student") attempted to comfort them. The Member told the Student, in Child 3's presence, that Child 3's mother "talks to them as if they're shit, so you should do the same" or words to that effect.

- I. On multiple occasions, the Member engaged in the following conduct, in addition to the incidents described above:
 - i. The Member aggressively grabbed and/or held and/or pulled children by the wrist
 - ii. The Member pushed a child away on their forehead,
 - iii. The Member aggressively picked children up and put and/or sat them on the floor, saying, "You sit here" or words to that effect.
 - iv. The Member spoke to children in a rude manner.

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 Ac in that:
 - a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
 - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
 - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
 - d. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
 - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;

- iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
 - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- e. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- f. The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

EVIDENCE

Counsel for the College advised the Panel that an agreement had been reached on the facts and introduced an Agreed Statement of Facts (Exhibit 2), which provided as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 8 years. She is 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 a RECE at the Centre.

The Incidents

3. Between May 2022 and July 2022, the Member engaged in the following aggressive, forceful and/or demeaning conduct towards preschool-aged children she was responsible for supervising at the Centre:
 - a. On one occasion, during naptime, Child 1, a child with a disability who was non-verbal, sat up on their cot. The Member grabbed Child 1's arm and leg and pulled them down, causing Child 1 to hit their head on the cot and begin to scream and cry. The Member forced Child 1 to lie facing down and put a blanket over them, covering their head. The Member then used her bodyweight to restrain Child 1 for approximately 10-15 minutes, while Child 1 screamed and cried.
 - b. On one occasion, the Member forcefully grabbed Child 2, a child with a disability, by the hand, despite knowing it was sore due to a skin condition. She then forcefully dragged them to a table, causing them to cry. The Member sat Child 2 down, and then pulled their chair, causing them to fall and hit their head on the corner of the table. Child 2 fell to the floor and began to cry. The Member then said to Child 2, "That's what you get" or words to that effect, and walked away, leaving them crying.
 - c. On one occasion, the Member took a spoon from Child 3 after they hit another child with it while playing in the sand. The Member then put the spoon in the other child's hand, encouraged them to hit Child 3, and used the child's hand to hit Child 3. Child 3 cried as a result of the Member's conduct.
 - d. On one occasion, Child 4 approached the Member crying, due to spilling soap bubbles into their eyes. The Member refused to assist them and ignored their cries.
 - e. On one occasion, when Child 5 came inside from the playground after having soiled themselves, the Member refused to change their clothing. The Member said to Child 5, "I'm not going to change you. You're not going outside." or words to that effect, and left Child 5 in soiled clothing for a period.

- f. On one occasion, Child 2 was having difficulty untying their shoelaces after soiling themselves. The Member kicked Child 2 on their back and told him “Hurry up and take off your shoes, it’s your fault you peed yourself, you know exactly where you need to go to pee” or words to that effect. Child 2 began to cry, and the Member yelled at them while they continued attempting to untie their shoelaces.
- g. On one occasion, the Member repeatedly hit Child 3’s shoe beside their leg when they didn’t put their shoe on.
- h. On one occasion, the Member told Child 6, who did not like their snack, that she would not permit Child 6 to go outside with the rest of the children if Child 6 did not eat.
- i. On multiple occasions, the Member took children’s food away from them and threw it out if they did not eat quickly, leaving the children hungry.
- j. On the morning of July 28, 2022, while the Member was supervising the children during outdoor play time, she engaged in the following conduct:
 - i. The Member pushed Child 1, while yelling words to the effect of “move from near me” after Child 1 approached her.
 - ii. The Member pushed Child 2 to the ground after removing him from a bike that was occupied by another child. Child 2 began to cry, and the Member walked away from him, leaving him on the ground.
- k. On May 24, 2022, Child 3 was upset and the “Student attempted to comfort them. The Member told the Student, in Child 3’s presence, that Child 3’s mother “talks to them as if they’re shit, so you should do the same” or words to that effect.
- l. On multiple occasions, the Member engaged in the following conduct, in addition to the incidents described above:
 - i. The Member aggressively grabbed and/or held and/or pulled children by the wrist;

- ii. The Member pushed a child away on their forehead,
- iii. The Member aggressively picked children up and put and/or sat them on the floor, saying, “You sit here” or words to that effect.
- iv. The Member spoke to children in a rude manner.

Additional Information

- 4. Peel Children’s Aid Society verified that the Member used “physical force causing risk of physical harm” with respect to the Incidents described in paragraphs 3(a) and 3(b).
- 5. The Ministry of Education concluded that the Member engaged in prohibited practices and issued Compliance Orders against the Member with respect to the Incidents described in paragraph 3(a), 3(b) and 3(j).
- 6. The College is not aware of any physical marks, injuries or long-term emotional impact to any of the children as a result of the Incidents.
- 7. The Member’s employment at the Centre was terminated as a result of the Incidents described above.

Admissions of Professional Misconduct

- 8. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraph 3 above, and as defined in subsection 33(2) of the ECE Act, in that:
 - a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);
 - b. The Member verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);

- c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
- d. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;
 - ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;
 - iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;
 - iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and/or
 - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
- e. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10); and/or
- f. The Member acted in a manner that is unbecoming of 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 4) signed by the Member, and the Panel 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 including physical, verbal, and emotional or psychological abuse of children under her care. Counsel for the College further submitted that all of the misconduct allegations were supported by the facts in the Agreed Statement of Facts.

College Counsel submitted that the facts show that from May 2022 to July 2022 the Member engaged in eleven incidents of abuse toward six different children, which included the following:

- Grabbing children's arms and legs and pulling them down and dragging them, causing children to hit their heads.
- Forcing children to lay down, cover their heads and restrain them.
- Verbally abusing children by saying things such as "... it's your fault you peed yourself...".
- Encouraging aggressive behaviour amongst the children.
- Refusing to provide care and assistance when children needed their assistance, for example when a child had soap in their eyes, or a child needed clothes changed because they soiled themselves.
- Yelling at children and ridiculing them.
- Using food as a tool for manipulation – whether it was forcing a child to eat or removing food before a child could finish eating.

The Member's aggressive behaviour toward children was compounded by failing to provide care when children were crying or needed the Member's assistance. In addition, the Member encouraged an ECE student to engage in negative communication with children. College counsel also noted that some of the children who were abused also had special needs.

College Counsel submitted that the Member's actions were excessive, and she failed to mitigate the situation to make the children feel safe and create a sense of well-being and belonging. Her conduct fell well below the expectations of RECEs. College Counsel also submitted that the Member's pattern of abuse and cruelty created an environment of terror. Her conduct was a clear 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 how to de-escalate situations at hand and use a range of strategies that support ongoing positive interactions with children. It is never appropriate to engage in forceful or violent conduct with children. The Member failed to guide children's behaviour in a way that would have ensured the children felt secure in their learning environment.

College Counsel further submitted the Member failed to know, understand and abide by legislation, policies, and procedures relevant to the profession and to make decisions and provide positive behavior guidance in the best interest of the children. The Member engaged in prohibited practices resulting in the Ministry issuing a compliance order. The Member's conduct could be perceived as reflecting negatively on the membership. It erodes the trust parents put on RECEs. It was a serious disregard for the Member's professional obligations and was clearly unbecoming.

The Member made no submissions but the Agreed Statement of Facts noted that she agreed that she had committed 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 between the period of May 2022 and July 2022, the Member engaged in aggressive, forceful and/or demeaning conduct towards preschool-aged children she was responsible for supervising at the Centre. The Panel finds that this conduct amounted to physical, verbal, and emotional or psychological abuse of children, a failure to engage in supportive and respectful interactions with children, and a lack of knowledge about fostering positive interactions with children. This is counter to the requirement that RECEs must demonstrate empathy, integrity, and compliance with the Standard of Practice. The Member's conduct specifically breached Standards I.B.2, I.C.2, III.C.1, IV.B.1, and IV.C.4.

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 belonging and inclusion. 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. Her conduct reflected negatively on the profession and is clearly unbecoming.

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 of this Order.
2. Directing the Registrar to immediately revoke the Member's certificate of registration.
3. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 1 year 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 strong 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 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 nine aggravating factors in this case:

1. The Member's conduct occurred over 2.5 months, demonstrating a pattern of behaviour.
2. The Member's conduct was towards young children who are less likely to be able defend themselves or to communicate their abuse.
3. Two of the involved children had disabilities.
4. The Member's behaviour included violence and use of force.
5. The abuse involved multiple children.
6. The Member's conduct was detrimental to children's emotional well-being.
7. The Member's behaviour was conducted in the presence of other children, which would erode their sense of security.
8. The Member engaged in disgraceful and unprofessional guidance to the Student.
9. The Member's behaviour reflects negatively on the profession.

Counsel for the College submitted that the mitigating factors included the Member's guilty plea. By agreeing to the facts and penalty, the Member saved the College the time and expense of a contested hearing. The Member also had been registered with the College for approximately eight years without any prior history of misconduct.

Counsel for the College 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.

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

- *College of Early Childhood Educators v. Sheryl Anne Grant, 2023 ONCECE 6*
- *College of Early Childhood Educators v. Tanya Kathleen Freamo, 2023 ONCECE 14*
- *College of Early Childhood Educators v. Diala Mahfouz, 2023 ONCECE 15*
- *College of Early Childhood Educators v. Magdelene Vasanthkumar, 2023 ONCECE 18*

- *College of Early Childhood Educators v. Amanjot Kaur Dhanoa, 2023 ONCECE 19*

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 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 immediately revoke the Member's certificate of registration.
3. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within one year 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 this penalty is appropriate given the egregious acts of misconduct in this case. Revocation is the most significant penalty we can order. Revocation is appropriate for the most serious cases of misconduct, among other circumstances. Revocation will usually only be ordered in cases involving circumstances including exploitation of a vulnerable person, lack of integrity or where the member is not otherwise suitable to remain a member of the profession. While the parties jointly proposed revocation, we feel revocation is the only suitable order given the circumstances of this case.

The Panel wants to send a strong message to its members that this type of behaviour, including physical abuse, will not be condoned and that it is the obligation of RECEs to treat all children with respect, dignity and create environments where all children can safely experience a sense of belonging and inclusion so they can thrive. The Panel urges the College to continue to seek this kind of severe penalty in the future for this type of 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 over the course of the year.

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 24, 2024

Date