NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Danielle Elizabeth Williamson 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: Lois Mahon, RECE, Chair
Amanda Barg, RECE
Geneviève Breton

BETWEEN:

COLLEGE OF EARLY CHILDHOOD EDUCATORS	)	Vered Beylin For the College of Early Childhood Educators
And	)	
Danielle Elizabeth Williamson REGISTRATION # 12249	)	Self-represented
	)	Elyse Sunshine, Rosen Sunshine LLP Independent Legal Counsel
	)	Heard: July 17, 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 July 17, 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 July 2, 2024, which provided as follows:

1. At all material times, Danielle Elizabeth Williamson (the "Member") was a Registered Early Childhood Educator ("RECE") and member of the College. She was employed as an Early Childhood Educator ("ECE") at Trenton Children's Centre (the "Centre"), which operates in St. George's Church (the "Church") in Trenton, Ontario.

2. On or about the morning of October 13, 2022, the Member, C.L.G. (an RECE staff member), and B. (a non-RECE staff member) were responsible for supervising a group of 12 children, including a three-year-old child with a disability (the "Child"). Shortly after 9:00

a.m., the Member failed to notice that the Child left the premises of the Church alone and unsupervised. The Child walked across the street, where they were found by a member of the public. In total, the Child was unsupervised for approximately 8 - 23 minutes.

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 failed to supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);

   b) 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
      ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
      iii. 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;
      iv. 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;
      v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;

   c) 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

d) 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, the substance of which is as follows:

The Member

1. The Member has had a certificate of registration with the College for approximately 15 years. She is in good standing with the College and does not have a prior discipline history with the College.

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

The Incident

3. On the morning of October 13, 2022, the Member, C.L.G., and B. were responsible for supervising a group of 12 children, including the Child. . Shortly after 9:00 a.m., the Member failed to notice that the Child left the premises of the Centre alone and unsupervised. The Child walked across the street, where they were found by a member of the public, who called police at approximately 9:09 a.m.

4. After realizing that the Child was missing, the Member searched for them and located them in a parking lot of a pharmacy at approximately 9:23 a.m. Police arrived on the scene moments later and accompanied the Member and the Child back to the Centre.

Additional Information

5. The Child was new to the Centre. After the Incident, the Child's mother informed the Centre that the Child was a "huge flight risk."

6. As a result of the Incident, the Centre took the following steps:
    a. The Child's Individual Support Plan was updated to note that the Child was a "flight risk."
    b. The Centre lowered the main entrance gate and added an alarm, as the Centre believed the Child "slid under the gate" and "wiggled himself" out.
    c. A tracking device was purchased for the Child.
    d. The Centre's staff were reminded to increase the frequency of headcounts.

7. The Ministry of Education cited the Centre for a critical-risk non-compliance in relation to the Child being unsupervised.

8. If the Member were to testify, she would advise the following:

    a. The Child's mother was very apologetic for not advising the Centre the Child was a flight risk before they began attending the Centre. The Child continued attending the Centre after the Incident.

    b. She is heartbroken over the Incident and has taken measures to ensure it does not happen again.

Admissions of Professional Misconduct

9. 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 supervise adequately a person who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(2);

    b. 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 observe and monitor the learning environment and take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
ii. The Member failed to provide safe and appropriate supervision of children based on age, development and environment, contrary to Standard III.C.5 of the College's Standards of Practice;
iii. 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;
iv. 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;
v. The Member failed to support and collaborate with colleagues, contrary to Standard IV.C.6 of the College's Standards of Practice;

c. 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

d. 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 which was signed by the Member. The Panel also conducted a verbal plea inquiry and was satisfied that the Member's admission was voluntary, informed and unequivocal.

SUBMISSIONS OF THE PARTIES ON LIABILITY

The College submitted that all the allegations set out in the Notice of Hearing were admitted to by the Member and were supported by the evidence. The College submitted further that the evidence for the allegations were contained in the Agreed Statement of Facts.

College Counsel submitted that the Member failed to adequately supervise a vulnerable three-year-old child with a disability.

The Member along with two co-workers (one RECE, one non-RECE) were responsible for supervising a group of 12 children. Staff were not aware that the Child was a flight risk.

The Member failed to notice that the Child left the Center premises alone and unsupervised. The Child wandered alone, crossing a street, for approximately 14 to 23 minutes before being found by a member of the public who called the police at 9:09 am. The Member realized the Child was missing and went looking for them.

Although other staff, including another RECE, were present and there was a shared responsibility, it does not diminish the Member's responsibility in performing her duties.

By failing to properly supervise a child under her care, the Member breached professional standards by exposing the Child to a potentially harmful and unsafe situation.

The Member did not provide a child under her care with safe and appropriate supervision based on age, development and environment. She failed to follow standards of care and comply with relevant legislation and regulations. The Member's conduct showed disregard for her profession. Although her conduct was not dishonorable, it was unprofessional and unbecoming of a member.

The Member did not make a submission.

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 the allegations of misconduct contained in the Notice of Hearing are supported by the facts set out in the Agreed Statement of Facts. The evidence showed that the Member contravened the standards of the profession as she failed to provide appropriate supervision and a safe environment to the Child despite being aware of the Child's disability.

By failing to follow procedures and provide adequate supervision, the Member put the Child at great risk. The Member contravened the Standards of Practice when she neglected to observe and monitor the learning environment and take responsibility to avoid exposing the Child to harmful or unsafe situations. By engaging in such conduct, the Member admitted, and the Panel finds, that her conduct would reasonably be regarded by members of the profession as unprofessional and unbecoming of a member.

POSITION OF THE PARTIES ON PENALTY

The Member and College Counsel 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. 4 months; or

    b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

    whichever is greater.

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

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

Mentorship

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

b. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
   i. the Panel's Order;
   ii. the Agreed Statement of Facts';
   iii. the Joint Submission on Penalty and Costs; and
   iv. the Panel's Decision and Reasons.

c. The Member will meet with the Mentor at least every 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)).

d. 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.

e. After a minimum of 5 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
i. the dates the Member attended the sessions with the Mentor;
ii. that the Mentor received a copy of the documents referred to in paragraph 3(b);
iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) with the Member; and
iv. the Mentor's assessment of the Member's insight into her behaviour.

f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

Other

g. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.

h. The College may require proof of compliance with any of the terms in this Order at any time.

4. Requiring the Member to pay the College's costs fixed in the amount of $1,000, within 6 months of the date of this Order.

Submissions of the College on Penalty and Costs

Counsel for the College submitted that failing to supervise children is the most common type of misconduct brought before the Discipline Committee.

Counsel for the College submitted that the Proposed Order must protect young and vulnerable children and maintain public confidence in the College's ability to regulate the profession.

The Proposed Order would send a message broadly to members of the profession and the public that the conduct at issue is unacceptable and will not be tolerated by the College. The Proposed Order would also deter other members from engaging in this kind of conduct and it would deter the Member from engaging in misconduct in the future. College Counsel also submitted that the Proposed Order, which contains a structured mentorship program, would help to rehabilitate and support the Member in her return to practice.

College Counsel also submitted that any penalty ordered must take into account the aggravating and mitigating factors in this case and presented additional factors for the Panel's consideration.

The aggravating factors are:

1. The incident involved a three-year-old child;
2. The Child had a known disability, making them particularly vulnerable and in need of enhanced supervision.
3. The Child faced road-related harm; and
4. The Child was unsupervised for 14 to 23 minutes.

College Counsel also identified the mitigating factors in this case, including the following:

1. The Member pled guilty, admitted responsibility, was remorseful and had insight. The Member agreed to a joint submission, thereby saving the College the time and expense of a contested hearing;
2. The Member had no prior history of misconduct and had been a member of the College for 15 years; and
3. The Child was a significant flight risk, but this information was only provided by the family to the Center after the incident. In response, the Center made significant changes (outlined in

the ASF) to prevent similar incidents. Had these measures been put in place prior to the incident, it may have not happened or at least reduced the response time.

College counsel noted that there were four additional considerations identified:

1. The Child was not injured;
2. There were no long-lasting effects on the Child;
3. It was a single incident. There was no pattern and no prior concerns.; and
4. The Member realized that the Child was missing and started searching, in comparison to other cases where staff were oblivious to the situation.

College Counsel submitted that the Proposed Order was also consistent with the range of penalties given in similar cases, and provided three cases for the Panel's consideration:

- *College of Early Childhood Educators v. Emily Victoria McIntyre, 2024 ONCECE 7*
- *College of Early Childhood Educators v. Natalia Catalina Gomez, 2022 ONCECE 17*
- *College of Early Childhood Educators v. Cristina Cammisa, 2023 ONCECE 3*

College Counsel submitted that these cases represented conduct of a similar nature and established that the Proposed Order was proportionate and reasonable and would not bring the administration of justice into disrepute.

College Counsel also submitted that the costs included in the Proposed Order were reasonable and agreed upon by the parties.

Submissions of the Member on Penalty and Costs

The Member did not make a submission.

PENALTY DECISION

The Panel accepted the Proposed Order 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. 4 months; or

   b. the period of time required to comply with terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,

   whichever is greater.

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

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

Mentorship

a. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
   i. is an RECE in good standing with the College,
   ii. is employed in a supervisory position,
   iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
   iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
   v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
   vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.

b. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
   i. the Panel's Order,
   ii. the Agreed Statement of Facts,
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c. 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)).

d. 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.

e. After a minimum of 5 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
   i. the dates the Member attended the sessions with the Mentor,
   ii. that the Mentor received a copy of the documents referred to in paragraph 3(b),
   iii. that the Mentor reviewed the documents set out in paragraph 3(b) and discussed the subjects set out in paragraph 3(c) with the Member, and
   iv. the Mentor's assessment of the Member's insight into her behaviour.

f. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

Other

g. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.

h. The College may require proof of compliance with any of the terms in this Order at any time.

4. 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 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 accepted the joint submission and concluded that the penalty proposed was appropriate and reasonable and did not bring the administration of justice into disrepute.

The Panel is aware that no cases are exactly alike. However, reviewing earlier cases can help determine the appropriate penalty. The Panel therefore considered the previous cases that were presented by College Counsel, each of which involved similar facts to those of this case and a similar penalty to that proposed. The Panel found that the proposed suspension was generally consistent with the ranges imposed in previous cases. The Panel took note that the Member failed to supervise a child with a disability, which resulted in a vulnerable child being unsupervised for a period of

approximately 14-23 minutes. Had the Member properly supervised the Child, the incident could have been prevented. However, the Panel appreciated that the Child's family had not told the Centre that the Child was a known flight risk.

The Panel wishes to remind members that a child's individual development must be taken into account to provide safe and appropriate supervision. While all children need to be carefully supervised, there are circumstances where members are expected to exercise enhanced caution and continuously monitor the environment. More specifically, enhanced steps should be taken when supervising children with disabilities.

With respect to the penalty, this suspension is appropriate, given the aggravating and mitigating factors in this case. 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, as well as enhancing the Member's understanding of her professional responsibilities. The Member will also be rehabilitated through the mentoring sessions when returning to practice in the future.

The Panel also considered that the Member cooperated with the College and, by agreeing to the facts and Proposed Order, accepted responsibility for the misconduct. Furthermore, the Panel noted that the Member had taken full responsibility for her conduct and worked on improving her professional practices. Having considered all these factors, the Panel is satisfied that the Proposed Order in this case is appropriate and in the public interest.

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 $1,000.00 to be paid within six months of the date of this Order.

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

Lois Mahon, RECE, Chair

August 16, 2024

Date