

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Mélanie Quesnel this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of, or any information that could identify any person who is under 18 years old and is a witness in the hearing, or the subject of evidence in the hearing or under subsection 35.1(3) of the *Early Childhood Educators Act, 2007*.

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF EARLY CHILDHOOD EDUCATORS**

PANEL: Stacey Stevenson, RECE, Chair
Richard Filion, DDS
Chrystal Morden, RECE

BETWEEN:)	
)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
Mélanie Quesnel)	Corey Willard ¹
REGISTRATION # 69910)	Gowling WLG
)	
)	Elyse Sunshine
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	
)	Heard: July 8, 2024 and October 16, 2024
)	

¹ Mr. Willard represented Ms. Quesnel for the written portion of the hearing, which concluded the matter. Before Ms. Quesnel retained Mr. Willard, she represented herself.

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 8, 2024, and considered in writing on October 16, 2024. On July 8, 2024, the hearing proceeded electronically (by videoconference) and the balance of the hearing proceeded in writing 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 of the electronic hearing, 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 June 4, 2024, which provided as follows:

1. At all material times, Mélanie Quesnel (the “Member”) was a member of the College and was employed as an Early Childhood Educator (“ECE”) at Centre de leadership en petite enfance Soleil des petits, in Hawkesbury, Ontario (the “Centre”).
2. On or about the morning of April 13, 2022, the Member was responsible for supervising a group of preschool-aged children in the Centre’s motor skills room, located in the basement of the Centre. The Member allowed a child in her group (the “Child”) to go to

the washroom unaccompanied. As a result, she failed to notice that the Child climbed the stairs to the main level, opened several doors and walked out of the Centre alone and unsupervised. The Child then walked through a public parking lot across a plaza, where they were found by a member of the public. The Child was crying when they were returned to the Centre, approximately 5 minutes after they had exited the Centre.

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 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;

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 of 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 six 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 a Registered Early Childhood Education (“RECE”) at the Centre.

The Incident

3. On the morning of April 13, 2022, the Member was responsible for supervising a group of preschool-aged children in the Centre’s motor skills room, located in the basement of the Centre. The Member allowed the Child to go to the washroom unaccompanied. The Member then became distracted assisting another child. As a result, she failed to notice that the Child climbed the stairs to the main level, opened several doors and walked out of the Centre alone and unsupervised.
4. The Child then walked through a public parking lot across a plaza, where they were found by a member of the public. In the meantime, the Member noticed that the Child “had been gone for a while”, checked the washroom and then began searching for them inside the Centre.

5. The Child was crying when they were returned to the Centre, approximately 5 minutes after they had exited the Centre.

Additional Information

6. As a result of the Incident, the Centre suspended the Member's employment for three days.
7. The Centre implemented new policies as a result of the Incident, including:
 - a. Only one group at a time can go down to the motor skills room, and
 - b. Children who attend the motor skills room will always be accompanied by an adult when they go to the washroom.
8. If the Member were to testify, she would advise that she is deeply remorseful about the Incident and relieved the Child was not hurt.

Admissions of Professional Misconduct

9. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 5 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;
- 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 of a member, contrary to Ontario Regulation 223/08, subsection 2(22).

THE MEMBER'S PLEA

The Member admitted to the allegations in the Notice of Hearing.

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 the facts and the Member's admissions in the Agreed Statement of Facts were sufficient to make a finding of professional misconduct against the Member.

The College submitted that the evidence established that the Member failed to adequately supervise the Child that was under her direct care and responsibility. The College asserted that the Member's conduct was also a breach in the standards of the profession which exposed the Child to potential risk of physical harm, particularly because the Child exited the Centre into a parking lot, which was adjacent to a road. The College submitted that the Member's key failure was that she did not observe and monitor the learning environment nor ensure that the Child received appropriate supervision based on the Child's age, development and the environment.

The College submitted that the Member showed a serious disregard for her professional obligations which was unprofessional and clearly unbecoming of a member.

The Member submitted that the situation as a whole has been challenging. The Member noted that she accepted responsibility and that errors are human.

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 Notice of Hearing

The Panel found that the Member failed to properly supervise a child under her supervision and allowed a preschool child to use the washroom unaccompanied. The Member failed to notice that the Child climbed the stairs to the main level, opened several doors and walked out of the Centre alone and unsupervised. The Member's carelessness and lack of good judgment caused the Child to be unattended and consequently found by a member of the public in a public parking lot. Such conduct constitutes professional misconduct. The Member's actions were inconsistent with professional standards, irresponsible and the consequences could have been grave.

RECEs must show care and concern to the children entrusted in their care. By inadequately supervising a child, positive and trusting relationships were broken with the families of the Child and the other children in the room who relied on the Member to keep their children safe. The Member's actions would reasonably be viewed by members of the profession as disgraceful, dishonourable or unprofessional and unbecoming of a professional member of the College.

POSITION OF THE PARTIES ON PENALTY

The parties made a joint submission as to an appropriate penalty and costs order (the "Proposed Order") and 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. 6 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 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:

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,
 - 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 18 months of the date of this Order.

SUBMISSIONS OF THE COLLEGE ON PENALTY AND COSTS

College Counsel submitted that failing to supervise is a common issue before the Discipline Committee. In this case, the Child faced a road-related risk of harm.

College Counsel submitted that the penalty ordered must first and foremost protect young and vulnerable children whose safety and security is entrusted to RECEs. The penalty should also maintain public confidence of the College's ability to regulate the conduct of its members. The Proposed Order would achieve this and the general principles of sanction.

College Counsel noted that the Proposed Order would send a message broadly to the community of RECEs and the public that this type of conduct is unacceptable and will not be tolerated. The Proposed Order would also achieve the principle of general deterrence by deterring other RECEs from engaging in similar activities in the future. It would send a specific message to the Member, thereby achieving specific deterrence. And the Proposed Order also satisfies the requirement to rehabilitate the Member by supporting her in her return to practice and protecting the public.

College Counsel submitted that any order made by the Panel should be proportionate to range of penalties while taking into account specific aggravating and mitigating factors and provided the following cases to the Panel to consider:

- *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 Counsel submitted that there were five aggravating factors in this case.

1. The conduct involved the failure to supervise a young preschool aged child.
2. The Member allowed the Child to go to washroom alone, knowing they would be unsupervised for a period of time.
3. The conduct involved a road-related risk to the Child.
4. There was a significant period of time when the Child was unsupervised, especially since the Child was alone in a public space.
5. The Child was emotionally impacted by the events at issue, as evidenced by the fact that they were crying when they were returned to the Centre by a member of the public.

The College submitted that there were two mitigating factors:

1. The Member admitted to and took responsibility for her actions, demonstrating insight and saving the College the time and expense of a contested hearing.
2. The member had no prior discipline history.

College Counsel also noted that the Panel could consider that the Child was not physically harmed and that following this situation, the Centre introduced a strict procedure and put in writing that staff were prohibited from allowing children to attend the bathroom alone when a group was in the motor skills room.

College Counsel submitted that costs were part of the joint submission and should therefore also be accepted by the Panel.

SUBMISSIONS OF THE MEMBER ON PENALTY AND COSTS, PRE-HEARING CONFERENCE AND CONTINUATION OF THE HEARING IN WRITING

Based on the Member's initial comments after College Counsel made their submissions on penalty and costs, the Panel adjourned (paused) the penalty portion of the hearing so that the parties could attend a Pre-Hearing Conference ("PHC"). The Panel felt this was necessary to ensure the Member clearly understood her options with respect to penalty and the implications of choosing each of those options and, consequently, to ensure the fairness of the proceedings.

After the PHC, each party wrote to the Panel. The Member's Counsel, whom she retained prior to the PHC, wrote that the Member wished to proceed with the joint submission on penalty that the College entered into evidence at the hearing on July 8, 2024. The Member's Counsel also wrote that she did not want to make any submissions and requested to continue the hearing in writing to facilitate an expeditious decision. College Counsel agreed to continue and advocated for continuing the hearing in writing.

The Panel granted the Parties' request. As neither the College nor the Member wished to make further submissions, the advice of independent legal counsel was circulated to the parties in writing, who responded that they had no comments. The Panel then met to consider the joint

submission on penalty, College Counsel's submissions on penalty, and the written advice of independent legal counsel.

PENALTY DECISION

The Panel accepted the joint submission on penalty and makes the following order as to penalty:

1. The Member is required to appear before the Panel to be reprimanded within 60 days from the date of the Order.

2. The Registrar is directed to suspend the Member's certificate of registration for a period of
 - a. 6 months; or
 - b. the period of time required to comply with the terms, conditions and limitations set out in paragraphs 3(a) to 3(d) below,
Whichever is greater.
The suspension will date effect from the date of this Order and will run without interruption as long as the College has not otherwise prohibited the Member from practising or suspended the Member for any other reason.

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

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. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 18 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. It is the Panel's conclusion that the suspension and the requirement to participate in a mentoring relationship will maintain the confidence of the public. The Panel feels that rehabilitation of the Member and her re-entrance into professional practise is possible with the completion of the Order. The Member showed remorse and a willingness to make the necessary changes in her professional practise to avoid a recurrence.

The Panel feels the consequences of the Order are suitable to act as a general deterrent for other members and will deter this Member from engaging in similar conduct in the future. The primary role of RECEs is to ensure the safety of Ontario children and the College will not tolerate this kind of behaviour from its members. The requirement for the Member to undergo the suspension and mentoring will reassure the public that this Member will be rehabilitated before she returns to practise.

ORDER AS TO COSTS

Subsection 33(5)(4) of the 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 18 months of this order.

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



Stacey Stevenson, RECE, Chair

October 31, 2024

Date