

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Giovanna Fanara, 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: Kath Gradwell, RECE, Chair
Katie Begley, RECE
Shernett Martin

BETWEEN:

)	
)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
And)	
)	
GIOVANNA FANARA)	For the Member
Registration # 13782)	Jemeka Bennett
)	Koziebrocki Law
)	
)	
)	
)	
)	Renée Kopp
)	Jones Kopp Litigation Partners LLP
)	Independent Legal Counsel
)	
)	Heard: December 5, 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 December 5, 2024. The hearing proceeded electronically (by videoconference) pursuant to the *Early Childhood Educators Act, 2007* (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 is permitted to 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, of 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 November 19, 2024, which provided as follows:

1. At all material times, Giovanna Fanara (the “Member”) was a member of the College and was employed as a Registered Early Childhood Educator (“RECE”) at Spring Creek Learn & Play Childcare (the “Centre”) in Waterdown, Ontario.
2. On or about August 28, 2023, during naptime, the Member instructed a three-year-old child (the “Child”) to remove a blanket from their mouth. The Member then forcefully pulled the blanket from the Child’s mouth, causing them to cry and feel pain. As a result

of the Member's conduct, two of the Child's bottom front teeth became loose and displaced and the Child's periodontal ligament was inflamed.

3. After the incident described in paragraph 2, the Member failed to do the following:

a. She did not report the incident to the Centre's management.

b. She did not report the incident to the Child's parents.

c. She did not document the incident until instructed to do so by the Centre's management on August 30, 2023.

4. By engaging in the conduct set out in paragraphs 2 and 3 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the ECE Act, in that:

a. The Member physically abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.1);

b. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);

c. The Member failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:

i. The Member failed to be knowledgeable about a range of strategies that support ongoing positive interactions with children and families, contrary to Standard I.B.2 of the College's Standards of Practice;

ii. The Member failed to engage in supportive and respectful interactions with children to ensure they feel a sense of security and belonging, contrary to Standard I.C.2 of the College's Standards of Practice;

iii. The Member failed to work in partnership with children, families and colleagues to create a safe, healthy and inviting environment that promotes a sense of belonging, well-being and inclusion, contrary to Standard III.C.1 of the College's Standards of Practice;

- iv. The Member failed to know the current legislation, policies and procedures that are relevant to her professional practice and to the care and education of children, contrary to Standard IV.B.1 of the College's Standards of Practice; and
 - v. The Member failed to model professional values, beliefs and behaviours with children, families and colleagues, and/or she failed to understand that her conduct reflects on her as a professional and on her profession at all times, contrary to Standard IV.C.4 of the College's Standards of Practice.
-
- d. The Member acted or failed to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, contrary to Ontario Regulation 223/08, subsection 2(10);
 - e. The Member failed to keep records as required by her professional duties, contrary to Ontario Regulation 223/08, subsection 2(18); and
 - f. The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

WITHDRAWAL OF ALLEGATIONS

The College requested permission to withdraw allegations 4a and 4b in the Notice of Hearing as outlined above. The Member consented to the withdrawal. On this basis, the Panel withdrew these allegations, and the hearing proceeded on the basis of the remaining allegations in the Notice of Hearing.

EVIDENCE

The parties advised the Panel that agreement had been reached on the facts and introduced an Agreed Statement of Facts, which provided 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.

The Incident

3. On August 28, 2023, during naptime, the Member was responsible for supervising a group of preschool aged children, including the Child. The Member readjusted a crocheted blanket which was partially covering the Child, and draping onto the floor, by forcefully pulling it. However, part of the blanket was in the Child's mouth. As a result of the Member's conduct the Child felt pain and began to cry.
4. Despite examining the Child's mouth after the Incident described in paragraph 3, the Member failed to do the following:
 - a. She did not report the incident to the Centre's management;
 - b. She did not report the incident to the Child's parents; and,
 - c. She did not document the incident, until instructed to do so by the Centre's management on August 30, 2023.
5. As a result of the Member's conduct, two of the Child's bottom front teeth were loose and displaced and the periodontal ligament was inflamed.

Additional Information

6. On August 29, 2023, at bedtime, the Child told their mother that the gap between their two bottom front teeth was wider than normal. The Child's mother also noticed that the Child was having trouble eating, and when she asked them what was wrong, the Child

advised that their teeth were sore. When the Child's mother closely looked at their mouth, she noticed that the teeth looked displaced, and two of them appeared loose. The Child then described the Incident to their mother.

7. The following morning, on August 30, 2023, the Child's father sent a message to the Centre requesting to speak with the owner. The Centre's Supervisor (the "Supervisor") inquired with the Member whether anything unusual¹ occurred with the Child, which may have caused their parents to contact the Centre. The Supervisor then instructed the Member to complete an incident report.
8. The Child's mother reported the Incident to the Ministry of Education ("Ministry") and the College. The Ministry conducted an investigation and issued a Compliance Order against the Member for engaging in a prohibited practice.
9. The Catholic Children's Aid Society was notified of the Incident but decided not to conduct an investigation.
10. The Centre's Policies and Procedures (the "Policy") required that all accidents be reported to Centre's management "immediately". The Policy also stated that accident reports must be completed and signed by the Centre's management, before a copy is provided to the child's parent.
11. The Centre terminated the Member's employment as a result of the Incident.
12. If the Member were to testify, she would advise that she did not intend to cause harm to the Child, and she regrets pulling the blanket.

Admissions of Professional Misconduct

13. 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:

¹ College Counsel identified a typographical error and stated that the word "usual" should be "unusual". Upon consent from the parties, the amendment was made.

- 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 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
 - 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.
- 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); and
- 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

College Counsel submitted that a finding of professional misconduct should be made against the Member on the basis of the facts outlined in the Agreed Statement of Facts and the Member's admission of guilt.

College Counsel submitted that the Member's conduct fell below the standard of practice required of all RECEs. The Member failed to be knowledgeable about a range of strategies that would have supported the Child in a positive and respectful manner. The interaction was not appropriate and was not in the best interests of the Child. In addition, it was evident that the Member failed to know, abide by, and fully understand the legislation, policies and procedures that are relevant to her professional practice, especially pertaining to reporting and documenting incidents. This showed poor judgment and a lack of responsibility.

College Counsel further submitted that while the Member was attempting to adjust the Child's blanket during nap time, it is clear that she was not respectful in her approach, which resulted in the Child sustaining a serious injury.

College Counsel argued that the Member failed to model professional values to other staff and failed to understand that her conduct reflected negatively on her individually and on the profession as a whole. College Counsel submitted that RECEs are expected to be caring, empathetic and professional in all interactions with children. Conduct that jeopardizes a child's physical well-being, along with a failure to complete proper reporting and documentation, erodes the trust that families put in RECEs and erodes public trust in the profession as a whole. Additionally, College

Counsel submitted that the Member's conduct showed a serious disregard of her obligations and is unbecoming of a member.

The Member submitted that she conducted herself as alleged in the Agreed Statement of Facts and Notice of Hearing (notwithstanding the withdrawn allegations) and acknowledged that her actions and omissions amounted to professional misconduct.

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 Notice of Hearing.

The Panel was extremely concerned by the Member's conduct. Although the Member did not intend to cause harm, and although she made only a single forceful motion toward the Child, it was enough to sustain serious injury to the Child. This type of forceful conduct is not child-centred and violates professional standards and the Centre's Policy.

Additionally, by neglecting to immediately report the Incident, the Member failed to work in partnership with the family and Centre management to ensure the Child had medical attention to alleviate any further discomfort or pain. The Member's failure to report the Incident also erodes the trust that families put in RECEs. For all of the above reasons, the Member's conduct reflects negatively on the profession and is unbecoming of a 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(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. Building positive and responsive relationships with children;
- ii. Positive intervention strategies; and,
- iii. Anger management

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. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- f. The Member will complete a minimum of 2 mentorship sessions to the satisfaction of the Director prior to commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act.
- g. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(d),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(d) and discussed the subjects set out in paragraph 3(e) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- h. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

Other

- i. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- j. The College may require proof of compliance with any of the terms in this Order at any time.

4. Requiring the Member to pay the College's costs fixed in the amount of \$1,000, within 3 months of the date of this Order.

Submissions of the College on Penalty and Costs

College Counsel submitted that a penalty order must first and foremost protect young and vulnerable children whose safety and well-being is entrusted to RECEs. It must also maintain the public's confidence in the College's ability and willingness to regulate the conduct of its members.

College Counsel submitted that the Proposed Penalty sends a message to the Member, the community of RECEs, and the public that conduct which breaches the standards of the profession and results in physical harm to a child is unacceptable and will not be tolerated. College Counsel stressed the importance of open and immediate communication with parents when a child is injured to ensure medical care can be accessed to prevent further potential harm.

College Counsel also highlighted that the Proposed Penalty is serious enough to deter the Member and other RECEs from engaging in similar conduct in the future.

When considering the Proposed Penalty, College Counsel outlined eight aggravating factors for the Panel to consider:

1. The Child's young age (three years old) made them vulnerable and reliant on the RECE for care and to ensure their health and well-being.
2. There was no need for the Member to move the blanket in a way that was forceful and disrespectful toward the Child,
3. The Member caused injury to the Child, resulting in loose teeth and an inflamed periodontal ligament.
4. The Member's conduct had negative emotional impacts on the Child as evidenced by them crying and feeling pain,
5. The Member failed to report the Incident to the parents.
6. The Member failed to report the Incident to the Centre's management. This prevented the Centre from complying with its own obligations to report a serious occurrence to the appropriate authorities. The Member's failure to report the Incident also placed the Child at risk of further harm as medical attention or intervention was delayed.

7. The Member failed to document the Incident, which is a breach of her professional duty.
8. The Member's actions were serious and reflect negatively on the profession. Her conduct erodes the trust of parents and families.

College Counsel also submitted that there were two significant mitigating factors for the Panel to consider:

1. The Member pled guilty to the misconduct and agreed to the Proposed Penalty which shows that she accepted responsibility for her actions and is remorseful.
2. The Member has no prior record of misconduct with the College.

College Counsel also pointed out that, although it is not a mitigating factor, an important and relevant additional factor for the Panel to consider is the fact that this was a single incident of misconduct on the part of the Member and not a repeated pattern of behaviour. College Counsel advised the Panel that the jointly proposed penalty was the result of careful negotiations between the parties after consideration of all the facts and caselaw.

To support the appropriateness of the Proposed Penalty as falling within the range of reasonable and acceptable outcomes, College Counsel provided the Panel with four prior decisions of the Discipline Committee where a member had engaged in similar conduct to that of the Member and where the sanction imposed was in keeping with the penalty proposed in this case. The Panel recognizes that while the decisions referred to by College Counsel are not binding on the Panel, like cases should generally be treated alike. This principle reinforces the concept of general and specific deterrence such that members will know the types of penalties that tend to be ordered for certain types of misconduct.

- *College of Early Childhood Educators v. Tran, 2023 ONCECE 20*
In this decision, while the member had no intention of physically harming the child, their behaviour was not child-centered or consistent with professional standards. The penalty included a reprimand, a five-month suspension, mentorship, and coursework.
- *College of Early Childhood Educators v. Rahman, 2021 ONCECE 6*
In this matter, the member's lack of awareness and poor judgment was compounded by her failure to report the child's injury to the centre and to the parents. She failed to

protect the child from harm and to properly attend to their injuries and further failed to report the accident and keep proper records. The penalty included a reprimand, six-month suspension, mentorship, and coursework.

- *College of Early Childhood Educators v. Akosah, 2022 ONCECE 9*

The member failed to report and document an incident, which demonstrated a lack of integrity, judgment, and responsibility, such that it reflected negatively on the profession. The penalty included a reprimand, a 12-month suspension, mentorship, and coursework.

- *College of Early Childhood Educators v. Patterson, 2023 ONCECE 7*

The member was the sole childcare provider in her own home without staff support. She failed to adequately supervise an infant resulting in a life-threatening injury. The penalty included a reprimand, a 14-month suspension, mentorship, and coursework.

In light of the above, College counsel asked that the Panel approve the joint submission on penalty.

Submissions of the Member on Penalty and Costs

The Member confirmed that the proposed penalty was being presented jointly by the parties and submitted that the proposed penalty adequately addressed the conduct at issue, that it was reasonable, and that accepting it would not bring the administration of justice into disrepute.

The Member further submitted that the panel must recognize the value of negotiated settlements and noted that by entering into an agreement, the Member saved witnesses the burden of testifying. This reduced costs that would otherwise be borne by the membership. The Member further noted that the proposed penalty meets the objectives of a regulatory sanction and protects the public. It was carefully crafted by the parties to ensure it meets the test of proportionality and consistency and is neither too lenient nor too harsh yet is substantial enough to provide a specific deterrent to the Member and a general deterrent to all RECEs by sending a strong message that such conduct will not be tolerated.

The Member reiterated the test set out by the Supreme Court of Canada in *R. v. Anthony-Cook*, 2016 SCC 43 (CanLII), [2016] 2 SCR 204 where the Court establishes that a joint submission must be accepted unless doing so would be contrary to the public interest or would otherwise bring the administration of justice into disrepute. The Panel need not accept the precise joint penalty proposed by the parties, but it must order a penalty that is defensible in light of the facts and the law. A jointly proposed submission already has the acceptance and support of both parties and therefore lends itself to effectively achieving its intended remedial outcome.

The Member also referred the Panel to the following decision of the Discipline Committee:

- *College of Early Childhood Educators v. Lubana*, 2018 ONCECE 6

In this case, while responsible for a group of toddler aged children, a child fell off a table and/or was pushed and sustained a significant injury to her arm. The member did not fill out an incident report, notify her supervisor or inform the child's parents, thereby also depriving the child of prompt medical care. When she eventually did report that an incident had occurred, she was dishonest in her account. The penalty included a reprimand, a six-month suspension, and mentorship. This is aligned with the Joint Submission in the present case, even though the Member in the present case was not dishonest.

The Member also agreed that the *Tran* and *Rahman* cases referred to by College Counsel in which the members were ordered suspensions of five and six months respectively, along with coursework and mentorship, are suitable precedents upon which to assess the joint penalty submission in the present case.

The Member expressed regret for her conduct and noted that she has no discipline history with the College during her 21 years as an ECE.

PENALTY DECISION

The Panel accepted the joint submission on penalty and made the following penalty order:

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 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. The Registrar is directed 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) if a grade is not assigned) and at her own expense, the following courses (subject to the Director's pre-approval):
 - i. Building positive and responsive relationships with children;
 - ii. Positive intervention strategies; and,
 - iii. Anger management
- 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. strategies for preventing the misconduct from recurring, and
 - v. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).
- f. The Member will complete a minimum of 2 mentorship sessions to the satisfaction of the Director prior to commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act.
- g. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
- i. the dates the Member attended the sessions with the Mentor,
 - ii. that the Mentor received a copy of the documents referred to in paragraph 3(d),
 - iii. that the Mentor reviewed the documents set out in paragraph 3(d) and discussed the subjects set out in paragraph 3(e) with the Member, and
 - iv. the Mentor's assessment of the Member's insight into her behaviour.
- h. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

Other

- i. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
- j. The College may require proof of compliance with any of the terms in this Order at any time.

4. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 3 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 of the legal test 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.

In light of the legal test, the caselaw and the submissions of the parties, the panel accepts the joint submission on penalty and makes an order in accordance with the terms agreed upon by the parties.

The Panel finds that the proposed penalty is appropriate in light of the harm sustained to the Child and the Member's subsequent failure to report the Incident. The Panel particularly finds that six months is an appropriate length of suspension in light of the range of suspensions ordered in the cited precedent cases. The suspension, in tandem with course work and mentorship, is intended to be rehabilitative in supporting the Member's return to safe practice. This will provide specific deterrence to the Member and general deterrence to other members of the profession from engaging in similar misconduct. As such, the penalty is addressed at protecting the public and ensuring the wellbeing of children.

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 agree on the appropriateness of costs in this case and the amount of costs to be ordered. The Panel concurs that this is an appropriate case for costs to be awarded and that 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 three months of the date of this Order.

I, Kath Gradwell, RECE, sign this decision and reasons for the decision as Chair of this Discipline panel and on behalf of the members of the Discipline panel.

Kath Gradwell
Kath Gradwell, RECE, Chair

January 23, 2025
Date