

**NOTICE OF PUBLICATION BAN**

In the matter of College of Early Childhood Educators and Mahnaz Mona Ghavidel, 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:** Chrystal Morden, RECE, Chair  
Geneviève Breton  
Tam Mifsud, RECE

**BETWEEN:**

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	)	
COLLEGE OF EARLY	)	Vered Beylin
CHILDHOOD EDUCATORS	)	For the College of Early Childhood Educators
	)	
and	)	
	)	
MAHNAZ MONA GHAVIDEL	)	Self-represented
Registration # 70182	)	
	)	
	)	
	)	
	)	
	)	
	)	Elyse Sunshine
	)	Rosen Sunshine LLP
	)	Independent Legal Counsel
	)	
	)	Heard: January 31, 2025

## **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 January 31, 2025. 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, 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 December 19, 2024, which provided as follows:

1. At all material times, Mahnaz Mona Ghavidel (the “Member”) was a member of the College and was employed as a Registered Early Childhood Educator (“RECE”) at Central Montessori School, Thornhill Campus (the “Centre”), in Thornhill, Ontario.
2. On or about March 29, 2023, at lunch time, the Member was responsible for supervising a group of toddlers, including a two-year-old child (the “Child”). The Member became frustrated with the Child and pinched them on their cheek, causing them to cry out. The Member then aggressively removed the Child from their chair and forcibly carried them to the washroom. Approximately a minute later, the Member brought the Child, who was still

crying, back into the room, placed them on a cot and covered their entire body with a blanket, including their head. As a result of the Member's conduct, the Child suffered a bruise to their cheek that remained visible the following day.

3. Following the incident, the Member provided the Centre's management a false accident report (the "False Report"). In the False Report, the Member claimed the Child sustained the bruise as a result of hitting their head against the lunch table, and that she provided first aid to the Child, even though she did not.
4. By engaging in the conduct set out in paragraphs 2 to 4 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/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.
- 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 signed or issued, in the member's professional capacity, a document that the member knows or ought to know contains a false, improper or misleading statement, contrary to Ontario Regulation 223/08, subsection 2(16);
- f. The Member falsified a record relating to the member's professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(17); and
- g. The Member acted in a manner that is unbecoming a member, contrary to Ontario Regulation 223/08, subsection 2(22).

## **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 5 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 March 29, 2023, at lunchtime, the Member was responsible for supervising a group of toddlers, including the Child. The Member became frustrated after the Child pushed objects on the table, causing a water bottle to fall to the ground. The Member reached out to the Child and pinched them on their cheek with enough force that the Child's head noticeably moved back, and the Child began to cry loudly.
4. The Member aggressively removed the Child from their chair, placed them roughly on their feet. The Child was upset and did not want to stand up, and the Member attempted to put them into a standing position three times in a rough manner. The Member then picked up the Child, held them around their waist against her hip and forcibly carried them to the washroom.
5. Approximately a minute later, the Member brought the Child, who was still crying, back into the room, placed them on a cot and covered their entire body with a blanket, including their head. The Member then kept the Child in the cot, even though it was not yet nap time, and continued checking on their face during nap time.
6. As a result of the Member's forceful conduct described in paragraph 3 above, the Child suffered a bruise to their cheek that remained visible the following day.
7. Later that afternoon, the Member prepared the False Report claiming that the Child sustained the bruise as a result of hitting their head against the lunch table, and that she provided first aid to the Child, even though she did not.
8. When the Child's mother arrived to pick up the Child, the Member misled her about the circumstances in which the Child sustained the bruise. The Member also provided the mother with the False Report and asked her to sign it.
9. After the mother signed the False Report, the Member provided it to the Centre's management.

## **Additional Information**

10. A staff member noticed the bruise on the Child's cheek when they woke up from their nap, and after seeing the False Report, she requested that the supervisor review the classroom's video footage to confirm how the Child had sustained the injury.
11. The interactions between the Member and the Child, as described in paragraph 3 and 4 above, were captured on video.
12. Several toddlers were in close proximity to the Member when she pinched the Child, and observed her interactions with the Child, as described above.
13. York Regional Children's Aid Society investigated the Incident and verified the allegations that the Member used "physical force against a child".
14. The Centre's policy prohibited corporal punishment, physical restraint of a child, using harsh or degrading measures, or inflicting any bodily harm on children. The policy specifically noted pinching as an example of corporal punishment.
15. The Child's mother expressed shock when she learned about the False Report and that the Member misled her about the Incident.
16. The Member resigned from the Centre after her employment was suspended pending the outcome of the CAS investigation.

## **Admissions of Professional Misconduct**

17. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3 to 9 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 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/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.
- 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 signed or issued, in the member's professional capacity, a document that the member knows or ought to know contains a false, improper or misleading statement, contrary to Ontario Regulation 223/08, subsection 2(16);

- f. The Member falsified a record relating to the member's professional responsibilities, contrary to Ontario Regulation 223/08, subsection 2(17); and
- g. 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 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 the Agreed Statement of Facts supports a finding of professional misconduct. The evidence detailed in the Agreed Statement of Facts demonstrates that the Member engaged in physically and emotionally harmful conduct with a young child under her care. More specifically, the Member's forceful and aggressive behaviour included pinching a child on the cheek and forcibly bringing them to the bathroom. As a result, the Child sustained a bruise on their cheek and was emotionally distressed, as evidenced by their crying.

College Counsel submitted that the Member's conduct was inappropriate and unprofessional. Her actions were emotionally abusive, attacking the Child's sense of security and belonging. Furthermore, the Member submitted a false and misleading report regarding the incident, misrepresenting her own actions. This constitutes a failure to meet her professional responsibility to accurately report such incidents.

The Member's conduct demonstrated a lack of knowledge regarding the use of developmentally and age-appropriate strategies to encourage positive child guidance. Engaging in violent and forceful behavior toward a toddler is never appropriate. The Member contravened the Centre's policy



prohibiting such conduct. Her actions failed to support the Child's well-being, their sense of belonging and safety.

College Counsel also submitted that the Member's conduct could be perceived as reflecting negatively on the RECE profession. Forceful conduct causing harm to a child, along with dishonest reporting, erodes the trust that families place in RECEs. Such conduct demonstrates a serious disregard of professional obligations. It is disgraceful, dishonorable and is clearly unbecoming of a member.

The Member made no submissions.

## **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. It concluded that the College met its burden of proof and established that it was more likely than not that the Member engaged in the acts of misconduct as alleged.

Specifically, the Panel found that while the Member was supervising a group of toddlers, she engaged in forceful and aggressive conduct towards a child which constituted physical and emotional abuse. This was captured on video. The Member failed to engage in supportive and respectful interactions with the Child. RECEs are required to be caring and empathetic, to act with integrity and comply with the Standards of Practice of the profession.

The Member's conduct was inappropriate and unprofessional, as she failed to support the sense of well-being, belonging, and safety of the Child. RECEs are expected to form caring and positive relationships with children and families.

The Member failed to follow the Standards of Practice and the Centre's policies, which prohibit pinching and excessive force, and encourages engaging in positive child guidance practices. She failed to establish a caring relationship with the Child and to respond to their needs by maintaining a safe, healthy and inviting learning environment. She also failed to know, understand and abide by legislation, policies and procedures relevant to the profession and to use developmentally and age-appropriate strategies to support positive behaviour guidance in the best interests of the Child.

The Member also deliberately tried to hide the incident by writing the False Report. Members are required to be honest and accurate in their documentation.

The Member's actions towards the Child, along with the Member's dishonesty in reporting the incident, could clearly be regarded by members of the profession as disgraceful, dishonourable and unprofessional. It reflects negatively on the Member and the profession, erodes the public's trust, and is unbecoming a member.

## **POSITION OF THE PARTIES ON PENALTY**

The Parties made a joint submission as to an appropriate penalty and costs order and submitted that the Panel should make an order that includes the following elements:

- The Member should be verbally reprimand before a Panel of the Discipline Committee to occur within 60 days from the Order.
- Directing the Registrar to suspend the Member's certificate of registration with the College for 11 months (or longer contingent on completion of terms, conditions and limitations).
- Directing the Registrar to Impose the following terms, conditions and limitations on the Member's certificate of registration:
  - Successful completion of a course in Positive Intervention Strategies before resuming employment or practice as an RECE
  - The Member must obtain a mentor acceptable to the College and participate in a mentorship program for a minimum of seven sessions, of which two sessions must be completed before the Member resumes employment or practice as an RECE.

The Member should pay costs to the College in the amount of \$1000 within 3 years of the date of the final order.

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

College Counsel submitted that the Proposed Order was appropriate in the circumstances and would send a message to the Member, to the profession, and the public at large that the Member's conduct was unacceptable and would not be tolerated. The number of cases of abuse towards children has increased and is becoming one of the most common behaviours investigated by the College. As such, the Proposed Order would discourage the Member and other RECEs from engaging in similar conduct. It would also assist in rehabilitating the Member and ensure that she learned from her wrongdoing. The Proposed Order was also within the range of penalties imposed in similar cases, while considering the specific aggravating and mitigating factors of this case.

College Counsel indicated that there were nine aggravating factors:

1. The Child's young age made them vulnerable and unable to report abusive conduct against them.
2. The Member's contact with the Child was forceful and aggressive. The Member was frustrated with the Child and pinched them on the cheek with enough force to make the child's head go back.
3. The Child sustained a visible mark on their cheek as a result of the incident. Children's Aid Society investigated the incident, and the allegation of abuse was confirmed.
4. The Incident had a negative emotional impact on the Child as demonstrated by them crying continuously.
5. The Member did not engage in sensitive or developmentally appropriate conduct with the Child. There was no effort to implement positive engagement and turn the event around. The Member attempted to stand the Child up three times in a forceful manner, carried them to the bathroom and placed the Child on a cot covering them - including their face - with a blanket.
6. The Incident occurred in front of other toddlers, therefore having the potential to cause a negative impact on multiple children. This could have decreased their sense of security.
7. The Member acted in direct contravention of the Centre's policies, which specifically lists pinching as an example of corporal punishment that is unacceptable.
8. The Member prepared and signed a false report to conceal her conduct, stating the Child sustained the injury as a result of hitting their head on a table. However, the Member's actions were captured on video and the truth of what happened was made known.

9. Although the Incident was brief, the Member's conduct was serious enough to reflect negatively on the profession and erode the trust of families and the public.

College Counsel indicated that there were two mitigating factors:

1. The Member pled guilty and agreed to the joint submission of penalty which demonstrated insight on her part and saved the College the costs and resources of a contested hearing.
2. The Member has no prior record of professional misconduct with the College.

College Counsel also drew the Panel's attention to the fact that the Incident was a single occurrence and there was no pattern of behaviour shown over a period of time.

College Counsel submitted that the proposed penalty would support the public's trust in the ability of the College to regulate the profession by rehabilitating her through coursework and mentorship.

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

- *College of Early Childhood Educators v. Evans, 2024 ONCECE 16*
- *College of Early Childhood Educators v. Chechak, 2024 ONCECE 20*
- *College of Early Childhood Educators v. Chen, 2022 ONCECE 15*
- *College of Early Childhood Educators v. Julio, 2023 ONCECE 10*
- *College of Early Childhood Educators v. Akosah, 2022 ONCECE 9*

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

The Member made no submissions on penalty and costs.

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

whichever is greater.

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

3. 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 course (subject to the Director's pre-approval):
  - i. Positive intervention strategies.
- b. The Member must provide the Director with proof of enrollment and successful completion of the course.

#### **Mentorship**

- c. Prior to the Member commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act, the Member, at her own expense, will arrange a mentoring relationship with a Mentor, who:
  - i. is an RECE in good standing with the College,

- ii. is employed in a supervisory position,
  - iii. has never been found guilty of professional misconduct and/or incompetence by the Discipline Committee of the College,
  - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College,
  - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College, and
  - vi. is pre-approved by the Director. In order to pre-approve the Mentor, the Member will provide the Director with all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Mentor.
- d. The Member will provide the Mentor with a copy of the following documents within 14 days of being notified that the Mentor has been approved by the Director, or within 14 days after the release of such documents, whichever is earliest:
- i. the Panel's Order,
  - ii. the Agreed Statement of Facts,
  - iii. the Joint Submission on Penalty and Costs, and
  - iv. the Panel's Decision and Reasons.
- e. The Member will meet with the Mentor at least every 2 weeks after the Mentor has been approved by the Director to discuss the following subjects:
- i. review of the College's Code of Ethics and Standards of Practice,
  - ii. the acts or omissions by the Member, which resulted in the Discipline Committee finding the Member guilty of professional misconduct,
  - iii. the potential consequences of the misconduct to the parents/children affected, and to the Member's colleagues, profession and self,
  - iv. the coursework the Member is ordered to complete, as set out in paragraph 3(a) above,
  - v. strategies for preventing the misconduct from recurring, and
  - vi. the Member's daily practice and any issues that arise, to ensure that she is meeting the College's Standards of Practice (without disclosing personal or identifying information about any of the children under the Member's care, or clients of her employer(s)).

- f. The Member will complete a minimum of 2 mentorship sessions to the satisfaction of the Director prior to commencing or resuming employment as an RECE or engaging in the practice of early childhood education, as defined in section 2 of the ECE Act.
- g. After a minimum of 7 sessions, the Member can seek the Director's permission to stop participating in the mentorship sessions by providing the Director with a report by the Mentor that sets out the following:
  - i. the dates the Member attended the sessions with the Mentor,
  - ii. that the Mentor received a copy of the documents referred to in paragraph 3(d),
  - iii. that the Mentor reviewed the documents set out in paragraph 3(d) and discussed the subjects set out in paragraph 3(e) with the Member, and
  - iv. the Mentor's assessment of the Member's insight into her behaviour.
- h. All documents delivered by the Member to the College or the Mentor will be delivered by email, registered mail or courier, and the Member will retain proof of delivery.

#### **Other**

- i. Within 14 days of commencing or resuming employment as an RECE, the Member will ensure that the Director is notified of the name, address and telephone number of all employers.
  - j. The College may require proof of compliance with any of the terms in this Order at any time.
4. The Member is required to pay the College's costs fixed in the amount of \$1,000, to be paid within 3 years 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 concluded that the penalty ordered met the objectives outlined above and it accepted the joint submission.

In reaching its decision, the Panel carefully considered the joint submission of the parties, the Member's admission of guilt, the aggravating and mitigating factors, and the findings of comparable cases submitted by College Counsel. The Panel found that the proposed penalty was both proportionate to the misconduct and within the range of penalties imposed in comparable cases.

The Panel found that the suspension, together with the reprimand, would act as a specific deterrent to the Member from engaging in further misconduct, and would deter other RECEs from engaging in such conduct. The Panel also found that the extensive coursework along with mentorship would provide both public protection, and rehabilitation to the Member, so that she can return to practice with a better sense of her professional responsibilities.

Panels of the Discipline Committee have expressed concern at the increasing number of discipline cases involving physical and emotional abuse of young children, and the Panel renewed its concern in this regard. It is the obligation of RECEs to treat all children with respect and dignity and create environments where all children can safely experience a sense of belonging and inclusion. The Panel wants to reinforce that any incident of physical and emotional abuse will not be tolerated.

## **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 three years of the date of this Order.

**I, Chrystal Morden, 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.**



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Chrystal Morden, RECE, Chair

February 21, 2025

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Date