

NOTICE OF PUBLICATION BAN

In the matter of College of Early Childhood Educators and Claudia Zyman, 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: Stacee Stevenson, RECE, Chair
Yalin Gorica, RECE
Shernett Martin

BETWEEN:

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)	
COLLEGE OF EARLY)	Vered Beylin
CHILDHOOD EDUCATORS)	For the College of Early Childhood Educators
)	
and)	
)	
CLAUDIA ZYMAN)	Self-represented
Registration # 114557)	
)	
)	
)	
)	
)	
)	Elyse Sunshine
)	Rosen Sunshine LLP
)	Independent Legal Counsel
)	
)	Heard: December 13, 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 13, 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.

MEMBER’S NON-ATTENDANCE AT THE HEARING

Claudia Zyman (the “Member”) did not attend the hearing. Counsel for the College presented evidence outlining the College’s communication with the Member informing her of the purpose, date, time, and location of the hearing on several occasions, including proper service of the Notice of Hearing.

College Counsel also presented an e-mail sent by the Member the night before the hearing asking for the hearing to be rescheduled as she had to be at work early the next day due to an emergency.

The Panel considered submissions from College Counsel and advice from independent legal counsel (“ILC”) about the factors to consider in an adjournment request as outlined in Rule 9.05 of Rules of Procedure of the Discipline Committee. The Panel considered the fact that this matter was to proceed on agreement, with the Member pleading guilty to the acts of misconduct and an agreement upon penalty. While the Member asked for the date to be rescheduled, there was no indication that she was resiling from the joint submission and as such, there was no concern about the rights of the parties to a fair hearing. The Panel considered the importance of a timely and efficient disposition in the matter and noted that this matter had been referred to the Discipline Committee in October 2023. The Panel considered that the parties had agreed on this date and had significant time to prepare and indeed, were prepared to present a joint submission. The Panel also took into account the late timing for the request and the fact that the Member’s reason for the request was not clear (it is not clear why the Member would have to attend work due to an emergency given

that this hearing had been scheduled). There was no evidence of any efforts made to avoid the circumstances that led to the request. In the circumstances, the Panel decided to continue with the hearing in the Member's absence. While a member's absence would generally mean that they would be deemed to deny the allegations, in this case, College Counsel advised the Panel that the Member had admitted to the allegations and had signed an Agreed Statement of Facts.

PUBLICATION BAN

The Panel ordered a publication ban following a motion by College Counsel pursuant to section 35.1(3) of the ECE Act. The order bans the public disclosure, publication and broadcasting outside of the hearing room, any names or identifying information of any minor children who may be the subject of evidence in the hearing.

THE ALLEGATIONS

The allegations against the Member were contained in the Notice of Hearing dated November 11, 2024, which provided as follows:

1. At all material times, the Member was a member of the College and was employed as a Registered Early Childhood Educator ("RECE") at First Steps Early Learning Centre (the "Centre"), in Guelph, Ontario.
2. Between approximately August 12 and August 26, 2022, the Member engaged in the following aggressive, forceful and/or demeaning conduct towards preschool-aged children she was responsible for supervising:
 - a. On or about August 12, 2022, while supervising the children on an outdoor trip to Waverly Park Splash Pad, in Guelph, Ontario, the Member:
 - i. Yanked, pulled and/or dragged children by their arms, pushed and/or shoved children and aggressively pulled children's feet and legs while putting their shoes on. Some of the children cried or appeared upset as a result of the Member's conduct.

- ii. Did not permit a child (“Child 1”) to change out of their wet swimsuit, despite permitting other children to do so. The Member continued refusing Child 1’s requests to change clothes, even after they became upset and began screaming and crying.
- b. On or about August 19, 2022, during nap time at approximately 2:23 p.m., the Member grabbed another child (“Child 2”) by their upper arm, pulled them towards their cot, forcefully placed them down and removed a toy. After bending over and speaking to them, the Member pulled their legs, pushed their left shoulder down and placed a weighted blanket over them, covering their head.
- c. On or about August 23, 2022, at approximately 11:10 a.m., the Member grabbed Child 2 when they attempted to reach for a toy, causing them to drop to the floor. The Member pushed them away with her foot. After they got up, the Member grabbed them by the arm and pushed them to a different area of the classroom.
- d. On or about August 23, 2022, at approximately 11:13 a.m., the Member pushed Child 2 by the back of their head towards another area of the classroom.
- e. On or about August 23, 2022, at approximately 11:28 a.m., the Member removed Child 1 from their chair and pulled them to another table, towards another child (“Child 3”). The Member abruptly pulled out Child 3’s chair, causing them to lose their balance and almost fall to the floor. The Member then grabbed Child 1 under their arms, forcefully sat them down on the chair, and aggressively pushed the chair towards the table. Child 1 cried as a result of this conduct.
- f. On or about August 24, 2022, at approximately 11:59 a.m., the Member forcefully grabbed Child 2 by their arm when they took a few steps out of the classroom and pushed them back into the classroom, causing them to fall on the floor. Several children were standing near the Member and observed her conduct.
- g. On or about August 25, 2022, at approximately 11:19 a.m., while in the stairwell, the Member lifted a fourth child (“Child 4”) off the floor by their wrist, causing them to stumble on the stairs and fall on the landing. They rubbed their right knee and was

upset as a result of the Member's conduct. After they got up and continued walking up the stairs, the Member repeatedly tapped them on the head with a clipboard. Child 4 responded by hitting the Member on her torso, and the Member pushed them into the classroom.

h. On or about August 26, 2022, at approximately 2:47 p.m., the Member forcefully dressed Child 3 in their raincoat and rainboots, as they cried, before pushing them towards the door.

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

a. The Member 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); and/or
- e. 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 3 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 Early Childhood Educator ("ECE") at the Centre.

The Incidents

3. Between August 12 and August 26, 2022, the Member engaged in the following aggressive, forceful and/or demeaning conduct towards preschool-aged children she was responsible for supervising, including three children with disabilities, who had Individual Support Plans:

- a. On August 12, 2022, while supervising the children on an outdoor trip to Waverly Park Splash Pad, in Guelph, Ontario, the Member engage in the following conduct:
 - i. The Member yanked, pulled and/or dragged children by their arms, pushed and/or shoved children and aggressively pulled children's feet and legs while putting their shoes on.
 - ii. The Member did not permit Child 1's request to change out of their wet swimsuit, despite permitting other children to do so. The Member continued refusing Child 1's requests to change clothes, even after Child 1 became upset and began screaming and crying.
 - iii. The Member was yelling at the children and as a result of the Member's conduct, some of the children appeared to be "shocked, in discomfort [and] some were crying."
- b. On August 19, 2022, during nap time at approximately 2:23 p.m., the Member grabbed Child 2 by their upper arm, pulled them towards their cot, forcefully placed them down and aggressively pulled a puppet off of their hand. After bending over Child 2 and speaking to them, the Member pulled Child 2's legs, pushed their left shoulder down and placed a weighted blanket over them, covering their head.
- c. On August 23, 2022, at approximately 11:10 a.m., Child 2 attempted to reach for a tabletop toy near the Member and she grabbed them, causing them to drop to the floor. The Member then used her foot to push Child 2 across the floor and away from the toy. When Child 2 got up and approached the toy again, the Member grabbed them by the arm and pushed them to a different area of the classroom.
- d. On August 23, 2022, at approximately 11:13 a.m., the Member approached Child 2 and pushed them by the back of their head towards another area of the classroom.
- e. On August 23, 2022, at approximately 11:28 a.m., the Member abruptly grabbed a book out of Child 1's hands and handed it to another child. Then, the Member approached Child 1 again, removed them from their chair, and then pulled them to another table, towards Child 3. The Member abruptly pulled out Child 3's chair, causing Child 3 to lose their balance and almost fall to the floor. The Member then grabbed Child 1 under their arms, forcefully sat them down on the chair, and

aggressively pushed the chair towards the table. Child 1 cried as a result of the Member's conduct.

- f. On August 24, 2022, at approximately 11:59 a.m., the Member was standing just outside of the preschool classroom when Child 2 took several steps out of the classroom. The Member forcefully grabbed Child 2 by their arm and pushed them back into the classroom, causing them to fall on the floor. Several children were standing in close proximity to the Member and observed her conduct.
- g. On August 25, 2022, at approximately 11:19 a.m., while in the stairwell, the Member lifted Child 4 off the floor by their wrist, causing them to stumble on the stairs and fall on the landing. Child 4 rubbed their right knee and was upset as a result of the Member's conduct. After Child 4 got up and continued walking up the stairs, the Member repeatedly tapped them on the head with a clipboard. Child 4 responded by hitting the Member on her torso, and the Member pushed them against their back into the classroom.
- h. On August 26, 2022, at approximately 2:47 p.m., while the Member was preparing Child 3 and three other children to go outside, she forcefully dressed Child 3 in their raincoat and rainboots by roughly pulling and/or pushing, grabbing, and forcing Child 3 to sit and stand. Child 3 was crying during this interaction and the Member pushed Child 3 towards the door twice. The other children were in close proximity to the Member and observed her conduct.

Additional Information

- 4. The Incidents described in paragraph 3(a) above, were witnessed by a community member. The community member felt the Member's conduct was "concerning" and "aggressive" and made efforts to locate the childcare centre that the children attended. She reported her observations to the Centre on August 29, 2022.
- 5. After receiving the community member's report, the Centre reviewed video recordings from the preschool classroom. The Incidents described in paragraphs 3(b) to 3(f). above were captured on video.

6. During the investigation of the Incidents, Child 4 told both his parents and the Centre's Supervisor that the Member "hurt them." In speaking with the Supervisor, they said that the Member was "unkind," demonstrated how the Member behaved towards them and said that they "didn't like it."
7. Family and Children's Services ("FCS") investigated the Incidents and verified the allegations against the Member. FCS concluded that the Member used inappropriate physical force with Child 1, Child 2, Child 3 and Child 4. It also concluded that the Member caused risk of emotional harm to Child 3 and Child 4.
8. The Ministry of Education also investigated the Member's conduct and determined that the Member engaged in prohibited practices and issued a Compliance Order against her.
9. The College is not aware of any physical marks or injuries to the children as a result of the Incidents.
10. There were prior concerns regarding the Member's behaviour guidance strategies and interactions with children at the Centre:
 - a. Approximately a month prior to the Incidents described above, the Centre's Assistant Supervisor provided the Member with feedback after observing her being more "abrupt" and less patient with the children and provided the Member with corrective feedback, as well as opportunity to take some days off.
 - b. The Member's performance evaluation in August 2022, which was completed before the member of the public reported her observation to the Centre, noted that the Member at times came across as "harsh or stern" and she was encouraged to practice using a "calm tone" and "soft touch." In the evaluation the Member was provided with suggestions for appropriate strategies when assisting "struggling children manage their emotions and actions," specifically in regards to Child 1 and Child 4.
11. The Member's employment at the Centre was terminated as a result of the Incidents described above.

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

- a. She acknowledges that she felt “stressed, rushed and impatient at times” and that she had “made errors in judgement with respect to some of her interactions with the children under her care.”
- b. Since the Incidents, the Member has attended a professional development workshop and is pursuing continuing education in order to “better respond to workplace stress going forward.”

Admissions of Professional Misconduct

13. The Member admits that she engaged in and is guilty of professional misconduct as described in paragraphs 3(a) to 3(f) 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
 - 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); and
- e. 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.

SUBMISSIONS OF THE PARTIES ON LIABILITY

College Counsel submitted that the Member was guilty of professional misconduct in that she physically and/ emotionally abused children under her care. All of the allegations of misconduct are supported by the facts set out in the Agreed Statement of Facts.

College Counsel submitted that the facts demonstrated the Member's conduct fell far below the standards expected of RECEs and showed a profound lack of compassion and respect toward the children. RECEs are expected to be caring and empathetic, and to act with integrity. The Member demonstrated a lack of knowledge about how to support ongoing positive interactions with children.

She also failed to know, understand and abide by legislation, policies and procedures relevant to the profession, and provide positive behavior guidance in the best interest of the Child. Through her actions, the Member failed to engage in supportive and respectful interactions with children under her care. As a result, she created an unsafe atmosphere in which she subjected children to forceful physical contact and emotional abuse. College counsel submitted that treating children in this manner takes away a layer of support and shatters their sense of security in an environment where they are supposed to feel safe. It can also potentially impact the emotional well-being of other children who were present when the Incidents occurred.

College Counsel submitted that the Member failed to establish a caring relationship and to respond to the needs of the children under her care by maintaining a safe, healthy and inviting learning environment. Considering her actions in total, the Member's conduct was disgraceful, dishonourable, unprofessional, and unbecoming of an RECE.

FINDINGS AND REASONS FOR DECISION

Having regard to the facts set out in the Agreed Statement of Facts, the Panel accepted the Member's admission and found her guilty of professional misconduct as alleged in the Agreed Statement of Facts and the Notice of Hearing.

The Panel found that the College met its onus of proof and established on a balance of probabilities that it was more likely than not that the Member engaged in the acts of misconduct as alleged.

The Panel found that between August 12 and August 26, 2022, the Member engaged in aggressive, forceful and demeaning conduct towards preschool-aged children under her supervision, including three children with disabilities who had Individual Support Plans. The Panel found that the Member's conduct amounted to physical, emotional and psychological abuse of children. The Member completely disregarded the children's physical and emotional well-being by failing to use appropriate strategies to create a safe and inclusive environment and support positive interactions with children and families. The Member also failed to follow the legislation, policies and procedures to care for children by providing a sense of belonging, well-being, and inclusion. Additionally, the Member failed to model professional values, beliefs and behaviours with children, families and colleagues. The Panel found that the Member breached the College's Standards of Practice.

The Panel stressed that RECEs are held to a high standard, and even one incident of abuse is harmful to the child involved, the families that put their trust in RECEs, and the standing and reputation of RECEs in the eyes of the public. The Member's conduct was unacceptable and inconsistent with the College's standards and values. Further, it would reflect negatively on her and the profession as a whole, and would be regarded by members as disgraceful, dishonourable, and is conduct unbecoming.

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.
- A suspension of the Member's certificate of registration with the College for 14 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 the following courses before resuming employment or practice as an RECE:
 - Positive intervention strategies;
 - Building positive and responsive relationships with children; and
 - Anger management
 - 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 must undergo prescribed workplace monitoring for six months following the suspension.
 - The Member shall pay costs to the College in the amount of \$1000 within 12 months 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 that it would send a message broadly to the community of RECEs, and to the public at large, that the Member's conduct was unacceptable and would not be tolerated. It would discourage other RECEs from engaging in similar conduct. It would also send a specific message to the Member that her conduct was unacceptable. The Proposed Order would 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 taking into account the specific aggravating and mitigating factors of this case.

College Counsel indicated that there were nine aggravating factors:

1. The Member's conduct was a short and localized pattern of behaviour over a two-week period.
2. The children were preschool age, which made them more vulnerable as they are not able to verbalize what happened and making them less likely to report the abuse.
3. Three of the children were especially vulnerable because they had special needs with an individual support plan in place.
4. The Member's conduct resulted in children being subjected to unnecessary, forceful and violent interactions.
5. The Member repeatedly subjected the children to emotional abuse through yelling.
6. The Member's conduct negatively impacted the emotional well-being of Child 4, as shown by them telling their parents and the Centre Supervisor that the Member hurt them and that they did not like it.
7. The Member's verbal and physical abuse occurred in the learning environment in front of all children in her care and likely eroded their sense of security.
8. Despite receiving feedback from the Centre in relation to prior behavioural concerns, the Member continued to act inappropriately.
9. The pattern of behaviour was serious enough to reflect negatively on the profession of early childhood education, and to erode the trust parents, families and the public place in RECEs.

College Counsel submitted that there were three mitigating factors:

1. The Member pled guilty to the misconduct and showed remorse. She admitted to the facts outlined in the Agreed Statement of Facts and saved the College the time and costs of a contested hearing.
2. The Member had no prior misconduct with the College.
3. The Member had engaged in continuing professional development after the events at issue to develop her skills and improve her professional practice.

College Counsel submitted that there was one additional consideration that was neither aggravating nor mitigating but which warranted consideration: that there was no physical marks or injuries to the children due to the Member's conduct.

College Counsel advised the Panel that it should be mindful that a jointly proposed penalty should be accepted unless the penalty was so harsh or lenient that it would bring the administration of justice into disrepute or would otherwise not be in the public interest.

College Counsel provided the Panel with three cases to satisfy the Panel that the Proposed Order was proportionate and consistent with penalties ordered in the case of similar conduct.

- *College of Early Childhood Educators v. Bojkov, 2024 ONCECE 5*
- *College of Early Childhood Educators v. Rochon, 2023 ONCECE 16*
- *College of Early Childhood Educators v. Cespate, 2024 ONCECE 13*

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. 14 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. Positive intervention strategies;
 - ii. Building positive and responsive relationships with children; 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. 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.

Workplace Monitoring

- i. After the suspension in section 2 above ends, for a period of 6 months, the Member shall only practise as an RECE in a setting or settings, approved by the Director in writing and where a workplace monitor(s) (the "Monitor") approved by the Director is available to monitor the Member's practice.
- j. The Member shall only practise within the scope of an RECE, as defined by section 2 of the ECE Act, after arranging a monitoring relationship with a Monitor, who:
 - i. is an RECE in good standing with the College or a Member of another regulated profession in good standing with their regulatory body;
 - 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 or their regulatory body;
 - iv. is not currently found to be incapacitated by the Fitness to Practise Committee of the College or their regulatory body;
 - v. is not currently the subject of allegations referred to the Discipline Committee or the Fitness to Practise Committee of the College or their regulatory body; and

- vi. is pre-approved by the Director. In order to pre-approve the Monitor, the Member will provide the Director with:
1. all requested information, including (but not limited to) the name, registration number, telephone number, address and résumé of the Monitor;
 2. a written confirmation by the Monitor that the Monitor received a copy of this Order;
 3. the Monitor's written agreement that:
 - a. the Monitor shall, for the duration of the monitoring relationship, be physically present at the workplace when the Member is practising as an RECE. On days that the Monitor is not physically present at the workplace, the Monitor will designate a suitable substitute to monitor the Member.
 - b. the Monitor will co-operate with the College, including by providing the College with any information that it requires to ensure that the Member is complying with the workplace monitoring sections of this Order and agreeing to notify the Director immediately, in writing, if the Monitor believes that the Member may have committed an act or omission which may constitute professional misconduct.
- k. The Member shall advise the Director, in writing, if:
- i. the monitoring relationship between the Member and the pre-approved Monitor has ended;
 - ii. the Monitor is unable to personally monitor the Member for a consecutive period of over 30 days;
 - iii. the Monitor wishes to end the monitoring relationship; and/or
 - iv. the Member wishes to end the monitoring relationship with the pre-approved Monitor and enter into a monitoring relationship with a new Monitor.
- l. If one of the conditions of the monitoring relationship with the Monitor is not met, the Monitor's agreement will no longer be in effect and the Member must cease practising until another Monitor is approved by the Director.

Other

- m. 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.
 - n. 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 12 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 on penalty, the Panel was mindful that it should be accepted unless it would bring the administration of justice into disrepute or it is otherwise not in the public interest.

The Panel is aware that no two cases are exactly alike. However, reviewing prior cases with similar misconduct can help in determining whether a proposed penalty is within an appropriate range. The Panel considered the cases presented by College Counsel and concluded that the Proposed Order was proportionate and consistent with similar past cases.

The Proposed Order included a suspension that will last at least fourteen months, and that will prevent the Member from returning to practice until she completes extensive coursework and a minimum of seven mentoring sessions. The Panel viewed this suspension as appropriate, given the aggravating and mitigating factors, and particularly in light of the fact that the misconduct occurred over a short period of time and the Member admitted to her conduct and pleaded guilty.

The coursework and mentoring sessions will rehabilitate the Member by giving her insight into her conduct so she can improve her practice when she eventually returns to the field. The workplace monitoring component will provide her with additional guidance and support so she can provide a nurturing, safe, and respectful environment for the children in her care. This will help restore the trust of the Centre and their clients so they feel confident that the Member can effectively practise as an RECE.

The Panel noted that there has been an increase in complaints and discipline proceedings involving the type of misconduct observed in this case. The Panel wants to send a strong message to members that physical and emotional abuse will not be condoned. It is the obligation of RECEs to treat all children with respect and dignity, and to create environments where all children can safely experience a sense of belonging and inclusion so they can thrive.

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 12 months of the date of this Order.

I, Stacey Stevenson, 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.



Stacey Stevenson, RECE, Chair

February 20, 2025

Date