# RECE’s Worksheet

## About This Worksheet

This worksheet can be filled out by the RECE to document their point of view about the case.

This worksheet is for your benefit. You are **not required** to share it or the information on it with the Prosecutor (the lawyer for the College) or the Case Management Facilitator at any time.

**We strongly recommend that you ask Duty Counsel (the lawyer available at Case Conferences to support you) questions about this form and what to do with the information you add to it.**

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| **Without prejudice:** This document is confidential. It can only be used during Case Management. It cannot be used during a hearing, including to hold you to any statements you may make in it. It cannot be shared any other way unless the RECE and the Prosecutor agree.  However, the Prosecutor will know any information you share. That knowledge might affect how they think about or present their case against you. |

## When and How to Use This Worksheet

This worksheet can help you get ready for the Case Conference for Understanding or any other part of the case.

The Prosecutor **must** share a worksheet with you to explain their point of view. It will help you to have their worksheet available when you look at this worksheet.

There might be parts of the Prosecutor’s point of view that you agree with. You might disagree with other parts. This can help you decide how to respond to the case, and it can help you and the Prosecutor collaborate during Case Management.

Please enter your information without changing or deleting the wording in the form. You may use attachments if there is additional information you want to include.

# RECE’s Worksheet

## PART 1: Accusations

Accusations are the “charges” or “allegations” against you. You can find the list of accusations in the Complaints Committee’s decision or in the Prosecutor’s Worksheet.

The Discipline Committee does **not** assume that any accusations are true. Part of their job is to decide what happened. The Discipline Committee can decide the RECE is guilty of all, some, or none of the accusations.

**How to complete this part of the worksheet:**

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| * Write down any questions you have about the accusations. |
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## PART 2: Evidence

The Prosecutor’s Worksheet has a list of all the information (evidence) they have. Those materials have also been shared with (disclosed to) you.

They might include:

* Documents, such as reports
* Witness information, such as interview notes
* Photos
* Videos

**How to complete this part of the worksheet:**

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| * Create a list of any additional information you have about the case that you think is important * Make notes about where you can find that information (for example: file name, storage location, witness contact information). |
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## PART 3: Guilty or Not Guilty – The “Liability” Phase

In the first part of a discipline case, the Prosecutor tries to prove that the RECE is guilty of the accusations.

You will have a chance to respond to the Prosecutor’s case. You can ask questions about the Prosecutor’s evidence or use different evidence to try to show that you are not guilty.

### Theory of the Case

A “theory of the case” is one Party’s (one side’s) idea of what happened.

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| A light bulb with rays of light  AI-generated content may be incorrect. | The Prosecutor and the RECE sometimes have different theories of the case.  The RECE might   * challenge the accuracy of the Prosecutor’s information * argue that the Prosecutor’s information means something different than what the Prosecutor says it means * introduce new or different information   This is something Duty Counsel can give advice about. |

1. **The Events: What do you think happened?**

**How to complete this part of the worksheet:**

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| * Make a list of parts of the Prosecutor’s theory of the case that you think might be wrong or that might not tell the whole story about what happened * Add notes to show what evidence could prove that your thoughts are true – this could be from the Prosecutor’s disclosure or your additional information |
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1. **The Legal Consequences of the Events: What do you think the events mean, legally speaking?**

**How to complete this part of the worksheet:**

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| * List any accusations that you think are true. In other words, do you think you are guilty of some or all of the accusations? * List any accusations that you think are not true. In other words, do you think you are not guilty of some or all of the accusations? * If there are accusations you think are not true, make notes about why you think you are not guilty. |
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## PART 4: Appropriate Consequences – “Penalty” Phase

The second part of a discipline case happens **only if** the Discipline Committee decides the RECE is guilty of some or all of the accusations.

In this part of the case, the Discipline Committee decides what consequences to order (require) to help protect children and the public. An appropriate Discipline Committee order addresses all of the facts of the case.

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| A light bulb with rays of light  AI-generated content may be incorrect. | Even though the Discipline Committee has **not** yet decided if the RECE is guilty or not guilty, these discussions happen during Case Management because:   1. Both the Prosecutor and the RECE should understand what is likely to happen **if** the Discipline Committee decides the RECE is guilty of some or all of the accusations. This helps them make informed decisions about what to do in the case. 2. The RECE and the Prosecutor might be able to agree about what consequences to suggest to the Discipline Committee. |

## Relevant Circumstances

Different circumstances affect what consequences would protect children and the public. Some **possible** examples include:

* If the incident was isolated or part of a pattern of behaviour
* What the RECE did or did not do after an incident happened or during the investigation
* Information about or what happened to children who were involved
* If conditions in the workplace contributed to the incident happening
* Whether or not the RECE has a history of misconduct

**How to complete this part of the worksheet:**

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| * Think about whether you agree or disagree with what the Prosecutor says about the circumstances of the case in their worksheet. * Make a list of any other circumstances you think show **more** consequences are needed to protect children and the public * Make a list of any other circumstances you think show **fewer** consequences are needed to protect children and the public. |
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## Past Cases

Past (“precedent”) cases are cases that have already been decided by the Discipline Committee, regulators of other professions, or other decision makers. Similar decisions are usually made in cases that are similar.

You can identify cases that you think the Discipline Committee should look at. There is information about finding past cases [here](https://www.hearings-ece.ca/wp-content/uploads/resources/CanLII.pdf), and this is something Duty Counsel can help you with.

**How to complete this part of the worksheet:**

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| * Write a list of the cases you think are relevant * For each case in your list, make some notes   + The name of the case   + The link/URL to the decision on CanLII   + How it is similar to or different from your case   + What consequences (penalty) the Discipline Committee ordered |
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## Proposed Consequences

Based on your theory of the case, relevant circumstances, and past cases, think about what consequences would

* Protect children and the public
* Help you practise safely and ethically in the future (if it would be appropriate for you to practise the profession again)
* Maintain public confidence in early childhood educators and the College’s protection of children and the public
* Cause harm to you. If so, what harm would there be, and are there ways to reduce the extent or likelihood of the harm?

Other factors might also matter on a case-by-case basis.

**How to complete this part of the worksheet:**

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| * Make notes about the consequences you think would be appropriate |
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| Revocation (cancellation) of the RECE’s certificate | | | |
|  | **Yes** |  | **No** |
| If yes, why: | |  |  |

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| --- | --- | --- | --- |
| Reprimand – Discipline Committee Panel shares their concerns with the RECE orally | | | |
|  | **Yes** |  | **No** |
| If yes, why: | |  |  |

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| Suspension of the RECE’s certificate – time period when the RECE is not allowed to practise the profession | | | |
|  | **Yes** |  | **No** |
| If yes, how long of a suspension, and why? | |  |  |

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| Courses or other education | | | |
|  | **Yes** |  | **No** |
| If yes, what continuing education, and why? | |  |  |

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| Mentorship | | | |
|  | **Yes** |  | **No** |
| If yes, what are the details of the mentorship, and why? | |  |  |

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| Costs – reimbursement of expenses for a hearing | | | |
|  | **Yes** |  | **No** |
| If yes, what amount of costs, and why? | |  |  |

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| Other | | | |
|  | **Yes** |  | **No** |
| If yes, what other consequences, and why? | |  |  |