

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

Citation: College of Early Childhood Educators vs Cynthia Skinner,
2013 ONCECE 6
Date: 2013-05-22

IN THE MATTER OF the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sched. 8 (the
“ECE Act”) and the Regulation (Ontario Regulation 223/08) thereunder;

AND IN THE MATTER OF discipline proceedings against Cynthia Skinner, a former member of
the College of Early Childhood Educators.

PANEL: Sophia Tate, RECE, Chair
 Nici Cole, RECE
 Rosemary Sadlier

BETWEEN:)	
COLLEGE OF EARLY CHILDHOOD)	Jordan S. Glick,
EDUCATORS)	WeirFoulds LLP,
)	for the College of Early Childhood Educators
- and -)	
)	
CYNTHIA SKINNER)	Cynthia Skinner,
REGISTRATION # 08675)	on her own behalf
)	
)	
)	Caroline Zayid,
)	McCarthy Tétrault LLP,
)	Independent Legal Counsel
)	
)	Heard: May 29, 2013

REASONS FOR DECISION, DECISION AND ORDER(S)

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on May 29, 2013 at the College of Early Childhood Educators (the “College”) at Toronto.

A Notice of Hearing dated March 14, 2013 (Exhibit 1) was served on Cynthia Skinner (the “Member”) specifying the charges and requesting the Member’s attendance before the Discipline Committee of the College of Early Childhood Educators (the “Committee”) on April 16, 2013 to set date for a hearing. Counsel for the College submitted an Affidavit of Service sworn

by Agatha Wong, Hearings Coordinator [Exhibit 1(a)], and sworn March 27, 2013, detailing confirmation that the Notice of Hearing was served on the Member.

Counsel for the College tendered a Consent form dated April 11, 2013 (Exhibit 2), indicating that the parties consented to hold the hearing on May 29, 2013. College counsel submitted a second Consent form dated May 23, 2013 [Exhibit 2(a)], confirming that the parties consented to hold the hearing on May 29, 2013 and indicating that the Member agreed to have her matter heard by the same panel hearing a matter involving her former supervisor, Dorothy Rainey.

The Member was in attendance at the hearing via teleconference and was not represented by legal counsel.

THE ALLEGATIONS

The allegations against the Member, as stated in the Notice of Hearing, are as follows:

IT IS ALLEGED that Cynthia Skinner (the “**Member**”) is guilty of professional misconduct as defined in subsection 33(2) of the ECE Act, in that:

- (a) she abused physically, sexually, verbally, psychologically or emotionally a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3) and Standard V.A.1. of the College’s Standards of Practice;
- (b) she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - (i) she failed to provide a nurturing learning environment where children thrived, contrary to Standard I.D of the College’s Standards of Practice;
 - (ii) she failed to establish professional and caring relationships with children, contrary to Standard I.E of the College’s Standards of Practice;
 - (iii) she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College’s Standards of Practice; and
 - (iv) she failed to work collaboratively with colleagues in the workplace in order to provide a safe, secure, healthy and inviting environment for children and/or failed to support and encourage co-workers in order to enhance the culture of her workplace, contrary to Standard IV.C.1 of the College’s Standards of Practice; and

- (c) she acted 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).

Counsel for the College submitted an affidavit signed on May 27, 2013 by S.E. Corke, Registrar and Chief Executive Officer of the College (Exhibit 4). The affidavit outlines the historical changes that occurred since the Member was issued a Certificate of Registration and specifies that her current registration status is "Cancelled/Resigned".

Although the Member has submitted her resignation to the College, the allegations made against her are related to events that took place when her membership was still current. It is therefore within the jurisdiction of the Committee to adjudicate this matter, as stipulated by subsection 18(3) of the ECE Act.

AGREED STATEMENT OF FACTS

Counsel for the College advised the Committee that an agreement had been reached on the facts and submitted into evidence an Agreed Statement of Facts, signed May 23, 2013 (Exhibit 5). The Agreed Statement of Facts provides as follows:

1. Cynthia Skinner ("**Ms. Skinner**") was at all times relevant to these allegations contained in the Notice of Hearing, a registered member of the College of Early Childhood Educators (the "**College**").
2. At all times relevant to these allegations, Ms. Skinner was employed as an early childhood educator at the YMCA of Simcoe/Muskoka Child Care Centre (the "**YMCA**").
3. In early February 2012, an ECE-placement student at the YMCA observed the following at the Centre which she indicated to her placement advisor:
 - Ms. Skinner yelled at the children;
 - Ms. Skinner force-fed a girl;
 - Ms. Skinner failed to help children put on their coats and gloves. If the children could not zip up their coats themselves or put on their gloves, the children would go outside with their coats unzipped and without gloves;
 - In one instance, Ms. Skinner grabbed a child forcefully;

- During nap time, Ms. Skinner placed her body on children so that they could not move around. This is what she called “snuggling.” If children did not listen to her, she said to them, “Don’t let me come over there and snuggle you”;
 - Ms. Skinner intimidated the staff;
4. On February 28, 2012, the Centre began a full review of its operations. During the review, staff members at the Centre raised concerns about Ms. Skinner’s behaviour. In March 2012, the YMCA Regional Manager conducted two interviews with Ms. Skinner. Following the second interview on March 29, 2012, Ms. Skinner’s employment at the Centre was terminated.
 5. Two separate investigations were conducted by the Children’s Aid Society in respect of child protection concerns at the YMCA. The first investigation was closed as a result of insufficient information to support the allegations. The second investigation verified two allegations against Ms. Skinner which occurred in the winter of 2011 at the YMCA:
 - One incident of force-feeding involving a child who was under the age of three;
 - One incident of restraint involving a child who was under the age of three;
 6. Ms. Skinner admits to engaging in the following acts while employed at the YMCA:
 - (a) Restraining a child to a chair with a bed sheet on one occasion;
 - (b) Permitting children under her care to go outside without gloves and with jackets undone.
 7. Ms. Skinner pleads no contest to the following misconduct as alleged in the Notice of Hearing. She therefore neither admits nor denies the misconduct, though she acknowledges that the misconduct was identified by Staff at the YMCA:
 - (a) Force-feeding a child who was under the age of three on one occasion;
 - (b) Restraining a child during nap time using her arm and leg on more than one occasion;
 - (c) Grabbing a child forcefully on one occasion;
 - (d) Using an inappropriate tone of voice around children;
 - (e) Intimidating Staff.
 8. For the purpose of this hearing, the parties agree that these facts are substantially accurate.
 9. Ms. Skinner admits that by reason of the facts set out above, she engaged in professional misconduct, as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, in that:

- (a) she abused physically, sexually, verbally, psychologically or emotionally a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3) and Standard V.A.1. of the College's Standards of Practice;
- (b) she failed to maintain the standards of the profession, contrary to Ontario Regulation 223/08, subsection 2(8), in that:
 - (i) she failed to provide a nurturing learning environment where children thrived, contrary to Standard I.D of the College's Standards of Practice;
 - (ii) she failed to establish professional and caring relationships with children, contrary to Standard I.E of the College's Standards of Practice;
 - (iii) she failed to maintain a safe and healthy learning environment, contrary to Standard III.A.1 of the College's Standards of Practice;
 - (iv) she failed to work collaboratively with colleagues in the workplace in order to provide a safe, secure, healthy and inviting environment for children and/or failed to support and encourage co-workers in order to enhance the culture of her workplace, contrary to Standard IV.C.1 of the College's Standards of Practice; and,
- (c) she acted 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).

10. Ms. Skinner understands the nature of the allegations that have been made against her and understands that by voluntarily admitting to these allegations; she waives her right to require the College to otherwise prove the case against her.

11. Ms. Skinner understands that the Discipline Committee can accept that the facts herein constitute professional misconduct.

12. Ms. Skinner understands that the panel's decision and reasons may be published, including the facts contained herein and Ms. Skinner's name.

13. Ms. Skinner understands that any agreement between her and the College does not bind the Discipline Committee.

14. Ms. Skinner acknowledges that she has had the opportunity to receive independent legal advice but has declined to do so.

15. Ms. Skinner and the College consent to the panel viewing the Notice of Hearing, this Agreed Statement of Facts and the Joint Submission as to Penalty prior to the start of the hearing.

Counsel for the College also submitted a plea inquiry signed by the Member on May 22, 2013

(Exhibit 3), which indicates the following:

- The Member understood the nature of the allegations made against her;
- The Member understood that by admitting to the allegations, she is waiving her right to require the College to prove the case against her and the right to have a hearing;
- The Member voluntarily decided to admit to the allegations against her;
- The Member understood that depending on the order made by the Committee, the Committee's decision and a summary of its reasons could be published in the College's official newsletter, including reference to her name; and
- The Member understood that any agreement between counsel for the College and herself with respect to the order proposed does not bind the Committee.

DECISION

Having considered the Exhibits filed, and based on the Agreed Statement of Facts and plea of no contest, and the submissions made by College counsel, the Discipline Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that the Member committed acts of professional misconduct as alleged, more particularly breaches of Ontario Regulation 223/08, section 2, subsections (3), (8) and (10) and Standards I.D, I.E, III.A.1, IV.C.1 and V.A.1 of the College's *Code of Ethics and Standards of Practice*.

REASONS FOR DECISION

Evidence in support of each of the allegations in the Notice of hearing is found in the Agreed Statement of Facts. The Member acknowledged, for the purposes of this hearing, that her conduct as described in the agreed statement constitutes professional misconduct. As such, the Committee accepts the Member's plea and the Agreed Statement of Facts.

The Member admitted to restraining a child to a chair with a bed sheet and permitting children under her care to go outside without gloves and with jackets undone. She also pleaded no contest to force-feeding a child, restraining a child during nap time using her arm and leg, grabbing a child forcefully, using an inappropriate tone of voice around children and intimidating staff at the Centre. The Member has demonstrated a blatant disregard for the dignity of children and families by her harmful and negligent actions. Furthermore, by neglecting to support and encourage coworkers in order to enhance the culture of her workplace, the Member has failed in her responsibilities to colleagues and to members of the early childhood education profession.

JOINT SUBMISSION ON PENALTY

College counsel and the Member submitted a Joint Submission as to Penalty signed May 22, 2013 (Exhibit 6), which provides as follows:

1. Ms. Skinner shall be reprimanded by the Discipline Committee and the fact of the reprimand shall be recorded on the College's Register.
2. Having resigned her membership at the College, Ms. Skinner undertakes (pursuant to the undertaking executed and attached as Schedule "A") to not re-apply to the College for a period of 6 months following the Discipline Committee decision and, in the event that she re-applies to the College for reinstatement of her membership, to participate in and successfully complete a course of study, satisfactory to the College, in "Professional Supervision in Early Learning and Care", at her own expense.
3. The Discipline Committee's finding and Order shall be published, including reference to the undertaking signed by Ms. Skinner, with Ms. Skinner's name, in full on the College's website and in summary in the College's publication, *Connexions*.
4. The results of the hearing shall be recorded on the Register.
5. Ms. Skinner and the College agree that if the Committee accepts this Joint Submission as to Penalty, there will be no appeal of the Committee's decision to any forum.

Counsel for the College submitted that the Committee should accept the joint submission as it protects the public interest by generally deterring other early childhood educators from engaging in similar conduct. College counsel stated that the issue of specific deterrence is no

longer relevant, given that the Member has resigned from the College. There is no need for the Committee to specifically deter the Member as she is no longer a registered early childhood educator. A reprimand is therefore the last opportunity for the Committee to dialogue with the Member and to convey disapproval of her conduct. Beyond this measure, College counsel noted that the Member has agreed to participate in educational coursework if she applies to have her membership reinstated, asserting that this term of the Member's undertaking satisfies the public interest and reflects the College's focus on remediation. Counsel for the College further submitted that although the Member's resignation affects the Committee's ability to impose a suspension, the Member's undertaking to refrain from applying for reinstatement for a six-month period is akin to a six-month suspension.

The Committee was also provided with an email addressed to the Member from James Bisson (Exhibit 7), which indicates that Mr. Bisson learned a lot from working with the Member and from seeing how much she loved working with children.

PENALTY DECISION

After considering the joint submission made by College counsel and the Member, the Committee makes the following order as to penalty:

1. The Member is to be reprimanded in person by the Discipline Committee, and the fact of the reprimand is to be recorded on the public register.
2. The Registrar is directed to record the results of this hearing on the public register.
3. The Discipline Committee's finding and order shall be published, including reference to the undertaking signed by the Member, with the Member's name, in full on the College's website and in summary in the College's official publication, *Connexions*.

REASONS FOR PENALTY DECISION

The Committee accepts the joint submission made by counsel for the College and the Member, having determined that the submission falls within a reasonable range of penalties given the Member's conduct.

In evaluating the joint submission, the Committee considered the Member's resignation and undertaking. The Committee notes that the Member has demonstrated an interest in rehabilitative measures by undertaking to complete a course in professional supervision if she applies for the reinstatement of her membership in the future.

The Member's resignation from the College limits the penalty orders that the Committee can issue in that it cannot direct the Registrar to suspend the Member's Certificate of Registration under subsection 33 of the ECE Act. However, the Committee notes that the Member's undertaking ensures that she will not reapply for the reinstatement of her membership for at least six months. Should the Member apply for reinstatement after this period, the College would consider her application, but she is not guaranteed readmission into the profession. As such, the resignation and undertaking have the effect of protecting the public interest.

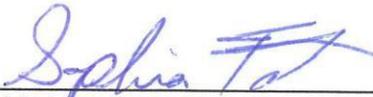
In addition to the Member's undertaking, the Committee has ordered a penalty that serves the functions of deterrence and public protection. The reprimand helps the Member to understand the gravity of her actions and serves as a specific deterrent, dissuading the Member from engaging in similar conduct in the future.

Publication with the Member's name acts as a general deterrent to early childhood educators at large. It indicates to members of the profession that they are held accountable for their actions and demonstrates that the College will follow through with concerns about misconduct. Publication on the public register, on the College website and in the College

newsletter promotes transparency, informing employers of a member's past conduct and signaling to members of the public that the Committee is protecting their interests.

In conclusion, the Committee is confident that the penalty serves the interests of the public and of the profession.

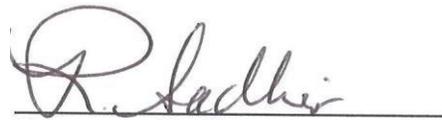
Date: May 29, 2013



Sophia Tate, RECE
Chair, Discipline Panel



Nici Cole, RECE
Member, Discipline Panel



Rosemary Sadlier
Member, Discipline Panel

SCHEDULE "A"

UNDERTAKING TO THE COLLEGE OF EARLY CHILDHOOD EDUCATORS

This Undertaking is given in connection with Discipline Committee hearing (the "Hearing") of the College of Early Childhood Educators (the "College") in respect of its former member, Ms. Cynthia Skinner, who resigned from the College prior to the Hearing.

Ms. Skinner agrees to not apply for the reinstatement of her membership with the College for a 6 month period from the date of the Discipline Committee decision. Ms. Skinner additionally undertakes to participate in, and successfully complete, a course of study in "Professional Supervision in Early Learning and Care" that is satisfactory to the College at her own expense prior to applying for reinstatement of her membership with the College.

DATED: ^{May} April 22, 2013


Cynthia Skinner

DATED: ^{May} April 22, 2013


Witness

Reprimand (Delivered orally on May 29, 2013)

When you became a member of the College, you made a commitment to enhance the care and learning of children, to act as a role model for colleagues and to abide by the profession's *Code of Ethics and Standards of Practice*.

It is clear to us, however, that you have not upheld your professional commitment.

Through your actions, you have contravened the Code of Ethics and have failed with regard to:

- **Ethic A. Responsibilities to Children.** Early childhood educators are expected to be caring, empathetic and fair professionals who act with integrity. Rather than demonstrating these qualities in your interactions at the Centre, you used physical force to restrain children, disregarding their dignity and rights as individuals.

Furthermore, you have breached:

- **Ethic C. Responsibilities to Colleagues and to the Profession.** You failed to interact with colleagues in ways that demonstrated respect, trust and integrity. By intimidating Centre staff, you promoted a culture of fear at your place of work and failed to support coworkers in their duties. It is therefore clear to the Panel that you were not fostering a spirit of cooperation at the Centre that would benefit children and the wider community.

With regards to the Standards of Practice, you have also failed in your conduct:

As a registered early childhood educator, you were supposed to provide a nurturing learning environment where children thrived, as required by Standard I.D. Instead, you demeaned the children in your care by using an inappropriate tone of voice around them and by physically manipulating children into behaving as you wanted them to.

Moreover, the Panel notes that your actions could have exposed the children in your care to serious health risks. Far from promoting positive eating habits, you force-fed a child under the age of three. You also allowed children to go outside without their gloves and their jackets undone, and in doing so, failed to maintain a safe and healthy learning environment, in contravention of Standard III.A.I.

We want you to reflect on the *Code of Ethics and Standards of Practice* and make them a part of your values and belief system. We hope that in the future, should you consider returning to the profession, your practice will reflect this belief system, giving credibility to yourself as a professional and creating respect for the profession of early childhood educators in the eyes of the public.

Please take this reprimand to heart.

This concludes the reprimand.