

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

B E T W E E N:

COLLEGE OF EARLY CHILDHOOD EDUCATORS

- and -

MAGDELENE VASANTHKUMAR
RECE # 28111

NOTICE OF HEARING

The Complaints Committee of the College of Early Childhood Educators has directed the matter regarding your conduct, as set out in the attached statement of allegations, to be referred to the Discipline Committee pursuant to paragraph 31(5)(a) of the *Early Childhood Educators Act, 2007* (the "Act").

A panel of the Discipline Committee (the "Panel") will hold a hearing pursuant to paragraph 33(1)(a) of the Act on **October 12, 2023 at 10:00 a.m., electronically by videoconference**, to determine whether you engaged in professional misconduct and/or are incompetent.

If you prefer to communicate with the College in French, or would like the hearing of your case to be conducted in French, then you must notify the College as soon as possible so that it can make reasonable attempts to accommodate your request.

The Act provides that where the Panel finds a member guilty of professional misconduct and/or to be incompetent, it may make an Order doing one or more of the following:

1. Directing the Registrar to revoke the member's certificate of registration.
2. Directing the Registrar to suspend the member's certificate of registration for a specified period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on the member's certificate of registration.

4. Requiring that the member be reprimanded, admonished or counseled by the Committee or its delegate.
5. Imposing a fine in an amount that the Committee considers appropriate, to a maximum of \$2,000, to be paid by the member to the Minister of Finance for payment into the Consolidated Revenue Fund.
6. Fixing costs to be paid by the member.

The Panel may also direct the Registrar to not carry out a direction made under paragraphs 1, 2 or 3 above for a specified period and to not carry out the direction at all if specified terms are met within that period. The Panel may specify the terms it considers appropriate, including but not limited to terms requiring the successful completion of specified courses of study.

In making an order under paragraphs 1, 2 or 3, the Panel may also fix a period during which the member may not apply to have a new certificate issued, to have the suspension removed, or to vary the terms, conditions and limitations.

The Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee can be found on the College's website at college-ecce.ca. The Rules can also be made available to you upon request.

IF YOU DO NOT ATTEND AT THE HEARING, IN PERSON OR BY REPRESENTATIVE, THE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDINGS.

DATE: September 22, 2023



Beth Deazeley
Registrar & CEO
College of Early Childhood Educators

STATEMENT OF ALLEGATIONS

MAGDELENE VASANTHKUMAR, RECE # 28111

1. At all material times, Magdelene Vasanthkumar (the “**Member**”) was a member of the College of Early Childhood Educators and was employed as an Early Childhood Educator at BrightPath Kids, located in Maple, Ontario (the “**Centre**”).

The Incidents

2. Between on or about January 4, 2021 and February 3, 2021, the Member engaged in the following aggressive, forceful and/or demeaning conduct towards five toddlers whom she was responsible for supervising in the Centre’s toddler room:
 - a. On multiple occasions, between on or about January 4 and January 11, 2021, the Member hit Child 1 on the head, pulled his hair, twisted his ears, and pulled him roughly by his arms, striking his face and body, including but not limited to as follows:
 - i. On or about January 4, 2021, at approximately 9:08 a.m., the Member dragged Child 1 across the classroom and sat him on the floor. The Member then hit the top of Child 1’s head with an open hand. Moments later, the Member walked by Child 1 and hit him on the back head, causing his head to jerk forward. Child 1 cried as a result of the Member’s conduct.
 - ii. On or about January 4, 2021, about half an hour after the incident described paragraph 2(a)(i), the Member was seated on a stool, and Child 1 was standing beside her. The Member pulled Child 1 down to a seated position by his arm and then hit him on the head.
 - iii. On or about January 4, 2021, about half an hour after the incident described in paragraph 2(a)(ii), several children were lined up by the classroom door waiting to go outside. The Member opened the door and Child 1 began to walk out. The Member then grabbed Child 1 by his hair and dragged him back into the room to let another child go outside first.

- iv. On or about January 4, 2021, at approximately 4:40 p.m., the Member was sitting on a small couch in front of a bookshelf. She leaned forward, forcefully grabbed Child 1, and sat him between her knees and feet in front of her. Child 1 cried and leaned forward. The Member then grabbed Child 1's ear and dragged him backward by the ear. As a result of the Member's conduct, Child 1 cried and felt pain.
 - v. On or about January 5, 2021, at approximately 4:52 p.m., Child 1 was kneeling on the floor. The Member quickly ran to him, striking him with a closed fist on the back of the head and then pushed his head towards the floor such that he needed to catch himself with his arms. The Member then grabbed Child 1 by his arm, dragged across the classroom, and roughly sat him on the floor. A short time later, the Member hit Child 1 on the arm or shoulder area, after he reached for an item another child was holding.
 - vi. On or about January 6, 2021, at approximately 3:04 p.m., the Member grabbed and/or twisted Child 1's ear as he was playing with toys. A short time later, the Member walked behind Child 1 and kned him to direct him to walk, causing him to stumble and begin to fall. The Member then grabbed Child 1 by the hair and pulled him up.
- b. On multiple occasions, between on or about January 4 and January 12, 2021, the Member hit Child 2's arm, hit him on the back of the head with an open hand, dragged him by his arm and tossed him onto the floor, including but not limited to as follows:
- i. On or about January 5, 2021, at approximately 11:30 a.m., the Member hit Child 2 on the back of the head, causing his head to jerk forward.
- c. On multiple occasions, between January 5 and January 8, 2021, the Member pinched Child 3's cheeks, hit him on the head, grabbed and pushed him, as well as dragged him on the floor, including but not limited to as follows:
- i. On January 5, 2021, at around 2:30 p.m., the children were seated around the dining table. The Member hit Child 3 on the back of the head causing his head to jerk forward. The Member then grabbed Child's 1's arm and hit his hand on the table. As a result of the Member's conduct, Child 3 began

to cry and flail his arms, The Member then restrained Child 3's arms, while he appeared to be in distress.

- d. On multiple occasions, between January 7 and February 3, 2021, the Member dragged Child 4 across the classroom, pulled him by the arm, pulled his hair and twisted his wrist, including but not limited to as follows:
 - i. On or about January 11, 2021, at approximately 10:06 a.m., the Member grabbed Child 4 by the hair behind his ear and pulled on it, causing Child 4 to fall to the floor crying. The Member then walked away from Child 4, leaving him crying on the floor.
 - e. On or about February 2, 2021, the Member struck Child 5 with an open palm on the back of the head.
3. On multiple occasions, on or about October 14, 2020 and January 4, 5 and 11, 2021, the Member further engaged in aggressive, forceful and/or demeaning conduct towards toddlers she was responsible for supervising. Among other things, the Member hit children, pulled and repositioned them, causing children to cry and/or be upset.
4. On multiple occasions, between on or about January 7 and January 8, 2021, the Member observed A.K.D. (RECE) engage in aggressive, forceful and/or abusive conduct towards the toddlers in the Centre's toddler room. Among other things, the Member observed that A.K.D pulled and/or dragged children by their arms or clothes, grabbed and/or pinched children's cheeks and/or ears, roughly repositioned children and/or removed items from them, causing the children to cry and be upset.
5. Despite observing A.K.D.'s conduct, described in paragraph 4 above, the Member failed to do the following:
 - a. She did not take steps to prevent the abusive conduct she observed from reoccurring and ensure the safety and well-being of the children in the toddler room;
 - b. She did not report A.K.D.'s conduct to the Children's Aid Society;
 - c. She did not report A.K.D.'s conduct to the Centre's management, in contravention of the Centre's Duty to Report policy.

Criminal Court Proceedings

6. On June 30, 2022, the Member pleaded guilty to and was found guilty of five counts of Assault, in relation to the incidents described in paragraph 2 above. The Member was sentenced to a 15-months conditional sentence. Additionally, the judge imposed a three years' probation and a DNA order.

Professional Misconduct Alleged

7. By engaging in the conduct set out in paragraphs 2 – 6 above, the Member engaged in professional misconduct as defined in subsection 33(2) of the *Early Childhood Educators Act, 2007*, S.O. 2007, c. 7, Sch. 8, 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 verbally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3);
 - c. The Member psychologically or emotionally abused a child who was under her professional supervision, contrary to Ontario Regulation 223/08, subsection 2(3.2);
 - d. 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 understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being, contrary to Standard I.B.4 of the College's Standards of Practice;
 - iii. 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;

- iv. The Member failed to ensure that in her relationship with families and colleagues, the needs and best interests of the child are her highest priority, contrary to Standard I.C.7 of the College's Standards of Practice;
- v. 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;
- vi. The Member failed to observe and monitor the learning environment and to take responsibility to avoid exposing children to harmful or unsafe situations, contrary to Standard III.C.2 of the College's Standards of Practice;
- vii. 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
- viii. 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.
- ix. The Member failed to report professional misconduct, incompetence and incapacity of colleagues which could create risk to the health or well-being of children or others to the appropriate authorities, including to the College in relation to conduct of another RECE, contrary to Standard IV.C.11 of the College's Standards of Practice;
- x. The Member failed to be knowledgeable about legislation, policies and procedures related to the Child and Family Services Act, contrary to Standard VI.B.4 of the College's Standards of Practice;
- xi. The Member failed to comply with the Child and Family Services Act about her duty to report suspected child abuse and neglect to the Children's Aid Society, contrary to Standard VI.C.8 of the College's Standards of Practice;

- e. 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);
- f. The Member contravened a law, which contravention has caused or may cause a child who is under her professional supervision to be put or remain at risk, contrary to Ontario Regulation 223/08, subsection 2(21); and/or
- g. The Member acted in a manner that is unbecoming a Member, contrary to Ontario Regulation 223/08, subsection 2(22).