

**DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF TEACHERS**

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

KEN ISHWAR BEEBAKHEE

NOTICE OF HEARING

THE INVESTIGATION COMMITTEE OF THE ONTARIO COLLEGE OF TEACHERS, pursuant to section 26, subsection (5) of the *Ontario College of Teachers Act, 1996* (the "*Act*"), Statutes of Ontario, 1996, chapter 12, has directed that the matter hereinafter described regarding the conduct or actions of Ken Ishwar Beebakhee, Certificate No. 404188 be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Ken Ishwar Beebakhee is guilty of professional misconduct as defined in the *Act* in that:

- (a) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (b) he abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);

- (c) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);
- (d) he abused a student or students sexually, contrary to Ontario Regulation 437/97, subsection 1(7.3) and/or engaged in sexual abuse of a student or students as defined in section 1 of the *Act*;
- (e) he engaged in sexual misconduct as defined in section 1 of the *Act*;
- (f) he failed to comply with the *Act* or the regulations or the by-laws, specifically section 32 of the by-laws, contrary to Ontario Regulation 437/97, subsection 1(14);
- (g) he failed to comply with the *Education Act*, Revised Statutes of Ontario, 1990, chapter E.2, and specifically subsection 264(1) thereof or the Regulations made under that Act, contrary to Ontario Regulation 437/97, subsection 1(15);
- (h) he committed acts that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional, contrary to Ontario Regulation 437/97, subsection 1(18);
- (i) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Ken Ishwar Beebakhee (the "Member") is a member of the Ontario College of Teachers.

2010 [XXX] Educational Trip

2. In the summer of 2010, the Member was employed by the [XXX] to attend a summer educational trip to [XXX] and the [XXX] as an [XXX] teacher for high school students.
3. Student 1 was a [XXX] year-old female participating in the program attended by the Member.

4. Between on or about July 1, 2010 and on or about August 30, 2010, while on the [XXX] trip, the Member engaged in sexual behaviour and/or made inappropriate remarks to Student 1, including but not limited to:
 - (a) placing his hand under Student 1's skirt and/or resting it on her thigh;
 - (b) squeezing Student 1's thigh with his hand;
 - (c) suggesting to Student 1 that they go to his room;
 - (d) talking to Student 1 about her personal life;
 - (e) telling Student 1 that she looked like his girlfriend;
 - (f) telling Student 1 that a photograph he had taken of her in a bikini top was "probably the best photo he had taken the entire trip," or words to that effect;
 - (g) insisting that Student 1 call him "Ken."

2018-2019 Academic Year

5. At all material times, the Member was employed by the Toronto District School Board (the "Board") as a teacher at [XXX] Collegiate Institute (the "School") in Scarborough, Ontario.
6. In the 2018-2019 academic year, Students 2, 3 and 4 were [XXX] year-old female students in the Member's Grade [XXX] [XXX] class at the School.
7. Between on or about September 6, 2018 and on or about October 17, 2018, the Member inappropriately touched Student 2, including but not limited to:
 - (a) undoing the knot at the back of Student 2's shirt;
 - (b) untucking Student 2's shirt from her pants;

- (c) placing his hand on the small of Student's 2 back.
8. Between on or about September 6, 2018 and on or about October 17, 2018, the Member inappropriately touched Student 3, including but not limited to, placing his hand on Student 3's leg while he was sitting next to her watching a video during class.
 9. Between on or about September 6, 2018 and on or about October 17, 2018, during a class discussion about the School dress code, the Member pointed out Student 4 in front of the class, and based on her physical appearance, made a comment to the effect that Student 4 would be noticed if she wore spaghetti straps to school.
 10. On or about October 17, 2018, the Member accused Student 2 of being high on drugs and placed his fingers close to Student 2's face, causing her discomfort and embarrassment.
 11. On or about October 17, 2018, the Member stretched his arm across Student 2, in close proximity to her chest, in order to retrieve an item from Student 4.
 12. Between on or about September 6, 2018 and on or about October 17, 2018, as a consequence for misbehaviour, the Member used inappropriate classroom management techniques, including but not limited to:
 - (a) requiring students to stand with their arms raised;
 - (b) requiring students to sit in a "chair of honour";
 - (c) instructing or permitting students to identify another student who was misbehaving to take their place standing or in the "chair of honour."

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 and 30.2 of the *Act* to decide whether the allegations are true and whether Ken

Ishwar Beebakhee is guilty of professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* (the “*Rules of Procedure*”) will be provided upon request and is also available on the College’s website.

THE DISCIPLINE COMMITTEE WILL HEAR THIS MATTER on a date to be determined after consultation between College Counsel and you or your counsel and fixed by the Tribunals’ Office.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. The hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22 (the “*SPPA*”).

IF YOU DO NOT ATTEND ON THE SCHEDULED HEARING DATE, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING IN YOUR ABSENCE AND YOU WILL NOT BE PROVIDED WITH ANY FURTHER NOTICE OF PROCEEDINGS.

IF YOU BELIEVE THAT AN ELECTRONIC HEARING OR ELECTRONIC SET DATE HEARING IS LIKELY TO CAUSE YOU SIGNIFICANT PREJUDICE, you must notify the Tribunals’ Office at 101 Bloor Street West, Toronto, Ontario, M5S 0A1. The Discipline Committee will then determine whether the hearing will proceed in person, electronically, in writing, or by a combination of these formats.

IF A DATE FOR THE HEARING AND/OR THE FORMAT OF THE HEARING ARE NOT AGREED UPON, THE DISCIPLINE COMMITTEE WILL CONVENE TO DEAL WITH

THE PROCEDURAL MATTER OF SETTING A DATE AND/OR ESTABLISHING THE FORMAT FOR THE HEARING. The procedural hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *SPPA*.

YOU ARE ENTITLED TO BE PRESENT WHEN THE COMMITTEE CONVENES TO SET A DATE AND/OR FORMAT FOR THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. IF YOU DO NOT ATTEND BEFORE THE COMMITTEE TO SET A DATE AND/OR FORMAT FOR THE HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET THE DATE AND/OR FORMAT. NOTICE OF THE HEARING DATE AND/OR FORMAT SET BY THE COMMITTEE WILL BE PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN EMAIL ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY of professional misconduct, you are liable to the penalties set out in sections 30 and 30.2 of the *Act*.

A MEMBER whose conduct is being investigated in proceedings before the Discipline Committee may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing.

You or your representative may contact the office of Caroline Zayid of McCarthy Tétrault LLP, College Counsel in this matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416-601-7768.

Date: October 10, 2023

Registrar's Signature

Linda Lacroix, OCT, M.Ed
Registrar and Chief Executive Officer
Ontario College of Teachers
101 Bloor Street West
Toronto, ON M5S 0A1

TO: Ken Ishwar Beebakhee
[XXX]
[XXX]

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ONTARIO COLLEGE OF TEACHERS**

NOTICE OF HEARING

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