

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

ROBERTO MIGUEL GUTIERREZ CONNELLY

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 Roberto Miguel Gutierrez Connelly, Certificate No. 648803, be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Roberto Miguel Gutierrez Connelly is guilty of professional misconduct as defined in the *Act* in that:

- (a) he abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);
- (b) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);

- (c) he committed acts or omissions 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);
- (d) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Roberto Miguel Gutierrez Connelly (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Ottawa Catholic School Board as a teacher at [XXX] School (the “School”) located in [XXX], Ontario.
3. In the academic year 2017/2018, Student 1, Student 2, Student 3, and Student 4 were female Grade [XXX] students in the Member’s class and Student 5 and Student 6 were female Grade [XXX] students at the School.
4. In or around the academic year 2017/2018, the Member engaged in physical contact with students that he knew or ought to have known was inappropriate and/or unwelcome, including but not limited to:
 - (a) touching, rubbing, and/or patting Student 1’s hair, cheek, and/or leg/thigh;
 - (b) touching, rubbing, and/or patting Student 2’s leg/thigh and/or back;
 - (c) touching, rubbing, and/or patting Student 3’s back, arm, and/or knee;
 - (d) touching, rubbing, and/or patting Student 4’s shoulder;
 - (e) touching, rubbing, and/or patting Student 6’s back; and/or

- (f) hugging Student 1, Student 5 and/or Student 6.
5. On or about June 30, 2019, the Member asked Student 1 to speak alone with him in his classroom while the lights were off. The Member approached Student 1, stood very close to her, and told her, "The teacher is talking to a student and the student continues the conversation and doesn't walk away", or words to that effect. When another teacher approached the classroom, the Member backed away from Student 1 and turned the lights on. He then gave her a hug.
 6. In or around the academic year 2017/2018, the Member told Student 5 that he missed her while she was away at a sports tournament.
 7. In the academic year 2018/2019, Student 1 and Student 2 were female Grade [XXX] students in the Member's class and Student 6 was a female Grade [XXX] student at the School.
 8. In or around the academic year 2018/2019, the Member engaged in physical contact with students that he knew or ought to have known was inappropriate and/or unwelcome, including but not limited to:
 - (a) touching, rubbing, and/or patting Student 1's hair, cheek, and/or leg/thigh;
 - (b) touching, rubbing, and/or patting Student 6's back; and/or
 - (c) hugging Student 1 and/or Student 6.
 9. In the academic year 2019/2020, Student 7 was a female Grade [XXX] student in the Member's class.
 10. In or around the academic year 2019/2020, the Member engaged in physical contact with Student 7 that he knew or ought to have known was inappropriate

and/or unwelcome, including but not limited to touching, rubbing, and/or patting her shoulder and/or back.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 of the *Act* to decide whether the allegations are true and whether Roberto Miguel Gutierrez Connelly 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.

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 FOR THE HEARING. The set date hearing will be held in-person on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario or 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*”).

YOU ARE ENTITLED TO BE PRESENT WHEN THE COMMITTEE CONVENES TO SET A DATE FOR THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. IF YOU DO NOT ATTEND BEFORE THE COMMITTEE TO SET A HEARING DATE, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET A HEARING

DATE. NOTICE OF THE HEARING DATE SET BY THE COMMITTEE WILL BE PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. The hearing will be held in-person on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario or will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *SPPA*.

IF YOU DO NOT ATTEND ON THE SCHEDULED HEARING DATE, IN ACCORDANCE WITH ANY DIRECTION FROM THE TRIBUNALS OFFICE WITH RESPECT TO THE MANNER OF PARTICIPATION, THE DISCIPLINE COMMITTEE MAY PROCEED WITH AN IN-PERSON HEARING OR ELECTRONIC 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, telephone 416-961-8800. The Discipline Committee will then determine whether the hearing will proceed electronically or not.

IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY of professional misconduct, you are liable to the penalties set out in section 30 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 Jordan Glick of Glick Law, solicitor for the College in this matter, at Suite 100, Simcoe Chambers, Toronto, ON M5H 4E2, telephone 416-596-2960.

Date: June 17, 2022

Registrar's Signature

Chantal Bélisle, OCT
Interim Registrar and Chief Executive
Officer
Ontario College of Teachers
101 Bloor Street West
Toronto, ON M5S 0A1

TO: Roberto Miguel Gutierrez Connelly
[XXX][XXX]

AND TO: Ontario English Catholic Teachers' Association
400-65 St. Clair Avenue East
Toronto, ON M4T 2Y8

Jerry Raso, Solicitor for the Member

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- and -

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