

**ONTARIO COLLEGE OF TEACHERS**

**DISCIPLINE COMMITTEE**

**REASONS FOR DECISIONS AND ORDERS**

*IN THE MATTER OF THE ONTARIO COLLEGE OF TEACHERS ACT, 1996, and the Regulation (Ontario Regulation 437/97) thereunder:*

**AND IN THE MATTER OF** discipline proceedings against Keith Stephen Garebian.

The Discipline Committee held a hearing on October 1, 2001,

**BETWEEN:**

**ONTARIO COLLEGE OF TEACHERS**

**- and -**

**KEITH STEPHEN GAREBIAN  
CERTIFICATE #295770**

**PRESENT:**

Members of the Panel  
Mark Lefebvre (Chair)  
Larry Capstick  
Karen Mitchell

The Honourable Patrick Galligan, Independent Counsel to the Panel

David Leonard, McCarthy Tétrault, Counsel for the Ontario College of Teachers,  
assisted by Jennifer Robinson, Law Clerk

William Markle, Markle May Phibbs, Counsel for the member

Keith Stephen Garebian

This decision is subject to a publication ban. On October 1, 2001, the Discipline Committee made an order directing that there may be no publication of any information which may disclose the identity of the student involved in this matter.

A Notice of Hearing dated March 27, 2001 was served on Keith Stephen Garebian, requesting attendance before the Discipline Committee of the Ontario College of Teachers on April 9, 2001 to set a date for hearing, and specifying the charges. The hearing date was set for October 1, 2001.

It is alleged that Keith Stephen Garebian is guilty of professional misconduct 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 physically, sexually, verbally, psychologically, or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he failed to comply with the Act and the Education Act, Revised Statutes of Ontario, 1990, chapter E.2, and specifically section 264(1)(c) thereof or the Regulations made under that act, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);
- (d) he committed acts that having regard to all of the circumstances would reasonably be regarded by members as disgraceful, dishonourable or unprofessional contrary to Ontario Regulation 437/97, subsection 1(18);
- (e) he engaged in conduct unbecoming a member contrary to Ontario Regulation 437/97, section 1(19) and,

- (f) he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of a student of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

The Notice of Hearing states that Keith Stephen Garebian is a member of the Ontario College of Teachers and therefore comes under the jurisdiction of the Ontario College of Teachers (Exhibit #1).

On October 1, 2001, the Discipline Committee of the Ontario College of Teachers conducted a hearing into whether Keith Stephen Garebian was guilty of professional misconduct.

Keith Stephen Garebian was in attendance at the hearing and was represented by Counsel.

**EVIDENCE:**

Counsel for the Ontario College of Teachers referred to the charges set out in Exhibit #1, alleging that Keith Stephen Garebian is guilty of professional misconduct in that his acts were contrary to the Professional Misconduct Regulation made under the Ontario College of Teachers Act and filed as Regulation 437/97 on December 4, 1997, in particular, subsections 1(5), (7), (14), (15), (18) and (19). It was also alleged that he displayed a lack of knowledge, skill or judgement and/or a disregard for the welfare of

a student of a nature or extent that demonstrates that the member is either unfit to carry out his professional responsibilities or that the member's certificate should be made subject to terms, conditions or limitations.

Counsel presented evidence that Keith Stephen Garebian is a member of the Ontario College of Teachers (Exhibit #1). At all material times, the member was employed by the Peel District School Board as a teacher.

An Agreed Statement of Facts was filed as Exhibit #2. That statement had been signed by David Leonard, McCarthy Tétrault on behalf of the Ontario College of Teachers, by William Markle, Markle May Phibbs on behalf of the member and by the member, Keith Stephen Garebian.

#### **FINDINGS OF FACT:**

Based on the Agreed Statement of Facts, the panel finds the following facts:

- (1) Keith Stephen Garebian is a member of the Ontario College of Teachers.
- (2) At all material times, the member was employed by the Peel Board of Education as a teacher at the Valleys Senior Public School.
- (3) At all material times, the student, whose date of birth is [REDACTED], 1978, was a 14 year old student at Gordon Graydon High School in the Peel District School Board.
- (4) The Peel District School is the successor to the Peel Board of Education.
- (5) The student became 14 years old on [REDACTED], 1992.

- (6) On or about December 26, 1992, the member, after having befriended the student over a period of time, picked the student up at a bus stop and took him to his apartment where he showed the student a pornographic videotape.
- (7) The member accepts that his actions with respect to the student as described in paragraph 6 above, constitute professional misconduct, and the member hereby pleads guilty to professional misconduct contrary to Ontario Regulation 437/97, subsections 1(5), (7), (18) and (19).
- (8) The member has not taught since June 30, 1994 and his Certificate of Qualification and Registration is presently under suspension for non-payment of fees.
- (9) By his execution of the Agreed Statement of Facts, the member hereby tenders his resignation as a member of the Ontario College of Teachers, and undertakes not to apply at any time in the future to have a new Certificate of Qualification and Registration issued to him by the Registrar of the Ontario College of Teachers.

**DECISIONS AND ORDERS:**

Based on the Agreed Statement of Facts, the submissions of Counsel, and having examined the exhibits filed, the Committee finds Keith Stephen Garebian guilty of professional misconduct under Ontario Regulation 437/97, subsections 1(5), (7), (18) and (19).

The Committee accepts the resignation of Keith Stephan Garebian's Certificates of Registration and Qualification on the undertaking by the member that he will not apply at any time in the future to have new Certificates of Qualification and Registration issued to him by the Registrar of this College.

Concerning the issue of publication, the Committee notes that the member has expressed remorse, saved the affected parties considerable embarrassment, and saved the College considerable expense by entering a plea of guilty to professional misconduct as set out in the Agreed Statement of Facts.

The Committee believes that it is important in the governance of the profession to provide evidence to its members and the public that the College is active in self-regulation and is vigilant to breaches of its bylaws and rules of conduct. Such evidence is provided through notification of the decisions and orders of the College's disciplinary committees, and is a practice that has significant general deterrent value. In some cases, there have been orders made for publication using the member's initials. The significant majority of those cases restricted publication to protect the identification of child victims. In order for there to be an order for the non-publication of a member's name, it is the opinion of the Committee that there would have to be a compelling reason. The majority of the Committee finds that counsel for the member in these circumstances put no such compelling reason forward.

Pursuant to Section 30, subsection 5, part 3 of the Ontario College of Teachers Act, the Committee orders that the findings of the hearing as set out in the Agreed Statement of

Facts, and the full name of the member, be published in the official publication of the Ontario College of Teachers.

The Committee also orders that, in any publication, the name of the student not be published and should be referred to as "the student". Any other information that would lead to the identification of the student shall not be published.

**DATED AT TORONTO, THIS 12th DAY OF OCTOBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Mark Lefebvre, **Chair**

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Karen Mitchell

**MINORITY DECISION (LARRY CAPSTICK):**

**DECISIONS AND ORDERS:**

General deterrence was served by the member resigning his Certificates of Registration and Qualification. The actions of the member saved the affected parties considerable embarrassment and saved the College considerable expense. Given the number of years that have elapsed since these circumstances have occurred, and the considerable time that the member has not been teaching, the notion of general deterrence has been served. Therefore, the Minority decision is that the member's name not be published.

**DATED AT TORONTO, THIS 3<sup>RD</sup> DAY OF OCTOBER, 2001  
BY ORDER OF THE DISCIPLINE COMMITTEE**

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Larry Capstick