

## MEMORANDUM OF AGREEMENT

BETWEEN :

Ontario College of Teachers

- and -

Scott James Keen

**WHEREAS** Scott James Keen is a Member of the Ontario College of Teachers (Registry number 192724);

**AND WHEREAS** Brian P. McGowan, Registrar and Chief Executive Officer, initiated a complaint on May 24, 2007, with respect to the conduct or actions of Scott James Keen;

**THE PARTIES** to this agreement are the Ontario College of Teachers (the "College") and Scott James Keen (the "Member"). The Registrar's signature on this Memorandum of Agreement (the "MOA") does not bind the Investigation Committee in its function to consider and dispose of this matter.

**WHERE THE INVESTIGATION COMMITTEE** requests modifications to this MOA, the Dispute Resolution Administrator shall consult the parties as to whether the modifications are acceptable. If the parties accept the modifications, the revised MOA shall become final and binding once ratified by the Investigation Committee.

**WHERE THE INVESTIGATION COMMITTEE** does not ratify the MOA or the parties do not accept the modifications, the complaint will proceed through the investigation process and will be considered by a differently constituted panel of the Investigation Committee. The second panel of the Investigation Committee will not be provided with nor will it consider this MOA.

### Agreed Statement of Facts

The parties hereby agree to the truth and accuracy of the facts that are hereinafter expressed and agree to the receipt of this document by the Investigation Committee.

1. At all material times the Member was employed by the Toronto District School Board (the "Board") as a [REDACTED] teacher at [REDACTED] (the "School").
2. Between May and November 2006, the Member engaged in a conduct with a [REDACTED] year old female student on and off school property, which included:
  - (a) sexually assaulting her;

- (b) sexually exploiting her; and
  - (c) committing an indecent act toward her.
3. On or about November 8, 2006, the Member was charged with: 2 counts of sexual assault, 3 counts of sexual exploitation, and 1 count of committing an indecent act.
  4. On July 12, 2007, the Member pleaded guilty to 1 count of sexual assault. The Crown withdrew the remaining charges.
  5. The Member voluntarily admits the above particulars and understands that by doing so, he is waiving the right to require the College to prove the allegations against him and the right to a contested hearing.

Joint Submission on Resolution

The parties agree to resolve the complaint as follows:

6. the parties agree and undertake that upon ratification of this MOA, there shall be no further action taken, no appeal of any or all of the terms of this agreement, and no application for judicial review, providing the terms of this MOA are adhered to;
7. the parties agree and understand that if any phrase or paragraph of this MOA is deemed null and void, the MOA shall be read as though the phrase or paragraph was stricken from the MOA and the amended MOA shall remain in force and effect;
8. the Member agrees and undertakes that upon ratification of this MOA, he shall resign his Membership in the College, pursuant to subsection 14(2) of the *Ontario College of Teachers Act, 1996*;
9. the Member agrees and understands that upon ratification of this MOA, the Registrar shall cancel his certificate of qualification and registration, pursuant to subsection 14(3) of the *Ontario College of Teachers Act, 1996*;
10. the Member agrees and understands that upon ratification of this MOA, he shall immediately surrender his certificate of qualification and registration to the Registrar;
11. the Member agrees and undertakes never to apply to the College for a certificate of qualification and registration, upon the ratification of this MOA;
12. the Member agrees and understands that upon ratification of this MOA, the public register maintained by the Registrar, in accordance with section 23 of the *Ontario College of Teachers Act, 1996*, shall include the following notation:

On (insert date of ratification by Investigation Committee), the Member resigned his membership in the Ontario College of Teachers and the Registrar cancelled his certificate of qualification and registration. At the time of the resignation, a professional misconduct investigation was in progress regarding the Member's sexual relationship with a female student;

13. the Member agrees and understands that the College shall publish his name with a summary of the complaint and its resolution as contained in this MOA. Such publication shall be made in the College's official publication, *Professionally Speaking*, on the College web site, and in such other manner as the Registrar and Chief Executive Officer deems appropriate.
14. the Member agrees and understands that upon ratification of this MOA, the College shall make available to the public a copy of the Investigation Committee's Decision, including this MOA;
15. the Member agrees and understands that upon ratification of this MOA, the College shall provide notice of the cancellation of the Member's certificate of qualification and registration to those organizations routinely notified by the College of such action, including but not limited to school boards, teacher federations or affiliates, and teacher licensing and governing bodies in Canada and elsewhere;
16. the Member agrees and understands that this MOA is the entire agreement between himself and the College and that there have been no oral or written representations made by the College as an inducement or threat to enter into this MOA;
17. the Member agrees and understands that should he breach this MOA by seeking or engaging in employment where a certificate of qualification and registration is required, the College may provide a copy of this MOA to any employer, licensing body, or education authority who inquires about the Member's record with the College;
18. the Member agrees and understands that, in the event he breaches a term of this MOA, the College may conduct an investigation or hearing into this matter as permitted under the *Ontario College of Teachers Act, 1996*;
19. the Member agrees and understands that, in the event he breaches a term of this MOA, he is estopped from alleging, by way of defense, that the College failed to investigate or dispose of the complaint in a timely manner with respect to the period between the resolution of the complaint and the date on which the College became aware of such a breach; and

20. the Member agrees and understands that, in the event he breaches a term of this MOA, the College may provide the Investigation, Executive, Discipline, or Fitness to Practise Committee with all the information necessary to fulfil its statutory mandate.

Dated at Toronto this 20<sup>th</sup> day of August 2007  
Topic/City Day of mo. Month

[Signature]  
Witness

[Signature]  
Scott James Keen

GARY HARRISON  
Name of Witness - Please Print

Dated at Toronto this 6<sup>th</sup> day of September 2007  
Day of mo. Month

n. carpenter  
Witness

[Signature]  
Brian P. McGowan  
Registrar and Chief Executive Officer

Nadine Carpenter  
Name of Witness - Please Print