

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

IN THE MATTER OF the *Ontario College of Teachers Act, 1996*, and the Regulation (Ontario Regulation 437/97) thereunder;

AND IN THE MATTER OF a discipline proceeding against Dwight Olivier Stewart-Ajamu, a member of the Ontario College of Teachers.

PANEL: Mel Greif, Chair
Nancy Hutcheson
Jacques Tremblay

BETWEEN:)	
	)	David Leonard,
	)	McCarthy Tétrault LLP,
	)	for Ontario College of Teachers,
ONTARIO COLLEGE OF TEACHERS	)	assisted by Trevor Evans,
	)	Senior Law Clerk
- and -)	
)	
DWIGHT OLIVIER STEWART-AJAMU	)	Dwight Olivier Stewart-Ajamu
(CERTIFICATE #478522)	)	was not present,
	)	nor was he represented by counsel
	}	
)	
	)	Johanna Braden,
	)	Stockwoods LLP,
	)	Independent Legal Counsel
)	
	)	Heard: November 19, 2008

REASONS FOR DECISION, DECISION AND ORDERS

This matter came on for hearing before a panel of the Discipline Committee (the “Committee”) on November 19, 2008 at the Ontario College of Teachers (“the College”) at Toronto.

A *Notice of Hearing*, dated July 30, 2008 (Exhibit 1) was served on Dwight Olivier Stewart-Ajamu (the “Member”), and he was provided with notice that the Discipline Committee of the Ontario College of Teachers would meet on September 17, 2008, to set a date for a hearing, and specifying the charges. The Member did not attend on September 17, 2008. The Discipline Committee set November 19, 2008 as the date for the hearing on the merits.

The College tendered an *Affidavit of Audley Trevor Evans* sworn November 14, 2008 (Exhibit 2) setting out the efforts by the College to ensure that the Member had full disclosure and had proper notice of the hearing. The Member was served with the Notice of Hearing and Disclosure Brief on August 20, 2008 at his address on the College’s Register.

Mr. Evans’ affidavit confirmed that the *Notice of Hearing*, Disclosure Brief and notice of the hearing had been served on the Member, at the last known address provided to the Ontario College of Teachers by the Member.

Pursuant to Bylaw 31.04 of the Ontario College of Teachers it is incumbent on Members to notify the Registrar of change of address information within 30 days of the change. The Member, not having provided a change of address, was therefore properly served pursuant to Rule 2.03(2) of the Rules of Procedure of the Discipline Committee of the Ontario College of Teachers which states that service is deemed to be effective when delivered to the last known address or facsimile number of the person.

The Committee was satisfied by the details outlined in Mr. Evans' Affidavit that the Member has had proper notice of the date, time and place of the hearing and proceeded in his absence.

THE ALLEGATIONS

The allegations against Dwight Olivier Stewart-Ajamu in the *Notice of Hearing*, (Exhibit 1) dated July 30, 2008 are as follows:

IT IS ALLEGED that Dwight Olivier Stewart-Ajamu is guilty of professional misconduct as defined in sections 30(2) and 40(1.1) of the *Ontario College of Teachers Act* (the "Act") in that:

- (a) he provided false information or documents to the College or another person with respect to his professional qualifications contrary to Ontario Regulation 437/97, subsection 1(1);
- (b) he inappropriately used a term, title or designation indicating a specialization in the profession which is not specified on the Member's Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(2);
- (c) he failed to maintain the standards of the profession, contrary to Ontario Regulation 437/97, subsection 1(5);
- (d) he abused a student or students physically, sexually, verbally, psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (e) he signed or issued in his professional capacity, a document that he knew or ought to have known contained a false, improper or misleading statement, contrary to Ontario Regulation 437/97, subsection 1(12);
- (f) 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 those Acts, contrary to Ontario Regulation 437/97, subsections 1(14) and (15);

- (g) he contravened a law, the contravention of which is relevant to the Member's suitability to hold a Certificate of Qualification and Registration, contrary to Ontario Regulation 437/97, subsection 1(16);
- (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); and
- (j) he engaged in sexual abuse of a student or students of a nature defined in sections 1 and 40(1.1) of the *Act*.

At the hearing of this matter, on November 19, 2008, College Counsel sought to withdraw the allegations contained in (a) and (b) above. The Committee agrees that these allegations can be withdrawn.

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Dwight Olivier Stewart-Ajamu, also known as Dwight Stewart ("the Member") is a member of the Ontario College of Teachers, having been issued a certificate of qualification on 11 June 2004.
2. The Member is the holder of an Ontario Driver's Licence, in the name of Dwight Stewart, issued on or about 12 July 1996, in which his date of birth is stated to be 30 October 1962.
3. On or about 12 May 2000, the Member pleaded guilty to a charge that Dwight Stewart between 1 July 1992 and 1 August 1999 at the City of Ottawa did, by deceit, falsehood or other fraudulent means, defraud Regional Municipality of Ottawa-Carleton of a sum of money of a value exceeding \$5,000.00, contrary to section 380(1)(a) of the *Criminal Code* (Canada) and was found guilty of that charge. The Member was given a conditional sentence of twelve months and placed on probation for three years. In addition, he was ordered to perform one hundred and twenty five hours of community service and to make restitution to the Regional Municipality of Ottawa-Carleton in the amount of \$34,995.59.

4. On or about 6 February 2003, the Member submitted an application to the Dufferin-Peel Catholic District School Board (“the Dufferin-Peel Board”) for employment as a teacher in which he answered “No” to the question, “Have you ever been convicted of any offence under the Criminal Code of Canada for which a pardon has not been granted?”

5. The Member submitted an Application to the Ontario College of Teachers, dated “Dec 6 03” in which he answered “No” to the question, “Have you ever been found guilty of a criminal offense?”

6. The Member gave a false date of birth in his application to the Ontario College of Teachers.

7. The Member, in an effort to obtain certification, submitted to the Ontario College of Teachers the following documents, which he knew or ought to have known were false or misleading:

- (a) a Criminal Record Check for Service with the Vulnerable Sector, from the Ottawa Police Service, dated 22 November 2003, and which confirmed that no criminal convictions nor outstanding charges had been found in the Canadian National Repository of Criminal Records as a result of a search based on the name and date of birth stated by the Member. The date of birth which was submitted by the Member to the Ottawa Police Service was apparently altered to show 31 October 1963, when he was in fact born on 30 October 1962, and the place of birth was stated as Ottawa, Ontario when, in fact, he was born in Kingston, Jamaica;
- (b) a copy of a page from a Canadian Passport No. [XXX] in the name of “Dwight Stewart” which was issued on 27 June 2002 and which showed the date of birth as “31 OCT 63”; and
- (c) a photocopy of a certified copy of a Birth Registration Form issued by the office of the Registrar General of Jamaica which had been altered to show

his date of birth as “Thirtieth October 1963”, instead of “Thirtieth October 1962”, the date which was originally recorded on the document.

8. In or about April 2004, the Member, in an effort to obtain certification, submitted to the Ontario College of Teachers the following documents, which he knew or ought to have known were false or misleading:

- (a) a Criminal Record Check for Service with the Vulnerable Sector, from the Ottawa Police Service, dated 8 April 2004, and which confirmed that no criminal convictions nor outstanding charges had been found in the Canadian National Repository of Criminal Records as a result of a search based on the name and date of birth stated by the Member. The date of birth which was submitted by the Member to the Ottawa Police Service was 30 October 1963, when he was in fact born on 30 October 1962, and the place of birth was stated as “Ottawa, Ontario” when, in fact, he was born in Kingston, Jamaica; and
- (b) a copy of a page from a Canadian Passport No. [XXX] in the name of “Dwight Stewart” which was issued on 27 June 2002, showing the date of birth as “30 OCT 63”.

9. On or about 11 May 2004, the Member submitted another application to the Dufferin-Peel Board as an Elementary and Secondary Teacher, in which he answered “No” to the question, “Have you ever been convicted of any offence under the Criminal Code of Canada for which a pardon has not been granted?”

10. In or around September 2004, the Member provided to the Dufferin-Peel Board a Police Record Check for Service with the Vulnerable Sector from the Ottawa Police Service dated 24 August 2004, which confirmed that no criminal convictions nor outstanding charges had been found in the Canadian National Repository of Criminal Records as a result of a search based on the name and date of birth stated by the Member. The date of birth which was submitted by the Member to the Ottawa Police Service was

31 October 1963, when he was in fact born on 30 October 1962, and the place of birth was stated as, Ottawa, Ontario, when in fact the Member was born in Kingston, Jamaica.

11. During the 2004-2005 and 2005-2006 academic years, the Member was employed by the Dufferin-Peel Board as a teacher at Saint Marguerite d'Youville Secondary School ("the School").

12. While the Member was employed by the Dufferin-Peel Board, the Member acted inappropriately and/or unprofessionally in that he during the 2004-2005 academic year:

- (a) provided false information and/or documents to Board staff and students regarding his professional qualifications, to wit, that he held a Doctorate and a Law Degree, when he did not hold such degrees;
- (b) used a term, title or designation, indicating a specialization in the profession which was not specified on the Member's Certificate of Qualification and Registration, to wit, a Doctorate and a Law Degree; and
- (c) prior to 1 May 2006, falsely claimed that he:
 - (i) was doing research for and with [XXX], a York University Professor; and
 - (ii) had presented shared research with [XXX] at many conferences.

13. While he was a teacher at the School, the Member:

- (a) was unequal in his treatment of students in his classroom;
- (b) showed movies at the School during Black History Month that were not approved by the Administration;
- (c) used profanity in class;
- (d) during the 2005-2006 academic year threatened to kick a male student;
and

- (e) on or about 18 May 2005, threatened and embarrassed students in his class by :
 - (i) threatening to hit them;
 - (ii) saying that if they did not pay attention he would remember that when he marked their tests;
 - (iii) told students that they did not have a voice in his class;
 - (iv) told students that no one had freedom of expression in his class; and
 - (v) told students that the classroom was his kingdom and that he could do whatever he pleased.

14. Prior to 1 May 2006, the Member assumed protection of a student at the School and claimed that he was the student's legal guardian.

15. As a Religion teacher with a Catholic Board, the Member was unable to recite the seven sacraments when asked by his principal to do so.

16. During the 2004-2005 academic year, while he was employed by the Dufferin-Peel Board, he:

- (a) picked up a 17 year old female student of the School (the "Student") from her home and drove her to his home;
- (b) engaged in sexual activity with the Student, which included but was not limited to his:
 - (i) requesting that the Student sit on his lap;
 - (ii) kissing the Student's neck and lips;
 - (iii) telling the Student, when she asked him to stop kissing her, that he would kill himself if he could not have her, that he cared about her and that he wanted to make her his girlfriend; and
 - (iv) engaging in sexual touching and/or sexual intercourse with the Student;

- (c) attempted to isolate the Student from her friends; and
- (d) asked the Student personal questions about her boyfriends and her sexuality.

17. In or about June 2007, the Member submitted to the Ottawa Catholic School Board, a Criminal Record Check, in the French language, from the Ottawa Police Service, dated 1 June 2007, which confirmed that no criminal convictions nor outstanding charges had been found in the Canadian National Repository of Criminal Records as a result of a search based on the name and date of birth stated by the Member. The date of birth which was submitted by the Member to the Ottawa Police Service was 31 October 1963, when he was in fact born on 30 October 1962, and the place of birth was stated as “Toronto”, when in fact the Member was born in Kingston, Jamaica.

18. On or about 4 June 2007, the Member pleaded guilty to a charge that Dwight Stewart on or about 7 November 2006 at the City of Ottawa did knowingly use, deal with, or act on a forged document, namely an Ottawa Police Service Record Check for Service with the Vulnerable Sector in the name of Dwight Stewart-Ajamu with a date of birth: October 31st, 1963 as if it were genuine, contrary to section 368(1)(a) of the *Criminal Code* (Canada) and was found guilty of that charge. The Member was then given a suspended sentence with six months probation and ordered to do forty hours of community service.

MEMBER’S PLEA

As the Member was not present, nor represented by Counsel, the Committee proceeded on the basis that the Member denied the allegations set out in the *Notice of Hearing*. The Chair, on behalf of the Member, entered a plea of not guilty to the allegations.

THE EVIDENCE

Counsel for the College entered into evidence the *Registered Member Information* (Exhibit 3) of the Member, confirming his membership in the College.

The College called four witnesses, Detective Constable [XXX] (“D.C. [XXX]”), of the Toronto Police Service, the alleged victim of the member’s conduct (whom we have called “A” in these reasons), Peter Jordan (“Jordan”), Acting Manager of Investigations of the Ontario College of Teachers and Detective [XXX] of the Ottawa Police Service) (“Detective [XXX]”).

Evidence of D.C. [XXX] and “A”

Detective Constable [XXX] is a 9-year veteran with the Toronto Police Service. She has spent the last two years as a detective with the Youth Family Violence Unit, 42 Division that deals primarily with youth crime, domestic violence and sexual assaults. D.C. [XXX] testified that on March 7, 2008 she received a phone call from Peel Regional Police alleging that there had been a sexual assault of a student (“A”). D.C. [XXX] was assigned to investigate as the assault had taken place in the city of Toronto. D.C. [XXX] provided the Committee with a video interview of “A” that she had conducted on April 8, 2008 (Exhibit 4).

In the taped interview and in direct testimony, “A” described the following: The Member was a teacher at a school and was staff advisor to the [XXX] in 2004. The Club ran from September to the end of the year, met weekly on Fridays, sometimes two to three times a week, after school, sometimes until 8:00 or 9:00 p.m. “A” was an active member of the Club in 2004 in her grade [XXX] year. The Member often drove “A” and sometimes other students home, making sure to drop her off last even if other students lived farther away. The Member brought “A” to his home a number of times. On one occasion, she met his mother and the Member introduced “A” to her as a York University student.

The Member also lied about his age, and promised students scholarships, trips to Vancouver for a conference, and a trip to Switzerland with “A”. He lied about being a lawyer and being friends with a professor at York University. He admitted to faking a marriage certificate and stated he changed his last name from “Stewart” to “Ajamu” to go back to his roots.

On several occasions, the Member took “A” down to his room in the basement. In November 2004 the Member made her sit on his lap, kissed her neck and asked her if she was uncomfortable. She replied “yes”. He apologized, said he would kill himself if she wanted him to. He stopped that time but they stayed two to three hours in his room watching TV. He then drove her home.

“A” didn’t know what to do to get out of the situation because he was her teacher. She wanted to tell somebody but didn’t have the courage and was embarrassed. She said nothing because she believed people would judge her.

The Member kissed “A” behind the school, and regularly made comments of a sexual nature about her and the other girls in the Club. He asked students inappropriate questions about their sexual experiences and about boyfriends.

On one occasion, possibly in February 2005, the Member told “A” he would take her to a conference at York University with two other students. However, the two other students didn’t come. Once in the car, the Member said the conference was over. He took her to his house. “A” was scared, had “legs like jello” and “was numb”. The Member then coerced her to have sexual intercourse in his room in the basement. Afterwards he took her home.

In April 2005, the Member took “A” to his house where they had sexual intercourse. On another occasion the Member took “A” to a school parking lot in Toronto where he asked her to touch his penis and she did.

“A” trusted the Member because he took an interest in her; for example, he gave her a book. Because he was a teacher, she had no reason to think his behaviour was wrong and it took her the whole year to realize that he was a liar. She was hurt. She felt stupid and embarrassed. She stated that he violated her trust completely.

Evidence of Peter Jordan

Peter Jordan, Acting Manager, Investigations, Ontario College of Teachers submitted documentation regarding his membership application with the College. The documents showed the Member to have various birthdates, including October 30, 1963 and October 31, 1963. They also showed the Member to have been born in various locations, including Ottawa, Toronto and Jamaica. The Member declared he had not been convicted of a criminal offence.

Evidence of Detective [XXX]

Detective [XXX] is a 12-year veteran with the Ottawa Police Service, with two years in the fraud section. Detective [XXX] was assigned the Member’s file after a complaint from a group home on December 12, 2006. In his application for employment to the group home, the Member provided false documentation, stating his year of birth as 1972 but with a Police Records Check for Work with the Vulnerable Sector stating his date of birth as October 31, 1963. Detective [XXX] investigated this discrepancy and discovered a fraud conviction on May 12, 2000 relating to incidents from 1992 to 1999.

Detective [XXX] also discovered that the Police Records Check dated September 24, 2006 was signed by a woman who had retired in 2005. A check of the Ottawa Police Service system in January 2006 showed that no police records check had been performed for Stewart-Ajamu in the previous four years and that therefore Stewart-Ajamu had “uttered a forged document”. In January 2006, the Member turned himself in. He was found guilty on June 4, 2007 of knowingly using, dealing with or acting on a forged document.

DECISION

(i) Onus and Standard of Proof

The College bears the onus of proving the allegations in accordance with the standard of proof set out in *Re Bernstein and College of Physicians and Surgeons of Ontario* (1977) 15 O.R. (2d) 477. The standard of proof applied by the Committee, in accordance with the *Bernstein* decision, was a balance of probabilities with the qualification that the proof must be “clear and convincing” and based upon “cogent evidence” accepted by the Committee. The Committee also recognized that the more serious the allegation to be proved, the more cogent must be the evidence. The Committee considered the allegations in this case to be very serious and assessed the evidence on that basis.

(ii) Decision

Having considered the evidence, onus and standard of proof, and the submissions made by Counsel for the College, the Committee finds that the facts support a finding of professional misconduct. In particular, the Committee finds that Dwight Olivier Stewart-

Ajamu committed acts of professional misconduct, being more particularly breaches of Ontario Regulation 437/97, subsections 1(5), 1(7), 1(12), 1(14), 1(15), 1(16), 1(18), 1(19) and that he engaged in sexual abuse of a student or students of a nature defined in section 1 and 40(1.1) of the Act.

REASONS FOR DECISION

The Committee accepts the evidence given by “A” against the Member regarding his sexual abuse of “A”. The Committee finds that the Member engaged in grooming behaviour designed to get close to “A”, coerce her into having sexual intercourse with him and shame her into not disclosing the incidents for several years. This behaviour on the part of the Member constitutes professional misconduct contrary to Ontario Regulation 437/97, subsections 1(5), 1(7), 1(18), 1(19) and that he engaged in sexual abuse of a student or students of a nature defined in section 1 and 40(1.1) of the Act.

The Committee accepts the evidence of Peter Jordan and Detective [XXX] regarding the Member’s deceitful declarations that he had not been convicted of a criminal offence when in fact he has a conviction for fraud of May 12, 2002. Mr. Jordan and Detective [XXX] further testified that the Member had falsified documents on numerous occasions. These documents include forged police records checks, falsified application for employment and on-line Offence Declaration, and falsified application for membership in the Ontario College of Teachers. (Exhibits 7 and 8) The Member has a conviction of June 4, 2007 for falsifying police records checks. (Exhibit 9, Tab E) These acts on the part of the Member constitutes professional misconduct contrary to Ontario Regulation 437/97, subsections 1(5), 1(12), 1(14), 1(15), 1(16), 1(18) and 1(19).

PENALTY DECISION

The Committee makes the following order as to penalty:

1. The Registrar of the Ontario College of Teachers is directed to revoke the Certificate of Qualification and Registration of the Member; and
2. Pursuant to Section 30 (5) (3) of the *Ontario College of Teachers Act*, the findings and order of the Committee shall be published in summary, with the name of the Member in the official publication of the College, *Professionally Speaking/Pour parler profession*.

REASONS FOR PENALTY DECISION

The Member has brought the profession into disrepute. The Member's conduct was fraudulent and abusive. The Member has two criminal convictions, one for fraud and one for forgery. The Member forged documents to gain employment, to hide his criminal record and to gain access to membership in the College. The Member then used his professional membership to take advantage of and sexually abuse a student. This egregious misconduct requires that he receive the maximum penalty, revocation of his certificate of qualification and registration.

Publication of the findings and order of the Committee, in summary, along with the name of the Member, identifies to the profession the nature of the Member's misconduct and the consequences for such behaviour. Publication, in this case, acts as a general deterrent and informs the profession that such behaviour will not be tolerated and will result in the harshest penalty, revocation.

Publication serves the public interest by reassuring and informing the community that the profession acts decisively when matters of this nature are brought to its attention.

In conclusion, the Committee is confident that the penalty serves the interests of the public and the profession.

Dated: January 15, 2009

Mel Greif
Chair, Discipline Panel

Nancy Hutcheson
Member, Discipline Panel

Jacques Tremblay
Member, Discipline Panel