DISCIPLINE COMMITTEE OF THE
ONTARIO COLLEGE OF TEACHERS

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

JOHN ANTHONY CLARK NABBEN, OCT

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 John Anthony Clark Nabben,
Certificate No. 482220, be referred to the Discipline Committee of the Ontario College
of Teachers.

IT IS ALLEGED that John Anthony Clark Nabben 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 released or disclosed information about a student to a person other
than the student or, if the student is a minor, the student’s parent or
guardian, contrary to Ontario Regulation 437/97, subsection 1(6);

(c) he abused a student or students physically, sexually, verbally,
psychologically or emotionally, contrary to Ontario Regulation 437/97,
subsection 1(7) and/or engaged in sexual abuse of a student or students as
defined in section 1 of the Act;
(d) he abused a student or students verbally, contrary to Ontario Regulation 437/97, subsection 1(7);

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

(f) he failed to supervise adequately a person or persons under his professional supervision, contrary to Ontario Regulation 437/97, subsection 1(11);

(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. John Anthony Clark Nabben (the “Member”) is a member of the Ontario College of Teachers.

2. At all material times, the Member was employed by the Greater Essex County District School Board (the “Board”) and taught dramatic arts at [XXX] (the “School”) in Windsor, Ontario.

3. At all material times, Students 1, 2, 3, 4, 5 and 6 were students at the School.

4. The Member made inappropriate comments to Student 1, a Grade [XXX] male student, including but not limited to:

   (a) telling Student 1 his last two performances had been awful, such that he assumed Student 1 must be sick;
(b) telling Student 1 that his [XXX] was “poisoning” Student 1 against him;
(c) describing Student 1’s [XXX] as “fucking mother fuckers”;
(d) asking Student 1 if the people at his [XXX] had been saying things about the Member, and referring to them as “back-stabbers”.

5. The Member engaged in inappropriate conduct and/or made inappropriate comments in relation to Student 2, a Grade [XXX] female student, including but not limited to:
   (a) telling her she was not being “sexual enough” and/or to make her performance “more orgasmic” during her monologue from [XXX];
   (b) laughing at her and/or asking her “what [she] was doing”, when she performed the monologue following the Member's directions.

6. In or around spring 2008, the Member told Student 3, a female student, that she was not allowed to date her boyfriend, that she could not be in any of his shows if he was her boyfriend and/or that her relationship with her boyfriend would “ruin her acting ability”.

7. The Member engaged in inappropriate conduct and/or made inappropriate comments in relation to Student 4, a female student, including but not limited to:
   (a) during a rehearsal in 2013-2014, made a sexually suggestive joke when he told Student 4 to “get on her knees”;
   (b) casting her for a role in [XXX] without telling her that her character would be in a rape scene, or that she would have to kiss another student;
(c) during rehearsals for [XXX], telling her she was “sexy” and/or to “act sexy”, and/or suggested that she and another student invite female cast members to a sleepover to teach them “how to be sexy”;

(d) using the words, “I love you” in a text message to her;

(e) playing with her hair and/or touching her leg during rehearsals;

(f) asking students if they knew whether she was dating anyone;

(g) telling her she needs to show that she is “grateful for him” and/or that she has an issue with “self-entitlement”;

(h) telling her he was “done with her” and slamming the door to the drama room in her face;

(i) saying he would contact the [XXX] if she did not return to the drama program.

8. In or around November and December 2015, the Member discussed other students with Student 4, including but not limited to:

(a) telling her that her cast mates were “bad actors”;

(b) discussing a student’s personal life with her, including stating that the student is “spoiled” and her mother is “too involved”;

(c) telling her that he thought a particular student is going to have a [XXX] if she performs.

9. The Member engaged in inappropriate conduct and/or made inappropriate comments in relation to Student 5, a female student, including but not limited to:
(a) saying words to the effect of, if she “jumped out the window, no one would notice as [she] was such an introvert”;

(b) telling her not to listen to one of his colleagues at the School, stating the colleague “does not spend half the amount of time I do on you”;

(c) telling her he loved her, while hugging her, during or after a performance;

(d) tapping her leg or thigh during rehearsal.

10. The Member engaged in inappropriate conduct and/or made inappropriate comments in relation to Student 6, a female student, including but not limited to:

(a) telling her in or around March 2012 when she was in Grade [XXX], that she was the reason her group’s scene project was “shit”;

(b) saying to her words to the effect of, “you don’t know what the hell you are doing, do you?”

(c) telling her to “stop being a piece of shit” and/or calling her a “piece of shit actress”;

(d) pulling her into a room and yelling at her behind closed doors while she was having a [XXX], during a rehearsal;

(e) after she informed the Member she had a [XXX] during the previous night’s rehearsal, telling her words to the effect of, “you can’t do that, it’s unacceptable”.

11. Between 2006 and 2016, the Member used inappropriate language and/or made inappropriate comments in his classes, including but not limited to:
(a) describing a stage-fighting director as “handsome” and remarking that female students should “get on top of that”, in the spring of 2008;

(b) using profanity, including “shit”, “that was shit”, “you’re a piece of shit”, “shit-sandwich”, “you dance like shit”, “bitch”, “fuck”, “are you fucking kidding me”, and/or “fucking retard”;

(c) yelling at students who made a mistake on stage during a grade [XXX] performance of [XXX] in 2013, referring to the performance as “a piece of shit” and/or telling this group of students they would never make it in the acting industry;

(d) making racist jokes or using stereotypical accents in class, including during rehearsal for [XXX] in 2015;

(e) telling students in the 2014-2015 school year, “I just don’t like Asians”;

(f) referring to a school janitor as a “bitch” in a text message to Student 4;

(g) referring to former students in a negative manner by telling students, “you don’t want to be a (name of former student)”, “you don’t want to be pretentious like (name of former student)”, and/or “(former student)’s a liar”;

(h) during 2014-2015, referring in class to a colleague as a “bad teacher” and suggesting he keeps her around “because she is naïve” and/or “will do whatever he says”.

12. Between 2006 and 2016, the Member:
(a) provided students with his personal phone number, encouraging students to contact him by text or email, and/or calling or sending students text messages including in the evening hours;

(b) hugged students;

(c) permitted students in his classes to refer to him with nick names, including but not limited to “papa bird”, “sweet baby boo”, “nabby pooh” or “my nabben”;

(d) asked students about their personal lives and/or relationships;

(e) kept Grade [XXX] students into the morning hours for rehearsals in April 2015;

(f) removed students from class without appropriate permission and/or sent students on errands for the drama program without parental or administration’s consent;

(g) permitted students to use his personal vehicle during class time;

(h) permitted students to leave school grounds, including to go to [XXX] or for a walk, instead of attending class or after completing their work, and on at least one occasion telling them that if they are caught, he would deny having permitted them to leave;

(i) failed to adequately supervise students who were using power tools and/or working in elevated positions during the construction of sets for plays;

(j) permitted students to carry heavy items to an outdoor storage shed, without adequate precaution;
(k) shut students into an outdoor shed at the School.

13. In or around August 2014, while on a school trip to [XXX] and [XXX], the Member engaged in inappropriate conduct, including but not limited to:

   (a) not supervising or ensuring all students were supervised, during their time out in [XXX] and [XXX];
   
   (b) not being available or reachable when Students 4 or 5 tried to contact the Member for assistance;
   
   (c) talking to a group of Grade [XXX] female students in their room, including conversation about their personal lives, behind closed doors without another adult present from approximately midnight to 3:00 a.m.

14. The Member attempted to manipulate and/or assert emotional control over students in his care between 2006 and 2016, including but not limited to:

   (a) ostracizing students and/or turning students against the students who disappointed him;
   
   (b) singling out students in front of other students, criticizing students when they missed their cues, or demeaning students by pointing out their weak points;
   
   (c) in or around December 2015, telling his Grade [XXX] students they need to have “more than a professional, student-teacher relationship”;
   
   (d) telling students inappropriate or false information about himself, such as having cancer, getting his leg amputated, or leaving the school, to elicit emotions prior to performances and/or to evoke sympathy;
(e) telling students they are not allowed to date other drama students;

(f) telling students not to share information with their parents, and/or threatening to remove or removing students from productions when their parents interfered.

15. The Board terminated the Member's employment, effective June 7, 2017.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 of the Ontario College of Teachers Act, 1996, to decide whether the allegations are true and whether John Anthony Clark Nabben is guilty of professional misconduct. A copy of the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee will be provided upon request.

THE DISCIPLINE COMMITTEE WILL MEET on Monday, September 25, 2017 at 9:00 a.m. to set a date for the hearing of this matter. The Committee will meet on the 12th floor of the offices of the Ontario College of Teachers at 101 Bloor Street West, Toronto, Ontario.

YOU ARE ENTITLED TO BE PRESENT ON THE ABOVE MENTIONED DATE AND AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL.

If you wish, you or your legal counsel may contact College Counsel to discuss the scheduling of a hearing date and to determine whether a date for the hearing can be agreed upon. If a date for the hearing can be agreed to, in accordance with Rule 4.02(2) of the Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee, the hearing will proceed on the agreed date.
IF A DATE FOR THE HEARING OF THIS MATTER IS NOT AGREED UPON AND YOU DO NOT ATTEND ON SEPTEMBER 25, 2017 TO SET A DATE FOR THE HEARING OF THIS MATTER, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET A DATE FOR THE HEARING. NOTICE OF THE HEARING DATE WILL BE PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

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

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 Caroline Zayid of McCarthy Tétrault LLP, solicitor for the College in this
matter, at Suite 5300, Toronto Dominion Bank Tower, Toronto, ON M5K 1E6, telephone 416 601-7768.

Date: 24 August, 2017

Michael Salvatori, OCT
Chief Executive Officer and Registrar
Ontario College of Teachers
12th Floor, 101 Bloor Street West
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TO: John Anthony Clark Nabben
[XXX]
[XXX]

AND KNC Law
TO: 2255B Queen Street East, Suite 548
Toronto, Ontario
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Kirsty Niglas-Collins, Solicitor for the Member
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