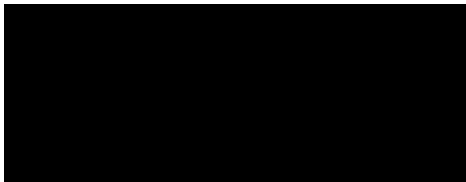


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September 29, 2020

**VIA ELECTRONIC MAIL**



Re: **Interim Report and Recommendations**



Khan & Khan Tutorial, Inc. (“Khan’s Tutorial” or the “Company”) requested that Buchanan Ingersoll & Rooney, PC (“BIR”) conduct an investigation into allegations of sexual misconduct against Ivan Khan, MD, MPH (“Dr. Khan”), as posted in an anonymous article published on www.medium.com on June 27, 2020 (the “Article”), certain of which allegations mirrored, in sum and substance, allegations also contained in Instagram posts from the account “tellingmy\_truth” of June 26, 2020 (the “Instagram Posts”)<sup>1</sup>. In order to ensure that the investigation would proceed freely without interference or pressure, Dr. Khan voluntarily stepped down from the position as CEO and Tasneem Khan assumed the role of interim CEO. You asked us to present our findings in a report. We hereby submit our Interim Report and Recommendation.

The Company gave BIR full access to its employees and materials in order to conduct a thorough investigation. As part of the investigation, BIR interviewed several present and former employees of Khan’s Tutorial, ranging from upper management, site directors, mid-level management employees and site instructors. We were unable to interview the poster of the Article or the Instagram Posts as the posts were anonymously posted. Through the interviews, we were not able to identify the poster.

First, on June 29, 2020, we sent a cease and desist letter to www.medium.com demanding that the Article be removed and a retraction issued. The Article remains on the website as of this writing. Second, on July 10, 2020, we filed an action for discovery against medium.com seeking to identify the poster of the Article (the “Medium Discovery Action”). On July 22, 2020, we filed a similar action against Facebook, Inc. d/b/a Instagram seeking comparable relief (the “Instagram

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<sup>1</sup> A copy of the Article and Instagram Posts are attached collectively hereto as **Exhibit A**.

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Discovery Action”). The Instagram Discovery Action was denied on jurisdictional and other technical grounds. The Medium Discovery Action was also denied on technical grounds without prejudice. On September 21, 2020, Khan’s Tutorial and Dr. Khan filed a lawsuit against unknown “John Doe” defendants asserting causes of action for, among other things, defamation and tortious interference relating to the claims made in the Article and the Instagram Posts.

In preparing this report, BIR reviewed, among other things, the following materials:

- Khan’s Tutorial’s “Anti-Sexual Harassment Training Course”;
- The article titled *Khan’s Tutorial CEO Ivan Khan Faces Sexual Assault Allegations Along with Several Others* hosted on [www.medium.com](http://www.medium.com);
- Instagram posts from “tellingmy\_truth” of June 26, 2020;
- Various social media postings as provided by Khan’s Tutorial;
- Khan’s Tutorial’s Code of Conduct;
- Khan’s Tutorial’s Employment Agreements;
- Employee records as provided by Khan’s Tutorial; and
- Notes of Interviews of twenty-six (26) former and current employees of Khan’s Tutorial.

### **SUMMARY OF ALLEGATIONS IN THE ARTICLE**

The Article, posted by an anonymous poster on [www.medium.com](http://www.medium.com) under the pseudonym “Just Another Chowdhury” (hereinafter, the “Author”) contains various allegations involving Dr. Khan and Khan’s Tutorial including statements accusing Dr. Khan of sexual misconduct and accusing Khan’s Tutorial and Dr. Khan of other complaints.<sup>2</sup>

With respect to the claimed sexual wrongdoing involving Dr. Khan, the Article alleges that Dr. Khan coerced a tutor into getting into his car with him whereupon Dr. Khan immediately began to discuss the tutor’s dress. Thereafter, the Article claims Dr. Khan placed his hands on the tutor’s thighs and began to rub them. Dr. Khan allegedly then proceeded to touch the tutor’s breast and kiss and lick the tutor’s neck. As claimed by the Article, Dr. Khan stated to the tutor “I need you to take care of me.”<sup>3</sup>

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<sup>2</sup> BIR was not engaged to investigate the allegations concerning the other conduct referenced in the posts. BIR’s investigation focused entirely on determining the veracity of the allegations surrounding Dr. Khan’s alleged sexual wrongdoing at Khan’s Tutorial.

<sup>3</sup> Hereinafter, the “Allegations.”

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## **SUMMARY OF INTERVIEWS**

As the post was anonymous, we were not able to interview the poster or the alleged complainant. We conducted several rounds of interviews and interviewed Dr. Khan on several occasions. Dr. Khan vehemently denied that he engaged in the conduct described. He expressed that he is very protective of the legacy of his late father, who founded the company, and would not behave in any manner that would jeopardize that legacy or bring reproach on the Company or his family name. In addition, he prides himself on being a consummate professional in his dealings with the staff and is always respectful of women in the workplace. Indeed, he claimed that he would not even directly address dress code infractions with female instructors. Instead, he would direct a female manager to do so. This claim was corroborated by several employees.

Over the course of several weeks, attorneys from BIR conducted twenty six (26) interviews of various employees and former employees of Khan's Tutorial. The interviews ran the spectrum from current and former upper management employees, mid-level managers and site directors, and instructors. Several interviewees were also interviewed multiple times.

The interviews revealed important information about Dr. Khan and his management style that inform on the Allegations. The most frequently used word the interviewees used to describe the Allegations is "shocking." Indeed, none of the interviewees ever witnessed or heard through second hand sources that Dr. Khan ever engaged in any conduct similar to that as alleged in the Article. All individuals interviewed believe that the conduct complained of in the Article appeared to be completely out of character for Dr. Khan who has consistently, and by employees at all levels within the company, been described as an utmost "professional" in the work place almost to a fault. Although some of the interviewees describe Dr. Khan's conduct in the workplace as "demanding" or "overbearing," such conduct was explained as "typical" of a boss and Dr. Khan was never described to have crossed the line to "unprofessional," "inappropriate" or "sexual" behavior. No one ever described Dr. Khan as being sexually inappropriate or as having made any sexual reference or innuendo.

Additionally, some of the interviewees discredit the Allegations because some of the circumstances described in the Article are not reconcilable with their past interactions with Dr. Khan or the dominant culture of Khan's Tutorial. First, it is highly unlikely that Dr. Khan would invite an instructor to his car and drive away from the site with her, knowing she is assigned to teach a class. While Dr. Khan may allow employees in his car, the employees are usually at the management level. On a few occasions, Dr. Khan has allowed an instructor to park his car for him or has taken an instructor to another site to obtain supplies.

Second, the alleged complainant's dress, as described in the post and other posts, would not be acceptable at Khan's Tutorial or to Dr. Khan, who requires and enforces a strict dress code for employees on account of the company's ties to the socially modest Bengali community.

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Immediately, some of the interviewees challenged the veracity of the Article based upon this fact alone.

Third, Dr. Khan would not directly address the propriety of a female instructor's dress. Instead, he would refer the matter to a female manager to address the dress code issue. The interviewees were unanimous on this point. It was part of their training and many interviewees had themselves observed Dr. Khan requesting that a female manager address dress code violations directly with their female instructors.

Fourth, some interviewees took serious issue with the language and phraseology attributed to Dr. Khan in the posts. Based on their years of close interaction with him they do not believe he would use the language ascribed to him in the posts. Indeed, none of the interviewees could cite a single time they heard Dr. Khan use sexually explicit language, make any sexual jokes, references or innuendos.

Finally, while two interviewees credited the allegations in the posts, they did so because on an ideological basis they wish to believe alleged complainants and do not wish to contradict a complainant of a sexual assault for fear that they would be "victim bashing" and specifically indicated that they had no first-hand knowledge to support their belief and neither of them ever saw or heard Dr. Khan behaving in the manner described by the anonymous posts. Indeed the two interviewees stated that they have a policy of "believing all victims", regardless of who was accused, or they claimed, alternatively, that they believed the post because it could not be discredited based on the fact that it was submitted anonymously.

## **FINDINGS AND RECOMMENDATIONS**

BIR concludes that the Allegations in the anonymous Article against Dr. Khan are not credible. Throughout the investigation, BIR did not uncover any evidence that Dr. Khan ever behaved in the manner described in the Article or even any rumor from anyone that he ever behaved inappropriately in a sexually way. The Allegations, posted by an unknown account, do not ring true when juxtaposed against the conduct previously displayed by Dr. Khan over the past decade. Moreover, the Allegations are uncorroborated, undated and unsupported by any material or significant information which would lend to their reliability. The one-sided anonymous account of Dr. Khan's alleged conduct is incapable of being challenged, examined or addressed and it is contradicted by the pattern of conduct of Dr. Khan revealed during the extensive interview process.

Indeed, many of the interviewees believed that the Allegations may have been fabricated as retribution from an unhappy employee (or former employee) or manufactured by a competitor of Khan's Tutorial for business reasons. Additionally, BIR does not consider that certain of the Allegations were reposted or parroted on social media to be an indicator of their reliability.

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In sum, BIR does not believe the Allegations are true and gives them no weight and believes this investigation fully and unequivocally exonerates Dr. Khan of any claimed wrongdoing as described in the Article. In the event that the poster and/or the accuser reveals him/herself, the credibility of the allegations may need to be reconsidered. Despite these findings, the Company has instructed BIR to file a John/Jane Doe lawsuit to identify and expose the individual/s that posted the contents of the Article. As referenced above, such lawsuit was filed on September 21, 2020. The Company believes that, if it is able to subpoena Medium and Instagram, and procure the IP addresses of the person/s that posted the anonymous claims that the Company will be able to determine the identity of the alleged claimant and the motivation for the false posts.

Below are BIR's recommendations:

- Dr. Khan may be reinstated into his role as CEO of Khan's Tutorial;
- Khan's Tutorial may work with a PR firm to create a press release the disseminate the findings of this report in order to repair the goodwill lost from the Article and its accusations;
- If Khan's Tutorial continues to teach in-person it should hire a full-time Human Resources professional or engage a firm that provides similar services to small businesses, like Khan's Tutorial;
- Khan's Tutorial should update and personalize its Anti-Sexual Harassment Training Course to better address the company's corporate culture and other idiosyncrasies; and
- Khan's Tutorial should have supervisory training sessions concerning how to address the discrimination/sexual harassment complaints in the future.

These measures will assist Khan's Tutorial in meeting its mission of promoting a healthy, diverse and safe environment for all its employees and students. If you have any questions or need further guidance on enacting any of the above-listed procedures, please feel free to contact me.

Very truly yours,

/s/ Stuart P. Slotnick

Stuart P. Slotnick