

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

TYLER KENNETH SHAW

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 Tyler Kenneth Shaw, Certificate No. 508272, be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Tyler Kenneth Shaw 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 abused a student or students, verbally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (c) he abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);

- (d) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);
- (e) he abused a student or students sexually, contrary to Ontario Regulation 437/97, subsection 1(7.3) and/or engaged in sexual abuse of a student or students as defined in section 1 of the *Act*;
- (f) 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);
- (g) he contravened a law, the contravention of which has caused or may cause a student who is under the member's professional supervision to be put at or to remain at risk, contrary to Ontario Regulation 437/97, subsection 1(17);
- (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. Tyler Kenneth Shaw (the "Member") is a member of the Ontario College of Teachers. His membership status has been "Inactive/Non-Practising" since May 28, 2021.
2. At all material times, the Member was employed by the Lambton Kent District School Board (the "Board") as a teacher at [XXX] Secondary School (the "School") in [XXX], Ontario.
3. At all material times, Student 1 was a [XXX]-year-old female student at the School.
4. In the first semester of the [XXX] academic year, Student 1 was a registered student in one of the Member's classes. In the second semester, while not officially registered in any of the Member's classes, Student 1 frequented the Member's

classroom while he taught and attended his classes virtually, from time to time, after the COVID-19 pandemic shutdown.

5. Between in or around April 2020 and in or around July 2020, the Member engaged in an inappropriate personal and sexual relationship with Student 1, which included:
 - (a) engaging in electronic communications of a personal nature with Student 1, using the Member's Board and personal email addresses, and on social media via Snapchat and Instagram;
 - (b) deleting his email exchanges with Student 1 on Board email, before switching to other forms of communication, and convincing Student 1 to do the same;
 - (c) regularly spending time alone with Student 1 during and/or after school hours, including allowing her to visit his classroom while he taught;
 - (d) on more than one occasion meeting with Student 1 off school property, including in the Member's car, at the Member's home and at Student 1's home; and
 - (e) engaging in physical and sexual contact with Student 1, including handholding, cuddling and kissing.

6. In the summer of [XXX], after Student 1 had graduated from high school (but while she was still [XXX] years old), the Member met up with Student 1 on two other occasions. On each of these occasions, the Member engaged in physical and sexual contact with Student 1, including oral and vaginal sex.

Criminal Proceedings/Conviction

7. On or about September 14, 2020, the Member was arrested and charged with:
 - a) Between the 1st day of April in the year 2020 and the 31st of July 2020 at the village of Courtright and elsewhere in the Province of Ontario in the said Region, did commit a sexual assault on Student 1, contrary to Section 271 of the *Criminal Code* (Canada); and
 - b) Between the 1st day of April in the year 2020 and the 31st of July 2020 at the village of Courtright and elsewhere in the Province of Ontario in the said Region, being in a position of trust or authority towards Student 1 did for sexual purpose touch directly the body of Student 1, a young person, with a part of his body to wit, his hands, contrary to Section 153 of the *Criminal Code* (Canada).
8. On November 5, 2021, the Member was found guilty of one count of sexual assault and one count of sexual exploitation involving Student 1. The sexual assault charge was stayed by operation of the *Kienapple* principle.¹
9. On February 23, 2022, the Member was sentenced to four months in custody, followed by 12 months' probation, in relation to the conviction for sexual exploitation. He was also made subject to a number of ancillary orders.
10. The Member appealed his conviction. On September 25, 2023, the Member's appeal was dismissed.

¹ *R v. Kienapple*, [1974 CanLII 14 \(SCC\)](#), [1975] 1 S.C.R. 729, articulates the principle that even though a person can be found guilty of more than one offence, they cannot be convicted of more than one offence resulting from the same act.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 30.2, 32 and 32.1 of the *Act* to decide whether the allegations are true and whether Tyler Kenneth Shaw is guilty of professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee and of the Fitness to Practise Committee* (the “*Rules of Procedure*”) will be provided upon request and is also available on the College’s website.

THE DISCIPLINE COMMITTEE WILL HEAR THIS MATTER on a date to be determined after consultation between College Counsel and you or your counsel and fixed by the Tribunals Office.

YOU ARE ENTITLED TO BE PRESENT AT THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. The hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *Statutory Powers Procedure Act*, R.S.O. 1990, c.S.22 (the “*SPPA*”).

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

IF YOU BELIEVE THAT AN ELECTRONIC HEARING OR ELECTRONIC SET DATE HEARING IS LIKELY TO CAUSE YOU SIGNIFICANT PREJUDICE, you must notify the Tribunals’ Office at 101 Bloor Street West, Toronto, Ontario, M5S 0A1. The Discipline Committee will then determine whether the hearing will proceed in person, electronically, in writing, or by a combination of these formats.

IF A DATE FOR THE HEARING AND/OR THE FORMAT OF THE HEARING ARE NOT AGREED UPON, THE DISCIPLINE COMMITTEE WILL CONVENE TO DEAL WITH THE PROCEDURAL MATTER OF SETTING A DATE AND/OR ESTABLISHING THE FORMAT FOR THE HEARING. The procedural hearing will be held electronically using audio or video conferencing equipment, pursuant to the *Rules of Procedure* and the *SPPA*.

YOU ARE ENTITLED TO BE PRESENT WHEN THE COMMITTEE CONVENES TO SET A DATE AND/OR FORMAT FOR THE HEARING AND TO BE REPRESENTED BY LEGAL COUNSEL. IF YOU DO NOT ATTEND BEFORE THE COMMITTEE TO SET A DATE AND/OR FORMAT FOR THE HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED IN YOUR ABSENCE TO SET THE DATE AND/OR FORMAT. NOTICE OF THE HEARING DATE AND/OR FORMAT SET BY THE COMMITTEE WILL BE PROVIDED TO YOU IN WRITING AT YOUR LAST KNOWN EMAIL ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.

IF THE DISCIPLINE COMMITTEE FINDS YOU GUILTY of professional misconduct, you are liable to the penalties set out in sections 30 and 30.2 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 Zirka Jakibchuk of the

Ontario College of Teachers, at 101 Bloor Street West, Toronto, ON M5S 0A1, telephone
437-880-3238.

Date: February 6, 2024

Registrar's Signature

Linda Lacroix, OCT
Registrar and Chief Executive Officer
Ontario College of Teachers
101 Bloor Street West
Toronto, ON M5S 0A1

TO: Tyler Kenneth Shaw
[XXX]
[XXX]
[XXX]

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Counsel for the
Ontario College of Teachers