

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

BETWEEN:

**ONTARIO COLLEGE OF TEACHERS**

**and**

**KIRK DOUGLAS NIELSEN**

**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 Kirk Douglas Nielsen, Certificate No. 212895, be referred to the Discipline Committee of the Ontario College of Teachers.

**IT IS ALLEGED** that Kirk Douglas Nielsen 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 physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);
- (c) he abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2);

- (d) 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*;
- (e) 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);
- (f) 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); and
- (g) he engaged in conduct unbecoming a member, contrary to Ontario Regulation 437/97, subsection 1(19).

**PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:**

1. Kirk Douglas Nielsen (the "Member") is a member of the Ontario College of Teachers. His membership status was changed to "Inactive/Non-Practising" on April 21, 2023.
2. At all material times, the Member was employed by the Simcoe County District School Board as a Teacher at [XXX] in [XXX], Ontario.
3. At all material times, Student 1 was a [XXX]- male [XXX] of the Member.
4. Between on or about April 30, 2020 and on or about September 1, 2020, the Member engaged in sexual activities with Student 1, including touching of a sexual nature and oral sex.

**Criminal Proceedings/Convictions:**

5. On or about October 29, 2020, the Member was charged by the Ontario Provincial Police with:

Between the 30<sup>th</sup> day of April, 2020, and the 1<sup>st</sup> day of September in the year 2020, at the Town of Collingwood, in the said Region, being in a position of trust or authority towards [Student 1], a young person, did, for a sexual purpose, invite, counsel, or incite [Student 1], a young person, to touch directly with his mouth, to wit, the penis of Kirk Douglas Nielsen, contrary to section 153(1) of the *Criminal Code*.

6. On September 27, 2022, the Member pleaded guilty to the offence of Sexual Exploitation before the Honourable Justice J.J. Douglas in the Ontario Court of Justice in Barrie.
7. On February 24, 2023, the Member was sentenced to three months custody and 24 months probation with conditions. The Member was also made subject to a number of ancillary orders.
8. The Member did not appeal his conviction or sentence and the time period for which to do so has lapsed.

**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 Kirk Douglas Nielsen 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 Nicole Walton of the Ontario College of Teachers, at 101 Bloor Street West, Toronto, ON M5S 0A1, telephone 1 (437) 880-3234.

Date: January 12, 2023

*Registrar's Signature*

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**Linda Lacroix, OCT**  
Registrar and Chief Executive Officer  
Ontario College of Teachers

101 Bloor Street West  
Toronto, ON M5S 0A1

TO: Kirk Douglas Nielsen  
[XXX]  
[XXX]

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**Ontario College of Teachers**

101 Bloor Street

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**Nicole Walton**

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Counsel for the

Ontario College of Teachers