

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

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

and

TRICIA JILL HORNING, 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 Tricia Jill Horning, Certificate No. 418795, be referred to the Discipline Committee of the Ontario College of Teachers.

IT IS ALLEGED that Tricia Jill Horning is guilty of professional misconduct as defined in the *Act* in that:

- (a) she abused a student or students, verbally, contrary to Ontario Regulation 437/97, subsection 1(7);
- (b) she abused a student or students physically, contrary to Ontario Regulation 437/97, subsection 1(7.1);
- (c) she abused a student or students psychologically or emotionally, contrary to Ontario Regulation 437/97, subsection 1(7.2); and

- (d) she 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).

PARTICULARS OF THESE ALLEGATIONS ARE AS FOLLOWS:

1. Tricia Jill Horning (the “Member”) is a member of the Ontario College of Teachers.
2. At all material times, the Member was employed by the Renfrew County District School Board as a Kindergarten teacher at [XXX] Public School (the “School”) located in [XXX], Ontario.
3. Student 1 was a male student in the Member’s [XXX] class at the School during the 2021-2022 and/or the 2022-2023 school years.
4. On or about September 29, 2022, the Member pulled Student 1 by his legs across the classroom floor to a “time out” chair and/or a chair or bench away from other students.
5. Between in or around September 2022 and in or around November 2022, the Member:
 - (a) placed Student 1 on a “time out” chair and/or a chair or bench away from other students, refused Student 1’s requests to use the bathroom while he was sitting on the chair or bench, allowed Student 1 to soil himself on the chair or bench and refused to let Student 1 change out of his soiled clothing until he complied with the Member’s directions;
 - (b) on one or more occasion, placed Student 1 on a “time out” chair and/or a chair or bench away from other students several times a day for up to 30 minutes at a time;

- (c) on one or more occasion, told Student 1 that he was “chubby” or “fat” and that he was “indulged and needed to grow up,” or words to that effect; and/or
 - (d) on one or more occasion, told a staff member that Student 1 was “manipulative” and/or that she “can’t stand” Student 1, or words to that effect.
6. Between in or around January 2022 and in or around September 2022, the Member, on one or more occasion:
- (a) placed other students on a “time out” chair and/or a chair or bench away from other students for up to 30 minutes at a time; and/or
 - (b) pulled other students by their arms to a “time out” chair and/or a chair or bench away from other students.

THE DISCIPLINE COMMITTEE WILL HOLD A HEARING pursuant to sections 30, 32 and 32.1 of the *Act* to decide whether the allegations are true and whether Tricia Jill Horning 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 “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 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 Jordan Glick of GlickLaw, College Counsel in this matter, at Suite 200, 65 Front Street East, Toronto, ON M5E 1B5, telephone 416-596-2960 ext. 235.

Date: December 17, 2024

Registrar's Signature

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

TO: Tricia Jill Horning
[XXX]
[XXX]
[XXX]

AND TO: Cavalluzzo LLP
475 Bathurst Street, Suite 300
Toronto, ON M5T 2S6

dguterman@cavalluzzo.com

Deborah Guterman, Counsel for the Member

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- and -

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GlickLaw

65 Front Street East, Suite 200
Toronto, ON M5E 1B5

Jordan Glick

Tel. 416-596-2960 ext. 235

Email jglick@glicklaw.ca

Counsel for the
Ontario College of Teachers