

**IN THE MATTER OF: *The Registered Teachers Act, 2015***  
**and Martina Cain, Registered Teacher Certificate # [REDACTED]**

**DECISION OF THE DISCIPLINE COMMITTEE FOR THE**  
**SASKATCHEWAN PROFESSIONAL TEACHERS REGULATORY BOARD (SPTRB)**

Counsel: Roger J.F. Lepage and Romain Baudemont  
for the Professional Conduct Committee

Jay D. Watson and Bruce Gordon  
for Martina Cain

Nicholas M. Cann  
for the Discipline Committee

Hearing Date and Location: February 7 and 8, 2017  
Regina, Saskatchewan

**INTRODUCTION**

1. By a Notice of Hearing and Formal Complaint, dated October 13, 2016, it was alleged that Ms. Martina Cain engaged in professional misconduct as follows:

1. From September 1986 to June 1989, while Student A was in grades 9, 10 and 11 at [REDACTED] in [REDACTED] Saskatchewan, you allowed her to sleep with you in your private residence in your personal bed. This occurred on average once every two months during those three years.
2. Between the dates of September 1986 and June 1989, when Student A was in grade 9, 10 or 11 at [REDACTED] you had her take a food tray from an A&W restaurant, place it under her coat and give it to you once you had exited the A&W restaurant.
3. Between the dates of September 1987 and June 1988, while Student A was in grade 10 at [REDACTED] you had Student A and other students on the female basketball team practice shooting hoops by playing strip basketball at the school gym. You had the students remove a piece of clothing, if they missed the hoop.
4. Between the dates of September 1987 and June 1989, when Student A was in grade 10 or 11 at [REDACTED] you had her join you and another female adult person in a hot tub in a private residence. You had her remove her bathing suit and join you in the hot tub.

2. The conduct at issue was alleged to have been contrary to the following:

Section 33 of *The Registered Teachers Act, 2015*:

*33 Professional misconduct is a question of fact, but any matter, conduct or thing, whether or not disgraceful or dishonourable, constitutes professional misconduct within the meaning of this Act if:*

- (a) it is harmful to the best interests of students or other members of the public;*
- (b) it tends to harm the standing of the profession;*
- (c) it is a breach of this Act or the bylaws;*

Regulatory Bylaw 2.01:

2.01 Without restricting the generality of section 33 of the Act, the following conduct on the part of a teacher is misconduct:

- (a) conduct which is harmful to the best interest of pupils or affects the ability of a teacher to teach;
- ...
- (e) an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional;

3. Although the Discipline Committee recognizes the open court principle such that the proceedings should be open to public scrutiny to ensure the proper administration of justice, it was agreed at the outset of the Hearing by counsel for the Professional Conduct Committee ("PCC"), counsel for Ms. Cain, and the Discipline Committee that, as the complainant and a number of witnesses were minors at the relevant time, they would be referred to in this Decision as Student A, B, C, and D. The Discipline Committee was advised that the members of the media present during the Hearing also agreed not to release the names of the complainant or those witnesses.
4. There were no objections to the composition or jurisdiction of the Discipline Committee to hear and determine the formal complaint and no procedural matters were raised by counsel for the PCC or counsel for Ms. Cain, other than anonymizing the names of the complainant and the witnesses.

5. Counsel for the PCC and counsel for Ms. Cain agreed that they would make penalty submissions on the second day of the Hearing in the event of an adverse finding. This Decision will address penalty.

Law

6. The Discipline Committee is required to weigh the evidence presented by the PCC and the teacher during the Hearing and determine if the PCC has proven professional misconduct on a balance of probabilities.
7. The Supreme Court of Canada stated in *F.H. v McDougall*, [2008] 3 SCR 41, 2008 SCC 53 as follows:

Like the House of Lords, I think it is time to say, once and for all in Canada, that there is only one civil standard of proof at common law and that is proof on a balance of probabilities.

8. The Discipline Committee is also conscious that professional regulatory prosecutions are considered to be strict liability with broad standards of review. The Saskatchewan Court of Appeal in *Anthony Merchant v Law Society of Saskatchewan*, 2009 SKCA 33 stated as follows at paragraph 62:

The definition in the *Act* is expansive, and conduct unbecoming may be established through intentional conduct, negligent conduct or total insensibility to the requirements of acceptable practice (as in professional incompetence). In the last two instances, where practitioners have been careless or merely incapable in some aspect, moral turpitude is not, typically speaking, a feature of the unacceptable behaviour. The section provides that the conduct in question need not be disgraceful or dishonourable to constitute conduct unbecoming. It is abundantly clear that moral turpitude is no longer an active requirement.

9. *The Registered Teachers Act, 2015* states at section 4 that its overall purpose is the public interest and specifically section 4(2) is as follows:

(2) The objects of the regulatory board are to establish and administer the professional certification and standards of professional conduct and competence of teachers for the purposes of serving and protecting the public.

## DECISION

10. Counsel for the PCC confirmed that the PCC was asking the Discipline Committee to make a finding of fact that the applicable standards of conduct for boundary violations of the type alleged have not changed since the 1980s. This is of note as the relevant legislation relied upon by the PCC is *The Registered Teachers Act, 2015*. No evidence of the applicable legislation or standards of conduct at the time the alleged conduct occurred was presented.
11. Notwithstanding the above, the Discipline Committee finds as a matter of fact that the standards of conduct for the specific boundary violations relating to Charges 1 and 3 have not changed. The Discipline Committee notes that there may very well be situations involving conduct where the standards have changed.
12. With respect to each of the four Charges, there were a number of facts not in dispute and many which were. The Discipline Committee notes that the complainant, Ms. Cain, and the other witnesses all exhibited faded recollection during various points in giving their evidence. Given the significant passage of time at issue, this is not surprising.
13. Ms. Cain was at all material times registered with the SPTRB, held a teacher's certificate, and was employed by the [REDACTED] at [REDACTED] in [REDACTED] Saskatchewan.
14. Student A is the complainant and was approximately 15 – 17 years old at the relevant time.
15. Ms. Cain was approximately 25 years old at the relevant time. Her employment at [REDACTED] began in January 1986 and was her first teaching position in Canada.
16. Ms. Cain retired from teaching in June 2016.
17. The Discipline Committee accepts that Ms. Cain has had no other official complaints aside from the matters at issue and that no relevant concerns were noted in any of her teaching evaluations.
18. The Notice of Hearing and Formal Complaint included specific Particulars of the Charges. During closing submissions, counsel for the PCC submitted that the evidence had established all of those Particulars. While the Discipline Committee finds that the evidence

did not establish all of those Particulars, the Discipline Committee finds Ms. Cain guilty of professional misconduct with respect to Charges 1 and 3.

**Charge # 1**

**From September 1986 to June 1989, while Student A was in grades 9, 10 and 11 at [REDACTED] in [REDACTED] Saskatchewan, you allowed her to sleep with you in your private residence in your personal bed. This occurred on average once every two months during those three years.**

Findings

19. Evidence with respect to this Charge was given by Student A, Student C (Student A's sister), Student A's mother, and Ms. Cain. Their recollections of events were largely consistent.
20. What follows are the Discipline Committee's findings of fact with respect to this Charge:
  - (a) Ms. Cain was Student A's basketball coach from approximately 1986 to 1989.
  - (b) Student A saw Ms. Cain as a mentor and to some extent, a friend.
  - (c) Ms. Cain, Student A, and Student A's family attended the same church in [REDACTED]
  - (d) Student A's sibling required occasional medical care in [REDACTED] Saskatchewan.
  - (e) Student A's parents asked Ms. Cain to look after Student A while they took Student A's sibling to his medical appointments. This would include overnight stays.
  - (f) The sleeping arrangements while Ms. Cain was looking after Student A were not discussed. Student A's parents did not inquire into what the sleeping arrangements would be.
  - (g) Ms. Cain rented a sparsely furnished basement suite, which contained one bed, a lamp, a clock radio, a dining room table and chairs, and a living room chair of some sort. There was also an unfurnished spare bedroom.
  - (h) Ms. Cain asked Student A if she wanted to sleep in the unfurnished spare bedroom or in Ms. Cain's bed. Student A chose to sleep in the bed.
  - (i) Ms. Cain did not ask Student A to bring a sleeping bag with her or find out if another bed could be brought in.

- (j) Neither Ms. Cain nor Student A told anyone what the sleeping arrangements were. Student A did not tell her parents as she did not believe they would let her sleep over and as it could affect her standing on the basketball team. Ms. Cain stated that she did not tell anyone as she did not think there was anything wrong with the sleeping arrangements at the time and she did not believe it was a boundary violation at the time.
  - (k) No one was present while Student A stayed in Ms. Cain's suite other than Student A and Ms. Cain.
  - (l) In terms of the numbers of times the sleepovers occurred, there was some variation in the evidence given by Student A, her mother, and Ms. Cain. The Discipline Committee finds that there were four to six sleepovers.
  - (m) Student A slept on the right hand side of Ms. Cain's double bed each time she stayed over.
  - (n) Student A and Ms. Cain were clothed at all times while sleeping and wore either pajamas or t-shirts and shorts.
  - (o) There was no physical contact between Ms. Cain and Student A while they slept.
  - (p) There was no inappropriate conversation between Ms. Cain and Student A.
  - (q) There was no discussion or offering of any alcohol or illicit drugs at any time.
  - (r) There was no evidence or suggestion that Ms. Cain had ever shared a bed with any student prior to or since she did so with Student A.
  - (s) The standards of conduct with respect to this type of boundary violation have not changed since the 1980s.
21. Although there was no malicious or similar intent on the part of Ms. Cain, Student A saw her as a mentor and believed that there was a friendship between them. Sharing a bed on multiple occasions served to further Student A's perception of friendship, compromised and confused the Student-Teacher relationship, and was a boundary violation. This was conduct harmful to the best interests of Student A and was an act or omission by Ms. Cain that, in the circumstances, would reasonably be regarded as unprofessional pursuant to Regulatory Bylaw 2.01(a) and (e). Further, it tends to harm the standing of the profession

and is therefore professional misconduct pursuant to section 33 of *The Registered Teachers Act, 2015*.

**Charge # 2**

**Between the dates of September 1986 and June 1989, when Student A was in grade 9, 10 or 11 at [REDACTED] you had her take a food tray from an A&W restaurant, place it under her coat and give it to you once you had exited the A&W restaurant.**

22. Student A and Ms. Cain had significantly different recollections with respect to the circumstances surrounding the allegations of this Charge. The primary evidence given by Student A and Ms. Cain with respect to this Charge was as follows:

Student A

- (a) During a basketball road trip, the team stopped at an A&W restaurant.
- (b) She could not recall when this occurred or where the restaurant was.
- (c) Ms. Cain asked her to steal an A&W food tray.
- (d) Ms. Cain put the tray up Student A's jacket and/or shirt before they left the restaurant to get back into the vehicle.
- (e) No other team members remembered the tray incident.
- (f) The A&W tray was present on the kitchen table of Ms. Cain's suite and it upset Student A when she saw it.

Ms. Cain

- (a) When she was in her last year of high school or first year of university, a friend dared her to take a tray from an A&W restaurant in Regina or Saskatoon. She described it as a dare to see if she would actually do it as that was not the type of thing she would normally do. She stated that she put the tray under her jacket and left the restaurant.
- (b) The tray may have been on her kitchen table when Student A was in her suite.
- (c) She denied asking Student A to steal a tray.

Findings

23. The Discipline Committee finds that both Student A and Ms. Cain's versions of events were equally plausible. Accordingly, the Discipline Committee finds that the onus and standard of proof with respect to establishing this Charge was not met by the PCC.

**Charge # 3**

**Between the dates of September 1987 and June 1988, while Student A was in grade 10 at [REDACTED] you had Student A and other students on the female basketball team practice shooting hoops by playing strip basketball at the school gym. You had the students remove a piece of clothing, if they missed the hoop.**

24. A number of witnesses gave evidence with respect to this Charge, including Student A, Ms. Cain, a former assistant basketball coach (Pam Schwann), and three former members of the basketball team.
25. While there were differences of recollection and in particular with respect to the rules of the drill, it was not in dispute that during basketball practices conducted by Ms. Cain, a foul shot drill occurred on a number of occasions where "articles of clothing" were removed if a player missed a foul shot.
26. The drill in some version or another was played more than once from approximately 1987 to 1988.
27. As noted, the major point of contention related to what the rules of the drill were as explained to the players by Ms. Cain.
28. The primary evidence given by each of the witnesses with respect to this Charge was as follows:

Student A

- (a) Ms. Cain ordered the drill to be played.
- (b) The rules were that if a player missed a foul shot, they had to remove an article of clothing.
- (c) Ms. Cain had the players cover the windows of the gym door with paper.
- (d) She felt responsible as she was the team captain.



- (e) She did not remove any clothing and felt guilty because she recalls laughing while the drill was being played.
- (f) A bra was left hanging over the support structure of the basketball net. She stated that neither player whose bra she thought it was recalls this happening.
- (g) She did not tell her parents or anyone else about the drill as she believed she would not have been able to play basketball if she did.
- (h) The “strip” version of the drill only occurred on one occasion and she recalled one of the other players being “red faced” and pulling her shirt down to cover her upper legs.

Student B

- (a) Ms. Cain presented the “strip” drill to the players as something others were doing, but Student B acknowledged she was not sure why she thought that.
- (b) The rules were that if a player missed a foul shot, they had to remove an article of clothing.
- (c) She could not recall when during basketball practice the drill would take place.
- (d) She believed Ms. Cain was present during the drill and possibly an assistant coach, Pam Schwann.
- (e) She did not tell her parents about the drill as she expected they would have been very angry.
- (f) She recalled sitting on the floor, removing one of her socks, and being worried about what she would remove next.
- (g) She recalled taking off her socks, but nothing more than that.
- (h) She recalled that the person with the least clothes on ended up in a t-shirt and underwear and believes that person was Student D.
- (i) She recalled that they played the “strip” drill a couple of times a season in Grade 11 and 12.
- (j) She disagreed it was possible that the players themselves took the drill further than was intended at the end of practice.

Student C

- (a) The team played the “strip” drill on only one occasion.
- (b) Ms. Cain told them to play the drill.
- (c) Ms. Cain had them cover up the windows with brown paper.
- (d) The rules were that if a player missed a foul shot, they had to remove an article of clothing.
- (e) Ms. Cain told them they were not allowed to remove their socks and shoes. She could not recall if any of the players took their shoes and socks off.
- (f) She ended up with her shirt off and wearing an “ugly beige bra” and blue shorts.
- (g) She did not tell her parents about the “strip” drill at the time as her mother would have “freaked out” and she feared the basketball program would have been shut down.
- (h) She recalls one of the players taking her shorts off, becoming beet red, and pulling her shirt down to cover her thighs.

Student D

- (a) The rules were that if a player missed a foul shot, they had to remove an article of clothing.
- (b) The windows of the gym were normally covered with paper as the gym was located near the front entrance of the school and other students would disrupt events in the gym by looking through the windows.
- (c) She did not tell her parents and she did not talk to Ms. Cain about the drill as she “wrote it off as some stupid jock thing”.
- (d) She quit the basketball team midway through Grade 11 as she had a job, her grades had begun to slip, and there was some friction with other players on the team.
- (e) She recalls the “strip” drill only occurring once.
- (f) On that one occasion, she removed her shoes, socks, shorts, and bra, but left her shirt and underwear on. She recalls others removing their socks, shoes, or an earring.

Ms. Cain

- (a) At the end of practice, there were several foul shot drills the players would engage in.
- (b) The rules of the drill were that if a player missed a foul shot, they took off a shoe and then a sock. If a player's shoes and socks came off, that player was out. If they made their next shot, they could put a shoe or sock back on.
- (c) She denied telling any of the players to remove their shirts, shorts, or bras.
- (d) She denied being present where anything beyond shoes or socks was removed.
- (e) She denied ever asking any student or player to put paper over the gym windows.
- (f) When Ms. Cain played basketball at the University of Regina, she took part in a "strip" basketball drill as part of a "hazing initiation" when she was a rookie player. The windows of the University gym were covered in paper. If a player missed a foul shot, they had to remove an article of clothing. Ms. Cain stated that the drill she played at the University of Regina was "done in fun".
- (g) She only used the drill with the senior girls' team as she had stopped using that drill in 1989 and before she began coaching the boys' basketball team. She stopped using the drill as she had learned about alternate foul drills and this was not the only drill she stopped using at that time.
- (h) She was not present when any articles of clothing beyond socks and shoes were removed, but acknowledged she feels responsible if it went further than that.
- (i) She did not tell anyone that she was using the "socks and shoes only" version of the drill.
- (j) She agreed that the "strip" drill as alleged would be a "serious boundary violation" and a breach of trust.

Pam Schwann

- (a) She helped Ms. Cain coach basketball between 1989 and 1990, but could not recall if she assisted prior to that.

- (b) She could not recall any drill where any articles of clothing were removed, including socks and shoes.
- (c) She did not think that the “shoes and socks only” version of the drill was “abnormal”, but agreed that the “strip” version of the drill would be inappropriate.

Findings

29. What follows are the Discipline Committee’s findings of fact with respect to this Charge:
- (a) Ms. Cain was a teacher and the coach of the girls’ basketball team. At some point between 1987 and 1988, she instructed the players in a foul shot drill where an article of clothing would be removed if a player missed a shot. If the player made their next shot, an item of clothing could be put back on.
  - (b) Ms. Cain did not instruct the students to cover up the gym windows for the drill. The gym windows were normally covered with paper.
  - (c) No one other than the players and Ms. Cain were aware that any version of the drill was being played.
  - (d) While the drill may have been played on more than one occasion, the removal of clothing only went beyond socks and shoes on one occasion. Student A, Student B, Student C, and Student D all described the same incident, in which Student D ended up wearing her t-shirt and underwear and pulled her t-shirt down to cover her upper legs.
  - (e) The students involved were humiliated and/or embarrassed to some extent by what occurred.
  - (f) The evidence did not establish that Ms. Cain was present on the one occasion where the articles of clothing removed went beyond socks and shoes.
  - (g) Pam Schwann was not present for any version of the drill.
30. Notwithstanding the Discipline Committee finds that it was not established that Ms. Cain was present on the one occasion when the drill went beyond the removal of socks and shoes, Ms. Cain was responsible for introducing a drill where articles of clothing were

removed. No explicit direction was given to the students that the removal of clothing was restricted to socks and shoes.

31. The Discipline Committee finds that Ms. Cain was responsible for what occurred during basketball practices as the coach and teacher. Ms. Cain failed to adequately supervise the students and failed to restrict the rules of the drill. As a result of her actions and inactions, the drill was allowed to progress to where it did on that one occasion, causing humiliation and/or embarrassment to the students.
32. Accordingly, the Discipline Committee finds that Ms. Cain's conduct was harmful to the best interests of Students A, B, C, and D pursuant to Regulatory Bylaw 2.01(a). These were acts or omissions that, in the circumstances, would reasonably be regarded as disgraceful, dishonourable, or unprofessional pursuant to Regulatory Bylaw 2.01(e). Accordingly, Ms. Cain's conduct was harmful to the best interests of students and is therefore professional misconduct pursuant to section 33(a) of *The Registered Teacher's Act, 2015*.

**Charge # 4**

**Between the dates of September 1987 and June 1989, when Student A was in grade 10 or 11 at [REDACTED] you had her join you and another female adult person in a hot tub in a private residence. You had her remove her bathing suit and join you in the hot tub.**

33. The primary evidence given by each of the witnesses with respect to this Charge was as follows:

**Student A**

- (a) It was a four person hot tub in the upstairs bathroom of a private residence.
- (b) She could not remember the circumstances of how or why she came to be at the private residence.
- (c) Ms. Cain and another woman were in the hot tub. She could not recall who the other woman was, but believed it was Pam Schwann when she gave a statement to the PCC during its investigation.
- (d) She entered the bathroom wearing her bathing suit.

- (e) Ms. Cain asked her why she was wearing a bathing suit and said “we don’t have ours on”. Student A then removed her bathing suit.
- (f) She believes she was invited to hot tub as there was no other reason she would have had her bathing suit with her.
- (g) She told her sister (Student C) about the hot tub incident at some point, but could not recall what she told her.

Student C

- (a) Student A told her about the hot tub incident approximately two years after it happened.

Ms. Cain

- (a) She housesat for a number of people in [REDACTED] at the relevant time.
- (b) Two of the residences she housesat at had hot tubs and she used the hot tubs in both of those houses.
- (c) Student A may have been in a hot tub at one of those houses.
- (d) She could not recall being in a hot tub with Student A and another woman.
- (e) She denied ever being in a hot tub with Pam Schwann.
- (f) She denied ever being alone with any student in a hot tub.
- (g) She denied ever being naked in a hot tub at any point in her life.
- (h) She denied ever being in a hot tub naked with Student A.
- (i) When asked why Student A may have been at the house, she stated it could have been after skiing or some other activity.
- (j) She would not have believed at the time that being in a hot tub with Student A under those circumstances would have been a boundary violation.

Pam Schwann

- (a) She denied ever being in a hot tub with Ms. Cain at any time.

Findings

34. What follows are the Discipline Committee's findings of fact with respect to this Charge:
- (a) Ms. Cain housesat at two different houses during the relevant time period. Both houses had hot tubs and Ms. Cain used the hot tubs at both houses.
  - (b) Ms. Cain and Student A were in a hot tub together with another woman on one occasion.
  - (c) Pam Schwann was never in a hot tub with Ms. Cain or Student A.
  - (d) The standards of conduct with respect to this type of alleged boundary violations have not changed since the 1980s.
35. Understandably, both Student A and Ms. Cain's recollections were affected by the passage of time. Student A recalled that she was initially wearing a bathing suit, Ms. Cain asked her why she was wearing it, and that Student A then removed her bathing suit. Ms. Cain denied ever being naked in a hot tub with Student A or ever being naked in a hot tub with anyone. The Discipline Committee finds that both Student A and Ms. Cain's evidence on this point was equally plausible.
36. The Discipline Committee finds that, in consideration of all of the circumstances, Ms. Cain, Student A, and another adult being in a hot tub was not conduct that was harmful to the best interests of the pupil, affected the ability of a teacher to teach, or was an act or omission that, in the circumstances, would reasonably be regarded by the profession as disgraceful, dishonourable or unprofessional, such that Regulatory Bylaw 2.01 was contravened.
37. Accordingly, the Discipline Committee finds the onus and standard of proof with respect to establishing this Charge was not met by the PCC.
38. The Discipline Committee stresses that this finding is highly fact specific and that there may be similar situations in which a different decision could have been reached.

**ORDER**

39. With the findings of fact as set out above and the Discipline Committee's determination that the PCC met the burden of proof with respect to two of the four Charges of professional

misconduct, the Discipline Committee must now turn to the question of the appropriate Order.

40. Counsel for the PCC advised that the PCC's position was that if the Charges relating to the sleepovers, the basketball drill, and the hot tub incident were found to be professional misconduct, revocation of Ms. Cain's teaching certificate would be appropriate. The PCC's position with respect to the Charge relating to the A&W tray is that a six month suspension would be appropriate. With respect to costs, the PCC asked that Ms. Cain pay costs representing half of the total costs of the prosecution, to a maximum of \$10,000.00.
41. In counsel for the PCC's written submissions, it was also recommended that Ms. Cain be required to attend an approved course on personal boundaries.
42. Counsel for Ms. Cain's position was that if Ms. Cain did direct the "strip" version of the basketball drill, was naked in a hot tub with Student A, or directed her to steal the A&W tray, such conduct would constitute professional misconduct and a suspension would be appropriate. Counsel for Ms. Cain also stated that a reprimand would be appropriate. Counsel for Ms. Cain advised that he took no issue with the PCC's position on costs.
43. The Discipline Committee considered the following principles in determining its Order:
  - (a) The nature and gravity of the teacher's conduct;
  - (b) The age and experience of the teacher;
  - (c) The age of the student and the impact on the student;
  - (d) The number of times the offence occurred;
  - (e) Whether the teacher suffered from other serious consequences;
  - (f) The presence or absence of mitigating circumstances;
  - (g) The need to promote or specific or general deterrence;
  - (h) The need to protect the public confidence in the profession; and
  - (i) The range of sentences in other jurisdictions.
44. The Discipline Committee finds Ms. Cain's relatively young age and inexperience at the relevant time is a mitigating factor.



45. The Discipline Committee finds that, as there is no evidence of past misconduct and no reasonable ongoing concern for the safety and wellbeing of students or the public, there is little to no value in requiring Ms. Cain to complete a boundaries course.
46. With respect to the two Charges where professional misconduct was proven, the Discipline Committee has determined that some form of denunciation as general deterrence and to ensure public confidence in the profession is warranted.
47. Although not requested by the PCC, the Discipline Committee finds it appropriate to order a reprimand be placed on her registration pursuant to section 40(1)(e) of the *Act*.
48. Pursuant to section 40(1)(b), the Discipline Committee orders that Ms. Cain's teachers certificate be suspended for 6 months from the date of this Decision.
49. The Discipline Committee was provided with an Affidavit setting out the costs of the investigation and hearing of \$49,513.45. Section 40(2)(a)(ii) of *The Registered Teacher's Act, 2015* permits the Discipline Committee to impose costs of the investigation hearing on a registered teacher.
50. There was no evidence that anything Ms. Cain did prolonged or complicated the proceedings that would need to be taken into account with respect to any costs ordered.
51. The Discipline Committee fixes costs in the amount of \$5,000, given that the PCC was asking for a maximum of \$10,000, but did not meet the burden of proof with respect to two of the four Charges. The costs shall be paid within 30 days of this Decision. If the costs are not paid as directed, Ms. Cain's teachers certificate shall be suspended pursuant to Section 40(2)(b) of *The Registered Teachers Act, 2015* until such time as the costs are fully paid.

Dated at the City of Regina, Saskatchewan, this 3 day of APRIL, 2017.



Robin Bellamy, Chair  
Dave DePape  
Don Lee  
Trevor Forrest  
Yasmina Lemieux