

**IN THE MATTER OF A HEARING OF THE HEARING TRIBUNAL OF THE
PHYSIOTHERAPY ALBERTA COLLEGE + ASSOCIATION
INTO THE CONDUCT OF HARDEEP SINGH VIRDI, A REGULATED MEMBER
PURSUANT TO THE *HEALTH PROFESSIONS ACT*, R.S.A. 2000, c. H-7**

DECISION OF THE HEARING TRIBUNAL

The hearing of the Hearing Tribunal was held on November 1, 2023, via videoconference.

Present were:

The following members of the Hearing Tribunal of Physiotherapy Alberta College + Association (the "College")¹:

T. Wolansky, Chair
W. Coombs, Member
T. Engen, Public Member
D. Jossa, Public Member

M. McAllister, Complaints Director of the College

V. Wensel, Legal Counsel for the Complaints Director

H. Singh Virdi, Member
E. Appelt, Legal Counsel for Mr. Virdi

D. Jardine, Independent Legal Counsel for the Hearing Tribunal
A. Ben Khaled, Student-at-Law, Independent Legal Counsel for the Hearing Tribunal

H. O'Reilly, Hearings Director

Preliminary Matters

1. The hearing opened and all persons present introduced themselves for the record. The hearing was recorded by a Court Reporter, who was also online.
2. The parties advised that there were no objections to the members of the Hearing Tribunal and that there were no preliminary or jurisdictional issues. No application was made by either party to hold the hearing or part of the hearing in private.

¹ Physiotherapy Alberta College +Association operates as the College of Physiotherapists of Alberta.

Allegations

3. The allegations in the Amended Notice of Hearing (Exhibit 2, Tab 5) are as follows:
 1. On or between August 12, 2022 – October 6, 2022, you moved the sleeve of A.B.'s shirt to get a better look at the tattoo on her upper arm, and commented that it was a "pretty" tattoo or words to that effect;
 2. On or about October 6, 2022, while providing physiotherapy treatment to A.B. you did one or more of the following:
 - a. Commented that A.B. had on "cute" underwear while adjusting A.B.'s shorts down for the purpose of performing a physiotherapy technique;
 - b. Discussed romantic relationships generally, including commenting to A.B. that you could not do a long-distance relationship.

Exhibits

4. By agreement, the parties submitted documents to be marked as exhibits. Over the course of the hearing, the documents were marked as follows:

Exhibit 1 Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct

Exhibit 2 Attachments to the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct

Tab 1	H. Viridi – Curriculum Vitae
Tab 2	Complaint dated October 14, 2022
Tab 3	H. Viridi's Response to the Complaint
Tab 4	Letter to H. Viridi regarding Notice of Complaint dated May 17, 2023
Tab 5	Amended Notice of Hearing to H. Viridi
Tab 6	SS Intake Records dated August 17, 2022
Tab 7	Treatment Summary Record, August – October 2022
Tab 8	Physiotherapy Chart, August – October 2022
Tab 9	Letter of Warning to H. Viridi dated October 31, 2022
Tab 10	Health Professions Act, section 1

Tab 11 Standards of Practice for Physiotherapists in Alberta
Tab 12 Code of Ethical Conduct for Alberta Physiotherapists

Exhibit 3 Joint Submission on Sanctions

Exhibit 4 Patient Impact Statement

Submissions of the Complaint Director

5. Ms. Wensel reviewed the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct and identified that the reference to "A.B." in the Amended Notice of Hearing was to the complainant in this matter, "S.S."

6. Ms. Wensel noted that the parties had been able to provide an Agreed Statement of Facts and an Acknowledgment of Unprofessional Conduct. She stated the Hearing Tribunal's task was to determine whether to accept the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct in order to make a finding of unprofessional conduct.

7. Ms. Wensel reviewed the two allegations of unprofessional conduct and the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct, which set out the following:

- a. Ms. S.S. sought physiotherapy services in August 2022 after suffering injuries from being struck by a vehicle while she was on a run.
- b. Ms. S.S. attended the Clinic for 17 sessions between August 2022 and October 2022. Her last appointment with Mr. Viridi was on October 6, 2022.
- c. During her sessions, Ms. S.S.'s treatment and discussion with Mr. Viridi was cordial and professional. During sessions, they also discussed general and personal topics, including his upcoming marriage, Ms. S.S.'s relationship, travelling, and Ms. S.S.'s change in profession. They also discussed her treatment because Ms. S.S. was familiar with treatment aspects based on her profession as a massage therapist. As time went on, their topics of discussion became more personal and friendly. Ms. S.S. became, on occasion, uncomfortable during sessions at some of Mr. Viridi's comments or topics of discussion.
- d. Ms. S.S. had several tattoos on her body that Mr. Viridi commented on or asked about during treatment sessions including tattoos of writing and lotus flowers. Mr. Viridi also shared with Ms. S.S. that he has tattoos.

- e. During one session prior to October 6, 2022, Mr. Viridi moved her shirt sleeve up on her upper arm and commented that Ms. S.S.'s tattoo of a mermaid was pretty, or words to that effect. Ms. S.S. felt uncomfortable about Mr. Viridi's unwelcome behaviour and comment about her tattoo but laughed it off because she did not know what to do.
 - f. On October 6, 2022, during Ms. S.S.'s treatment session, Mr. Viridi asked to adjust Ms. S.S.'s shorts down so he could complete needling around her glutes, specifically her quadratus lumborum muscle (QL in Mr. Viridi's charting). Ms. S.S. had not received needling around her glutes before from Mr. Viridi in previous sessions.
 - g. Mr. Viridi obtained Ms. S.S.'s consent to complete dry needling and to tuck down her shorts to ensure a clear area for dry needling. Ms. S.S. was lying on her side. Mr. Viridi proceeded to tuck her shorts down by rolling them inwards with one hand on either side of the shorts, positioning the shorts around the top of her hip bones.
 - h. While tucking her shorts down, he commented that Ms. S.S. had on "cute" underwear. Mr. Viridi then adjusted Ms. S.S.'s shorts a second time in a manner that made Ms. S.S. uncomfortable. Ms. S.S. was offended at Mr. Viridi's comment about her underwear while he was tucking her shorts down. After she processed what Mr. Viridi said to her, she responded that her underwear was burgundy in colour.
 - i. Later in the appointment, they discussed their respective romantic relationships. Based on discussions in previous appointments, Mr. Viridi knew that Ms. S.S. was in a long-distance relationship. Mr. Viridi commented on Ms. S.S.'s long-distance relationship and that he could not do a long-distance relationship. During the discussion, Ms. S.S. was already uncomfortable based on Mr. Viridi's behaviour and comments earlier in the session and did not wish to discuss her relationship with Mr. Viridi.
 - j. Ms. S.S. did not return for any further appointments with Mr. Viridi after October 6, 2022, but continued physiotherapy with another practitioner.
 - k. Ms. S.S. advised the Clinic of her concerns about Mr. Viridi's behaviour and comments on October 14, 2022, in writing. After an internal investigation, Mr. Viridi received a written warning and was required to complete mandatory education on professional boundaries.
8. Ms. Wensel advised the Hearing Tribunal regarding Bill 21, *An Act to Protect Patients*, which introduced the terms "sexual misconduct" and "sexual abuse" into the

Health Professions Act. She clarified that there were no allegations of sexual abuse before the Hearing Tribunal.

9. Ms. Wensel noted Mr. Virdi acknowledged that Ms. S.S. was his patient at all times during the conduct in issue, that his conduct constitutes a lack of knowledge, skill or judgment in the provision of professional services, and that his conduct harms the integrity of the regulated profession. She advised that Mr. Virdi also acknowledges that his conduct contravenes the Alberta Physiotherapy's Code of Ethical Conduct, specifically:

- a. Code of Ethical Conduct for Alberta Physiotherapists, Responsibilities to the Client, sections A1, A4, A5, A12, and A18;
- b. Code of Ethical Conduct for Alberta Physiotherapists, Responsibilities to the Public, sections B1;
- c. Code of Ethical Conduct for Alberta Physiotherapists, Responsibilities to and Self and the Profession, section C1;
- d. Standards of Practices for Physiotherapists in Alberta, Client-Centered Care: "The physiotherapist integrates a client-centered approach in all aspects of physiotherapy service delivery;"
- e. Standards of Practices for Physiotherapists in Alberta, Professional Boundaries: "The physiotherapist acts with professional integrity and maintains appropriate professional boundaries with clients, colleagues, students and others;"
- f. Standards of Practices for Physiotherapists in Alberta, Sexual Abuse and Sexual Misconduct: "The physiotherapist abstains from conduct, behaviour or remarks directed towards a patient that constitutes sexual abuse or sexual misconduct;"

10. Ms. Wensel stated that Mr. Virdi acknowledges that his conduct in Allegations 1 and 2(a) constitute sexual misconduct as defined under Section 1(1)(nn.2) of the *Health Professions Act*. She noted that Mr. Virdi acknowledged that there was no therapeutic purpose for his comments as described in Allegations 1 and 2(a) and (b).

11. Ms. Wensel submitted that this evidence supported Mr. Virdi's admission of unprofessional conduct and provided evidence that would enable the Hearing Tribunal to find that Mr. Virdi's conduct in the circumstances constituted unprofessional conduct as defined in the *Health Professions Act* with respect to all of the allegations.

Submissions of the Regulated Member

12. Mr. Appelt stated that the Agreed Statement of Facts accurately stated the facts of this matter. Mr. Appelt wished to highlight Mr. Virdi's acknowledgement of unprofessional conduct. Mr. Appelt noted that Mr. Virdi agrees that allegations 1 and 2(a) fall within the broad definition of sexual misconduct. He concluded by suggesting that the Hearing Tribunal should accept the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct.

Decision of the Hearing Tribunal on the Issue of Unprofessional Conduct

13. The hearing adjourned to allow the Hearing Tribunal to review the Agreed Statement of Facts and Acknowledgement of Unprofessional Conduct and to consider the submissions of the parties.

14. When the Hearing Tribunal returned, it advised the parties that the Hearing Tribunal had deliberated and reached a decision to accept Mr. Virdi's Acknowledgment of Unprofessional Conduct in respect of allegations 1 and 2(a) and 2(b) in the Notice of Hearing and determined that these allegations set out in the Amended Notice of Hearing had been proven and constituted unprofessional conduct. The Hearing Tribunal also confirmed that Allegations 1 and 2(a) met the definition of sexual misconduct as set out in the *Health Professions Act*.

Reasons for Findings of Unprofessional Conduct

15. The Hearing Tribunal finds the Agreed Statement of Facts support the findings of unprofessional conduct. The Hearing Tribunal accepts that Mr. Virdi's conduct demonstrated a lack of knowledge, skill, or judgment in the provision of professional services, harms the integrity of the regulated profession, and contravenes the Alberta Physiotherapy's Code of Ethical Conduct.

16. In the Hearing Tribunal's view, Mr. Virdi's conduct demonstrates a lack of knowledge, skill, or judgment because he failed to provide professional services in a safe, competent, accountable, and responsible manner.

17. Mr. Virdi's conduct contravenes the Code of Ethical Conduct because Mr. Virdi failed to demonstrate sensitivity and respect towards Ms. S.S. and failed to maintain professional boundaries in the provision of his professional services.

18. Mr. Virdi's conduct harms the integrity of the regulated profession because of his failure to treat Ms. S.S. with dignity and respect in their sessions. The Hearing Tribunal accepts that where a patient's treatment requires 17 sessions, there is an ongoing need to build rapport, and personal discussions to assist in developing that rapport. Rapport building is critical to the development of joint treatment goals. The fact that a regulated

member has a discussion with a patient of a personal nature does not necessarily amount to unprofessional conduct. However, Mr. Virdi's conduct amounts to unprofessional because he breached a professional boundary and went beyond the conduct the public expects of a regulated member of a College.

19. The Hearing Tribunal also finds the Agreed Statement of Facts support the findings of sexual misconduct with respect to Allegations 1 and 2(a). Mr. Virdi engaged in unwelcome and objectionable conduct and made a remark of a sexual nature that he knew or ought to have reasonably known could cause offence and humiliation to Ms. S.S. and that there was no therapeutic purpose to Mr. Virdi's comments.

20. The Hearing Tribunal reviewed the documents attached to the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct as Exhibit 2 and finds that those documents support the admissions made and the proven conduct fails to meet the standards required of a registered physiotherapist. The Hearing Tribunal also considered that Mr. Virdi, with the benefit of the advice of his legal counsel, admitted all the allegations and agreed that the allegations constituted unprofessional conduct and that Allegations 1 and 2(a) constitute sexual misconduct.

Submissions of the Complaints Director on Sanctions

21. The parties presented a Joint Submission on Sanction and Patient Impact Statement from Ms. S.S. for the Hearing Tribunal's consideration.

22. Ms. Wensel stated that the Hearing Tribunal must give very serious consideration to the Joint Submission on Sanction and that there is a high standard for rejection of the Joint Submission on Sanction as set out by the Supreme Court of Canada in the decision, *R v Anthony-Cook*, 2016 SCC 43.

23. Ms. Wensel read various excerpts from the Patient Impact Statement made by Ms. S.S. to the Hearing Tribunal, including:

- a. "It left it's mark to say the least. I felt as though my kindness had been misabused as leniency and openness for potential sexual involvement."
- b. "Please know, that a person in a state of shock, hit by a vehicle, and feeling completely at odds with their entire life is vulnerable. Kindness is not an opportunity. But I thank you and all of those working through this situation."

24. Ms. Wensel noted that section 82(1.1)(b) of the *Health Professions Act* requires the Hearing Tribunal to order a suspension of Mr. Virdi's practice permit if the Hearing Tribunal's findings of unprofessional conduct is based on a finding of sexual misconduct. Ms. Wensel noted that the Hearing Tribunal has discretion as to the length of the

suspension and any additional sanctions. In exercising its discretion, the Hearing Tribunal should consider guiding principles that sanctions must be fair, reasonable, and proportionate.

25. Ms. Wensel reviewed the Joint Submission on Sanction, which proposed the following orders:

- a. Mr. Virdi's practice permit with the College, and ability to practice physiotherapy in Alberta, shall be suspended for a period of 30 days, commencing 14 days after he receives a copy of the Hearing Tribunal's written decision.
- b. Mr. Virdi shall pay a fine of \$2500.00 (the "Fine") to the College, due within 7 days after he receives a copy of the Hearing Tribunal's written decision. The Fine must be paid to the College, whether or not Mr. Virdi holds an active practice permit with the College, and the Fine is a debt owed to the College and if not paid, may be recovered by the College as an action of debt.
- c. Mr. Virdi shall complete, at his own cost, the courses below. Mr. Virdi shall provide the Complaints Director with a certificate confirming successful completion of the course within six months after he receives a copy of the Hearing Tribunal's written decision:
 - i. IPHE201 – Professionalism and Ethics for Healthcare Professionals (NAIT – Continuing Education), of which a course description is attached as "Appendix A" to the Joint Submission on Sanction; and
 - ii. Professional Boundaries 1-3 (Lifemark Health Group), of which the Regulated Member has already completed successfully, and a copy of the course description and his certificate of completion are attached as "Appendix B" to the Joint Submission on Sanction.

26. Ms. Wensel referred the Hearing Tribunal to the case of *Jaswal v Medical Board (Nfid)*, 1996 CanLII 11630 (NLSC), which described a set of factors that hearing tribunals can consider when determining appropriate sanctions. Ms. Wensel made the following submissions in relation to the following factors:

- a. Nature and gravity of the proven allegations: The allegations were significant because the conduct represented a deviation from the fundamental expectations of the profession.
- b. Previous character of the regulated member and in particular the presence or absence of any prior complaints or convictions: Mr. Virdi had no previous history of misconduct.

- c. Number of times the offence was proven to have occurred: This case involved more than one instance of unprofessional conduct.
- d. Role of the regulated member in acknowledging what occurred: Mr. Viridi acknowledged what had occurred and expressed remorse early in the process. This factor is mitigating.
- e. Whether the regulated member had already suffered other serious financial or other penalties as a result of the allegations having been made: Mr. Viridi had not suffered any other consequences. He was allowed to continue his work after the complaint.
- f. The need to promote specific and general deterrence and to protect the public and ensure the safe and proper practice of physiotherapy: The proposed orders would deter Mr. Viridi from similar practices in the future and would educate him on unacceptable conduct as he continues his practice.
- g. Range of sentence in other similar cases: Ms. Wensel presented three cases to the Hearing Tribunal to help guide the Hearing Tribunal's decision: *College of Physiotherapists of Alberta v. Deis*, 2022 ABPACA 4; *Ontario (College of Physicians and Surgeons of Ontario) v. Fikry*, 2019 ONCPSD 53; *Ontario (College of Physicians and Surgeons of Ontario) v. Dao*, 2018 ONCPSD 56. Ms. Wensel clarified that the Ontario decisions of *Fikry* and *Dao* are distinguishable from Mr. Viridi's case.

27. Ms. Wensel clarified that costs of the hearing and investigation are not being sought against Mr. Viridi in this case. However, the Joint Submission on Sanction was not intended to comment on the appropriateness of cost orders for all sexual misconduct cases or to act as a precedent for any future decisions regarding costs.

Submissions of the Regulated Member on Sanctions

28. Mr. Appelt agreed that the Joint Submission on Sanction was appropriate. He emphasized that Mr. Viridi was cooperative throughout the process and had come before the Hearing Tribunal with a Joint Submission on Sanction.

29. Mr. Appelt noted that Mr. Viridi apologizes and understands that he needs to refrain from such conduct in the future. Mr. Appelt stated that Mr. Viridi has changed and monitors the conversations he has with patients to ensure this conduct does not happen again.

30. Mr. Appelt also reiterated that Mr. Viridi has no prior conduct and has received positive performance reviews from his employer, Lifemark Health Group.

31. Mr. Appelt concluded his remarks by noting Ms. S.S. provided in her Patient Impact Statement that she is grateful for Mr. Virdi's willingness to rectify his actions with education and understanding in the following excerpt:

- a. "I've now come to trust the bodies in power (aka the associations) and am grateful that Harry is willing to rectify his actions with education and understanding."

Decision of the Hearing Tribunal on Sanctions

32. The Hearing Tribunal adjourned to consider the Joint Submission on Sanction. When the Hearing Tribunal returned, it advised that it had no questions regarding the Joint Submission on Sanction. The Hearing Tribunal accepted the proposed orders.

Reasons of the Hearing Tribunal on Sanctions

33. After careful deliberations, the Hearing Tribunal finds that the orders proposed in the Joint Submission on Sanction are reasonable and appropriate in relation to the unprofessional conduct found in this case.

34. The Hearing Tribunal recognizes the high degree of deference owed by the Hearing Tribunal concerning the Joint Submission on Sanction. The Joint Submission on Sanction is not so unhinged from the circumstances that it would cause a reasonable member of the public to lose confidence in the College's discipline process.

35. The Hearing Tribunal also recognizes the mandatory suspension under section 82(1.1)(b) of the *Health Professions Act* for findings of sexual misconduct.

36. When reviewing the appropriateness of sanctions in this case, the Hearing Tribunal considered the *Jaswal* factors. The Hearing Tribunal considered the following factors as particularly relevant:

- a. *The nature & gravity of the proven allegations*

The Hearing Tribunal found that the conduct constitutes several instances of sexual misconduct, which is a serious unprofessional conduct. The Hearing Tribunal also found that the severity of the sexual misconduct was on the lower end of the spectrum of impermissible sexual misconduct considering the comments made by Mr. Virdi relative to other cases.

- b. *The age & experience of the investigated member*

Mr. Virdi practiced in India for several years before he became a regulated member of the College in June 2019. There is sufficient experience for him to know that this conduct was unprofessional in terms of treatment and boundary issues.

c. The previous character of the investigated member and in particular the presence or absence of any prior complaints or convictions

Mr. Virdi has no prior history of findings of unprofessional conduct.

d. The number of times the offence was proven to have occurred

The conduct involved one patient but occurred several times over approximately three months.

e. The role of the investigated member in acknowledging what occurred

The role Mr. Virdi had in acknowledging what occurred was mitigating. Mr. Virdi was cooperative by providing the Joint Submission on Sanction and Agreed Statement of Facts and acknowledged that his conduct represented unprofessional conduct.

f. Whether or not the offending therapist has already suffered other serious financial or any other penalties as a result of the allegations being made

Mr. Virdi has suffered minimal penalties as a result of the allegations made. He was able to continue his employment with the Lifemark Health Group after the complaint was made. The Hearing Tribunal treated this as a neutral factor.

g. The impact of the incidents on the victim

Ms. S.S. provided a Patient Impact Statement, which detailed the mark that the incident left on her. The Hearing Tribunal accepted that the incident significantly impacted Ms. S.S.

h. The presence or absence of any mitigating circumstances

Mr. Appelt described Mr. Virdi's efforts to better himself and the changes he has made with his patient interactions. The Hearing Tribunal found that Mr. Virdi's cooperation and acknowledgment of unprofessional conduct was a significant mitigating factor.

i. The need to promote specific and general deterrence and thereby to protect the public and ensure the safe and proper practice of the profession

Specific deterrence was achieved as Mr. Virdi acknowledged his unprofessional conduct and has made efforts to change his practice with his patients. The sanctions will continue to ensure Mr. Virdi avoids such conduct in the future. The findings and sanctions in this case will serve to promote general deterrence by educating the profession on boundary violations in their patient interactions and the need for members of the profession to be hyper-vigilant in their practice and aware of patient boundaries.

Conclusion

37. The Hearing Tribunal accepts the Agreed Statement of Facts and Acknowledgment of Unprofessional Conduct and finds that the following allegations of unprofessional conduct have been proven:

1. On or between August 12, 2022 – October 6, 2022, you moved the sleeve of A.B.'s shirt to get a better look at the tattoo on her upper arm, and commented that it was a "pretty" tattoo or words to that effect;
2. On or about October 6, 2022, while providing physiotherapy treatment to A.B. you did one or more of the following:
 - a. Commented that A.B. had on "cute" underwear while adjusting A.B.'s shorts down for the purpose of performing a physiotherapy technique;
 - b. Discussed romantic relationships generally, including commenting to A.B. that you could not do a long-distance relationship.

38. Having accepted the Joint Submission on Sanction for the reasons outlined above, the Hearing Tribunal makes the following orders:


1. Mr. Virdi's practice permit with the College, and ability to practice physiotherapy in Alberta, shall be suspended for a period of 30 days, commencing fourteen (14) days after he receives a copy of the Hearing Tribunal's written decision.
2. Mr. Virdi shall pay a fine of \$2500.00 (the "Fine") to the College, due within 7 days after he receives a copy of the Hearing Tribunal's written decision. The Fine must be paid to the College, whether or not Mr. Virdi holds an active practice permit with the College, and the Fine is a debt owed to the College and if not paid, may be recovered by the College as an action of debt.
3. Mr. Virdi shall complete, at his own cost, the courses below. Mr. Virdi shall provide the Complaints Director with a certificate confirming successful

completion of the course within six months after he receives a copy of the Hearing Tribunal's written decision:

- a. IPHE201 – Professionalism and Ethics for Healthcare Professionals (NAIT – Continuing Education), of which a course description is attached as "Appendix A" to the Joint Submission on Sanction; and
 - b. Professional Boundaries 1-3 (Lifemark Health Group), which the Regulated Member has already completed successfully, and a copy of the course description and his certificate of completion are attached as "Appendix B" to the Joint Submission on Sanction.
4. The Orders set out above at paragraphs 2-3 shall appear as conditions (the "Conditions") on Mr. Viridi's practice permit and on the public register. The Conditions shall be removed once the Orders are deemed satisfied by the Complaints Director.
 5. The responsibility lies with Mr. Viridi to comply with the Orders and should Mr. Viridi be unable to comply with any of the deadlines for completion of the Orders above, he may apply to the Complaints Director for an extension, by submitting a written request prior to the deadline. Extensions may be granted in the sole discretion of the Complaints Director.
 6. Should Mr. Viridi fail to comply with any of the orders above within the deadline specified or within the period of the extended deadline granted by the Complaints Director, the Complaints Director may do any or all of the following:
 - a. Treat Mr. Viridi's non-compliance as information for a complaint under s. 56 of the *Health Professions Act*;
 - b. In the case of failure to complete the courses required or pay the Fine by the deadlines referred to above, and subject to an amended deadline agreed to by the Complaints Director, Mr. Viridi's practice permit will be suspended until he has complied with the outstanding Order(s) from the Hearing Tribunal;
 - c. Refer the matter back to a Hearing Tribunal of the College for further direction.
39. The Hearing Tribunal appreciates the efforts of the parties to streamline this hearing through their Agreed Statement of Facts and Joint Submission on Sanction.

Dated this 17th day of November 2023

Signed on Behalf of the Hearing Tribunal

A handwritten signature in black ink, appearing to read 'T. Wolansky', written over a horizontal line.

T. Wolansky, Chair