GOVERNING DOCUMENTS: STUDENTS

<table>
<thead>
<tr>
<th>PROCEDURES:</th>
<th>STUDENT DISCIPLINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
<td>January 1, 2009</td>
</tr>
<tr>
<td>Revised Date:</td>
<td>January 26, 2010</td>
</tr>
<tr>
<td>Review Date:</td>
<td></td>
</tr>
<tr>
<td>Approving Body:</td>
<td>Board of Governors</td>
</tr>
<tr>
<td>Authority:</td>
<td>Bylaw: Student Discipline</td>
</tr>
<tr>
<td>Implementation:</td>
<td>President delegated to the University Secretary</td>
</tr>
<tr>
<td>Contact:</td>
<td>University Secretary</td>
</tr>
<tr>
<td>Applies to:</td>
<td>Students; Faculty/School Councils; Department Councils</td>
</tr>
</tbody>
</table>

1.0 Reason for Procedures

To set out Procedures secondary to the Bylaw entitled “Student Discipline” in order to provide guidance to individuals charged with discipline authority and, at the same time, to outline the prohibited conduct and the right of appeal.

2.0 Procedures

2.1 General

2.1.1 A student who is the subject of a disciplinary matter (the "Student") should be informed in writing as early as possible by the Disciplinary Authority dealing with the matter in the first instance that:

   (a) an investigation is proceeding, the nature of the matter being investigated, and that the Student may be subject to disciplinary action;
   (b) the Student may obtain a copy of the Student Discipline Bylaw and Procedures, which includes information on appeal procedures. This document is available from the Office of the University Secretary or the Office of Student Advocacy;
   (c) the Student has a right to appeal, if an appeal is available from the Disciplinary Authority who imposed the disciplinary action.
   (d) the Student may seek advice from the Office of Student Advocacy, University of Manitoba Students' Union, and Graduate Students' Association. It is the sole responsibility of the Student to determine the adequacy of the Student's representation.

2.1.2 If the disciplinary matter relates to a course other than a course offered by the Faculty/School in which the student is registered, the following procedures shall take place:

   (a) the matter shall be dealt with directly by the Department Head; and
   (b) where disciplinary action is found to be warranted the following shall apply:

      (i) The Department Head shall review the Student's Academic History to determine whether other acts of Academic Dishonesty and/or Inappropriate Behaviour have occurred previously for this student, and;

      (ii) The appropriate disciplinary action shall be determined in consultation with the Dean/Director of the Faculty/School in which the student is registered and the Department Head of the Faculty/School offering the course will advise if earlier acts of Academic Dishonesty and/or Inappropriate Behaviour were found.
2.1.3 If the disciplinary matter involves two or more students and they should appeal the following shall take place:

   (a) where possible, each student, shall have a separate hearing panel, with only the Chair being the same in both hearings; and
   (b) the Respondents may bring in relevant information on the other student(s) as it pertains to the appeal. Every effort must be made to protect the identity of the other student(s).

2.1.4 Once a disciplinary action has been implemented, no further disciplinary action may be imposed except:

   (a) as a result of an appeal by the student; or
   (b) in an instance where a student has been found to have committed repeated instances of academic dishonesty. In such an instance the Dean/Director of Registration may impose further disciplinary action.

2.1.5 The failure of the Disciplinary Authority to comply with any or all of the requirements in 2.1.1 shall not affect the validity of further proceedings in connection with the disciplinary matter provided, however, such failure may be considered in further proceedings.

2.1.6 The first level disciplinary authority whose decision is being appealed may be referred to in this document as "the Respondent".

2.1.7 Students when appealing may be referred to in this document as "the Appellant".

2.2 Jurisdiction of Disciplinary Authorities

The Jurisdiction of Disciplinary Authorities is set out in Table 1 of Bylaw: Student Discipline.

2.3 Range of Possible Disciplinary Actions

The Disciplinary Actions Available to Disciplinary Authorities are set out in Table 2 of Bylaw: Student Discipline.

2.4 Suspensions and Expulsions

2.4.1 Suspension means any withdrawal of one or more rights or privileges for a definite or indefinite period of time.

   2.4.1.1 Students who have been suspended for a definite period of time shall upon the lifting of the suspension, have the rights or privileges suspended, automatically reinstated.
   2.4.1.2 Suspension for an indefinite period of time shall be dealt with as follows:

      (a) In the case of suspension for an indefinite time by the Executive Director of Enrolment Services, the suspension may be lifted by the Executive Director of Enrolment Services upon consideration at the written request of the Student, after consultation with the Dean/Director of the Faculty or School concerned.
      (b) In the case of all other suspensions for an indefinite period of time, the suspension may be lifted by the Disciplinary Authority which imposed the suspension, upon consideration of the written request of the Student.

2.4.2. Expulsion means a withdrawal of all rights or privileges available to students for either a definite or indefinite period of time.

   2.4.2.1 In the case of an expulsion for a definite period of time, upon expiration of such time, the Student, to be readmitted, must reapply for admission, through normal channels, to the appropriate authority having jurisdiction over admission.
2.4.2.2 In the case of a Student who has been expelled for an indefinite period of time the student may apply to the Disciplinary Authority that imposed the final penalty for a lifting of the expulsion. If the expulsion is lifted, the Student, in order to be readmitted, must reapply for admission, through normal channels, to the authority having jurisdiction over admission.

2.4.3 A Student may be suspended or expelled by a Disciplinary Authority from the following:

(a) a particular course;
(b) courses;
(c) a department;
(d) a Faculty/ School;
(e) the University; or
(f) a Residence.

2.4.3.1 When a Student is suspended or expelled from the above list (excluding (f)) any academic credits earned by the Student at The University of Manitoba or at another academic institution in an equivalent or related area of study during the period of suspension or expulsion shall not be counted as credit toward any degree or program offered by a department, or a Faculty/School, from which Faculty/School, or from whose courses, the Student has been suspended or expelled unless at the time of the imposition of the suspension or expulsion, the Disciplinary Authority stipulates otherwise.

2.4.4 Where a Disciplinary Authority has suspended or expelled the Student from the University, any academic credits earned by the Student at any academic institution during the period of suspension or expulsion shall not be counted as credit toward any degree or program offered by The University of Manitoba, unless at the time of the imposition of the suspension or expulsion, the Disciplinary Authority stipulates otherwise.

2.4.5 Where the Student has been suspended or expelled from a Faculty/ School of the University, any other Faculty/School may refuse to register the Student for any course or courses or refuse to accept the Student as a transfer Student, provided that prior to such refusal, the other Faculty/School has:

(a) obtained and considered a written report from the Disciplinary Authority that implemented the suspension or expulsion, outlining the circumstances surrounding the disciplinary action;
(b) provided the Student a copy of the report; and
(c) given the student an opportunity to respond to the report.

This is not an appealable matter.

2.5 Student Academic History/Transcript with regard to Disciplinary Actions

2.5.1 Disciplinary actions implemented shall not ordinarily be recorded on the Student's academic history/transcript except in the following:

(a) if the Student is suspended or expelled under sections 6 to 9 of Table 2 inclusive; or
(b) a reprimand has been ordered recorded on a Student's academic history/transcript under section 20 of Table 2.

2.5.2 A suspension shall appear on the Student's academic history/transcript until such time as the suspension period has elapsed, when it shall be removed upon the written request of the Student to the Registrar.

2.5.3 In the case of suspension for supplying false or misleading information in connection with an application for admission (see sections 10 and 11 of Table 2), any notation on the Student's academic
history/transcript may only be removed by the Registrar, for undergraduate students and the Dean, Faculty of Graduate Studies for graduate students upon the written order of the Disciplinary Authority that implemented the disciplinary action (see 2.4.2 of these Procedures).

2.5.4 An expulsion shall appear on the Student's academic history/transcript and may only be removed by the Registrar upon the written order of the Disciplinary Authority that implemented the disciplinary action.

2.5.5 Where a reprimand has been ordered to be recorded on the Student's academic history/transcript (see section 20 of Table 2), the reprimand shall be removed:

(a) following the elapse of the specified period of time, upon the written request of the Student to the Registrar; or
(b) earlier, upon a written order from the Disciplinary Authority that implemented the disciplinary action.

2.5.6 For the purposes of this document the term "reprimand" is defined as "to convey stern disapproval to a person by means of recording of action on their student record and transcript".

2.6 Appeals

2.6.1 General

2.6.1.1 A Student has the right to appeal all disciplinary actions except those implemented by the University Discipline Committee or a hearing panel thereof.

2.6.1.2 A Disciplinary Authority to whom an appeal has been made may dispose of the matter in any way authorized to it under Table 1. The resulting disposition may be the same, more severe or less severe than the original disciplinary action and the Student shall be so informed of this possibility prior to the commencement of an appeal hearing.

2.6.1.3 Only the Student who has been the subject of disciplinary action has the right to appeal.

2.6.1.4 When an appeal is heard, a finding that disciplinary action is warranted shall not be implemented unless the Student has been invited to attend the hearing and, if in attendance, is permitted to ask questions and offer an explanation. Every reasonable attempt should be made to schedule the hearing at a time and place that permits the Student's participation.

2.6.1.5 The Student may appear in person and may be represented by another person in accordance with the provisions of Section 2.10.3, 2.10.4, and 2.17.5.

2.6.1.6 If the Appellant, Respondent or their respective representatives are unable to attend the hearing in person, the use of an electronic communication device, such as telephone, may be used with prior consent of the Chair, provided that such means enable all parties to clearly communicate. A request for such a meeting must be made at least one week in advance of the hearing date.

2.6.1.7 A representative designated in writing by the Student, subject to 2.10.3 and 2.17.5, may:

(a) attend any disciplinary hearing; and

(b) participate in any disciplinary hearing to the extent of asking questions of anyone in attendance and making submissions to any Disciplinary Authority, including the Local Discipline Committee (the "LDC").

2.7 Notices of Appeal/Disciplinary Authority Response to Appeal
2.7.1 If the Student wishes to appeal a disciplinary action, the Student must deliver the following documents (the "Notice of Appeal") to the appropriate persons or bodies as identified in 2.8 within ten (10) working days as of the date on the letter from the lower body, notifying the Student of the disciplinary action:

(a) copies of such written materials as the Student wishes considered in connection with the appeal; and
(b) copies of the letter indicating the lower level decision, if not a first level appeal.

2.7.2 The Student shall clearly indicate in the notice of appeal whether they are appealing the decision on:

(a) the finding of facts;
(b) the disposition determined by the disciplinary authority; or
(c) both (a) and (b).

2.7.3 The lower level appeal body Committees must send a copy of decision letter to next level of appeal body. If an appeal is not received by the next level appeal body by deadline set out in 2.7.1. then the disciplinary action against the student will be implemented.

2.7.4 The time for delivery of a Notice of Appeal may be extended by the person or body to whom the appeal is to be made, or by the Chair of UDC where the appeal is to the UDC. The disciplinary action implemented may be put on hold if the appeal body receiving the next level of appeal deems the lateness acceptable and grants the student permission to proceed with the appeal after deadline.

2.7.5 The Student and the designated representative of the Student shall receive the same notices of hearings held by a LDC and the UDC as the Respondents.

2.7.6 The Respondent will be given ten (10) business days to respond. If no response is received from the Respondent by the date requested by the Office coordinating the appeal, a hearing may be set. If the Respondent had not received permission for an extension, a written request must be submitted to the appropriate Chair to determine whether the Respondent’s submission will be accepted.

2.8 Appeal Routes

2.8.1 If the Student wishes to appeal the disciplinary decision of a member of the academic staff (except for suspension from attendance for the balance of the meeting of one class), or the decision of a Department Head, the Notice of Appeal shall be delivered to the appropriate Dean/Director in the Faculty/School offering course(s), the Dean/Director in the Faculty/School of registration with a copy to the academic staff member/department head, as the case may be.

2.8.2 If a Student is appealing within a Faculty/School that does not have Department Heads, then the first level of decision will be the Dean/Director of that respective Faculty/School and the next level of appeal will be the Local Discipline Committee as set out in 2.8.3.

2.8.3 If the Student wishes to appeal the disciplinary decision of a Dean/Director, or the Director of Housing and Student Life, the Notice of Appeal shall be delivered to the appropriate LDC in care of the respective Dean/Director or the Director of Housing and Student Life.

2.8.4 If the Student wishes to appeal the disciplinary decision of the Director of Libraries (other than as a delegate of the President), a delegate of the Director, or an ad hoc committee appointed by the Director, the Notice of Appeal shall be delivered to the Chair of the Senate Committee on Libraries, with a copy to the person or ad hoc committee which made the initial disciplinary decision. Within ten (10) business days of receipt of the Notice of Appeal, the Chair of the Senate Committee on Libraries will appoint a Library Appeals Committee to hear the appeal.
2.8.5 If the Student wishes to appeal the disciplinary decision of any of the following disciplinary authorities, the Notice of Appeal shall be delivered to the UDC in care of the Secretary of the UDC (University Secretary):

(a) the decision of an LDC or the Library Appeals Committee;
(b) the decision of the Director of Admissions;
(c) the decision of the Dean of the Faculty of Graduate Studies in relation to fraudulent documents submitted for admission to the Faculty;
(d) the decision of the Executive Director of Enrolment Services or the Associate Vice-President (Administration) or an ad hoc committee appointed by either of these persons;
(e) the decision of the Executive Director of Information Services & Technology (IST);
(f) the Registrar;
(g) the Provost of University College;
(h) the decision of the Vice-President (Administration); or
(i) the decision of the President or delegate.

2.9 LOCAL DISCIPLINE COMMITTEE (LDC)

2.9.1 Each Faculty/School, and the University Residences under the jurisdiction of the Office of Housing and Student Life shall establish a standing or, from time to time, ad hoc committee to hear and determine disciplinary matters appealed to it by Students from a decision of the Dean/Director of a Faculty/School, or the Director of Housing and Student Life for the University Residences under the Office of Housing and Student Life’s jurisdiction (hereinafter referred to as “the LDC”).

2.9.2 In Faculties/Schools the LDC shall be composed of an equal number of academic staff and Students with a minimum of eight (8) members.

2.9.3 In the case of University Residences, the LDC shall be composed of an equal number of residence staff and Students with a minimum of eight (8) members. Members shall be appointed by the Director of Housing and Student Life with the advice of the appropriate Residence Students’ Association.

2.9.4 The Chair shall be elected by and from the membership.

2.9.5 A quorum shall be half the members, with a minimum of four (4) members, ensuring at least one Student and one Faculty member are present.

2.9.6 The Chair shall only vote in the case of tie.

2.10 LDC Hearing Procedures

2.10.1 The Student shall be presumed to be innocent until the evidence presented indicates that, on the balance of probabilities disciplinary action is warranted. The LDC, in weighing the balance of probabilities, shall consider the severity of the alleged incident.

2.10.2 The hearing shall be by way of a trial de novo unless the appeal has been made only in relation to the severity of the disciplinary action imposed.

2.10.3 The Student may appear in person and be represented by an advocate from the office of Student Advocacy, a representative from the University of Manitoba Students’ Union, a representative from the Graduate Students’ Association, a member of the University community not receiving payment for appearing, or a member of the Student’s immediate family. It is the student's sole responsibility to determine the adequacy of their representation.

2.10.4 If the Student wishes to have a lawyer present, the lawyer may only be a non-participating observer at hearings of the LDC, but may represent the Student at hearings of the UDC.
2.10.5 A Student who fails to attend a scheduled hearing may have their appeal considered on the basis of their written submission, verbal submission made by the Respondent, or Respondent's representative as required by the Committee, and the presentation of the Student's designated representative, if any.

2.10.5.1 In such a case, the Student shall be advised that the Committee has made a decision regarding the appeal, and that the Student has ten (10) business days to provide reasons for missing the hearing prior to the implementation of the decision. The Chair shall determine whether the hearing should be re-scheduled based on any submission from the Student. A reasonable attempt will be made to reconvene the same members should the hearing be re-scheduled.

2.10.6 The Student and the Student's designated representative, if any, and the relevant Disciplinary Authority, shall be entitled to receive in writing, at least five (5) working days before the date set for the hearing, the information that has been submitted to the LDC hearing panel by both relevant parties in accordance with the Freedom of Information and Protection of Privacy Act ("FIPPA") and the Personal Health Information Act ("PHIA").

2.10.7 Hearings shall be in camera, unless the Student requests in writing at least 48 hours before the hearing that a hearing be open. If the hearing is open, reasonable seating for observers shall be provided, but observers may not participate in the proceedings.

2.10.8 Notwithstanding section 2.10.7, hearings related to discipline under Policy Respectful Work and Learning Environment (Personal Harassment, Sexual Harassment, and/or Human Rights Discrimination or Harassment) shall be closed.

2.10.9 The Student, or the Student's representative, if any, and the relevant Disciplinary Authority shall have the right to challenge for cause any member of the LDC, the validity of the challenge to be judged by the remainder of the LDC. Such cause may include current teacher-student relationship, bias, or any factor likely to prejudice a fair hearing. Any person, who was directly involved in the original Disciplinary Action, either as a principal in the case or as a Disciplinary Authority, shall be automatically removed from any hearing panel regarding the appeal.

2.10.10 The Student, or the Student's designated representative, if any, and the Respondent, or the Respondent's representative, if any, may call witnesses and submit other evidence. The Student, the Student's representative, if any, and the Respondent, or Respondent's representative, if any, are responsible for arranging their own witnesses. If witnesses are to be called, a witness list must be provided by the Student or the Student's representative, if any, in their original appeal package provided to the Chair and a witness list must be provided by the Respondent or the Respondent's representative, if any, with their response to the appeal.

2.10.11 The Student shall not be required to testify, but if the Student elects to do so, then the Student may be cross-examined by the Respondent, or the Respondent's representative, if any.

2.10.12 The Student or the Student's designated representative, if any, and the Respondent, shall have the right to cross-examine witnesses.

2.10.13 Requests for adjournment shall be honoured within reason.

2.10.14 The LDC may consider confidential information from the University Health Service, Counselling Service, University Chaplains and other similar services which are submitted by these services to the LDC at the request of the Student. Such confidential information submitted to the LDC may only be used for the purpose of the appeal.

2.10.15 A decision to uphold or deny an appeal, in whole or in part, and a decision to take different disciplinary action, in whole or in part, requires a simple majority of LDC Committee members present and voting.
2.10.16 The results of the hearing shall be conveyed in writing, in a timely fashion, by the Chair of the LDC to the Student or the Student's designated representative, if any and to the Respondent or the Respondent's designated representative, as the case may be.

2.10.17 If, after hearing all the evidence, the LDC is satisfied on the evidence presented that the Student concerned has violated or committed an infraction of University regulations or policies through an act of commission or omission for which the Student ought to be disciplined, the LDC may dispose of the matter as set out in the column entitled "Deans, Directors or LDC" in Table 2.

2.11 UNIVERSITY DISCIPLINE COMMITTEE (UDC)

2.11.1 Jurisdiction

The UDC and the hearing panels thereof shall exercise Disciplinary Authority on behalf of the Board of Governors on all Students that are appealing a decision from the Disciplinary Authorities that are set out in section 2.8.5 of this document.

2.12 Composition

2.12.1 The UDC shall be composed of 19 members. The 19 shall include:

a) eight academic staff nominated by the Senate Nominating Committee and appointed by the Board of Governors;
b) seven students nominated by the Student Senate Caucus and appointed by the Board of Governors;
c) the President of the University of Manitoba (or designate), as an ex-officio member;
d) the President of the University of Manitoba Students' Union (or designate), as an ex-officio member;
e) the President of the University of Manitoba Graduate Students' Association (or designate), as an ex-officio member; and
f) the Chair appointed pursuant to section 2.12.4. The Chair shall only vote in the event of a tie.

2.12.1.1 Positions for which no nomination had been received from the Student Senate Caucus by September 15th shall be nominated by the Senate Nominating Committee.

2.12.2 The terms of office shall be three years for academic staff, and one year for students, from June 1 to May 31 (academic staff) and October 14, to October 13 (students). A member whose term of office has expired in any year shall continue in office until a successor has been appointed and shall be eligible for reappointment.

2.12.3 A quorum shall be nine (9) the members, where a minimum of one student and one academic are present.

2.12.4 The Chair shall be appointed by the Board of Governors for a three year term.

2.12.5 The Vice-Chair shall be elected from and by the members for a three year term.

2.13 Terms of Reference

2.13.1 To report annually to the President.

2.13.2 To establish procedures, consistent with this bylaw, for hearing panels.

2.13.3 To hear appeals, either as a committee of the whole or through a hearing panel, from decisions of disciplinary authorities.

2.13.4 To review the Student Discipline Bylaw and related Procedures periodically and, if necessary, to recommend changes to it.
2.14 UDC Hearing Panels

2.14.1 When a matter has been appealed to the UDC, the Chair shall either convene the UDC or convene a hearing panel thereof to hear the appeal.

2.14.2 When an appeal is received based on a fine or the amount ordered, the only decision from which an appeal is taken is the amount levied by way of fine or the amount ordered to be paid by way of restitution; then, if such fine or restitution does not exceed $250.00, the Chair may, at the Chair's discretion, personally decide the matter, or may convene a hearing panel to hear the appeal.

2.14.3 A quorum shall be a minimum of four (4) members, ensuring at least one Student and one Faculty member are present including the Chair.

2.14.4 The Chair may vote only if there is a tie.

2.14.5 UDC members who have a conflict of interest in a particular case, or have a temporary work conflict, or are otherwise unable to sit, may disqualify themselves from hearing an appeal.

2.14.6 Notwithstanding the foregoing, the Chair of the UDC may, in a particular case, require that a larger hearing panel be convened to consider the matter, provided that such a larger hearing panel maintains the representation as set out in section 2.14.3.

2.14.7 The Chair of the UDC may use his/her discretion in determining whether an appeal will be accepted when the appeal is submitted past the deadline as set out in section 2.7.1 of these Procedures: Student Discipline.

2.14.8 The Chair of the UDC may use his/her discretion to reject an appeal if the appeal appears to be clearly outside the jurisdiction of the UDC, (i.e. matters not dealing with discipline nor related disciplinary actions taken by a lower appeal body).

2.14.9 A staff member from the Office of the University Secretary, will serve as Recording Secretary for the hearings.

2.14.10 All members of the UDC and/or Hearing Panel will keep all materials and information used for the appeal in strict confidence and surrender such materials to the Recording Secretary who will have the materials destroyed by way of confidential shredding.

2.15 Responsibilities of Students submitting an Appeal

2.15.1 Students must submit ALL documentation they will rely on for their appeal and must include the following documentation:

(a) A completed and signed UDC appeal application form, with current mailing address and telephone numbers. The form is available at both the Office of Student Advocacy and the Office of the University Secretary.
(b) A copy of the letter from the last Disciplinary Authority (in most cases an LDC), regarding the last appeal indicating their decision.
(c) A copy of the materials submitted at last level of appeal if different from the materials submitted to the UDC.
(d) A letter to the Chair of the UDC clearly outlining the reason for the appeal and the remedy sought.
(e) All relevant documentation the Student will rely on as support for the appeal.
(f) A listing of all resources or witnesses the student wants in attendance at the UDC hearing and their relevance. [The scheduling of witnesses and resource people is the responsibility of the Student.]
(g) All the above documents must be filed within the time set out in section 2.7.1.
2.16 Responsibilities of Respondents involved in an appeal

2.16.1 Respondents must submit the following:

(a) A written response to the Student's appeal;
(b) ALL relevant documentation the Respondents will rely on as support for their position regarding the appeal; and
(c) A listing of all resource people or witnesses they want in attendance at the UDC hearing and their relevance. [The scheduling of witnesses and resource people is the responsibility of the Respondent.]
(d) All the above documents must be filed within the time set out in section 2.7.6.

2.17 UDC Hearing Procedures

2.17.1 The Student shall be presumed to be innocent until the evidence presented indicates that, on the balance of probabilities disciplinary action is warranted. The UDC, in weighing the balance of probabilities, shall consider the severity of the alleged incident.

2.17.2 The hearing before the UDC hearing panel shall be by way of a trial de novo unless the appeal has been made only in relation to the severity of the disciplinary action imposed.

2.17.3 After an appeal hearing has commenced, the appeal may be withdrawn by the appellant only with leave of the UDC hearing panel.

2.17.4 The Student may appear in person and may be represented by any other person in accordance with the provisions of 2.17.5.

2.17.5 The representative may be an advocate from the office of Student Advocacy, a representative from the University of Manitoba Student's Union, a representative from the Graduate Students' Association, a member of the university community not receiving payment for appearing, or of the Student's immediate family or a lawyer. It is the Student's sole responsibility to determine the adequacy of their representation.

2.17.6 A Student who fails to attend a scheduled hearing may have his/her appeal considered on the basis of their written submission, verbal submission made by the Respondent, or Respondent's representative as required by the Committee, and the presentation of the Student's designated representative, if any.

2.17.6.1 In such a case, the Student shall be advised that the Committee has made a decision regarding the appeal, and that the Student has ten (10) days to provide reasons for missing the hearing prior to the implementation of the decision. The Chair shall determine whether the hearing should be re-scheduled based on any submission from the Student. A reasonable attempt will be made to reconvene the same members should the hearing be re-scheduled.

2.17.7 If the Student intends to have a lawyer present at the hearing, the Student shall notify the Chair of the UDC at least seven (7) working days prior to the hearing. In that event, the UDC hearing panel may also retain the services of legal counsel. A rescheduling of the hearing may be required for all parties to retain legal Counsel.

2.17.8 A representative designated in writing by the Student, subject to 2.17.5 and 2.17.7, may:

(a) attend the disciplinary hearing; and
(b) participate in any disciplinary hearing to the extent of asking questions of anyone in attendance and making submissions to the UDC.

2.17.9 Hearings shall be in camera unless the Student requests in writing at least 48 hours before the hearing that a hearing be open. If the hearing is open, reasonable seating for observers shall be provided,
but the observers may not participate in the proceedings.

2.17.10 Regardless of section 2.17.9, hearings related to discipline under Policy: Respectful Work and Learning Environment (Personal Harassment, Sexual Harassment, and/or Human Rights Discrimination or Harassment) shall be closed.

2.17.11 The Student and the Student's designated representative, if any, and the relevant Disciplinary Authority, shall be entitled to receive in writing, at least five (5) working days before the date set for the hearing, the information that has been submitted to the UDC hearing panel by both relevant parties in accordance with the Freedom of Information and Protection of Privacy Act ("FIPPA") and the Personal Health Information Act ("PHIA").

2.17.12 The Student, or the Student's representative, if any, and the relevant Disciplinary Authority shall have the right to challenge for cause any member of the UDC hearing panel, the validity of the challenge to be judged by the remainder of the UDC hearing panel if such a challenge is made at this time. Such cause may include current teacher-student relationship, bias, or any other factor likely to prejudice a fair hearing. Any person, who was directly involved in the original Disciplinary Action, either as a principal in the case or as a Disciplinary Authority, shall be automatically removed from any hearing panel regarding the appeal. The Office of the University Secretary after consultation with the Chair will make every reasonable attempt to address any concerns made prior to the hearing date regarding bias by either the Appellant or the Respondent.

2.17.13 The Student or the Student's designated representative, if any, and the Respondent, or the Respondent's representative, if any, shall have the right to cross-examine witnesses.

2.17.14 The Student shall not be required to give testimony but if the Student elects to do so, the Student may be cross-examined.

2.17.15 The Student, or the Student's representative, if any, and the relevant Respondent, or the Respondent's representative, if any, may call witnesses and submit other evidence. The Student, or the Student's representative, if any, and the relevant Respondent, or the Respondent's representative, if any, are responsible for arranging their own witnesses. If witnesses are to be called, a witness list must be provided by the Student or the Student's representative, if any, in their original appeal submission provided to the Chair and a witness list must be provided by the relevant Respondent, or the Respondent's representative, if any, with their response to the appeal.

2.17.16 Requests for adjournment shall be honoured within reason.

2.17.17 The UDC may consider confidential information from the University Health Service, Counselling Service, University Chaplains and other similar services which are submitted by these services to the UDC at the request of the Student. Such confidential information submitted to the UDC may only be used for the purpose of the appeal and will be treated as other documentation submitted for the appeal hearing as set out in 2.14.10.

2.17.18 Subject to paragraph 2.17.11, the Student, the Student's representative and the relevant Disciplinary Authority normally shall have the right to receive a copy of any university document that the UDC or hearing panel considers in relation to the appeal. The Chair of the Committee shall make the final determination on this matter.

2.17.19 A decision to uphold or deny an appeal, in whole or in part, and a decision to take different disciplinary action, in whole or in part, requires a simple majority.

2.17.20 Where the Student appeals the disposition of a harassment or human rights complaint and upon the written request of the Chair of the UDC, the Vice-President (Administration) shall forward to the UDC the report of the Investigation Officer for consideration in the disposition of the appeal. Such confidential
information submitted to the UDC may only be used for the purpose of the appeal and will be treated as other documentation submitted for the appeal hearing as set out in 2.14.10

2.17.21 The Chair of the UDC or hearing panel shall, after a decision has been made, report the results of that decision in writing to:

(a) the Student or the designated representative of the Student, if any;
(b) the Respondent, or the Respondent’s representative, if any, from whose decision the appeal has been heard;
(c) the Dean/Director of the Faculty/School involved; or the Associate Vice-President (Administration), the Director of Housing, and Student Life, Provost of University College, and the Director of IST as the case may be;
(d) the Registrar;
(e) the Vice-President (Administration); or
(f) any others as deemed relevant.

2.17.22 If, after hearing all the evidence, the UDC or the UDC hearing panel is satisfied on the evidence presented that the description of the circumstance of the disciplinary matter does not precisely describe the alleged conduct, the UDC or the UDC hearing panel may dispose of the matter as set out in column entitled “UDC” in Table 2.

2.18 Records of Disciplinary Actions

2.18.1 A permanent record of disciplinary actions taken under the ("Bylaw: Student Discipline" and "Procedures: Student Discipline"), shall be maintained in the Office of the University Secretary who may, at the request of an appropriate Disciplinary Authority, release the information to that authority for consideration when making a subsequent disciplinary decision.

2.19 ANNUAL REPORTS

2.19.1 The Annual Report of the UDC will contain all the disciplinary matters that have occurred on campus from September 1 to the following August 31 of each Calendar year.

2.19.2 Members of the academic staff and Department Heads, who have dealt with a disciplinary matter, shall report to the Dean/Director of the Faculty/School to which each student belongs, setting out the nature of the offence and particulars of the penalty and the student identification number if applicable. The student identification number is only used for administrative purposes to reduce the possibilities of errors in duplicate reporting and will not be included in the annual report.

2.19.3 Disciplinary authorities (Senior Administrators, Deans, Directors and Heads of Administrative Units), except members of the academic staff and department heads, shall report all disciplinary matters considered by or reported to them to the Chair of the UDC by October 1 of each year. The report shall contain the number of disciplinary matters referred to such person or body, the nature of the offences and particulars of the dispositions, and such further matters as may be required by the UDC.

2.19.4 The Recording Secretary of the UDC shall prepare and the Chair shall submit a report to the University President by December 1 in each year setting out both a summary of the reports submitted to the Chair of the UDC as well as particulars of the number, nature and disposition of cases appealed to the UDC.

2.19.5 Members of the University community, shall be kept informed of the nature and disposition of cases dealt with under this Bylaw as the Annual Report shall be presented to the both the Senate and the Board of Governors annually. The names of students disciplined shall not normally be made public.

3.0 Accountability

3.1 The University Secretary is responsible for advising the President that a formal review of these Procedures is required.
3.2 The University Secretary is responsible for the communication, administration and interpretation of these Procedures.

4.0 Review

4.1 Formal Procedure reviews will be conducted every ten (10) years.

4.2 In the interim, this/these Procedures may be revised or rescinded if:

(a) the Approving Body deems necessary, (or the President, where the approving body is the Administration); or
(b) the relevant Bylaw, Regulation(s) or Policy is revised or rescinded.

5.0 Effect on Previous Statements

5.1 These Procedures supersede the following:

(a) all previous Board/Senate Procedures, and resolutions on the subject matter contained herein;
(b) all previous Administration Procedures, and resolutions on the subject matter contained herein;
(c) all previous Faculty/School Council Procedures stemming from the Faculty/School Council Bylaw and academic and admission Regulations and any resolutions on the subject matter contained herein; and
(d) Policy 1202: Student Discipline Bylaw and Bylaw 27: Student Discipline Bylaw.

6.0 Cross References

Indicate names and numbers of other specific Governing Documents which should be cross referenced to the Governing Document. [Include section # of other Governing Document if appropriate.

Cross referenced to:

(1) Bylaw: Student Discipline
(2) Policy: Respectful Work and Learning Environment
(3) Procedures: Respectful Work and Learning Environment
(4) Policy Examination Regulations
(5) Policy: Inappropriate and Disruptive Behaviour
(6) Policy: Violent and Threatening Behaviour
(7) Procedures: Violent and Threatening Behaviour