

UNIVERSITY OF MANITOBA PROCEDURE

Procedure:	STUDENT ACADEMIC MISCONDUCT
Parent Policy:	Student Discipline Bylaw
Effective Date:	September 1, 2016
Revised Date:	September 1, 2018
Review Date:	September 1, 2028
Approving Body:	Board of Governors
Authority:	Student Discipline Bylaw
Responsible Executive Officer:	President
Delegate:	University Secretary
Contact:	University Secretary
Application:	Students, Faculty/College/School Councils, Unit Heads, Academic Staff and Employees

Part I Reason for Procedure

- 1.1 The University of Manitoba emphasizes the importance of academic integrity and works diligently to uphold a rigorous and ethical academic environment.
- 1.2 The reason for this Procedure is to:
 - (a) Articulate the University's expectation that all Students maintain the highest standards of integrity;
 - (b) Outline the jurisdiction for each Disciplinary Authority dealing with the Academic Misconduct of Students; and
 - (c) Provide a fair and thorough investigation process into allegations of Academic Misconduct.

Part II Procedure Content

Definitions

2.1 The following terms are defined for the purpose of this Procedure:

- (a) "**Academic Misconduct**" has the same meaning as defined in section 2.5 of this Procedure.
- (b) "**Academic Staff**" refers to all individuals whose primary assignment is instruction, research, and/or service/academic administration. This includes employees who hold an academic rank such as professor, associate professor, assistant professor, instructor, lecturer, librarian, or the equivalent of any of those academic ranks. The category also includes a dean, director, associate dean, assistant dean, chair or head of department, visiting scholars, senior scholars, and those holding unpaid academic appointments, insofar as they perform instructional, research, and/or service/academic administrative duties.
- (c) "**Appeal Procedure**" means the Student Discipline Appeal Procedure.
- (d) "**Bylaw**" means the Student Discipline Bylaw.
- (e) "**College**" means a Professional College as defined under the Definitions of Academic Units Policy.
- (f) "**Disciplinary Action**" means the specific disciplinary actions available for each Disciplinary Authority under Table 3.
- (g) "**Disciplinary Authority**" means the disciplinary authority designated to determine a matter of student discipline for Academic Misconduct under Table 1.
- (h) "**Faculty**" means a Faculty as defined under the Definitions of Academic Units Policy.
- (i) "**Procedure**" means this Student Academic Misconduct Procedure.
- (j) "**School**" means a "School of the University" or a "School of a Faculty", as those terms are defined under the Definitions of Academic Units Policy.
- (k) "**Student**" means any of the following individuals:
 - (i) **Admitted** – an individual who has accepted an offer of admission to the University;

- (ii) **Current** – an individual who is either registered in course(s) or in a program of studies at the University or is eligible to continue in their studies at the University either because the individual meets minimum academic performance requirements or will be eligible to continue after discharging a financial hold or serving suspension;
 - (iii) **Former** – an individual who has graduated from the University or who has withdrawn (either voluntarily or was required to withdraw).
- (l) **"Student Advocate"** is a member of the University's Student Advocacy Office who provides Students with information on their rights and responsibilities, as well as assistance with resolving problems or concerns resulting from actions or decisions taken by the University.
 - (m) **"Table 1"** refers to Table 1: Jurisdiction of Disciplinary Authorities for Academic Misconduct, which follows the Bylaw.
 - (n) **"Table 3"** refers to Table 3: Disciplinary Actions and Disciplinary Authorities, which follows the Bylaw.
 - (o) **"Unit"** means a Faculty, School, College, institute, centre, academic support unit (for example, libraries) or administrative unit whose Unit Head reports to the President or a Vice-President, Associate Vice-President or Vice-Provost. An academic department within a Faculty/College/School is not a Unit as the term is used within this Procedure.
 - (p) **"Unit Head"** refers to the individual with direct supervisory authority over a Unit, including Deans, Directors, the University Librarian, the President, Vice-Presidents, Associate Vice-Presidents and Vice-Provosts with respect to their Units.
 - (q) **"University"** refers to the University of Manitoba.
 - (r) **"University Community"** means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, Students, volunteers, external parties, contractors and suppliers.
 - (s) **"UMSS"** means the University of Manitoba Security Services.

Scope

- 2.2 This Procedure applies to Student's academic conduct in relation to any University Matter.
- 2.3 **"University Matter"** means any activity, event, or undertaking in which a member of the University Community participates which has a substantial connection to the University, such as:

- (a) University-related activities or events, including but not limited to:
 - (i) Any activity or event on property owned or controlled by the University;
 - (ii) The leasing of space, including student residence rooms, on property owned or controlled by the University;
 - (iii) The offering of any service by the University, including educational services;
 - (iv) Student placements, practica, or clinical training;
 - (v) University research activities, whether on or off campus;
 - (vi) Student and/or employee exchanges arranged in connection with the University;
 - (vii) Social events or networking, where matters regarding the University or members of the University Community are a significant focus of the activity;
 - (viii) University field trips, travel-study tours, service-learning activities, and similar activities;

- (b) Activities or events involving members of the University Community, where the actions of those members of the University Community may reasonably reflect upon or affect the University, including but not limited to:
 - (i) Any aspect of the employment or engagement of employees and contractors for roles and projects substantially connected to the University;
 - (ii) Participation on a committee or board as a representative of the University;
 - (iii) Writings, photographs, artwork, audio or video recordings, and/or electronic communications, including communications through social media, where matters regarding the University or members of the University Community are a significant focus of the communication;
 - (iv) Matters related to The University of Manitoba Students' Union, the Graduate Students' Association, and their affiliated student groups to the extent that it affects the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments; or

- (v) Matters of off-campus conduct that have, or might reasonably be seen to have an adverse effect on the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments.

Academic Misconduct

- 2.4 As members of the University Community, Students have an obligation to act with academic integrity. Any Student who engages in Academic Misconduct in relation to a University Matter will be subject to discipline.
- 2.5 "**Academic Misconduct**" means any conduct that has, or might reasonably be seen to have, an adverse effect on the academic integrity of the University, including but not limited to:
 - (a) **Plagiarism** – the presentation or use of information, ideas, sentences, findings, etc. as one's own without appropriate attribution in an assignment, test or final examination.
 - (b) **Cheating on Quizzes, Tests or Final Examinations** – the circumventing of fair testing procedures or contravention of exam regulations. Such acts may be premeditated/planned or may be unintentional or opportunistic.
 - (c) **Inappropriate collaboration** – when a Student and any other person work together on assignments, projects, tests, labs or other work unless authorized by the course instructor.
 - (d) **Duplicate Submission** – cheating where a Student submits a paper/assignment/test in full or in part, for more than one course without the permission of the course instructor.
 - (e) **Personation** – writing an assignment, lab, test, or examination for another Student, or the unauthorized use of another person's signature or identification in order to impersonate someone else. Personation includes both the personator and the person initiating the personation.
 - (f) **Academic Fraud** – falsification of data or official documents as well as the falsification of medical or compassionate circumstances/documentation to gain accommodations to complete assignments, tests or examinations.
- 2.6 Students will be subject to Disciplinary Action for any instance of Academic Misconduct, regardless of whether such behaviour is covered by other University policies, procedures or bylaws. Matters relating to certain Academic Misconduct may also be subject to additional policies, such as the Responsible Conduct of Research Policy and related procedures.

Jurisdiction of Disciplinary Authority

- 2.7 The specific jurisdiction of each Disciplinary Authority designated to determine an allegation of Academic Misconduct is set out in Table 1.
- 2.8 For matters involving the Academic Misconduct of an undergraduate Student, the Disciplinary Authority with the closest connection to the particular alleged Academic Misconduct has jurisdiction over the matter, subject to section 2.10 of this Procedure. However, the Disciplinary Authority must inform the Unit Head of the Student's home Faculty/College/School prior to any investigation.
- 2.9 Matters involving Academic Misconduct of a graduate Student must be referred directly to the Dean of the Faculty of Graduate Studies who shall, in turn, inform the department head or Unit Head of the Student's home department or Unit prior to any investigation and Disciplinary Action.
- 2.10 When the alleged Academic Misconduct, if proven on a balance of probabilities, would:
- (a) Constitute a second instance of Academic Misconduct by the Student; or
 - (b) Be of such severity as to warrant a Disciplinary Action that is not available to the Disciplinary Authority with the closest connection to the matter under Table 1 (e.g. Department Head);
- the matter shall be referred to the next appropriate Disciplinary Authority under Table 1 (e.g. Dean/Director) for investigation and decision.
- 2.11 If a question arises as to which Disciplinary Authority should hear a particular case, the question must be referred to the President for resolution.
- 2.12 If the Academic Misconduct relates to a criminal offence, the Disciplinary Authority must provide relevant information to UMSS for potential follow-up by the appropriate policing authority.

Notice to the Student

- 2.13 If the Disciplinary Authority determines that there is sufficient evidence to initiate an investigation into the allegation of Academic Misconduct under this Student Academic Misconduct Procedure, the Student who is the subject of a disciplinary matter will be informed in writing by the Disciplinary Authority (with a copy to the University's Registrar) that:
- (a) An investigation is proceeding in accordance with this Procedure, the nature of the matter being investigated, that the Student may be subject to Disciplinary Action and that a hold will be placed on the Student's record in accordance with section 2.14 of this Procedure until the allegation is investigated;

- (b) The Student will be given an opportunity to respond to the allegation and, if a meeting is scheduled, notice will be provided as to who will be present on behalf of the University at the meeting;
- (c) The Student may seek advice and representation from a Student Advocate, 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, a member of the Student's immediate family or other support person as may be appropriate. It is the sole responsibility of the Student to determine the adequacy of the Student's representation;
- (d) Failure to respond by a specified date will result in the matter being considered without the Student's response;
- (e) The Student may obtain a copy of this Procedure, the Bylaw and related procedures. These documents are available online or from the Office of the University Secretary or the Student Advocacy office;
- (f) The Student has a right to appeal in accordance with the Bylaw and Appeal Procedure.

Student Records

2.14 The Disciplinary Authority will request that the Registrar place a hold on the Student's record to prevent the issuance of transcripts, transfers between Faculty/College/School and changes in registrations until the alleged Academic Misconduct is investigated. Until a decision has been made and any appeal process available under the Bylaw has concluded, the Student shall be permitted to continue in the course or program until the case is heard and the Disciplinary Authority must ensure the Student's work continues to be graded normally and is unaffected by the allegation of Academic Misconduct, subject to sections 2.25 and 2.26 of the Bylaw.

Investigation Procedure

2.15 Subject to section 2.16 of this Procedure, the Disciplinary Authority will, either personally or through a designate, conduct an investigation into the allegations of Academic Misconduct in any manner that he or she deems appropriate to the nature of the circumstances and the seriousness of the issues involved and any admissions made during the investigation. This may include some or all of:

- (a) Interviewing witnesses;
- (b) Reviewing documents and records (both paper and electronic);
- (c) Reviewing photographs, audio, and video recordings;

- (d) Examining physical evidence;
 - (e) Arranging for testing of physical evidence;
 - (f) With the consent of participants, arranging for medical or psychological evaluations; and/or
 - (g) Submitting a Third Party Data Access Request Form to IST regarding accessing electronic systems and consulting with Access and Privacy Office as required to facilitate the request.
- 2.16 The Disciplinary Authority may choose not to personally investigate where the issue has been or may be investigated pursuant to another University policy, procedure or bylaw.
- 2.17 The Disciplinary Authority will conduct the investigation in accordance with the principles of procedural fairness and natural justice. In particular, the Disciplinary Authority will ensure that:
- (a) The Student must be informed of the allegations against him or her, including, subject to section 2.26 of this Procedure, having access to all documentary and other evidence relied upon by the Disciplinary Authority and knowing the identity of the complainant;
 - (b) The Student must be provided an opportunity to respond to the allegations;
 - (c) While strict rules of evidence do not apply, appropriate weight must be given to evidence based on its credibility and reliability; and
 - (d) Witnesses may wish to consult with or respond through an advocate (which may include legal counsel, a union representative, or a Student Advocate, as may be appropriate).
- 2.18 The Disciplinary Authority (or designate) may meet with the Student to present the facts/evidence concerning the allegation and to give the Student an opportunity to respond to the allegation and present his/her explanation of the matter. The Disciplinary Authority will give notice to the Student as to who will be present on behalf of the University at such a meeting.

Decision

- 2.19 The Disciplinary Authority will inform the Student that a written decision letter will be sent normally within five (5) working days of receiving the Student's response. If the Student does not respond within a reasonable time, the Disciplinary Authority will consider the matter and make a decision in the absence of the Student's response and based on the information that is available.

- 2.20 At the conclusion of the investigation, the Disciplinary Authority will inform the Student of his or her decision in writing and will include, at minimum, the following:
- (a) A summary of the allegation of Academic Misconduct;
 - (b) A summary of the process and key timelines in the investigation;
 - (c) A summary of the key evidence obtained through the investigation, including the response of the Student to the allegation;
 - (d) An indication of which key evidence was considered credible and reliable;
 - (e) A conclusion as to whether, on a balance of probabilities, the Academic Misconduct occurred;
 - (f) A summary of the reasons for the conclusion;
 - (g) A summary of any Disciplinary Action instituted in accordance with the Bylaw and section 2.21 of this Procedure; and
 - (h) If Disciplinary Action is taken, information about the right to appeal, the time period for appeal, and the person and contact information for the submission of an appeal, in accordance with the Bylaw.
- 2.21 Where there is a finding of Academic Misconduct, the Disciplinary Authority will consider any previous findings of Academic Misconduct before determining the appropriate Disciplinary Action under the Bylaw. In the case where the Disciplinary Authority is not the Unit Head of the Faculty/College/School in which the Student is registered, the Disciplinary Authority will determine the appropriate Disciplinary Action in consultation with the Unit Head of that Faculty/College/School.
- 2.22 The Disciplinary Authority will send a copy of their decision to the Registrar and to the Unit Head of the Faculty/College/School in which the Student is registered.

Appeals

- 2.23 Students have a right to appeal Disciplinary Actions in accordance with the Bylaw and Appeal Procedure.

Obligations of Confidentiality by the University

- 2.24 In respect of an incidence of Academic Misconduct, the University will not disclose the name of the complainant, the Student, or the circumstances related to the complaint to any person, other than where the disclosure is:

- (a) Necessary to investigate the complaint or take corrective action with respect to the complaint; or
 - (b) Required by law.
- 2.25 Personal information that is disclosed under section 2.24 above in respect of an incidence of Academic Misconduct will be the minimum amount necessary for the purpose.

Obligations of Confidentiality by the Disciplinary Authority

- 2.26 The Disciplinary Authority, in conducting the investigation, will comply with *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* with respect to personal information and personal health information collected, used and disclosed in the course of the investigation. Where a Disciplinary Authority is unsure of whether they may disclose particular information, they may seek advice from the Access and Privacy Office.
- 2.27 The Disciplinary Authority will advise all persons involved with an investigation as to their obligations regarding confidentiality, and the protections available to them under this Procedure.

Obligations of Confidentiality by the Others

- 2.28 All persons involved in an investigation of an incident of Non-Academic Misconduct or Concerning Behaviour, whether as a witness or retrieving relevant information or documents, must keep confidential:
- (a) The existence and nature of the investigation; and
 - (b) Any information or documentation obtained as a result of the investigation;
- which information may only be disclosed to those who reasonably need to know. Where an individual is unsure of whether they may disclose particular information, they may seek advice from the Access and Privacy Office.
- 2.29 Notwithstanding section 2.28, the Complainant, the Respondent, and witnesses involved in the investigation may:
- (a) Obtain confidential advice (including advice from a Student Advocate or lawyer, as may be appropriate);
 - (b) Disclose information to others only to the extent reasonably necessary to gather evidence and, in the case of an accused Student, to make full answer and defense to the allegations; and
 - (c) Use information obtained independent of the investigation in any other forum.

Records Management

- 2.30 The Disciplinary Authority will maintain files with respect to each complaint in accordance with the Records Management Policy and Procedure.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Procedure is required.
- 3.2 The President is responsible for the implementation, administration and review of this Procedure.
- 3.3 Students, Faculty/College/School Councils, Unit Heads, Academic Staff and employees are responsible for complying with this Procedure.

Part IV Review

- 4.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is September 1, 2028.
- 4.2 In the interim, this Procedure may be revised or repealed if:
- (a) the President or the Approving Body deems it necessary or desirable to do so;
 - (b) the Procedure is no longer legislatively or statutorily compliant;
 - (c) the Procedure is now in conflict with another Governing Document; and/or
 - (d) the Parent Policy is revised or repealed.

Part V Effect on Previous Statements

- 5.1 This Procedure supersedes all of the following:
- (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (b) all previous Administration Governing Documents on the subject matter contained herein.

Part VI

Cross References

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) [Student Discipline Bylaw](#);
 - (b) [Table 1: Jurisdiction of Disciplinary Authorities for Academic Misconduct](#);
 - (c) [Table 3: Disciplinary Actions and Disciplinary Authorities](#);
 - (d) [Student Discipline Appeal Procedure](#);
 - (e) [Definitions of Academic Units Policy](#);
 - (f) [Responsible Conduct of Research Policy and Procedures](#);
 - (g) [Records Management Policy and Procedure](#);
 - (h) [Use of Computer Facilities Policy and Procedure](#);
 - (i) [Third Party Data Access Request Form](#);
 - (j) [Student Advocacy Office Policy](#);
 - (k) [The Freedom of Information and Protection of Privacy Act](#), CCSM c. F175;
 - (l) [The Personal Health Information Act](#), CCSM c. P33.5.