

## UNIVERSITY OF MANITOBA BYLAW

<b>BYLAW:</b>	<b>STUDENT DISCIPLINE</b>
<b>Effective Date:</b>	January 1, 2009
<b>Revised Date:</b>	September 1, 2021
<b>Review Date:</b>	September 1, 2028
<b>Approving Body:</b>	Board of Governors
<b>Authority:</b>	<i>The University of Manitoba Act, s.16(1)(d)</i>
<b>Responsible Executive Officer:</b>	President
<b>Delegate:</b>	University Secretary
<b>Contact:</b>	University Secretary
<b>Application:</b>	Students, Faculty/College/School Councils, Unit Heads, Academic Staff and Employees

### Part I Reason for Bylaw

- 1.1 The reason for this Bylaw is to outline the Disciplinary Actions available to Disciplinary Authorities and the subsequent appeal process available to Students for findings of Academic Misconduct and Non-Academic Misconduct.

### Part II Policy Content

#### Definitions

- 2.1 The following terms are defined for the purpose of this Bylaw:
- (a) **"Academic Misconduct"** has the same meaning as defined in section 2.5 of the Student Academic Misconduct 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: Disciplinary Actions and Disciplinary Authorities.
- (g) **"Disciplinary Authority"** means the discipline authority designated to determine a matter of student discipline under:
  - (i) Table 1: Jurisdiction of Disciplinary Authorities for Academic Misconduct; or
  - (ii) Table 2: Jurisdiction of Disciplinary Authorities for Non-Academic Misconduct.
- (h) **"Expulsion"** has the same meaning as defined under section 2.16 of this Bylaw.
- (i) **"Faculty"** means a Faculty as defined under the Definitions of Academic Units Policy.
- (j) **"Non-Academic Misconduct"** has the same meaning as defined in section 2.5 of the Student Non-Academic Misconduct and Concerning Behaviour Procedure.
- (k) **"Reprimand"** has the same meaning as defined under section 2.6 of this Bylaw.
- (l) **"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.
- (m) **"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 due to academic or discipline;

- (iii) **Former** – an individual who has graduated from the University or who has withdrawn (either voluntarily or was required to withdraw).
- (n) **"Suspension"** has the same meaning as defined in section 2.8 of this Bylaw.
- (o) **"Table 1"** refers to Table 1: Jurisdiction of Disciplinary Authorities for Academic Misconduct, which follows the Bylaw.
- (p) **"Table 2"** refers to Table 2: Jurisdiction of Disciplinary Authorities for Non-Academic Misconduct, which follows the Bylaw.
- (q) **"Table 3"** refers to Table 3: Disciplinary Actions and Disciplinary Authorities, which follows the Bylaw.
- (r) **"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 Bylaw.
- (s) **"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.
- (t) **"University"** means The University of Manitoba.
- (u) **"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.
- (v) **"UDC"** means the University Discipline Committee composed under section 2.53 of the Appeal Procedure.

## **Disciplinary Actions**

- 2.2 Students will be subject to Disciplinary Action under this Bylaw for acts of Academic Misconduct and for acts of Non-Academic Misconduct.
- 2.3 The Disciplinary Actions available to a Disciplinary Authority are set out in Table 3.

- 2.4 Once a Disciplinary Action has been implemented, no further Disciplinary Action may be imposed for the same matter except as a result of an appeal by the Student.

### **Student Academic History/Transcript with regard to Disciplinary Actions**

- 2.5 Disciplinary Actions implemented shall not ordinarily be recorded on the Student's academic history / transcript except in the following:
- (a) if the Student receives Suspension or Expulsion under sections 16, 17, 20 or 26 of Table 3; or
  - (b) a Reprimand has been ordered recorded on a Student's academic history / transcript under section 2 of Table 3.

### **Reprimand**

- 2.6 **"Reprimand"** means an action intended to convey stern disapproval to a Student by means of recording their Academic Misconduct or Non-Academic Misconduct on their Student's academic history / transcript for a period of up to five (5) years.
- 2.7 Where a Reprimand has been ordered to be recorded on the Student's academic history / transcript (see section 2 of Table 3), 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.

### **Suspensions**

- 2.8 **"Suspension"** means any withdrawal of one or more rights or privileges for a definite or indefinite period of time.
- 2.9 A Student may receive Suspension from the following:
- (a) a particular course or courses;
  - (b) a department;
  - (c) a Faculty/College/School;
  - (d) the University; or
  - (e) a Residence.
- 2.10 Students who have been suspended for a definite period of time shall, upon the lifting of the Suspension, have the rights or privileges that were suspended

automatically reinstated, subject to any conditions attached to the Disciplinary Action proscribing future conduct.

2.11 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 Unit Head(s) of the Unit(s) concerned.
- (b) In the case of Suspension for an indefinite period of time by a Disciplinary Authority other than the Executive Director of Enrolment Services, the Student may apply to the Disciplinary Authority that imposed the final penalty for a lifting of the Suspension. If the Suspension is lifted, the Student will have the rights or privileges that were suspended automatically reinstated, subject to any conditions attached to the Disciplinary Action proscribing future conduct.

2.12 Where a Student has received a Suspension pursuant to sections 2.9(c) or 2.9(d) of this Bylaw, any academic credits earned by the Student at the University or at any academic institution during the period of Suspension shall not be counted as credit toward any degree or program offered by the University, unless at the time of the imposition of the Suspension, the Disciplinary Authority stipulates otherwise.

2.13 Where the Student has received Suspension from a Faculty/College/School of the University, any other Faculty/College/School may refuse to register the Student for any course or courses or refuse to accept the Student into their programs, provided that prior to such refusal, the other Faculty/College/School has:

- (a) obtained and considered a written report from the Disciplinary Authority that implemented the Suspension, 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.

2.14 A Suspension will 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.

2.15 In the case of Suspension for supplying false or misleading information in connection with an application for admission (see sections 23 and 24 of Table 3), any notation on the Student's academic history / transcript may only be removed:

- (a) For undergraduate students, by the Registrar upon the written order of the Disciplinary Authority that implemented the Disciplinary Action.

- (b) For graduate students, by the Registrar in consultation with the Dean, Faculty of Graduate Studies, upon the written order of the Disciplinary Authority that implemented the Disciplinary Action.

## **Expulsions**

- 2.16 **"Expulsion"** means a withdrawal of all rights or privileges available to Students for either a definite or indefinite period of time.
- 2.17 A Student may receive Expulsion from the following:
  - (a) a Faculty/College/School;
  - (b) the University; or
  - (c) a Residence.
- 2.18 In the case of an Expulsion for a definite period of time, upon expiration of such time, in order to be readmitted, the Student must reapply for admission through normal channels to the appropriate authority having jurisdiction over admission.
- 2.19 In the case of an Expulsion 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.
- 2.20 Where a Student has received an Expulsion pursuant to sections 2.17 (a) or 2.17 (b) of this Bylaw, any academic credits earned by the Student at the University or at any academic institution during the period of Expulsion shall not be counted as credit toward any degree or program offered by the University, unless at the time of the imposition of the Expulsion, the Disciplinary Authority stipulates otherwise.
- 2.21 Where the Student has received Expulsion from a Faculty/College/School of the University, any other Faculty/College/School may refuse to register the Student for any course or courses or refuse to accept the Student into their programs, provided that prior to such refusal, the other Faculty/College/School has:
  - (a) obtained and considered a written report from the Disciplinary Authority that implemented the 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.

2.22 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.

### **Appeals**

2.23 Students have a right to appeal decisions made by a Disciplinary Authority, excluding the following decisions which are final:

- (a) Any decision of the UDC;
- (b) The discretionary decision of a Disciplinary Authority to lift a suspension or an expulsion under section 2.11 or section 2.19 of this Bylaw;
- (c) The decision of a Faculty/College/School to refuse a Student under section 2.21;
- (d) Any finding of fact under the Respectful Work and Learning Environment Policy or the Sexual Violence Policy.

2.24 Appeals shall be conducted in accordance with the Appeal Procedure.

2.25 Subject to section 2.26 of this Bylaw, no Disciplinary Action shall be implemented and Students shall be permitted to continue in their courses or program until the time for appeal has elapsed or until the Student has waived in writing the right to appeal, whichever occurs first. The Disciplinary Authority must ensure that the Student's work continues to be graded normally and is unaffected until the appeal period has lapsed or the appeal process is complete.

2.26 Section 2.25 of this Bylaw does not apply in the following circumstances:

- (a) Where the Disciplinary Action would be entered on the academic history / transcript of the Student, the Registrar shall be notified by the Disciplinary Authority implementing such Disciplinary Action, and shall not issue any academic transcripts until the appeal period has elapsed or the appeal process is complete;
- (b) Where the Disciplinary Action relating to academic dishonesty or academic fraud may result in a change to the Student's transcript, the Registrar shall be notified by the Disciplinary Authority implementing such Disciplinary Action, and shall not issue any transcripts until the appeal period has elapsed or the appeal process is complete;
- (c) Where changes in the Student's courses and/or program are directly related to the matter under disciplinary consideration, such changes shall not be permitted;

- (d) Where if the Disciplinary Action were not implemented, the safety of members of the University Community would be compromised.

### **Confidentiality**

- 2.27 All matters relating to student discipline or appeal must be kept confidential in accordance with applicable University policies and procedures, and *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

### **Annual Reports**

- 2.28 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.
- 2.29 Academic Staff and department heads who have dealt with a disciplinary matter shall report to the Dean/Director of the Faculty/College/School to which each Student belongs, setting out the nature of the offence and particulars of the penalty and the Student's identification number if applicable. The Student's 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.
- 2.30 Disciplinary Authorities, 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.
- 2.31 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.
- 2.32 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.

### **Part III Accountability**

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The President is responsible for the implementation, administration and review of this Policy.



- 3.3 Students, Faculty/College/School Councils, Unit Heads, Academic Staff and employees are responsible for complying with this Policy.

#### **Part IV Secondary Documents**

- 4.1 The President or Approving Body may approve Regulations, Policies and Procedures which are secondary to and comply with this Bylaw.

#### **Part V Review**

- 5.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Bylaw is September 1, 2028.

- 5.2 In the interim, this Bylaw may be revised or repealed if:

- (a) The President or Approving Body deems it necessary or desirable to do so;
- (b) The Bylaw is no longer legislatively or statutorily compliant; and/or
- (c) The Bylaw is now in conflict with another Governing Document.

- 5.3 If this Bylaw is revised or rescinded, all Secondary Documents will be reviewed as soon as reasonably possible in order to ensure that they:

- (a) comply with the revised Bylaw; or
- (b) are, in turn, rescinded.

#### **Part VI Effect on Previous Statements**

- 6.1 This Bylaw supersedes:

- (a) Student Discipline Bylaw, effective January 1, 2009 and revised September 1, 2016;
- (b) all previous Board/Senate Bylaws, Regulations, Rules, Policies and Procedures, and resolutions on the subject matter contained herein; and
- (c) the previous Faculty/College/School Council Bylaw, Regulations, Procedures, and resolutions on the subject matter contained herein.

## Part VII Cross References

### 7.1 Cross referenced to:

- (a) [Table 1: Jurisdiction of Disciplinary Authorities for Academic Misconduct;](#)
- (b) [Table 2: Jurisdiction of Disciplinary Authorities for Non-Academic Misconduct;](#)
- (c) [Table 3: Disciplinary Actions and Disciplinary Authorities;](#)
- (d) [Student Discipline – Appeal Procedure;](#)
- (e) [Student Academic Misconduct Procedure;](#)
- (f) [Student Non-Academic Misconduct and Concerning Behaviour Procedure;](#)
- (g) [Definitions of Academic Units Policy;](#)
- (h) [Final Examinations and Final Grades Policy and Procedures;](#)
- (i) [Respectful Work and Learning Environment Policy;](#)
- (j) [Sexual Violence Policy;](#)
- (k) [Disclosures and Complaints Procedure;](#)
- (l) [Use of Computer Facilities Policy and Procedure;](#)
- (m) [Violent or Threatening Behaviour Policy and Procedure;](#)
- (n) [The Freedom of Information and Protection of Privacy Act, C.C.S.M. c. F175;](#)
- (o) [The Personal Health Information Act, C.C.S.M. c. P33.5.](#)