

Max Rady College of Medicine By-Law

By-Law:	Professional Unsuitability
Effective Date:	August 1, 2026
Revised Date:	N/A
Review Date:	5 years from approval/revised date
Approving Body:	University of Manitoba Senate
Application:	Students of the Max Rady College of Medicine

Part I Reason for By-Law

The Max Rady College of Medicine within the Rady Faculty of Health Sciences at the University of Manitoba consists of the following programs: Undergraduate Medical Education, Postgraduate Medical Education, Master of Science in Pathology, Master of Physician Assistant Studies, and Master of Science in Genetic Counselling.

The purpose of this College By-Law is to set out the jurisdiction of the College's Professional Unsuitability Committee ("**PUC**"), and the College's procedures for professional unsuitability hearings for Students in the College.

1.1 Jurisdiction

This By-Law applies to all Students upon acceptance to the College of Medicine, the Master of Physician Assistant Studies, the Master of Science in Pathology, and the Master of Science in Genetic Counseling at the University of Manitoba, as well as all Students enrolled in the College that are attending an educational program out of province, and includes

- (i) All educational settings, including classrooms, clinical placements, and examinations whether virtual or in-person;

- (ii) All clinical settings that are part of the larger learning program, including but not limited to hospitals, clinics, community health settings and ambulatory settings;
- (iii) Any conduct that has a real and substantial connection to the interests of the College of Medicine, including but not limited to:
 1. Inappropriate electronic communications; and
 2. Where a Student is identified as a member of the College of Medicine.

1.2 Definitions

- (a) **"Alternative Resolution"** means the resolution of a professionalism concern to the satisfaction of both the Faculty and the Student, without a hearing being completed, as per section 2.7 of this **Procedure**.
- (b) **"College"** means a Professional College as defined under the Definitions of Academic Units Policy.
- (c) **"Dean"** means the Dean of the Max Rady College of Medicine or the Dean of the Faculty of Graduate and Postdoctoral Studies, as applicable.
- (d) **"Disposition"** means a decision of the PUC including but not limited to the options set out in section 2.10(b) of this By-Law.
- (e) **"Faculty"** means a Faculty as defined under the Definitions of Academic Units Policy.
- (f) **"Interim Measures"** means immediate changes to a Student's living, working, or learning environment. Interim Measures are non-dispositive measures that may be imposed where there is reasonable cause to believe that such measures are necessary in order to protect the safety of the learning, working and living environment, discourage reprisal, prevent further incidents, or preserve the University's ability to conduct a fair hearing. Where circumstances are urgent or immediate safety measures are required, Interim Measures may be imposed prior to the referral of a professionalism concern to the Dean. Interim measures may include but are not limited to, removal of clinical privileges, alteration of privileges given to a Student, or temporary suspension from coursework.
- (g) **"Low-Level Concern"** means any professionalism concern that meets the criteria set out in section 2.3(a) of this By-Law.
- (h) **"PGME"** means Postgraduate Medical Education.

- (i) **“PUC”** means the Professional Unsuitability Committee established pursuant to section 2.4(a) of this By-Law.
- (j) **“Student”** means a learner registered in UGME, PGME, Master of Science in Genetic Counselling, Master of Physician Assistant Studies, and Master of Science in Pathology.
- (k) **"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.
- (l) **“UGME”** means Undergraduate Medical Education.

Part II Policy Content

2.1 General

- (a) Whereas maintaining high standards of professionalism is an essential academic requirement for the practices of medicine, psychology, pathology, and genetic counselling, the College may require a Student to withdraw from all courses in their respective program, or engage in other professionalism based remediation, pursuant to the procedures set out in this By-Law, if the Student has been found to have engaged in behaviour that suggests they are unsuited, on consideration of competence or professional fitness, for their respective discipline.
- (b) Professionalism includes a commitment to fostering respectful, inclusive, and equitable environments, which requires recognizing how definitions of professionalism have often been shaped by Eurocentric, gender-norms and white-dominant norms. An essential aspect of professionalism involves actively opposing all forms of racism, whether systemic, interpersonal, or everyday, that perpetuate inequity and harm.
- (c) Students are expected to engage in conduct that promotes dignity, respect, and equity for all in a manner consistent with the code of ethics of their chosen profession. This includes addressing discriminatory behaviors such as stereotyping, harassment, exclusion, and the perpetuation of systemic barriers. It is recognized that Students may encounter power imbalances in clinical or fieldwork settings between themselves and patients, and those to whom Students report to. Expectations regarding professionalism will take these contexts into account, with a focus on ensuring that Students are not penalized for circumstances beyond their control and those to whom Students report.

- (d) Upon a finding of professional unsuitability, the College may require a Student to withdraw from courses at any time throughout the academic year or following the results of examinations at the end of any academic term.
- (e) The College's right to require withdrawal prevails, notwithstanding any other provision in the College's Rules or Regulations. The relevant code of ethics and conduct as well as standards of practice for practicing physicians , psychologists, physician assistants, pathologists, and genetic counsellors will be considered in every situation in which a hearing is being held pursuant to this By-Law into the conduct of a Student in their respective profession. Furthermore, in accordance with provisions of the Manitoba Human Rights Code, the College's duty to reasonably accommodate applicable characteristics of its Students will be considered. Where alleged professionalism breaches are related to a disability, including substance use disorder, the College will respond in accordance with its duty to accommodate and the applicable Core Competency Regulations.

2.2 Professionalism Based Breaches

- (a) A Student may be subject to an outcome under this By-Law from the College if the PUC has determined the Student has:
 - (i) engaged in professional misconduct, as defined by the relevant regulatory body of the Student's chosen profession;
 - (ii) practiced incompetently in any clinical setting in a manner incompatible with the essential skills required for a Student in that program;
 - (iii) jeopardized professional judgment through self-interest or a conflict of interest;
 - (iv) demonstrated behaviour with respect to other Students, colleagues, faculties, or the public, which is unprofessional, exploitive, irresponsible or destructive;
 - (v) acquired a criminal conviction where in the opinion of the College, the Student demonstrated poor judgment, lack of integrity or other misconduct relevant to their suitability to practice in the profession;
 - (vi) where, as a result of a health condition and despite appropriate accommodation, the Student is unable to meet the essential performance requirements of the profession as set out in the applicable technical standards or core competencies for the program;
 - (vii) practiced or provided patient care while impaired, including being under the influence of alcohol or drugs while participating in patient

care, a professional activity, or any activity related to the practice of the Student's profession; and

- (viii) contravened regulatory requirements, including applicable standards of practice, practice directions, or the code of ethics for that Student's profession.

2.3 Low-Level Concerns

- (a) For the purposes of any professional remediation pursuant to this By-Law, a Low-Level Concern is defined as a professionalism concern where all of the following criteria are met:
 - (i) the Student does not have a recurring pattern of professionalism concerns;
 - (ii) there is none, or a very minor direct or indirect past or ongoing harm to others;
 - (iii) the Student has acknowledged and accepted responsibility for the incident; and
 - (iv) there is high potential for remediation, including but not limited to, education, apology, and reflection.

2.4 Professional Unsuitability Committee (PUC)

- (a) There shall be established within the College a standing committee known as the Professional Unsuitability Committee (PUC) to hear and determine matters of competence or professional suitability for clinical practice. The composition of the PUC may change depending on the program the Student is enrolled in. Appeals from decisions of the College's PUC shall be heard by the University's Senate Committee on Appeals.
- (b) Membership in the PUC shall be as follows:
 - (i) Chair (non-voting, except in the case of tie): Faculty member or instructor to be appointed by the Dean of the University's College of Medicine for a five (5) year term, which may be renewable.
 - (ii) two (2) qualified practitioners who are academic members of the program in which the Student is enrolled, elected by the Council of the College of Medicine, for a five (5) year term, which may be renewable;
 - (iii) one (1) Student from the program from which the Student is enrolled, appointed for a one (1) year term, which may be renewable;

- (iv) two (2) registered physicians who are full-time academic members of the University's College of Medicine with knowledge of the professional requirements of the College and the relevant professional standards to be appointed by the Dean of the University's College of Medicine; and
 - (v) Where the Student who is subject to a disposition by the PUC is enrolled in the Faculty of Graduate and Postdoctoral Studies, the Dean of the Faculty or delegate will sit on the PUC for the duration of that hearing.
- (c) An academic member of the College shall not be disqualified from sitting as a member of the PUC hearing the matter by reason only that such academic member has had previous contact with the Student or has prior personal knowledge of the matter.
 - (d) The Student whose case is to be dealt with shall be permitted to challenge and thereby cause to be disqualified any member of the PUC. In such a case, the Chair would consider the grounds for the challenge and may replace the disqualified members

2.5 Selection of Student Representative

- (a) The University's College of Medicine will advise Students via individual email requesting nominations for the Student positions. Students will vote via a confidential web-based program conducted by the College of Medicine, selecting their preferred candidates from a list of nominees.

2.6 Procedure

- (a) Upon receipt of information that suggests a professionalism concern, the following shall occur:
 - (i) if the Dean and/or the Associate Dean (or appropriate designate), determine there are no grounds to continue, then the matter is closed;
 - (ii) if the Dean and the Associate Dean (or appropriate designate), determines in consultation with each other that the matter is suitable for Alternative Resolution as a Low-Level Concern, a meeting shall be scheduled with the Student within 10 working days of the receipt of the information, to address professionalism concerns; or

- (iii) if the matter is of a nature that cannot be dealt with as a Low-Level concern, provide a written report to the PUC requesting the PUC hold a hearing to assess the Student's suitability for their chosen practice. This report should include the alleged facts and the alleged ground(s) warranting a professional outcome pursuant to Section 2.2. In no circumstances will the Dean's report include anonymous allegations or materials. Anonymous materials are defined as "authorship that has not been disclosed".
 - (iv) Where the Dean and/or Associate Dean (or appropriate designate) decides that the matter is of such a nature as to request that the PUC hold a hearing respecting the Student's suitability for their chosen profession, the Dean and/or Associate Dean (or appropriate designate) may petition the PUC to implement Interim Measures on an emergency basis. The PUC's decision on Interim Measures may not be appealed.
- (b) Upon receipt of a request for a hearing into a Student's suitability for the Student's chosen profession, the PUC shall:
 - (i) review the request and determine whether it has jurisdiction to proceed;
 - (ii) schedule a hearing date if jurisdiction exists. The hearing date must be scheduled at least ten (10) days from the date the Student received the written report and request for the hearing;
 - (iii) formally send a Notice of Hearing, including a copy of the written report submitted to PUC, to the named Student pursuant to Section 2.6 by email and registered mail to the last known address of the Student as found on the College's records. At the Student's request, additional information may be sent by regular mail, or email;
 - (iv) If Interim Measures have not been imposed already, consider whether just cause exists to suspend the Student while the matter is being determined and if so, to issue an interim suspension to the Student;
 - (v) act expeditiously to complete the hearing process.
- (c) Once a request for a hearing has been made to the PUC, the hearing may continue notwithstanding that the Student has subsequently voluntarily withdrawn from the College or has refused to participate in the proceedings.

2.7 **Alternative Resolution for Low-Level Concerns**

- (a) The Dean or the Associate Dean (or appropriate designate), may pursue restorative dialogue, including a facilitated conversation between the

involved parties to foster understanding, accountability, transparency, and resolution for any Low-Level concern. Where Alternative Resolution is pursued for Low-Level concerns, the Dean or Associate Dean (or appropriate designate), may request that Ongomiizwin and the Office of Professionalism facilitate the process together.

- (b) All incidents that are not eligible for Alternative Resolution by the Dean, or Associate Dean (or appropriate designate), as a Low-Level concern, or where a Student is not accepting of a proposed outcome will be referred to the PUC for consideration in accordance with Section 2.6 of this By-Law.

2.8 Notice to Students

- (a) The Chair of the PUC shall inform the Student in writing, within ten (10) working days of receipt of the request for a hearing, of the allegations that have resulted in a referral to the PUC, as well as the membership of the PUC and the date, time, and place for the hearing by the PUC of the matters set out in the referral. In exceptional cases where the ten (10) working day timeline cannot be met, the Chair will inform the Student in writing of the delay and provide a revised schedule as soon as possible. At all times there will be an effort to minimize undue delay.
- (b) The Notice from the Chair shall include a statement that if the allegations contained in the request for a hearing are established to the satisfaction of the PUC, the Student may be required to withdraw from the College.

2.9 Hearing Procedures

- (a) In addition to the written report, the Dean or Associate Dean (or appropriate designate), may provide the PUC and Student with additional relevant information and or evidence that supports the grounds for a hearing within ten (10) working days of the hearing date, or at the discretion of the Chair.
- (b) The Student may provide a written response to the grounds. Such written response should be provided to the PUC within five (5) working days of the hearing date, or at the discretion of the Chair.
- (c) The Student may appear in person and may choose to be represented by a designated representative including a Student Advocate provided through the University, legal or other counsel. A Student may request an additional support person who may accompany them to the hearing. This person will be considered an observer and will not be able to participate in the hearing process. If the Student elects to bring legal counsel, the College will be informed within five (5) working days of the hearing.
- (d) Where the Student elects to bring legal counsel to the hearing, the College may elect to bring legal counsel to assist in representing the College. If the

College elects to bring legal counsel, the Student will be informed within five (5) working days of the hearing.

- (e) The College and Student may call relevant witnesses as needed. Written notice to each party of witnesses to be called by the other party shall be provided within five (5) working days prior to the hearing date, or at the discretion of the Chair.
- (f) The hearing shall be closed to all persons except the members of the PUC, the College representative(s), the Student, the designated representative of the Student, if any, and support person of the Student, if any.
- (g) While strict rules of evidence do not apply, appropriate weight must be given to evidence based on its credibility and reliability
- (h) The Student or their representative shall have the right to hear and to cross examine witnesses, to have access to copies of all documents submitted to the PUC for consideration within five (5) working days prior to the hearing, to call witnesses and to submit other evidence.
- (i) The Student shall not be required to give evidence, but if the Student elects to do so, then the Student may be questioned by members of the PUC.
- (j) A quorum for the PUC shall be four (4) members and the Chair as referred to in Section 2.4 above, one (1) of whom shall be a Registered Physician holding an academic position.
- (k) A simple majority of the members hearing the matter is required for any finding or for the determination of the appropriate disposition of the matter.
- (l) The Chair of the PUC shall vote only to break a tie.
- (m) Members of the PUC shall be bound by confidentiality in respect of information received in Committee. Information will only be disclosed as is reasonably necessary to implement the investigation, the resolution or the terms of any disposition imposed, or as required by law including both PHIA and FIPPA, where necessary.
- (n) The decision of the PUC, along with reasons for the decision, shall be conveyed in writing to the Student, the Student Advocate, and/or the designated representative of the Student where applicable, with copies to the University's Dean of the College of Medicine, and the Office of Professionalism.
- (o) At the discretion of the Chair, hearings may be conducted in whole or in part via video/electronic means.

- (p) The Chair may require the Student to confirm that there are no recording devices present, and only persons set out in Section 2.9(c) are in attendance.

2.10 Disposition of the Matter

- (a) The PUC shall, after hearing all the evidence, meet in closed session with its members only, to:
 - (i) consider the evidence;
 - (ii) make its findings using a balance of probabilities standard;
 - (iii) if the allegations are proven, determine the appropriate disposition of the matter;
 - (iv) if the allegations are not proven, dismiss the matter and/or make any other recommendation the PUC deems appropriate.
- (b) The PUC may make any disposition it deems appropriate in the circumstances and will take the required steps to document the disposition in the Student's file, where appropriate. Without limiting the generality of the foregoing, the following options, alone or in combination, are available;
 - (i) determine that no further action be taken;
 - (ii) allow the Student to remain in the program and attach conditions prescribing future conduct by the Student. Such conditions to remain in effect for any period of time the PUC deems appropriate;
 - (iii) suspend the Student from the College and/or clinical rotations for a specified period of time;
 - (iv) require the Student to withdraw from the College indefinitely;
 - (v) attach conditions which must be fulfilled before any application for readmission to the College can be considered;
 - (vi) require the Student to withdraw from the College with no right of readmission.
- (c) In cases in which the disposition of the hearing is one of iv, v, or vi, as set out in 2.10 (b), the results shall be conveyed in writing to the appropriate University Registrar, who shall make the appropriate notation in the Student's transcript.
- (d) In the case of a Student enrolled in the Master of Physician Assistant Studies, Undergraduate Medical Education, or Postgraduate Medical

Education, the results shall be conveyed in writing to the Registrar of the College of Physicians and Surgeons of Manitoba. For a Student enrolled in Postgraduate Medical Education in Clinical Health Psychology, the results shall be conveyed in writing to their home doctoral program.

- (e) In the case of a Student enrolled in the Faculty of Graduate and Postdoctoral Studies, the findings of the PUC shall be conveyed as a recommendation in writing to the Dean of that Faculty, who shall accept or deny the recommendation of the PUC, and make the required changes to the Student's status.
- (f) The Student may request the PUC to consider removal of the notation from the transcript.

2.11 Appeals

- (a) If the Student wishes to appeal a disposition of the PUC, such appeal may be made to the University's Senate Appeals Committee in accordance with the procedures of that body.
- (b) In the event of an appeal, the implementation of any decision of the PUC may be suspended until the matter has been disposed of by the Senate Appeals Committee.
- (c) Notwithstanding the above, if the President of the University is satisfied that it is in the best interests of the University, the President may at any time make an order, subject to final disposition of the appropriate review authority, suspending the Student from participating in any program of the University.

2.12 Records

- (a) A record of any finding of professional unsuitability and/or disposition related thereto shall be kept on the Student's academic file within the College and as required by the University. All information relating to the hearing before the PUC shall be kept in the Rady Faculty of Health Science's Office of Professionalism in accordance with the University's Records Management Policy.

2.13 Amendments

- (a) This By-Law may be amended by the University's Senate, or by Senate after approval of such amendment(s) by College Council.