



Humber Real Estate Education Programs

Learner Misconduct Policy

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1 Learner Misconduct

All learners are expected to act ethically, honestly and with integrity in all learning and professional matters while engaged in any learning activity. Learner dishonesty is behavior that erodes the basis of mutual trust on which exchanges within the learning environment and during learning activities commonly rest, undermines the Real Estate Education Program Office's ability to evaluate a learner's achievements, or restricts the Program's ability to accomplish its learning objectives. The Real Estate Education Program Office takes a serious view of learner misconduct. Learners who are found responsible for offences associated with learner dishonesty, misrepresentation of personal performance, restrictions of equal opportunities for access to resources or damage to the integrity of exchanges within the learning environment will be penalized.

1.1 Responsibilities

It is the responsibility of facilitators, learners, and staff to be aware of and to uphold the principles of learner honesty/integrity. Furthermore, all members of the Real Estate Education Program including learners, facilitators, and staff have the specific responsibility of initiating appropriate action in all instances where misconduct is believed to have taken place. This responsibility includes giving due consideration to the deterrent effect of reporting such offences when they do occur, making one's disapproval of such behavior obvious, and helping to ensure that the Real Estate Education Program community does nothing to encourage or facilitate learner dishonesty. Real Estate Education Program learners are responsible for familiarizing themselves with and abiding by the policy on learner integrity. Facilitators, staff and learners have the responsibility to create an environment that discourages misconduct. Information with respect to misconduct should be presented to learners as part of the course outline, and other materials posted and distributed to learners.

1.2 Learner Misconduct Offences

Learner dishonesty and misconduct are broadly defined as an offence against the integrity of the learning environment. Learners are responsible for knowing what constitutes an act of learner misconduct or dishonesty and learners will be provided with information in their course outlines about learner integrity. An offence may be deemed to have been committed whether the learner knew a particular action was an offence or ought reasonably to have known. Ignorance does not excuse learners from the responsibility for verifying the integrity of their work before submitting it. Learners who are in any doubt as to whether an action on their part could be construed as an offence should consult with a Facilitator or a Program Advisor. Learner misconduct includes, but is not limited to, the following examples:

1.2.1 Learner Dishonesty

a) Plagiarism, in the broadest sense, is misrepresenting the work of others as one's own. Plagiarism can be understood as the act of copying, reproducing or paraphrasing significant portions of someone else's published or unpublished material, and representing these as one's own thinking by not acknowledging the appropriate source or by the failure to use appropriate quotation marks. This includes, but is not limited to, print material, photos, drawings, computer code, and designs. Learners have the



responsibility to learn and to use the conventions of documentation, and, if in any doubt, are encouraged to consult with the Facilitator or the Program Advisor.

- b) Copying another person's answers to an examination question.
- c) Using another's data or findings.
- d) Buying or selling examination questions, papers, or assignments, etc.
- e) Copying from or using prohibited material in an assignment or examination including, but not limited to, textbooks or other documentary or electronic equipment, personal notes, or other aids not approved by the Facilitator or Proctor, for example, accessing unauthorized test questions from an electronic database.
- f) Improper practices including the falsification, fabrication, or misrepresentation of material that is part of a course, simulation session or the learning process. This offence would include reference to resources that are known not to exist or the listing of others who have not contributed to the work.
- g) Co-operating or collaborating in the completion of an assignment, in whole or in part, when the facilitator has indicated that the assignment is to be completed on an individual basis.

The Real Estate Education Program Office reserves the right to utilize authentication and/or plagiarism detection software as a means of determining learner dishonesty.

1.2.2 Misrepresentation of Personal Performance

- a) Submitting false, fraudulent or purchased assignments or credentials, or the falsifying or withholding of records, transcripts, letters of reference, letters of support, or other required or requested documents.
- b) Impersonation by having someone impersonate oneself, either in person or electronically, in class, in an examination, or in connection with any type of course assignment or material or availing oneself of the results of such impersonation. Both the impersonator and individual impersonated (if aware of the impersonation) are subject to the learner dishonesty process.
- c) Submitting a false medical or compassionate certificate, or presenting other such documentation under false pretenses.
- d) Improperly obtaining, through theft, bribery, collusion or otherwise, access to privileged information, or examination paper or set of questions.
- e) Misrepresenting the amount of work an individual has contributed to a group assignment or activity.



f) Possession or use of an unauthorized aid, to use or obtain unauthorized assistance in any quiz, examination, assignment, or in connection with any other form of work. Such aids or material may include, but are not limited to, specific documents, electronic equipment or devices, and commercial services (such as writing, editorial, software, or survey services).

1.2.3 Damage to the Integrity of Exchanges within the learning environment

- a) Altering, destroying, hiding, or generally restricting the access to materials intended for general use.
- b) The unauthorized removal, destruction, or theft of knowledge material or other Real Estate Education Program resources.
- c) Inappropriate distribution of restricted material.
- d) Obstructing the learning activities of others. This may involve interfering with the activities of another, altering, or falsifying the work of others, in order to harass or gain unfair advantage. This includes, but is not limited to, interfering or tampering with written comments, simulations...etc., or with any other objects of study.

1.3 Facilitating Learner Misconduct

Knowingly assisting anyone in committing any form of learner misconduct is itself learner misconduct and subject to this policy. This may include, but is not limited to, offering for sale examination questions or other assignments with the intention that these works will be subsequently submitted for assessment.

1.4 Learner Misconduct Sanctions

If a learner is found to be responsible for learner misconduct, the Real Estate Education Program Office will issue a Learner Misconduct Letter. A Learner Misconduct Letter will clearly indicate the outcomes of the review, which may include one or more of the following:

- a) Required submission of a new piece of work;
- b) Partial or total loss of marks on the examination, assessment, or assignment in which the offence occurred;
- c) Partial or total loss of marks for the course in which the offence occurred;
- e) A notation on the learner's official education record;
- g) Suspension from Real Estate Education Program for a period of time determined by the Real Estate Education Program Office. The learner will not be permitted to register and will retain none of the privileges accorded to learners. Learners who have been suspended will not receive credit for any attempted work during that suspension. A learner who wishes to be considered for readmission after



this period of time must make an application for readmission that will be evaluated on the basis of eligibility to continue. A learner who is suspended for misconduct and also fails to meet the continuation of study requirements may be required to serve the associated penalties consecutively;

h) A recommendation to the Dean (Real Estate Education Programs) for rescinding of the credential. A person, who is found guilty of learner misconduct after having been approved for program completion, or after having a credential conferred, may have that credential rescinded by the Real Estate Education Program Office.

Sanctions for learner misconduct will consider the severity and frequency of the offence as determined by the Real Estate Education Program Office.

Note: Sanctions may be applied retroactively if an offence is discovered subsequent to completion of a program component or after program completion.

1.5 Detecting and Responding to Suspected Learner Misconduct

1.5.1 Examinations, Assignments and Assessments

Proctors will be present at all examinations to supervise the delivery of the examination and detect any signs of learner misconduct. Proctors may use input from others to assist them in verifying detection of learner misconduct. In cases of suspected learner misconduct, the proctor may allow the learner to complete the examination and may take additional action.

The responsibility for detecting learner misconduct on assignments and assessments during Simulation Sessions lie with the Facilitator, who may make use of reports from others and/or originality/plagiarism detection software to assist in detection.

Where learner misconduct is suspected, the Proctor or Facilitator may take the following actions:

- a) In the case of suspected impersonation, the proctor or facilitator will require the learner concerned to remain after the examination or Simulation Session until the learner is satisfactorily identified.
- b) In the case of suspected copying another person's answer(s), the proctor or facilitator may request that the learner complete the examination, assignment or assessment in another location or setting if it is deemed that such action will cause the least disruption to others.
- c) In the case of suspected copying from or using prohibited material in an examination, assignment or assessment the proctor or facilitator may confiscate the suspect material (including electronic devices).

The proctor or facilitator will complete a Learner Misconduct Form, append any confiscated material to the form, and provide the information to the Real Estate Education Program Office. The Real Estate Education Program Office, when preparing the response regarding the offence will also use this documentation.



1.5.2 Cases outside the Domain of Examinations or Assignments

The responsibility for detecting learner misconduct in the context of a learning environment or the learning activities that is not part of the formal examination or assignment process must rest with the Real Estate Education Program Office. Where learner misconduct is suspected, but where it is unclear whether it is directly related to a specific program component, those with knowledge of an offence should contact the Real Estate Education Program Office.

1.6 Documentation of a Violation of Learner Misconduct

Where there is evidence of suspected learner misconduct, the Facilitator, Proctor, staff or learner aware of the issue should consult with the Real Estate Education Program Office to determine whether the offence and the associated information/documentation merit a formal complaint. If it is deemed that a formal complaint is likely and that further investigation is required, the Real Estate Education Program Office shall take any or all of the following actions:

- a) Notify, and arrange for an interview with the learner, unless the learner is unavailable or unwilling;
- b) Delay the submission of the grades for the learner;
- c) Seek further information from Facilitator(s) or any other parties involved; determine if a record of a previous offence exists; and
- d) Hold changes to the learner's record.

If the Real Estate Education Program Office deems the learner is not responsible at this stage, no sanctions will be assessed, no record of the suspected offence or complaint will be kept, and all parties involved will be informed as such.

If the Real Estate Education Program Office determines that the learner is responsible, the Real Estate Education Program office shall:

- a) Notify the learner in writing by issuing the Learner Misconduct Letter of the charge, including the offence, the sanction, the effective date and the learner's right to appeal (See: Section [1.4 Learner Misconduct Sanctions](#) and Section [1.9 Learner Misconduct Appeal](#)); and
- b) Document the offence on the learner's record.

In cases where Rescinding of a credential is recommended, the Real Estate Education Program Office shall consult with the Real Estate Council of Ontario (RECO).

Note: A learner accused of an offence of learner misconduct in a particular program component will not be allowed to withdraw from the component(s) in question during the period of the investigation. If the learner is



found to be responsible for the learner misconduct and receives a sanction other than an official warning, the learner will not be allowed to withdraw from the course(s).

1.7 Record of Learner Misconduct and/or Suspension

1.7.1 Learner Misconduct

a) First Offence: a first offence of learner misconduct, unless considered severe, will be recorded by the Real Estate Education Program Office but not placed on the learner's education record.

b) Second Offence: a second offence of learner misconduct may result in a notation on the learner's education record. This notation will be expunged from the learner's record upon completion of the program.

c) Learners who do not complete a Real Estate Education Program may submit a request to the Real Estate Education Program Office to have the record of the offence expunged no sooner than five (5) years after the date of the learner's last course registration.

1.7.2 Suspension

The record of suspension is permanent, unless a petition to have the record expunged has been approved by the Real Estate Program Office. Learners may submit a request to the Real Estate Program Office to have a record of suspension expunged from their education record no sooner than five (5) years after the date of the suspension.

1.8 Confidentiality

Access to the record of learner misconduct will be limited to those involved in processing appeals and those involved in processing additional complaints against the learner.

1.9 Learner Misconduct Appeal

If a learner disputes the outcome of the review and the sanctions imposed by the Real Estate Program Office, the learner may file a Learner Misconduct Appeal. All appeals must be filed within five (5) business days following receipt of the written decision of the Real Estate Education Program Office. Appeals must be filed in writing using the Learner Misconduct Appeal Form.

The outcome of the review is communicated to the learner within ten (10) business days from the receipt of the request.

1.9.1 Appeal Challenges

A challenge to an appeal decision must be submitted within five (5) business days after receipt of an appeal decision using the Learner Misconduct Appeal Form found on the Learner's Portal. The Real Estate Council of Ontario (RECO) reviews all appeal challenges.



Appeal challenges are reviewed and decided by the Registrar, REBBA and will either uphold or overturn an appeal decision. The decision is communicated to the learner within ten (10) business days from the receipt of the request. All decisions by RECO are final.

1.9.2 Criteria for Appeals and Appeal Challenges

A right of appeal or challenge to an appeal is available where at least one of the following conditions/grounds is met:

- There is new evidence that is likely to change the outcome;
- There is evidence of procedural error or bias in the process; and/or
- The sanction imposed is not consistent with the nature of the offense.

When requesting an appeal or a challenge to an appeal, a learner must submit the Appeal Form indicating:

1. The conditions/grounds under which the appeal is being made
2. The explanation/reasons that will be used to support the grounds for appealing
3. The requested resolution
4. Any other supplementary documentation/information
5. The names of any support person, or representative, if applicable.