



Humber Real Estate Education Programs

Learner Misconduct Policy

January 25, 2023

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1 Learner Misconduct

The policy applies to all learners enrolled in the Real Estate Education Program at The Humber College Institute of Technology and Advanced Learning (“Humber”). 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 or otherwise obtaining possession of examination questions, papers, or assignments improperly, 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) or conferring or conspiring with another person without authorization.

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, providing access to examination questions or other assignments with the intention that these works will be subsequently submitted for assessment.

1.4 Learner Misconduct Sanctions

Sanctions for learner misconduct 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;
- d. A notation on the learner's official education record;
- e. 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;

- f. 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;
- g. The Real Estate Council of Ontario (RECO) retains the right to impose sanctions on learners.

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 and simulation session assessments to supervise the delivery of the examination / simulation session assessment 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 may direct the learner concerned to remain after the examination or Simulation Session until the learner is satisfactorily identified.
- b. In the case of suspected copying of another person's answer(s), the proctor or facilitator may direct that the learner completes the examination, assignment or assessment in another location or setting.
- c. In the case of suspected copying from or using prohibited material in an examination, assignment, or assessment the proctor or facilitator may direct the learner concerned to hand over papers, materials, and other evidence (including electronic devices).
- d. Failure to comply with a direction given Proctor or Facilitator and failure to cooperate with a Proctor or Facilitator who suspects misconduct are acts of learner misconduct.

The proctor or facilitator will complete a Learner Misconduct Form, append any confiscated material or other evidence to the form, and provide the form and supporting 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 is 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 a potential offence must report the potential offence to 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 shall consult with the Real Estate Education Program Office to determine whether the matter merits a formal investigation. If it is deemed that a formal investigation is required, the Real Estate Education Program Office may take any or all of the following actions depending on the circumstances of the alleged misconduct:

- a. Delay the submission of the grades for the learner;
- b. Seek further information from Facilitator(s), the learner or any other persons; determine if a record of a previous offence exists; and
- c. Hold changes to the learner's record.

If the Real Estate Education Program Office deems that the matter does not merit formal investigation, the Real Estate Education Program Office may take appropriate steps to resolve the matter and inform involved parties as appropriate. If the Real Estate Education Program Office determines that the matter should be investigated, Real Estate Education Program office shall:

- a. Notify the learner in writing of the discovery of the potential offence;
- b. Assign a designated investigator from the Real Estate Education Program Office to conduct the investigation; and
- c. Take necessary steps to secure evidence and other necessary documentation.

1.7 Investigation and Sanctioning Process

Formal investigations shall be conducted by a designated investigator from the Real Estate Education Program Office. The investigator will conduct a fair and proper investigation by gathering documents, witness statements and other evidence and will record any admissions made by learners. The investigator will prepare a concise investigation report that identifies what sections of this Policy and/or other applicable policies may have been violated, includes facts about the learner's disciplinary history and summarizes the evidence and admissions and shall provide a copy to the learner, who may provide the investigator with a written response.

The Associate Dean, Real Estate Education Program (or their delegate) shall receive and review the investigation report and the response, if any, received from the learner. The Associate Dean will:

- a. Determine if misconduct has occurred on the balance of probabilities; and



- b. If it is determined misconduct has occurred, assign appropriate sanction(s) in accordance with Section 1.4; and
- c. If it is determined misconduct has occurred, determine if the offence will be recorded on the learner's education record per in accordance with Section 1.8 below.

If it is determined that misconduct has not occurred, communicate the finding to the learner and direct the Real Estate Education Program Office to remove any related restrictions from the learner

The Associate Dean will normally meet with the learner prior to making a determination, to discuss the report and the response. The learner may bring a support person to the meeting, but must be prepared to answer questions and speak for themselves.

The Associate Dean will provide a determination to the learner in writing that sets out findings and provides reasons and notifies the learner of their right of appeal.

If it is determined that misconduct has not occurred, the Associate Dean will direct the Real Estate Education Program Office to remove any related restrictions from the learner.

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).

1.8 Record of Learner Misconduct and/or Suspension

1.8.1 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.



1.8.2 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.

1.9 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.

1.10 Learner Misconduct Appeal

The learner may file a Learner Misconduct Appeal of the Associate Dean's findings. All appeals must be filed within ten (10) business days following issuance of the written decision of the Associate Dean. Appeals must be filed in writing using the Learner Misconduct Appeal Form.

All learner misconduct appeals are adjudicated by the Dean, Education and Training Services or their delegate. The Dean, shall take into account the criteria for an appeal set out in Section 1.10.2 below and shall determine whether one or more of the criteria have been met in the following manner:

- a. If none of the criteria are met, the Dean shall find the appeal unsuccessful, and sanctions shall be maintained; or
- b. If one or more of the criteria are met, the Dean shall consider either: (i) rescinding the sanction(s); (ii) making appropriate adjustments modifications to the sanctions; or (iii) in the case of new evidence being introduced that requires deliberation, may require that the matter be reconsidered by the Associate Dean, in light of the new evidence presented.

The outcome of the review is communicated to the learner as soon as practicable, taking into account the specific circumstances of the matter and the nature of the appeal.

1.10.1 Appeal Challenges

A challenge to an appeal decision must be submitted within five (5) business days after issuance of an appeal decision using the Learner Misconduct Appeal Form. An appeal challenge application shall be reviewed by Humber's Registrar or designate to determine whether the criteria for an appeal challenge, as defined in Section 1.10.2 below, is met. An appeal challenge is allowable only for the purposes of assuring procedural fairness and propriety. Accordingly, an appeal challenge may lead to one of two outcomes: (i) a finding that the appeal decision shall be upheld; or (ii) a finding that an appeal decision must be reconsidered. In the event the Registrar or designate determines that the appeal challenge should be heard, a panel of appropriate Humber personnel will be appointed to conduct the appeal challenge.

1.10.2 Criteria for Appeals and Appeal Challenges

A learner misconduct appeal may only be successful where at least one of the following criteria is satisfied:



- If the learner presents new evidence that can be substantiated and that necessitates a changed outcome because such new evidence, exculpates, exonerates, or mitigates the responsibility of the learner with respect to the alleged misconduct;
- The learner presents evidence of procedural error or bias in the process; and/or
- The sanction imposed is not consistent with the nature of the offense.

If an appeal application presents none of the above criteria, it shall be dismissed.

An appeal challenge shall only consider the following criteria, one or more of which must be satisfied in order for an appeal challenge to succeed:

- The learner presents additional evidence that was not considered by the Dean during the appeal process;
- The learner presents evidence of procedural error or bias in the process; and/or
- The sanction imposed is not consistent with the nature of the offense.

If an appeal challenge presents none of the above criteria, it may be dismissed summarily.

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, if applicable