



Humber Real Estate Education Programs

Learner Rules and Standards of Conduct

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1 Purpose:

The purpose of the Learner Rules and Standards of Conduct (hereinafter referred to as "Rules") is to define the responsibility of the Real Estate Education Program (hereinafter referred to as "the Program") learners to act in a manner that respects the rights, safety and well-being of others. The goal and responsibility of the Program office is to provide a community encompassing all aspects of the learning experience such that the pursuit of education and personal growth can take place in a safe and welcoming environment. The intent of the Rules is to provide a framework to resolve issues when respect for the rights of others breaks down and informal resolution is not possible. These principles and values can only be realized in an atmosphere of respect, safety and security.

2 Scope:

The Rules apply to non-academic learner conduct where activities or actions are a component of the relationship between the learner and the Program, or between community members during that period of time. This relationship begins at the time of account creation through the completion of a program component or a program.

The Rules do not supersede or negate any rights or responsibilities provided by law; rather, it sets out the expectation that community members act with a higher level of responsibility to preserve a safe, respectful and inclusive learning environment. The Rules do not seek to limit rights of freedom of expression as provided by law; however, conduct that interferes with the Program operations, the ability of others to study or learn, and/or the health or safety of community members, is unacceptable.

Learner conduct that has a direct and adverse impact on the Program community, its community members, and/or the pursuit of its objectives regardless of where such conduct may occur is covered by the Rules.

In conjunction with the [Acceptable Use Policy For Technology Services](#), the use of technology, including personal communications and online profiles, to engage in conduct intended or with the potential to do harm to a community member or the community in general will be treated as having equal impact and intent as other means of communication and is also within the scope of the Rules.

All community members are subject to all local, municipal, provincial, and federal laws. In cases where the Program office is aware of the potential violation of criminal law, the incident may be referred to the appropriate law enforcement agency.

3 Other Applicable Policy & Procedures Documents

In addition to the Rules, other policies, procedures and regulations apply. These procedures and documents include but are not limited to, learner policies, health and safety policies, human rights policies and procedures



(in addition to rules and policies which strive to protect and enhance the safety and security of community members). For a list of related and applicable policies, please see the [Related Policies](#) and [Related Procedures](#) section of the Rules.

4 Interim Measures

Should the Dean, Educational Training Solutions (ETS), deem that a learner's conduct poses an immediate, ongoing or possible risk to a community member, s/he may impose interim measures. Interim measures are taken in an effort to protect the safety and well-being of community members, including the respondent, and may include a ban from any Program location, and/or other necessary restrictions prior to the completion of an investigation. Interim measures are preliminary in nature and are generally in effect only until an investigation of the complaint has been completed. The introduction of interim measures does not imply a finding of "responsible".

5 Principles:

5.1 Rights and Responsibilities of Community Members

5.1.1 Our Community Rights & Responsibility

All community members have a responsibility to conduct themselves in a manner that is consistent with the core values embraced by the Program community and reflected in its various rules and policies.

All community members have a responsibility to be aware of policies, rules and laws of the land that guide expectations of conduct. Community members are responsible for ensuring that their guests also adhere to these expectations. Individual accountability is essential to the learner experience and the Rules. Ignorance, anger, alcohol or substance abuse will not excuse misconduct.

All community members have a responsibility to use informal resolution pathways when possible. Where this expectation is violated or not possible, a community member has the right to engage a formal process.

All community members have a right to make a complaint against a learner who violates their right to a safe and welcoming educational environment.

All community members have a responsibility to make complaints and/or report incidents that are knowingly true.

All community members have a right to feel safe to make a complaint under the Rules without fear of reprisal.

All community members have a responsibility to report incidents of learner conduct when there may be a risk of harm, a possible violation of the Rules or an impact to the dignity of any community member. Community members may inform any staff or facilitator of an incident, and they in turn will provide the information to the Dean of Education & Training Solutions (ETS).



All community members have a right to be protected under the *Ontario Human Rights Code* as well as the *Canadian Charter of Rights and Freedoms*. These rights are subject to limitations as described by law and some activities (rights) that are acceptable in a public place may not be appropriate in certain contexts within the educational environment.

All community members have a right to have the Rules as well as all other policies and regulations adhered to, to ensure a safe and positive learning environment.

5.1.2 The Role & Responsibility of the Program Office

Program Office

Program staff and facilitators will take reasonable steps to address learner behavior within a learning environment with the learner or group of learners involved. Where there is information to demonstrate the need for a more formal and documented follow-up, staff and facilitators shall consult with the Program office and/or Dean of ETS.

Incidents of learner integrity will be referred to procedures outlined in the Learner Misconduct Policy.

Dean of ETS

The Dean, or designate, will be responsible for reviewing, investigating and resolving any complaint made that cannot be resolved informally. The Dean may consult with Humber's Office of Student Conduct and/or other relevant departments within Humber to gain advice on actions under the Rules. (E.g., Center for Human Rights, Equity and Diversity.)

To ensure fairness and adherence to the Rules and governmental regulations, the Dean may commission an Advisory Committee to advise and recommend any actions from a complaint. Members of the Advisory Committee will consist of representatives that are familiar with prohibited conduct under the Rules and will participate in the investigation and recommendation of any sanctions.

5.2 Prohibited Conduct

The purpose of the Rules is to define the responsibility of all learners to act in a manner that respects the rights, safety and wellbeing of others. Below is a list of prohibited conduct: behaviour that does not align with the values of the Program community and as such violates the Rules. Based on a continuum of relative harm to or impact on the rights of others, the list of prohibited conduct is divided into four levels of severity. This list should not be regarded as all-inclusive.

5.2.1 Level 1

Incidents classified as Level 1 have a limited impact on the rights or learning experience of others, but may create a disturbance or impact the operation of the Program community. Such incidents include but are not limited to:

- Smoking, including the use of e-cigarettes, in unauthorized areas;



- Failing to provide proper photo identification to staff or facilitators acting within the scope of their position;
- Creating a disturbance in a public place such as unreasonable noise or non-threatening behavior;
- Failure to properly monitor the conduct of a visitor.

5.2.2 Level 2

Incidents classified as Level 2 have a significant impact on the rights or learning experience of others, but may not pose a threat or danger to other individuals in the community. Such incidents include but are not limited to:

- Disruptive behavior; defined as inciting someone to prevent or preventing others from carrying out their legitimate activities, in or out of a learning environment;
- Disorderly or indecent conduct;
- Unauthorized use of facilities or equipment;
- Use of facilities or equipment for reasons other than intended or generally accepted;
- Not complying with the directions of or providing false information to a Program staff or facilitator;
- Failure to comply with a sanction imposed by the Rules, other policy or regulation recognized by the Program;
- Contravention of provincial liquor laws;
- Assisting or failing to reasonably respond/intervene to anyone engaged or committing prohibited conduct.

5.2.3 Level 3

Incidents classified as Level 3 have a significant impact on the rights or learning experiences of others, and in addition pose a threat or danger to individuals in the community. Such incidents include but are not limited to:

- Stalking, bullying or coercion for any purpose;
- Conduct which threatens the health and safety of anyone, including oneself;
- Use, recording of or dissemination of information, including audio or visual images of an individual that is unwelcome and/or known or ought reasonably to be known to cause harm or distress;
- Obtaining, accessing or disclosing personal or confidential information pertaining to a member of the community without that person's consent;
- Making false allegations, engaging in a reprisal under the Rules or otherwise engaging in vexatious conduct;
- Repeated or severe disruptive behavior in or out of a learning setting.

5.2.4 Level 4

Incidents classified as Level 4 pose a danger or threat to individuals, are in many cases illegal, and in most cases have already caused physical or psychological harm. Such incidents include but are not limited to:

- Sexual assault/violence as defined in the Sexual Assault & Sexual Violence Policy;
- Assault, threats of harm or intimidation, inciting or facilitating acts of violence;
- Harassment or discrimination against an individual or group based on any of the prohibited grounds: race, ancestry, place of origin, color, ethnic origin, citizenship, creed (religion), sex, sexual orientation,



age, record of offenses (in employment only), marital status, family status, disability, gender identity, gender expression, or receipt of public assistance (in accommodation only);

- Theft or damage to property belonging to Humber College or any location of learning;
- Tampering with emergency facilities including fire equipment or alarms;
- Intentionally creating hazardous conditions that put the community at risk;
- Use, possession or distribution of illegal drugs, controlled substances, nonprescription drugs and/or prescription drugs not prescribed to the person in possession of these drugs;
- Possession of firearms or other dangerous weapons or replicas;
- Forgery, misuse, duplication or alteration of any document, record, Humber brand or the Program brand for personal gain;
- Misrepresentation associated with Program processes or activities;
- Entry into unauthorized areas;
- Failure to comply with a law enforcement officer or to sanctions imposed by law.

5.3 The Rules Process

All community members are welcome to meet with Program staff to learn more about the Rules process, without having to file a complaint, as long as the discussed incident or concern does not pose an imminent risk to self or others. The following steps outline the process used to bring about resolutions to complaints.

5.3.1 Making a Complaint

A complaint or allegation can be made to the Program Office, facilitator or any other Program staff regarding a learner. The alleged behavior must have taken place while the Respondent was a registered Program learner.

A learner complaint against another learner will be considered based on all applicable Program policies and regulations including the Learner Rules and Standards of Conduct

5.4 Sanctions/Outcomes

Should a learner be found responsible for engaging in prohibited conduct a number of factors (severity of behavior, acceptance of responsibility, willingness to restore the relationship or situation, mitigating factors and cumulative or repeated behavior) can contribute to the decision to impose one or multiple sanctions.

Decisions on whether a learner has engaged in prohibited conduct will be based upon a review of information and facts provided by the parties involved, gathered by the Dean of ETS or designate and assessed on the standard of balance of probabilities.

5.4.1 Sanctions imposed by any Program Staff or Facilitator:

- a) **Verbal Warning:** A member of the Program staff or a facilitator may issue a verbal warning and may require a learner to leave an area should their behavior be disruptive.



- b) Temporary Removal: A member of the Program staff or a facilitator may ask a learner to remove himself or herself (short-term) from the learning environment following a verbal warning to address the immediate situation.
- c) On Notice: A Program staff member may issue a written warning to a learner outlining the need for corrective action regarding specific behavior(s), the impact of such behavior(s) and may identify necessary next steps to avoid further sanction under the Rules.

5.4.2 Sanctions imposed by the Dean include:

- a) Written Warning: An official letter indicating that a learner has been found responsible for prohibited conduct while highlighting the need for awareness, caution or corrective action.
- b) Apology: In an effort to help restore the harm done, learners may be asked to apologize.
- c) Restitution: Compensation (monetary or material replacement) for loss of or damage to property or services rendered.
- d) Behavior Contract: A description of the terms, signed by the learner, that outline expectations that must be adhered to in order to participate in all or some activities normally considered to be rights of community members.
- e) Restriction: A ban or formal trespass notice from a specified area of any location, or a no contact order between community members, for a designated period of time.
- f) Single/multiple program component de-registration including total loss of marks and fees for the program component(s).
- g) Suspension from a program for a period to be determined by the Dean or designate from the date of the incident deemed appropriate in the circumstances. The learner will not be permitted to register for any program component and will retain none of the privileges accorded to learners. Suspensions may result in a notation on a learner's education record. This notation will be expunged from the learner's record upon program completion and/or following the suspension period.

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.

- h) Rescinding a credential following program completion, or after having a credential conferred.
- i) Any other sanction or penalty deemed appropriate in the circumstances.

6 Requesting an 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 ten (10) 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 learners as soon as practicable, taking into the account specific circumstances of the matter and the nature of the appeal.

6.1 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 6.1.1 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.

6.1.1 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

The completed Learner Misconduct Appeal Form must be submitted to the Real Estate Education Program Office by email to reepreviews@humber.ca.



7 Record Keeping

All information and record keeping pertaining to a complaint under the Rules will be kept in accordance with the *Freedom of Information and Protection of Privacy Act (Ontario)* ("FIPPA").

A record of the case files and final decisions, including appeals, made under the Rules will remain in the Program Office, separate from a learner's education record, for a period of up to three (3) years with the exception of records of sanctions. All files are deemed confidential and are subject to the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). Disclosure of a case file information will be managed through the Freedom of Information ("FOI") at the Program office, except when the disclosure of information to a Respondent prior to the appeal process is required.

References

[Canadian Charter of Rights and Freedoms](#)

[Human Rights Code \(Ontario\)](#)

[Freedom of Information and Protection of Privacy Act](#)

Related Policies

[Acceptable Use Policy for Technical Services](#)

[Gender Diversity Policy](#)

[Human Rights Policy](#)

[Sexual Assault and Sexual Violence Policy](#)

Related Procedure(s)

[Sexual Assault & Sexual Violence Procedure](#)