

JOB CORPS STUDENT CONDUCT POLICY

Frequently Asked Questions #1

INTOXICATION

1. Q: How does Job Corps define *intoxication*?

A: Exhibit 3-1 of the Policy & Requirements Handbook (PRH) defines intoxication as “exhibiting a state in which one’s capacity to act or reason normally has been inhibited by the ingestion of a substance with the intent to cause such a state.”

2. Q: Must a student meet the state's definition of intoxication or does any amount of alcohol in the blood result in an infraction?

A: Any student that exhibits behavior consistent with the Student Conduct Policy’s definition of intoxication, cited above, should be tested immediately, and cited for a Level II violation if alcohol is found in the breath or saliva.

3. Q: For *intoxication on center or under center supervision*, are consequences different for a minor versus a student of legal drinking age?

A: The infraction and the consequences of this infraction are the same for minor students and students of legal drinking age. However, if a minor student is arrested and convicted of an alcohol-related crime, it would constitute the Level I violation *Illegal Activity* and the student would be automatically discharged.

4. Q: Does the policy allow for students to have multiple alcohol consumption-related incidents before the student is terminated?

A: The presumption of discharge for a Level II infraction is analogous to a sentencing or disposition guideline, and is not a requirement. For all Level II infractions Fact-Finding Boards should consider the facts, the seriousness of the infraction, and any mitigating circumstances before voting to determine responsibility and making a recommendation to the Center Director for separation or retention.

5. **Q: What is the difference between the Level I infraction, *Alcohol: Possession, consumption, or distribution while on center or under center supervision* and the Level II infraction, *Intoxication on center or under center supervision*?**

A: The Level I infraction, *Alcohol: Possession, consumption, or distribution while on center or under center supervision* requires that the alcohol be brought onto, consumed, or distributed on the center or at a center-sponsored off center activity. The Level II infraction *Intoxication on center or under center supervision* involves a student consuming alcohol while not under center supervision, and being intoxicated on center or at a center-sponsored activity off center. The Level II infraction may also be cited when there is not enough evidence to support a Level I violation (for example, the student is not found with the alcohol).

6. **Q: Does the Level II infraction *Intoxication on center or under center supervision* apply to students who get intoxicated off center, including while they are on leave?**

A: A Level II *Intoxication* infraction applies only if the student is on center or under center supervision and is intoxicated. It does not apply to students while they are on leave. However, a student who returns to center after using drugs or consuming alcohol while on leave and exhibits signs of being under the influence of drugs or alcohol is subject to the Student Conduct Policy. If a student tests positive for drugs based on suspicion, he/she is cited for a Level I infraction and separated from the program. If the student is found to be intoxicated, he/she is cited for a Level II *Intoxication* infraction and must appear before a Fact-Finding Board.

POSSESSION OF A WEAPON

1. **Q: If a student surrenders a weapon before it is discovered, is the student subject to Zero Tolerance separation?**

A: The Student Conduct Policy does not allow for amnesty. Students may not bring weapons to the center. Students who do so, even if surrendered before discovery, are subject to separation from the program.

2. **Q: *Possession of a Potentially Dangerous Item* is defined as “knowingly possessing, without authorization or legitimate purpose, an instrument or substance that could readily be used to inflict bodily harm.” What constitutes a potentially dangerous item? For example, does an eye brow archer or a straight razor qualify?**

A: Centers should provide a list of potentially dangerous and disallowed items in the student handbook and thoroughly train new students on the list. An eyebrow archer is an example of an item that most people would not routinely consider to be a dangerous item, so it should be identified as a disallowed item in the list provided.

MINOR INFRACTIONS

1. **Q: If a student is found innocent of a minor infraction, how does the center ensure that the infraction does not count against the student in the total minor infraction count?**

A: A student cannot be found innocent of a minor infraction. Most minor infractions are plainly observable; further, no Fact-Finding Board is conducted to determine culpability. If a student is cited for a minor infraction in error, a data correction request must be routed through the Regional Office.

2. **Q: Does a verbal warning count toward the five minor infractions?**

A: No. A verbal warning is considered an on-the-spot intervention, and does not count toward the five minor infractions.

3. **Q: Will CIS be revised so that staff is alerted when students reach five minor infractions?**

A: JCDC is currently creating a tracking and reporting feature in the student conduct module that tracks the number of minor infractions for a student during a rolling 60-day period and creates a report that can be downloaded by the Center Standards Officer on a daily basis to determine when center students reach the fifth minor infraction during that rolling 60-day period.

- 4. Q: Will centers be allowed to forego the five violations rule and elevate behavior to a Level II infraction if the Center Director or management staff determines the behavior warrants elevation?**

A: No. Centers must follow Exhibit 3-3, Menu of Progressive Discipline Interventions and Sanctions for Minor Infractions, which provides that only after a fifth minor infraction is the behavior elevated to a Level II Pattern of Minor Infractions violation and referred to a Fact-Finding Board for adjudication. If the Center Director or management staff determine that behavior is worthy of adjudication by a Fact-Finding Board, then a Level II or Level I infraction should be cited.

- 5. Q: Will centers have the latitude to allow Peer Courts/Student Discipline Councils to manage minor infractions?**

A: As reflected in the Center's Behavior Management Plan, a Peer Court may be incorporated into the Progressive Discipline process to recommend the appropriate interventions and sanctions.