

JOB CORPS STUDENT CONDUCT POLICY

Frequently Asked Questions #2

DRUG INFRACTIONS

1. **Q: If a student tests positive on their initial drug test, will they receive a 45-day intervention period?**

A: Yes. However, if a student fails a drug test administered on suspicion at any time, including during the 45-day intervention period, the student will be automatically discharged if found responsible by a Fact Finding Board.

2. **Q: If a student tests positive upon entry and is suspected of drug use prior to the 37th or 40th day, can a test based on suspicion be administered?**

A: Yes. A test based on suspicion can be administered at any time.

3. **Q: Is there a specific amount of drugs, seeds or residue needed to constitute a Level I infraction of *Possession, use, or distribution of drugs on center or under center supervision*?**

A: No. Any amount of drug or drug residue constitutes possession for the purpose of charging the student with a Level I infraction.

4. **Q: Are centers free to determine what constitutes drug paraphernalia?**

A: Yes, centers may determine what constitutes drug paraphernalia. Centers should confer with local law enforcement and other relevant resources in the center's local area in making this determination. Each center, in its student handbook, should develop a non-exclusive list of examples of drug paraphernalia so as to provide the center with adequate flexibility to determine whether individual items constitute paraphernalia.

ILLEGAL ACTIVITY

5. **Q: What constitutes a Level I *Illegal Activity* infraction?**

A: Exhibit 3-1 defines this infraction as *[b]eing convicted of a felony or misdemeanor as defined by Federal or state law, where the crime occurred while the student was enrolled in Job Corps*. Each center will need to consult state law to further define this infraction.

ROBBERY OR EXTORTION and UNFAIR MONEY LENDING

6. **Q: Both the Level I infraction *Robbery or Extortion* and the Level II infraction *Unfair money lending* involve the use of intimidation; what is the difference between them?**

A: The Level I Infraction of *Robbery or extortion* involves the act of “[t]aking the money or possessions of another from his/her person by force or intimidation,” while the Level II Infraction of *Unfair money lending* necessitates first the lending of money, followed by

subsequent “demands of repayment with interest or using intimidating methods to obtain repayment.”

CRUELTY TO ANIMALS

7. Q: Does the *Cruelty to animals* include animals without known owners?

A: This infraction includes all animals, wild and domestic, with or without known owners.

BULLYING

8. Q: What is the distinction between *Bullying or harassment* and *Threat to safety*?

A: *Bullying* relates to threats of mental or emotional harm, while *Threat to safety* describes a threat of bodily harm.

9. Q: The Level II infraction *Bullying or harassment* requires “2 or more instances” of the behavior. How should the first instance be addressed?

A: In the first instance of what is considered *Bullying or harassment*, centers are expected to counsel and coach the student toward positive, acceptable behaviors.

10. The definition of *Bullying or harassment* includes "making discriminatory remarks or ethnic slurs." Should we no longer be required to have an EO Officer on staff? Does the timeframe between the remarks matter?

A: The definition of *Bullying or harassment* includes “making discriminatory remarks or ethnic slurs” as one example of a type of repeated behavior that meets the criteria of this infraction. As required by PRH Appendix 602, Civil Rights and Nondiscrimination, the requirement to have an appointed equal opportunity (EO) officer on center remains.

FALSE ACCUSATION

11. Q: The definition of *False Accusation* is limited to accusations resulting in a Level I infraction or staff disciplinary action. How should actions resulting in a Level II or minor infractions be addressed?

A: The infraction *False Accusation* specifically addresses those accusations egregious enough to result in a Level I infraction for a falsely accused student, or staff disciplinary action for a falsely accused staff member. If a student makes a false accusation that does not meet the *False Accusation* criteria, the action would likely fit the criteria for the minor infraction *Failure to follow center rules impacting the rights or ability of others to benefit from the program*.

DISORDERLY CONDUCT

- 12. Exhibit 3-1 addresses felonies and misdemeanors; however, violations, sometimes referred to as infractions, are not addressed. For example, disorderly conduct may be considered a violation. How should these events be addressed through the behavior management system?**

A: Depending on the specific details of the situation, the example of disorderly conduct may meet the criteria for the Level II Infraction of *Bringing Disrepute to the Program*. PRH CN 15-09 provides the following example for this infraction: “While off center, creating some kind of disturbance in the community that did not result in an arrest (rowdy behavior which bothered citizens or merchants).” Additionally, disorderly conduct occurring on center may meet the criteria for a Minor Infraction.

In situations that involve varying terminology to describe some form of illegal behavior that, for example, would be classified as a “misdemeanor” in one state but called something else in another state, centers should raise these individual cases to their Regional Director, who should then inform the Office of Job Corps (OJC) National Office. In these instances, the OJC National Office will review the specifics of the infraction to make an appropriate determination.

CIS

- 13. Q: Does the time frame for Fact Finding Boards (decision within 3 or 5 training days) begin the date of the infraction or the following day?**

A: The timeframe begins the following day.

- 14. Q: Is historical data still available since the changes were implemented on June 1?**

A: Yes, historical data is still available. However, any historical data that displayed “Level III Infraction” now displays as “Minor Infraction.”

EXONERATION PROCESS

- 15. Q: What is the process for exonerating students who are found not guilty or had charges dropped?**

A: This process has not changed. Refer to PRH 6.4 R5, *Re-enrollments*, for the procedures on re-establishment if the student has been separated from the program.