

## INFRACTION CROSSWALK

### PREVIOUS INFRACTION TITLES VS. NEW INFRACTONS AND DEFINITIONS

<b>LEVEL I INFRACTIONS – ZERO TOLERANCE INFRACTIONS</b>			
<b>PREVIOUS INFRACTION</b>	<b>CHANGE</b>	<b>NEW</b>	
		<b>INFRACTION</b>	<b>DEFINITION</b>
<p>Possession of gun or illegal weapon on center or under center supervision</p>	<p>Expanded to include possession of any weapon.</p>	<p><b>Possession of a weapon on center or under center supervision</b></p>	<p>Knowingly possessing an instrument whose primary use is to inflict bodily harm, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Firearms and ammunition</li> <li>• Explosives and incendiaries</li> <li>• Knives</li> <li>• Homemade weapons</li> </ul> <p><u>Example:</u> A knife is found in a student’s locker. The fact-finding board determines the knife belonged to the student.</p> <p><u>Example:</u> A knife is found in a student’s locker. The fact-finding board determines the knife was placed there by another student for the purpose of getting the student kicked out of the program, and the student did not know it was there. In that case, the fact finding board would determine that the student did not knowingly possess the weapon and would not be found responsible for the infraction.</p>
<p>Physical assault that causes bodily harm to student or staff (Level I)</p> <p>Physical assault with intent to cause bodily harm to student or staff (Level II)</p>	<p>Physical assault (whether or not it results in bodily harm) is changed to Level I, Assault.</p> <p>Physical assault with intent is elevated to Level I and combined with physical assault that causes bodily harm.</p>	<p><b>Assault</b></p>	<p>Taking a physical action with the intent to cause immediate bodily harm to another person unless taken in immediate response to another person taking such an action with the intent to prevent its continuation.</p> <p><u>Example:</u> A student (aggressor) strikes another student (victim). The victim defends him or herself by tackling the aggressor in an attempt to stop further</p>

## LEVEL I INFRACTIONS – ZERO TOLERANCE INFRACTIONS

PREVIOUS INFRACTION	CHANGE	NEW	
		INFRACTION	DEFINITION
	New definition adds a limited self-defense provision.		assault. Upon investigation, the aggressor is charged with assault, but the victim is not. However, if the victim had become a secondary aggressor and proceeded to pummel the initial aggressor, then both would be charged with assault.
Fighting	Elevated to Level I and combined with assault (above).		<u>Example:</u> A student (aggressor) attempts to strike another student (victim) and misses. The aggressor is charged with assault because the aggressor intended to cause bodily harm.
Threat of assault with intent to intimidate or coerce any student or staff (Level II)	Elevated to Level I.	<b>Threat of assault</b>	Taking any action that intentionally causes another person to fear imminent bodily harm.  <u>Example:</u> One student raises a tray in the cafeteria as if to strike another student to intentionally cause fear.
	New.	<b>Threat to safety</b>	Taking any action that causes another person to reasonably fear bodily harm, including threats expressed verbally or via email, text, blog or social media.  <u>Example:</u> A student uses social media to invite members of the community to come fight another student on center.  <u>Example:</u> A student makes a terroristic threat to bomb a dormitory.
Sexual assault of a criminal nature	Modified to sexual assault.	<b>Sexual assault</b>	Causing or engaging in sexual contact or inappropriate touching of a sexual nature without the voluntary, affirmative consent of all individuals.

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			<u>Example:</u> <ul style="list-style-type: none"> <li>• Forced sexual intercourse or sodomy</li> <li>• Attempted rape</li> <li>• Child molestation</li> <li>• Fondling/groping</li> </ul>
Possession, distribution, or sale of drugs on center or under center supervision	Eliminated the reference to sale of drugs which is covered by distribution.	<b>Drugs: Possession or distribution of drugs on center or under center supervision</b>	Knowingly possessing, using, or distributing any of the following: <ul style="list-style-type: none"> <li>• Drugs, defined as any substance listed on any schedule of the Controlled Substances Act, including seeds and residue</li> </ul> <u>Note:</u> Under the Controlled Substances Act, no valid prescription can be provided for Schedule I drugs, including marijuana. <ul style="list-style-type: none"> <li>• Synthetic drugs</li> <li>• Legalized marijuana</li> <li>• Prescription drugs not prescribed for the individual</li> <li>• Substances used for the purpose of intoxication</li> <li>• Over-the-counter medication for the purpose of intoxication</li> <li>• Drug paraphernalia</li> <li>• Drug sale ledger or distribution list</li> </ul>
Inhalation of volatile intoxicating substances on center or under center supervision	Elevated to Level I and combined with possession, use, or distribution of drugs.		
Use of drugs as evidenced by a positive drug test conducted by the end of the initial probationary period (prior to 45 days) or the suspicion intervention period (prior to 45 days) or by a positive drug	Timeframe for follow-up testing specified. Clean-up period for positive test on suspicion is eliminated and student separated as Level I Zero Tolerance infraction.	<b>Drugs: Use of drugs as evidenced by a positive drug test</b>	<ul style="list-style-type: none"> <li>• Testing positive on a follow-up to an initial positive drug test. The follow-up test is administered between the 37<sup>th</sup> and 40<sup>th</sup> day after arrival on center.</li> <li>• Testing positive on a drug test administered on suspicion at any time.</li> </ul>

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test after the suspicion intervention period			<ul style="list-style-type: none"> <li>NOTE: Job Corps has a policy of Zero Tolerance for drug use once the student is enrolled in the program. However, students with a history of drug use are not automatically disqualified from enrolling in Job Corps. As described in PRH Section 6.11, students will be tested within 48 hours of initial arrival to the center. An initial positive drug test is considered to reflect drug use prior to the student's enrollment. Students who test positive are provided intervention services and retested between the 37th and 40th day after arrival on center, at which point a positive test is a Level I infraction.</li> <li>NOTE: Students who refuse to provide a specimen or have an unexcused absence from a follow-up drug test shall be presumed guilty of this infraction.</li> </ul>
Use, possession, or sale of alcohol on center	Moved from Level II and further defined.	<b>Alcohol: Possession, use, or distribution while on center or under center supervision</b>	<p>While on center or while off center but on a center-supervised activity:</p> <ul style="list-style-type: none"> <li>Possessing alcohol</li> <li>Using alcohol</li> <li>Distributing alcohol to others</li> <li>Providing alcohol to minors</li> </ul> <ul style="list-style-type: none"> <li>NOTE: Students who are aged 21 or older may drink alcohol when off</li> </ul>

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			<p>center and not under center supervision; however, they cannot bring alcohol onto the center.</p> <p>In addition, if students of any age return to the center intoxicated, it is categorized as a Level II infraction described below.</p> <ul style="list-style-type: none"> <li>NOTE: Students who refuse to submit to a breathalyzer or provide a sample for alcohol testing shall be presumed guilty of this infraction.</li> </ul>
	New.	<b>Abuse of Alcohol</b>	A pattern of alcohol consumption-related incidents demonstrated by receiving more than two Level II “Intoxication on center or under center supervision” infractions where the intoxication is the result of alcohol while enrolled in the program. The 3 <sup>rd</sup> infraction elevates the behavior to Level I Abuse of Alcohol.
Arrest for a felony on or off center	Violent misdemeanors are elevated to Level I and added to this infraction.	<b>Arrest for a felony or violent misdemeanor on or off center</b>	<ul style="list-style-type: none"> <li>Being arrested by law enforcement for a felony.</li> <li>Being arrested by law enforcement for a misdemeanor involving the use, attempted use, or threatened use of physical force against the person or property of another.</li> </ul> <p>NOTE: If the student is subsequently found guilty of only a non-violent misdemeanor, as defined below, he/she shall instead be charged with committing the Level II infraction “Arrest for a non-violent misdemeanor on or off center”.</p>

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			If the charges are dropped or if the student is found not guilty, he/she will be exonerated.
Conviction of drug use, possession, or sale off center (felony or misdemeanor)	Subsumed under Illegal Activity (below).		
	New.	<b>Illegal Activity</b>	Being 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.
Robbery and extortion	Elevated to Level I.	<b>Robbery or extortion</b>	Taking the money or possessions of another from his/her person by force or intimidation.
Arson	Elevated to Level I.	<b>Arson</b>	The malicious setting of fire to a structure or personal property belonging to another person or entity.
	New.	<b>Cruelty to animals</b>	The torture, ill-treatment, abandonment, willful infliction of injury or pain, beating, maiming, mutilating, or killing of any animal, whether belonging to the individual or another.
Inciting a disturbance or creating disorder	Elevated to Level I.	<b>Inciting a disturbance or creating disorder</b>	<ul style="list-style-type: none"> <li>• Persuading, encouraging, instigating, taunting, pressuring or threatening persons to disrupt a peaceful situation.</li> <li>• Causing disorder or disrupting a peaceful situation.</li> </ul>

<b>LEVEL II INFRACTIONS</b>			
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Possession of an item that could be used as a weapon on center or under center supervision	Further defined.	<b>Possession of a potentially dangerous item</b>	Knowingly possessing, without authorization or legitimate purpose, an instrument or substance that could readily be used to inflict bodily harm.  <u>Example:</u> Box cutter, scissors, trade tools, drain cleaner.
Use, possession, or sale of alcohol on center	Elevated to Level I (above).		
Theft or possession of stolen goods	The act of committing the theft is separated from possession of stolen goods. Both remain Level II.	<b>Theft/stealing</b>	Taking the property of another person or entity with the intent of permanently depriving the owner.
		<b>Possession of stolen goods</b>	Possessing items that one knows, or reasonably should know, are stolen.
Alcohol intoxication on center or under center supervision	Elevated from Level III to Level II.	<b>Intoxication on center or under center supervision</b>	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.  Note: Suspected intoxication from use of alcohol may be confirmed by a breathalyzer test if alcohol is found in the breath or saliva. However, this definition includes intoxication as a result of substances other than alcohol, so a negative breathalyzer does not preclude a student from being charged with an intoxication infraction.  Note: Possessing, consuming, or distributing alcohol while on center or while off center but on a center-supervised activity is categorized as a

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			Level I infraction, as described above.
Hazing, bullying, initiation, and harassment (without assault)	<p>Bullying or harassment is separated from initiation or hazing.</p> <p>Bullying or harassment is updated to reflect use of social media and technology. The frequency is defined as 2 or more instances.</p> <p>Initiation is defined and includes hazing. All participants (including willing participants) engaged in initiation or hazing are included in disciplinary actions; none are considered victims.</p>	<b>Bullying or harassment</b>	<ul style="list-style-type: none"> <li>• Making repeated (2 or more instances) communications with the intent to threaten or hurt another person mentally or emotionally, including statements made orally, in writing, or via email, blog, text, or other social media.</li> <li>• Making discriminatory remarks or ethnic slurs.</li> <li>• Performance of curses, hexes, or other rituals or actions intended to harm others</li> </ul>
Sexual harassment	Further defined to mirror workplace standards.	<b>Sexual harassment</b>	<p>Making an unwelcome sexual advance(s), request(s) for sexual favor(s), sexually offensive remark(s), a sexual gesture(s) or other communication(s) of a sexual nature that contribute to an intimidating, hostile or offensive environment. Depending on severity, one single incident may constitute sexual harassment. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender including behavior, comments, jokes, slurs, email messages, pictures or other conduct that contributes to an intimidating or offensive environment. Sexual harassment may</p>



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			<p>occur between males and females or between members of the same sex.</p> <p><u>Example:</u> A student tells an offensive joke, warranting on-the-spot intervention and counseling that the joke is inappropriate. The student continues to tell offensive jokes, which is then deemed sexual harassment.</p> <p><u>Example:</u> An overly explicit unwanted sexual advance.</p>
	New.	<b>False accusation</b>	Making a false accusation against another individual that could have resulted in a Level I infraction or staff disciplinary action, without any credible supporting evidence.
Loan sharking	Updated to reflect current terminology – unfair money lending.	<b>Unfair money lending</b>	Lending money and either demanding repayment with interest or using intimidating methods to obtain repayment.
Hazing, bullying, initiation, and harassment (without assault)	Separated hazing and initiation from bullying and harassment.	<b>Hazing or initiation</b>	Participating in any ritual, ceremony, ordeal, or other activity that involves humiliating or verbally or emotionally abusing someone as a way of admitting him/her into a group or of granting him/her status. It shall not constitute a defense to the charge of hazing or initiation that the participant(s) took part voluntarily, that they voluntarily assumed the risks or hardship of the activity, or that no physical or mental injury was suffered. All participants engaged in a hazing or initiation action are subject to disciplinary action.

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Gang activity, including wearing of gang clothing, colors, or making signs or handshakes that are associated with known gangs	Infraction title shortened to gang representation and defined.	<b>Gang representation or activity</b>	Wearing of gang clothing, colors; using signs or handshakes associated with known gangs identified by law enforcement; using gang names or displaying gang symbols or slogans.
Destruction of government or private property	Infraction broadened and changed to vandalism.	<b>Vandalism</b>	Intentionally damaging or destroying equipment or property belonging to another person or entity, including tagging.
	New.	<b>Plagiarism</b>	Passing off the ideas or words of another as one's own without crediting the source.  <u>Example:</u> Copying a report from the internet and submitting as student's own work.
	New.	<b>Cheating</b>	<ul style="list-style-type: none"> <li>• Providing questions/answers to another student during a test.</li> <li>• Receiving questions/answers from another person during a test.</li> <li>• Using online resources during a test.</li> </ul>
Arrest for a misdemeanor on or off center	Addition of the qualifier 'non-violent' to misdemeanor.	<b>Arrest for a non-violent misdemeanor on or off center</b>	Being arrested by law enforcement for a misdemeanor that does not involve the use, attempted use, or threatened use of physical force against the person or property of another.  NOTE: Violent misdemeanors are categorized as Level I infractions and defined above.  If the charges are dropped or if the student is found not guilty, he/she will be exonerated.

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	New.	<b>Bringing disrepute to the program</b>	<p>Behaving in a manner that is likely to cause others to have a diminished or lower opinion of the Center or the Job Corps program.</p> <p><u>Example:</u> 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).</p> <p><u>Example:</u> Video recording occurrences of Level I, II, or III Infractions (such as videos of fights) and posting the footage on the internet.</p>
A pattern of inappropriate behavior, failure to follow center rules, or lack of full participation in required center activities as determined by the Center Director or designee	Changed to pattern of minor infractions. The intent is to ensure consistency in addressing the continuation of minor infractions.	<b>Pattern of minor infractions</b>	<p>Receiving more than 4 minor infractions within a 60 calendar day timeframe.</p> <p>The 5<sup>th</sup> infraction elevates the behavior to Level II, Pattern of Minor Infractions.</p>

## MINOR INFRACTIONS

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<p>Level III</p> <ul style="list-style-type: none"> <li>• Gambling</li> <li>• Using profanity, abusive or obscene language</li> <li>• Disruptive behavior that interferes with the learning of others</li> <li>• Ethnic agitation, including racial name calling and racial remarks</li> <li>• Refusal to perform assignment or failure to follow instructions</li> <li>• Absent from assigned activity, including work, classes; and health and wellness, TEAP, and counseling appointments</li> <li>• Being in an unauthorized or off-limits area</li> <li>• Violation of safety rules</li> <li>• Overt sexual behavior</li> <li>• Cutting lines</li> <li>• Smoking in an unauthorized area</li> <li>• Hitchhiking</li> <li>• Maintaining or operating a private vehicle on center</li> <li>• Vandalism or abuse of center facilities or property</li> <li>• Violation of center standards of dress and appearance</li> </ul>	<p>Level III changed to Minor Infractions and divided into 2 categories:</p> <ul style="list-style-type: none"> <li>• Infractions impacting others</li> <li>• Infractions impacting self</li> </ul> <p>A pattern is defined as more than 4 minor infractions within a 60-day timeframe. The 5<sup>th</sup> infraction elevates the behavior to Level II, Pattern of Minor Infractions.</p> <p>Progressive interventions and sanctions are imposed for each minor infraction with a goal of modifying the student's behavior before it escalates to a Level II Pattern of Minor Infractions.</p> <p>Specific infractions are distributed to the 2 categories with the exception of the following:</p> <ul style="list-style-type: none"> <li>• Ethnic agitation, including racial name calling and racial remarks moved to a separate Level II infraction (Level II, Bullying or Harassment)</li> <li>• Vandalism or abuse of center facilities or</li> </ul>	<p><b>Failure to follow center rules impacting the rights or ability of others to benefit from the program</b></p>	<p>Exhibiting a pattern of minor behavior infractions that impacts the rights of other enrollees or their ability to benefit from the program, including:</p> <ul style="list-style-type: none"> <li>• Using profanity, or abusive or obscene language</li> <li>• Interfering with the learning of others through disruptive behavior</li> <li>• Smoking in unauthorized areas</li> <li>• Cutting lines</li> <li>• Maintaining or operating a private vehicle on center</li> <li>• Gambling</li> <li>• Failing to follow safety rules</li> </ul> <p><u>Example:</u> Failure to use safety equipment and protective gear; horseplay; misuse of tools</p>
		<p><b>Failure to follow center rules impacting the individual's participation or progress</b></p>	<p>Exhibiting a pattern of behavior infractions that demonstrates the individual's lack of commitment to program participation or implicates self-endangerment including:</p> <ul style="list-style-type: none"> <li>• Refusing to perform assignments</li> <li>• Failing to follow instructions</li> <li>• Being absent or excessively tardy without permission from assigned activity including work, classes, and scheduled health appointments</li> <li>• Engaging in overt sexual behavior</li> <li>• Violating center dress code</li> </ul>

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<ul style="list-style-type: none"> <li>Unauthorized absences from training or center</li> </ul>	property moved to a separate Level II infraction (Level II, Vandalism)		