

3.4 STUDENT STANDARDS OF CONDUCT

PURPOSE

- P1. To promote standards of conduct among students that are expected and acceptable in the workplace.
- P2. To provide students with an opportunity to learn from their mistakes.
- P3. To maintain an environment for students and staff that is safe and free from drugs, alcohol, and violence.
- P4. To provide students with opportunities for due process in disciplinary proceedings.

REQUIREMENTS

R1. Incentives

Centers must develop processes to recognize students for positive behavior and performance, including rewards and what students must do to earn them.

R2. Rules and Sanctions

Centers must:

- a. Develop standards of conduct, including rules and sanctions. Conduct standards must:
 - 1. Parallel workplace expectations to the extent possible.
 - 2. Include, at a minimum, those infractions and corresponding actions in Job Corps' Zero Tolerance Policy, as detailed in Exhibit 3-1 (Infraction Levels, Definitions, and Appropriate Center Actions).
- b. Implement progressive disciplinary measures for behaviors identified as Minor Infractions, as defined in Exhibit 3-3 (Menu of Progressive Discipline Interventions and Sanctions for Minor Infractions).
- c. Prohibit the use of the following sanctions:
 - 1. Corporal punishment and measures designed to humiliate or degrade the student
 - 2. Physical force or solitary isolation (Physical restraint may be used only to the minimum extent necessary and only in situations that seriously threaten persons or property.)

3. Dorm cleanup, kitchen duty, or other regular housekeeping chores used as a punishment
4. Suspension of privileges for the dining hall, canteen, voting, religious services, or pay and allowances
5. Restrictions to center in excess of 30 days
6. Fines in excess of \$5 per offense or per pay period
7. Restitution in excess of \$500 per enrollment
8. Forced resignation from the program

R3. Investigation and Disposition of Incidents

- a. Centers must conduct investigations and Fact-Finding Boards (FFB) as follows:
 1. Convene Fact-Finding Boards in accordance with the requirements in Exhibit 3-2 (Requirements for the Conduct of Fact-Finding Boards).
 2. Provide Fact-Finding Boards with a written investigative report of the incident under consideration. Boards may only consider evidence relevant to the infraction.
 3. Recommend appropriate sanctions in keeping with the level of infraction as shown in Exhibit 3-1 (Infraction Levels, Definitions, and Appropriate Center Actions).
 4. Report the outcomes of Fact-Finding Boards on the “Summary of Review Board Hearing” form and document the date and disposition of the Fact-Finding Board in Center Information System (CIS) within 48 hours of its completion.
- b. The National Director may suspend the timeframes for the Fact-Finding Board to issue its decision, if the student subject to the Fact-Finding Board is also the subject of an active police investigation.

R4. Appeal Process

Centers must develop a process for the appeal of disciplinary decisions, consistent with Exhibit 3-2. The appeal process must, have the following features at a minimum:

- a. Students must be allowed to appeal disciplinary decisions from lower organizational levels to higher ones.
- b. Students must be notified in writing of their right to appeal a decision of the Center Director, resulting in dismissal from the program, to the Regional Appeals Board

(RAB). Student appeals must be made within 30 calendar days of their separation.

R5. Regional Appeals Board

In an effort to ensure due process, each Regional Office will establish a Regional Appeals Board (RAB) to review student appeals of disciplinary discharge from the Job Corps program. The RAB must operate as follows:

- a. The Regional Director will determine the composition of the RAB.
- b. In reviewing cases, the RAB must utilize only written documentation to include, at a minimum, the student's appeal letter intended to preserve the student's due process, and the record of the student's hearing at the center. The RAB will not hear oral testimony from interested parties.
- c. The RAB must rule on student appeals within 30 calendar days of the receipt of the student's appeal letter.
- d. In making a decision, the options open to the RAB are to:
 1. Affirm the Center Director's decision to discharge the student.
 2. Overturn the Center Director's decision to discharge the student.
 3. Recode the separation (for zero tolerance offenses).
 4. Remand the case to the center for rehearing.
 5. Request additional information from the center and delay the RAB meeting to a later date. Notify the center and student if the decision will be extended beyond the 30 calendar days for appeal resolution.
- e. If the RAB determines that all three of the following conditions are met, the RAB must affirm the disciplinary discharge of the student.
 1. There is substantial evidence to support the alleged facts of the case.
 2. The procedural requirements of the law and Job Corps policies were adequately met.
 3. The facts of the case constitute an offense for which disciplinary discharge is permitted.
- f. If the RAB determines from the record that either of the following conditions pertain, the RAB must reverse the disciplinary discharge.

1. The evidence provided does not support the facts alleged.
 2. The facts are supported by the evidence presented, but these facts do not constitute an offense for which disciplinary discharge is permitted.
- g. If the RAB determines that substantial procedural requirements were not met, the RAB may take either of the following actions.
1. It may reverse the Center Director's decision to discharge.
 2. It may remand the case to the center for rehearing.
- h. If the RAB determines that there is not enough information in the record to make a determination, the RAB may delay the RAB meeting to another date and request additional written information from the center, the student, or any other source. The RAB must provide all interested parties an opportunity to respond to the additional information before the RAB makes its final decision. The RAB must notify the center and student if the delay will extend beyond the 30 calendar day resolution period.
- i. If the RAB overturns the decision of a Center Director to discharge a student from the program, the Regional Office must reestablish the student as follows:
1. If the student is allowed to resume training at the same center, the center must reestablish the student in the Center Information System (CIS) and arrange for the student's immediate return to the center, if the student is allowed to resume training at the same center.
 2. If the student is transferred to another center, the sending center must take the following actions if the student is transferred to another center:
 - (a) Re-establish the student in CIS
 - (b) Initiate the transfer in CIS
 - (c) Provide the student with transportation and an itinerary to the receiving center
 - (d) Provide a complete copy of the student's personnel record (including medical records) to the receiving center
- j. Manage an automatic appeal of felonies/misdemeanors (dropped charges/not guilty) as follows:
1. If the student is found not guilty, or if the charges are dropped, the center will forward the case to the RAB for disposition.

2. The RAB will decide if the student should be:
 - (a) Re-established at the same center
 - (b) Re-established and transferred to another center
 - (c) Re-entered into CIS with a different code
 3. The center must complete appropriate CIS entries as advised by the RAB.
- k. Regional Offices must maintain a log of all cases reviewed by the RAB and the disposition of the cases.
 - l. RAB decisions must be communicated in writing to the student and the center.
 - m. RAB decisions are final and represent the official decision of the Secretary of Labor.

R6. Reporting/Documentation/Recordkeeping

- a. Regardless of the outcome of the Fact-Finding Board, centers shall ensure that documentation is retained on center and is available for auditing for at least three years, consistent with other recordkeeping responsibilities.
- b. Centers must ensure that all student incentives, infractions, and sanctions are documented and recorded using CIS. This includes documenting the date of the Fact-Finding Board, the disposition, and in the case of Level II Fact-Finding Board, a rationale if the Board's recommendation is not upheld.