

EXHIBIT 3-1

INFRACTION LEVELS, DEFINITIONS, AND APPROPRIATE CENTER ACTIONS

LEVEL I – ZERO TOLERANCE INFRACTIONS					
INFRACTION	DEFINITION	CENTER ACTION	READMIT ELIGIBLE	SEPARATION CODE	Significant Incident Report (SIR) Required?
Possession of a weapon on center or under center supervision	<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"> • Firearms and ammunition • Explosives and incendiaries • Knives • Homemade weapons <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>	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Assault	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.	Fact-Finding Board, automatic discharge if	Not Eligible	5.1a	Yes

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	<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 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.</p> <p><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.</p>	deemed responsible			
Threat of assault	<p>Taking any action that intentionally causes another person to fear imminent bodily harm.</p> <p><u>Example:</u> One student raises a tray in the cafeteria as if to strike another student to intentionally cause fear.</p>	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Threat to safety	<p>Taking any action that causes another person to reasonably fear bodily harm, including threats expressed verbally or via email, text, blog or social media.</p> <p><u>Example:</u> A student uses social media to invite members of the community to come fight another student on center.</p> <p><u>Example:</u> A student makes a terroristic threat to bomb a dormitory.</p>	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes

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Sexual assault	<p>Causing or engaging in sexual contact, or inappropriate touching of a sexual nature of another, without the voluntary, affirmative consent of all individuals involved.</p> <p><u>Example:</u></p> <ul style="list-style-type: none"> • Forced sexual intercourse or sodomy • Attempted rape • Child molestation • Fondling/groping 	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Drugs: Possession or distribution of drugs on center or under center supervision	<p>Knowingly possessing, using, or distributing any of the following:</p> <ul style="list-style-type: none"> • Illegal drugs, (defined as any substance listed on any schedule of the Controlled Substances Act), including seeds and residue, except when the drug is possessed and/or used in accordance with a valid prescription • Synthetic drugs • Legalized marijuana • Prescription drugs not prescribed for the individual • Substances used for the purpose of intoxication • Over-the-counter medications for the purpose of intoxication • Drug paraphernalia • Drug sale ledger or distribution list 	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.2b	Yes
Drugs: Use of drugs as	<ul style="list-style-type: none"> • Testing positive on a follow-up to an initial positive drug test. The follow-up test is administered 	Fact-Finding Board,	Eligible after one	5.2a	Yes

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<p>evidenced by a positive drug test</p>	<p>between the 37th and 40th day after arrival on center.</p> <ul style="list-style-type: none"> • Testing positive on a drug test administered on suspicion at any time. <p><u>Note:</u> 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.</p> <p>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.</p>	<p>automatic discharge if deemed responsible</p>	<p>year, but if individual tests positive for drug use upon readmission, they will be separated immediately and not allowed to reapply</p>		
<p>Alcohol: Possession, consumption, or distribution while on center or under center supervision</p>	<p>While on center or while off center but on a center-supervised activity, knowingly:</p> <ul style="list-style-type: none"> • Possessing alcohol • Consuming alcohol • Distributing alcohol to others <p>NOTE: Students who are aged 21 or older may drink alcohol when off center and not under center supervision; however, they cannot bring alcohol onto the center.</p>	<p>Fact-Finding Board, automatic discharge if deemed responsible</p>	<p>Eligible after one year</p>	<p>5.3c</p>	<p>Yes</p>

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	<p>In addition, if students of any age return to the center intoxicated, it is categorized as a Level II “intoxication” infraction described below.</p> <p>NOTE: Students who refuse to submit to a breathalyzer or provide a sample for alcohol testing shall be presumed guilty of this infraction.</p>				
Abuse of Alcohol	<p>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 3rd infraction elevates the behavior to Level I Abuse of Alcohol.</p>	<p>Fact-Finding Board, automatic discharge if deemed responsible</p>	<p>Eligible after one year</p>	<p>5.3c</p>	<p>Yes</p>
Arrest for a felony or violent misdemeanor on or off center	<ul style="list-style-type: none"> • Being arrested by law enforcement for a felony. • 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. <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> <p>If the charges are dropped or if the student is found not guilty, he/she will be exonerated.</p>	<p>Fact-Finding Board, automatic discharge if deemed responsible</p>	<p>Not Eligible</p>	<p>5.1a</p>	<p>Yes</p>

LEVEL I – ZERO TOLERANCE INFRACTIONS

INFRACTION	DEFINITION	CENTER ACTION	READMIT ELIGIBLE	SEPARATION CODE	Significant Incident Report (SIR) Required?
Illegal Activity	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.	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Robbery or extortion	Taking the money or possessions of another from his/her person by force or intimidation.	Fact-Finding Board, automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Arson	The malicious setting of fire to a structure or personal property belonging to another person or entity.	Fact-Finding Board, Automatic Discharge if deemed responsible	Not Eligible	5.1a	Yes
Cruelty to animals	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.	Fact-Finding Board, Automatic discharge if deemed responsible	Not Eligible	5.1a	Yes
Inciting a disturbance or creating disorder	Persuading, encouraging, instigating, taunting, pressuring or threatening persons to disrupt a peaceful situation. Causing disorder or disrupting a peaceful situation.	Fact-Finding Board, Automatic discharge if	Not Eligible	5.1a	Yes

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		deemed responsible			

LEVEL II INFRACTIONS					
INFRACTION	DEFINITION	CENTER ACTION	READMIT ELIGIBLE	SEPARATION CODE	Significant Incident Report (SIR) Required?
Possession of a potentially dangerous item	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.	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Theft/stealing	Taking the property of another person or entity, with the intent of permanently depriving the owner.	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Intoxication on center or under center supervision	While on center or while off center but on a center-supervised activity, 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,	Fact-Finding Board	Eligible after 1 year	5.3b	Yes

LEVEL II INFRACTIONS

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	<p>so a negative breathalyzer does not preclude a student from being charged with an intoxication infraction.</p> <p>Note: Possessing, consuming, or distributing alcohol while on center or while off center but on a center-supervised activity is categorized as a Level I infraction, as described above.</p>				
Possession of stolen goods	Possessing items that one knows, or reasonably should know, are stolen.	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Bullying or harassment	<ul style="list-style-type: none"> • 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. • Making discriminatory remarks or ethnic slurs. • Performance of curses, hexes, or other rituals or actions intended to harm others. 	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Sexual harassment	Making an unwelcome sexual advance(s), request(s) for sexual favors, 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 its severity, a 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	Fact-Finding Board	Eligible after 1 year	5.1b	Yes

LEVEL II INFRACTIONS

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	<p>harassment may 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>				
False accusation	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.	Fact-Finding Board	Eligible after 1 year	5.1b	No
Unfair money lending	Lending money and either demanding repayment with interest or using intimidating methods to obtain repayment.	Fact-Finding Board	Eligible after 1 year	5.1b	No
Hazing or initiation	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 activity are subject to disciplinary action.	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Gang representation	Wearing of gang clothing, colors; using signs or handshakes associated with known gangs identified by	Fact-Finding Board	Eligible after 1 year	5.1b	Yes

LEVEL II INFRACTIONS

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or activity	law enforcement; using gang names or displaying gang symbols or slogans.				
Vandalism	Intentionally damaging or destroying equipment or property belonging to another person or entity, including tagging.	Fact-Finding Board	Eligible after 1 year	5.1b	Yes
Plagiarism	<p>Passing off the ideas or words of another as one's own without crediting the source.</p> <p><u>Example:</u> Copying a report from the internet and submitting as one's own work.</p>	Fact-Finding Board	Eligible after 1 year	5.1b	No
Cheating	<ul style="list-style-type: none"> • Providing questions/answers to another student during a test. • Receiving questions/answers from another student during a test. • Using online resources during a test. 	Fact-Finding Board	Eligible after 1 year	5.1b	No
Arrest for a non-violent misdemeanor on or off center	<p>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.</p> <p>NOTE: Violent misdemeanors are categorized as Level I infractions and defined above.</p> <p>If the charges are dropped or if the student is found not guilty, he/she will be exonerated.</p>	Fact-Finding Board	Eligible after 1 year	5.3b	Yes
Bringing disrepute to the	Behaving in a manner that is likely to cause others to have a diminished or lower opinion of the Center or the	Fact-Finding Board	Eligible after 1 year	5.1b	Yes

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program	<p>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>				
Pattern of minor infractions	<p>Receiving more than 4 minor infractions within a 60 calendar day timeframe.</p> <p>The 5th infraction elevates the behavior to Level II, Pattern of Minor Infractions.</p>	Fact-Finding Board	Eligible after 1 year	5.3a	No

MINOR INFRACTIONS			
INFRACTION	DEFINITION	CENTER ACTION	Significant Incident Report (SIR) Required?
Failure to follow center rules impacting the rights or ability of others to benefit from the program	<p>Exhibiting a pattern of 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"> • Using profanity, or abusive or obscene language • Interfering with the learning of others through disruptive behavior • Smoking in unauthorized areas • Cutting lines • Maintaining or operating a private vehicle on center • Gambling • Failing to follow safety rules <p><u>Example:</u> Failure to use safety equipment and protective gear; horseplay; misuse of tools.</p>	<p>Progressive interventions: More than 4 occurrences during a 60 calendar day period results in automatic Level II infraction and Fact-Finding Board</p>	No
Failure to follow center rules impacting the individual's participation or progress in the program	<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"> • Refusing to perform assignments • Failing to follow instructions • Being absent or excessively tardy without permission from assigned activity including work, classes, and scheduled health appointments • Engaging in overt sexual behavior • Violating center dress code 	<p>Progressive interventions: More than 4 occurrences during a 60 calendar day period results in automatic Level II infraction and Fact-Finding Board.</p>	No