

February 4, 2016

<b>DIRECTIVE:</b>	<b>JOB CORPS PRH CHANGE NOTICE NO. 15-09</b>
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**TO:** ALL JOB CORPS NATIONAL OFFICE STAFF  
ALL JOB CORPS REGIONAL OFFICE STAFF  
ALL JOB CORPS CENTER DIRECTORS  
ALL JOB CORPS CENTER OPERATORS  
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS  
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

**FROM:** LENITA JACOBS-SIMMONS  
National Director  
Office of Job Corps

**SUBJECT:** Policy and Requirements Handbook (PRH) Revision to Exhibit 3-1, Infraction Levels, Definitions, and Appropriate Center Actions, and Corresponding Chapter, Exhibit and Appendix Changes

1. Purpose. To ensure Job Corps' Student Conduct System supports a safe, secure learning and living environment for all students and staff, and to strengthen policies related to student misconduct by clearly defining and classifying behavior infractions to facilitate consistent application throughout the Job Corps system.
2. Background. Ensuring a safe environment for students, staff, and centers is one of Job Corps' top priorities. Recent center assessments, Office of Inspector General (OIG) audits, and media-reported events have raised serious concerns about center safety and adherence to Job Corps' behavior management policies, including the Zero Tolerance Policy as specified in the Workforce Innovation and Opportunity Act (WIOA) and Job Corps' PRH Section 3.4, Student Standards of Conduct.

Job Corps is taking action to address concerns raised about inconsistencies in the implementation of its Student Conduct System in response to recommendations of the OIG in its February 2015, report, "Job Corps Needs to Improve Enforcement and Oversight of Student Disciplinary Policies to Better Protect Students and Staff at Centers" (OIG Report). The OIG report recommended several actions Job Corps could take to ensure uniform understanding and enforcement of student conduct policies systemwide. The first of these actions – clearly defining behavior infractions – is addressed in this PRH Change Notice.

Our goal is to ensure that every center offers a safe, positive learning environment and culture that is based on the following guiding principles:

- Setting high behavioral expectations;
- Holding students accountable for their behaviors;
- Including proportional consequences for misbehavior; and

- Enabling students to learn from their mistakes.

3. Reference. As we move forward to implement student conduct reforms, we will learn from and incorporate evidence-based strategies, including those identified by the following initiatives:

- Supportive School Discipline Initiative (SSDI), [supportiveschooldiscipline.org](http://supportiveschooldiscipline.org)
- Positive Behavioral Interventions and Supports (PBIS), [pbis.org/](http://pbis.org/)
- My Brother’s Keeper, [whitehouse.gov/my-brothers-keeper](http://whitehouse.gov/my-brothers-keeper)

Center Directors and Operators are encouraged to familiarize themselves with these initiatives.

4. Explanation of Change(s). This PRH Change Notice addresses the following recommendation from the OIG Report:

“Clearly define all misconduct infraction categories to ensure infractions and significant violent offenses are properly classified and addressed. This includes providing specific definitions and/or examples for serious infractions such as physical assault with bodily harm, fighting, threat of physical assault with intent to do bodily harm, threat of assault with intent to intimidate or coerce and sexual harassment.”

Notable major changes include the following:

- a. Section 1.6, Readmission, R1 Readmission Criteria is revised to reflect additional Level I Zero Tolerance Infractions for which readmission is permissible.
- b. Exhibit 3-1, Infraction Levels and Appropriate Center Actions, is retitled Exhibit 3-1, Infraction Levels, Definitions and Appropriate Center Actions. The exhibit is revised to include clear definitions of each misconduct infraction to align with provisions of WIOA relating to student conduct, and to reflect workplace standards and expectations for conduct where appropriate. Each infraction is assigned as a Level I – Zero Tolerance Infraction, a Level II Infraction, or a Minor Infraction, depending on the severity of the infraction and in accordance with Job Corps’ Zero Tolerance policy. Notable changes to Exhibit 3-1 are as follows:
  1. **Definitions** – A definition is provided for each infraction to clarify the types of misconduct or behaviors to which the infraction applies.
  2. **New Column Added: Significant Indicant Report (SIR) Required** – In the interest of facilitating consistency, this column is added to assist centers in determining whether the cited infraction requires that a SIR be entered.

### 3. Specific Infraction Changes

- i. **Assault** – Assault Resulting in Bodily Harm is combined with Assault with Intent to Cause Bodily Harm
- ii. **Threat of Assault** – Threat of Assault is elevated from Level II to Level I.
- iii. **Fighting** – The infraction formerly titled “Fighting” is combined with “Assault,” and elevated to Level I. A new limited provision for cases of self-defense is added.
- iv. **Threat to Safety** – A new infraction and definition are added for Threat to Safety.
- v. **Arrest for a Violent Misdemeanor** – Arrest for a Violent Misdemeanor is elevated to Level I, and treated the same as an arrest for a felony.
- vi. **Cruelty to Animals** – A new infraction and definition are added for Cruelty to Animals.
- vii. **Possession, Consumption or Distribution of Alcohol while on Center or under Center Supervision** – Elevated to a Level I infraction.
- viii. **Abuse of Alcohol** – A new infraction to address a pattern of alcohol abuse has been added.
- ix. **Use of drugs as evidenced by a positive drug test** – Eliminates the intervention period for positive tests on suspicion. A positive test on suspicion at any time is a Level I infraction.
- x. **Robbery or Extortion** – Elevated to Level I.
- xi. **Arson** – Elevated to Level I.
- xii. **Illegal Activity** – New Level I infraction.
- xiii. **Inciting a Disturbance or Creating Disorder** – Elevated to Level I.
- xiv. **New Level II Infractions** – These new infractions are added:
  - a) False Accusation
  - b) Cheating
  - c) Plagiarism

d) Bringing Disrepute to the Program

xv. **Hazing, Bullying, Initiation, and Harassment** – These infractions are broken into two categories that both remain Level II infractions:

a) Bullying or Harassment is defined as two or more instances, and recognizes social media as a means of bullying or harassment.

b) Hazing or initiation is clearly defined.

xvi. **Level III Infractions now Entitled Minor Infractions** – Infractions formerly categorized as Level III are reclassified as Minor Infractions, and are divided into two categories:

a) Infractions impacting the ability and rights of others to fully participate in and benefit from the program, such as use of profanity or cutting lines.

b) Infractions impacting the individual student's program participation or progress, such as excessive absences or failure to perform assignments.

c. New Exhibit 3-3, Menu of Progressive Discipline Interventions and Sanctions for Minor Infractions, has been added. This exhibit is designed to bring consistency, set limitations, and ensure progressive consequences for emerging patterns of minor infractions.

d. Section 3.4, Student Standards of Conduct, R2, Rules and Sanctions, is revised to make clear that each center must adopt Job Corps' Zero Tolerance Policy as detailed in Exhibit 3-1 as part of its standards of conduct policy. It also reflects the new title of Exhibit 3-1, which is now: Exhibit 3-1, Infraction Levels, Definitions and Appropriate Center Actions.

e. Section 3.4 Student, Standards of Conduct, R3, Investigation and Disposition of Incidents, is streamlined to bring consistency to the adjudication process by:

1. Revising Exhibit 3-2, Requirements for the Conduct of Fact-Finding Boards, to prescribe the use of a Fact-Finding Board for all board proceedings, and eliminate the use of Behavior Review Panels; and

2. Providing the National Director authority to suspend the time frames 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.

- f. Section 5.5, Management and Reporting of Significant Incidents, R1, Reportable Events, now requires entry of a SIR for any infraction identified as requiring one in Exhibit 3-1.
- g. Section 6.11, Related Health Programs, is revised to reflect changes to the drug testing policy. All references to the 45-day intervention period are removed.
  - 1. Under R1 Section e(a)(a), the references to the 45-day intervention period after a positive drug test based on suspicion are eliminated.
  - 2. Under R1 Section e(c)(a), the new Zero Tolerance drug- and alcohol-related infractions are referenced.
  - 3. Under R1 Section e(c)(c), the reference to students who tested negative on entry, but test positive on suspicion of drug use at any time thereafter has been deleted.
- h. **Procedural Change** – A system of progressive interventions is implemented for Minor Infractions. For each successive infraction, the center will assign the student a combination of interventions and sanctions. The interventions will be tailored to address the specific infraction providing the student an opportunity to learn from his/her mistake. A new Exhibit 3-3, Menu of Progressive Discipline Interventions and Sanctions for Minor Infractions, presents the requirements for progressive discipline.

5. Action Required. Centers will adopt the use of infractions and definitions identified in Exhibit 3-1, Infraction Levels, Definitions and Center Actions (Attachment B); implement revised procedures identified in Exhibit 3-2, Requirements for the Conduct of Fact-Finding Boards (Attachment C); and the progressive discipline requirements identified in Exhibit 3-3, Menu of Progressive Discipline Interventions and Sanctions for Minor Infractions (Attachment D).

To assist in making the transition to the new infractions and definitions, an Infraction Crosswalk is included as Attachment H. The crosswalk identifies the previous infraction title and provides an explanation of the changes, the corresponding new infraction title, and infraction definition along with examples. The new infraction titles and definitions (Attachment H, Columns 3 and 4) are those included in the new Exhibit 3-1.

Addressees are to ensure this Change Notice is distributed to all appropriate staff.

6. Effective Date. May 2, 2016. In the interim, the National Office of Job Corps will roll out a series of Webinar training sessions on these changes.

7. Inquiries. Inquiries should be directed to Marcus Gray at (202) 693-3967, or [Gray.Marcus@dol.gov](mailto:Gray.Marcus@dol.gov).

## Attachments

A – PRH Chapter 1

B – PRH Exhibit 3-1, Infraction Levels, Definitions and Appropriate Center Actions

C – PRH Exhibit 3-2, Requirements for the Conduct of Fact-finding Boards

D – PRH Exhibit 3-3, Menu of Progressive Discipline Interventions and Sanctions for Minor  
    Infractions

E – PRH Chapter 3

F – PRH Chapter 5

G – PRH Chapter 6

H – Infraction Crosswalk