AMERICORPS NCCC POLICIES

To enter AmeriCorps NCCC is to become a member of a community. Choosing to become a member of this community implies a commitment to maintaining an environment in which both community and individual goals can be attained. Acceptance as a member of this community is a privilege; sharing in the maintenance of this community is a responsibility. As such, all members are expected to abide by the AmeriCorps NCCC Code of Conduct.

AmeriCorps NCCC is committed to maintaining an environment in which diversity is accepted and celebrated. It is celebrated because each individual contributes a wealth of values and experiences to the work and service environment: age, race, gender, ethnicity, physical ability, education, religion, marital status, socio-economic status, political ideology, and more.

As we welcome and cherish these differences, and as we respect and learn from these differences, we enhance our productivity and overall quality of life and recognize that all people are as one. To this end, each member of the AmeriCorps NCCC community is expected to treat all individuals with a common standard of decency.

RIGHTS AND RESPONSIBILITIES

PURPOSE: To ensure that the rights and responsibilities of NCCC members are met during their term of service with the NCCC program.

A. BASIC RIGHTS

All members have the right to:

- Serve, work, and learn in an atmosphere free from disrespect, harassment, or discrimination. The NCCC prohibits individuals from harassing and/or discriminating against others on the basis of their race, color, national origin, sex, age, religion, sexual orientation, citizenship, mental or physical disability, status as a parent, or political affiliation.
- Be recognized and treated as responsible and capable adults who are willing and able to accept responsibility, both individually and as team members.
- Provide input to region director concerning campus issues.
- Have grievances and complaints heard and answered in a consistent and timely manner.
- Have reason(s) for transfers, terminations, and other significant actions clearly stated in writing.
- Appeal inter-campus transfers and dismissal decisions to the national director of AmeriCorps NCCC.

B. VOTING, ELECTORAL, AND LOBBYING ACTIVITIES

1. Local or Absentee Voting

Campuses will facilitate AmeriCorps NCCC members' ability to vote, either locally or by absentee ballot. The campus will advise members of their voting rights and responsibilities and provide them with voter registration information.

2. Voting Procedures

Campuses will provide assistance on voting procedures, including assisting eligible voters to request absentee ballots, arranging for absentee ballots to be marked in private, and arranging transportation within a reasonable distance (in the local area) from the campus to polls when necessary.

3. Political Activities

Individuals may engage in political activities while "off duty." They may actively campaign for or against candidates in partisan elections, participate in political rallies and meetings, and hold office in political clubs or parties. Members are prohibited from engaging in political activities while wearing the AmeriCorps NCCC uniform (or any part that identifies the member as an AmeriCorps NCCC member). Members may not use government vehicles for the purpose of engaging in or travelling to or from any partisan political activity, event or political rally.

4. Prohibited Activities

Individuals may not use their authority to coerce, attempt to direct, or advise another member to pay, lend, or contribute anything of value to anyone for political purposes. No member may display posters, stickers, buttons, etc., that have a partisan theme while performing service regardless of location, nor may he or she represent himself or herself as speaking or writing on behalf of AmeriCorps NCCC, AmeriCorps, or the Corporation for National and Community Service.

C. RIGHTS RELATIVE TO RELIGION

1. Opportunity to Worship

AmeriCorps NCCC members will be provided the opportunity to worship (or not to worship) as they choose. Campuses will provide members with a list of religious services available in the area. Every reasonable effort will be made to provide access to religious services for members serving in remote locations.

2. Religious Activities

Individuals will not give religious instruction, conduct worship services, or engage in any other religious activity as part of their service or duties, or that would be perceived as part of their service or duties. This does not preclude members and team leaders from engaging in religious activities (e.g., Bible studies) in the dormitories or other AmeriCorps NCCC buildings during non-service hours. While members are on spike - that is, undertaking service projects and living away from their campus - the use of government vehicles is permitted to attend religious services. Similar use may be authorized by either the region or deputy region directors at campuses where public transportation is not readily available.

No religious instruction, worship, proselytization, or other religious activity will be conducted as part of a project to which individuals are assigned.

D. RIGHT TO REASONABLE ACCOMMODATION (PHYSICAL/MENTAL DISABILITIES)

AmeriCorps NCCC will not deny the benefits of its activities or services to qualified individuals with disabilities and will make reasonable accommodation for the known physical or mental limitations of an otherwise qualified member. In this regard, AmeriCorps NCCC will not deny the benefits of its activities or services to individuals who, for example, test positive for HIV or have a mental disability that is controlled by medication. However, AmeriCorps NCCC may deny these benefits to an individual who has an active, contagious disease that constitutes a direct threat to the individual or to others.

Reasonable accommodation may include, but is not limited to:

- Assignment to a campus that is accessible to an otherwise qualified individual.
- Making designated facilities readily accessible to, and usable by, individuals with disabilities.
- Acquiring or modifying equipment or devices, or providing readers or interpreters.
- Other similar actions that do not impose an undue financial or administrative burden on AmeriCorps NCCC or that would fundamentally alter the program.

In accordance with Section 504 of the Rehabilitation Act of 1973 (as amended), members with special needs have the right to file complaints directly with the Equal Opportunity Counselor at the Corporation for National and Community Service if they believe they have been discriminated against on the basis of their disabilities.

1. Self-Advocacy by Members with Special Needs

Individuals are responsible for defining their specific accommodation needs and for making sure that they are met. AmeriCorps NCCC will not impose an accommodation on any member. The member must take the lead to:

- Identify himself or herself and his or her needs to the region director through the team leader and unit leader.
- Work with AmeriCorps NCCC to specify, arrange, and follow through on accommodations.
- Alert the team leader and unit leader immediately to problems he or she encounters that AmeriCorps NCCC can help resolve.

2. Cost of Accommodation

If the cost of an accommodation would impose an undue financial burden on AmeriCorps NCCC, the individual with a special need will normally be given the option of providing the accommodation or paying that portion of the cost that would constitute an undue burden.

E. RIGHT TO PRIVACY

1. Member Records

The Privacy Act (5 U.S.C. 552a) gives citizens the right of privacy regarding records maintained on them personally by AmeriCorps NCCC and/or the Corporation for National and Community Service. It also gives them appropriate access to their own records, including adequate opportunity to correct errors in their record. This right applies to systems of records that contain personal data, where an individual can be located by name or assigned personal identifier. Each region director will delegate, in writing, a staff member who will be responsible for the maintenance and safeguarding of AmeriCorps NCCC members' personnel and medical records.

2. Disclosure of Personal Information

The Privacy Act prohibits disclosure of personal information from these systems of records to an individual other than the subject of the record or to another agency without the express written consent of the subject of the record, or the person's agent or attorney. However, there are exceptions to this prohibition. These exceptions include:

- Disclosure to officers or employees of the Corporation for National and Community Service who have a need for such information in the official performance of their duties.

- Disclosure to any agency of the federal or a state government for civil or criminal law enforcement purposes, in accordance with established procedures (e.g. the Federal Bureau of Investigation).

3. Disclosure of Medical Information

Medical information may not be disclosed to anyone, including other AmeriCorps NCCC members, except under the following circumstances:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the individual and any necessary accommodations.

- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

- Government officials investigating compliance with the Rehabilitation Act shall be provided relevant information upon request.

- In addition, some other laws and requirements authorize disclosure. For example, state and federal public health requirements include reporting recently diagnosed cases of certain contagious diseases, and the AmeriCorps NCCC health benefits plan may require medical information in order to resolve issues concerning pre-existing conditions.

The protections for medical records apply both during and after the term of service. Further, if an individual reveals medical information in response to a non-medical inquiry, the medical information must be deemed

confidential and treated in accordance with the above requirements.

Campuses shall ensure that all members and team leaders are fully informed of their responsibilities under the Privacy Act. Furthermore, all personnel and medical records shall be stored separately from each other and secured at all times. The region director is ultimately responsible for the safeguarding of these records.

F. SEARCHES AND SEIZURES

1. Searches by Campus Staff

Campuses will comply with Fourth Amendment requirements when there is a need to search a member's room for evidence of a crime, or for illegal items. Searches will be conducted pursuant to a search warrant issued by a judge, magistrate, or consistent with an established exception to the warrant requirement, such as a consent search, a search under urgent circumstances, a search incident to an arrest, or seizing evidence in plain view. Searches are to be distinguished from administrative inspections where AmeriCorps NCCC staff may enter rooms to inspect for health and safety purposes, including prohibited items, etc. Refusal to allow staff entry to conduct administrative inspections may be grounds for further disciplinary action.

2. Searches by Law Enforcement Officials

AmeriCorps NCCC staff and members do not have the authority to consent, on any member's behalf, to the search of that member's room, vehicle, or other possessions by law enforcement officials. If law enforcement officials request AmeriCorps NCCC staff for permission to search a room, the staff member will advise them that they must comply with the requirements of the law of search and seizure. However, AmeriCorps NCCC staff will not attempt to physically prevent law enforcement personnel from searching a specific area. Whenever possible, the region director will be immediately notified of the request by law enforcement officials. It is not in a member's interest to challenge a law enforcement official who is conducting a search since he or she has authority to use force to do so. Questions about the validity of the search warrant should be reserved for the courts.

3. Roommates

Roommates who allow or tolerate the evidence of a crime (including illegal drugs) in their room by roommates or others subject themselves to the possibility that all of their private possessions in that room may be searched, and they may be prosecuted for any stolen goods or illegal substances found in their possession. Roommates may authorize law enforcement officers, official inspectors, or anyone else to enter rooms shared in common, and a successful prosecution may result from the observation and subsequent seizure of evidence of a crime that is in plain view. However, a roommate may not consent to the search of, or waive a fellow member's right to the privacy of, a desk, bureau, trunk, or other presumptively private container not shared in common.

CODE OF CONDUCT AND PROFESSIONAL BEHAVIOR

PURPOSE: To establish minimum standards of acceptable behavior that will enable members and team leaders to live and work closely together.

A. Standards of conduct are necessary for both morale and safety. As members of AmeriCorps NCCC, members and team leaders will be held responsible for their actions; therefore, their conduct should always be in the best interests of AmeriCorps NCCC. All AmeriCorps NCCC members will:

1. Model civic pride and responsibility in their daily conduct and behavior and, at all times, present themselves in a manner that reflects positively on themselves and on AmeriCorps NCCC.

2. Treat all persons with respect and courtesy and settle disputes in a non-violent/non-abusive manner, and show respect toward fellow members and staff of AmeriCorps NCCC.

3. Conduct themselves in such a manner so as to avoid intentional or reckless harm to other persons.

4. Adhere to the rules and regulations of AmeriCorps NCCC, the host facility (if any), and all applicable city, state, and federal laws.

5. Bear a fair share of the workload and exhibit, at a minimum, satisfactory performance.

6. Be punctual for scheduled activities and service assignments.

7. Use tools and fire and safety equipment in a safe and proper manner.

8. Refrain from using profanity in all professional settings, particularly project sites.

9. Wear the AmeriCorps NCCC uniform with pride.

10. Maintain appropriate personal hygiene.

B. PROHIBITIONS

1. Firearms and Other Weapons

Possession of any firearm or other weapon (e.g., knives with blades longer than three inches, brass knuckles, etc.) is strictly prohibited.

2. Illegal Drugs

Possession or use of illegal drugs is strictly prohibited and is cause for immediate dismissal proceedings.

3. Alcohol - Underage Individuals

Possession or use of alcohol by individuals under 21 years of age is prohibited. Possession by such individuals is cause for disciplinary action that could result in dismissal.

4. Alcohol - Individuals 21 and Over

Possession or use of alcohol by individuals 21 years or older is prohibited during service

and training hours, at project sites, and in AmeriCorps NCCC dorms, facilities, etc., or in vehicles and facilities provided by a sponsor organization. This does not preclude individuals who are of legal age from consuming alcohol during off duty hours and outside the confines of AmeriCorps NCCC/sponsor organization provided facilities. However, the use of alcohol at any time at a spike (i.e., non-campus) worksite, including the place of lodging, is strictly prohibited.

5. Sexual Contact

Members and team leaders will refrain from all forms of sexual contact while on duty and while in, or in close proximity to, AmeriCorps NCCC facilities. (This does not include physical contact that is not sexual in nature and is conducted in a friendly and non-offensive manner.)

6. Tobacco

Except in designated areas and with the supervisor's approval, the use of tobacco products, including smokeless tobacco, is prohibited in all AmeriCorps NCCC facilities, AmeriCorps NCCC vehicles, and sponsor work/project sites.

C. PROFESSIONAL BEHAVIOR

Members and team leaders shall conduct themselves in a professional manner at all times. Each member's actions reflect on both AmeriCorps NCCC and AmeriCorps as a whole. Members represent the national service program in the local community. Consequently, members will at no time act in such a manner that would bring discredit upon AmeriCorps NCCC or that, in the opinion of the region director, would be prejudicial to the good order and discipline of AmeriCorps NCCC. Such conduct is subject to appropriate disciplinary action, up to and including dismissal.

D. PROFESSIONAL COURTESY

Courtesy and respect for the opinions of others are integral parts of professionalism. Civilized discussion and constructive criticism are encouraged, but decorum and a constructive atmosphere are to be maintained at all times. Under no circumstances will members be insubordinate to their leaders, AmeriCorps NCCC staff, or project sponsors. Another part of professionalism is acceptance of decisions. Input into most decisions will be sought and encouraged. Once a decision has been made, all staff and members are expected to comply with, implement, and support the decision.

E. PROHIBITED RELATIONSHIPS AND PRACTICES

Relationships between members and staff and/or team leaders (including volunteer and contract personnel) that are exploitive or that have the appearance of partiality, preferential treatment, or the improper use of position for personal gain, are prejudicial to the morale of AmeriCorps NCCC members and will not be

tolerated. Any nonprofessional relationship between members and staff and/or team leaders will inherently cause the perception of partiality or preferential treatment. It may also lead to perceptions of exploitation. Therefore, such relationships are strictly forbidden and will not be tolerated. Violators, including staff and/or team leaders (government employees and contractors), will be subject to disciplinary action, up to and including removal. Nonprofessional relationships between members and staff and/or team leaders (including volunteers, and contract personnel) include, but are not limited to:

1. Intimate/sexual relationships.

2. Borrowing or lending money, automobiles, or other personal property.

3. Engaging in financial or business dealings, or acting as an agent or sponsor with any commercial enterprise.

4. Soliciting contributions for gifts, services, or other gratuities that include the use of position to influence or coerce others into buying commodities, goods, or services.

5. Allowing services to be performed (compensated or uncompensated) that have no reasonable connection with AmeriCorps NCCC activities.

6. Gambling for goods, services, or money.

7. Any activity and/or relationship that, in the judgment of the region director, may reasonably be perceived to undermine discipline, good order, or morale.

ELIGIBILITY REQUIREMENTS

In order to qualify for service with AmeriCorps or an education award, all AmeriCorps members (including AmeriCorps NCCC members) must satisfy the eligibility requirements set forth in section 146 of the National and Community Service Act of 1990. The Corporation requires its members to produce written documentation that verifies their citizenship status and age. Copies of this documentation will be maintained in each member's file.

A. PRIMARY DOCUMENTATION OF STATUS AS A U.S. CITIZEN OR NATIONAL

The following are acceptable forms of certifying status as a U.S. citizen or national. These documents may also be used as primary sources for verifying age eligibility. Any of the forms below that do not have an ID picture must be accompanied by a government issued photo ID:

1. A birth certificate showing that the individual was born in one of the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, or the Northern Mariana Islands;
2. A United States passport;
3. A report of birth abroad of a U.S. Citizen (FS-240) issued by the State Department;
4. A certification of report of birth (DS-1350) issued by the State Department;
5. A certificate of naturalization (Form N-550 or N-570) issued by the Immigration and Naturalization Service; or
6. A certificate of citizenship (Form N-560 or N-561) issued by the Immigration and Naturalization Service.

B. PRIMARY DOCUMENTATION OF STATUS AS A LAWFUL PERMANENT RESIDENT ALIEN OF THE UNITED STATES

The following are acceptable forms of certifying status as a lawful permanent resident alien of the United States:

1. Permanent Resident Card, INS Form I-551;
2. Alien Registration Receipt Card, INS Form I-551;
3. A passport indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence; or
4. A Departure Record (INS Form I-94) indicating that the INS has approved it as temporary evidence of lawful admission for permanent residence.

In addition to the above documentation, members will also be required to provide copies of their drivers' licenses or other official picture IDs that establish and/or confirm the member's identify and date of birth.

DISCIPLINARY STANDARDS

PURPOSE: To establish policy and procedures for the establishment and enforcement of good order and discipline.

This policy is published to assist in creating an environment where members not only are encouraged and empowered to complete the program successfully by performing national service but also are taught discipline, team building, and mission accomplishment. It also sets forth the procedures used in disciplining, transferring, and dismissing members/team leaders from AmeriCorps NCCC. In addition, the policy addresses the appellate rights of members who wish to appeal decisions by their region directors to either transfer the individuals to other campuses, or dismiss them from the program altogether. The official sanctions set forth below may be used by a region director in establishing a methodology for the imposition of appropriate punishment. However, there is no requirement to follow a prescribed sequence in the imposition of a particular form of punishment.

A. OFFICIAL SANCTIONS

1. Official Verbal Warning

All AmeriCorps NCCC team leaders and staff are authorized to administer an official verbal warning. This is in addition to informal verbal warnings and other informal attempts to correct deficiencies. An official verbal warning is an official act in the disciplinary process. It will be documented in the appropriate team leader journal or through a formal incident report and reported to the unit leader. Verbal warnings issued by other staff members will be reported to the member's team leader. The member will also be informed that if he or she repeats the infraction, then further disciplinary action will be initiated.

2. Official Written Warning

If a member continues to behave inappropriately, a written warning will be issued to the member, and a formal incident report will be filed by the team leader or other AmeriCorps NCCC staff member and reported to the unit leader. The member will acknowledge receipt

of the written warning by signing the document. Rebuttals will be submitted through the member's team leader to the assigned unit leader. By signing the document, the member is only acknowledging receipt of the document, retaining the right to submit his or her interpretation of the events. The incident report, and the written warning, will be placed in the member's personnel file along with any rebuttal submitted by the member. The member has three duty days to submit any rebuttal. AmeriCorps NCCC acknowledges that there are less serious policy violations and offenses that, although not illegal, are considered violations of the Code of Conduct. If a member repeatedly or periodically continues to demonstrate inappropriate behavior by engaging in a pattern of misconduct, the member may be subject to a fine, extra instruction, suspension, or dismissal.

3. Letters of Counseling / Reprimand

When a member has exhibited a deficiency in upholding policies and procedures or exhibited behavior that is of concern based on poor decision-making and after meeting either in person or by telephone with the unit leader or region director, a Letter of Counseling / Reprimand may be drafted. This is a written documentation of an incident report and a synopsis of the discussion with the member. The member will acknowledge receipt by signing the document. By signing the document, the member is only acknowledging receipt, retaining the right to submit his or her own interpretation of the incident. The member has three duty days to submit any rebuttal. If not withdrawn, the written incident report will be put in member's personnel file along with any rebuttal submitted by the member. If the Letter of Counseling / Reprimand is generated by a unit leader, a copy will be forwarded to the region director.

4. Behavior Contracts

In order to set forth clear expectations for a member to correct deficiencies in conduct or performance of duties, a Behavior Contract may be drafted. This is generated by the unit leader, with region director approval, or instituted by the region director directly. This document will include content of the incident/violation(s) and clearly indicate the behavior which the member is expected to change, as well as the consequences if the Behavior Contract is violated. The member will acknowledge receipt and agree to the expected behavior requirements by signing the document. There will be no opportunity to submit a rebuttal to the decision to require a Behavior Contract, but the member will have input concerning the expectations set forth in the contract. The Behavior Contract will be placed in member's personnel file and a copy will be forwarded to the region director.

5. Extra Instruction

When a member has exhibited a deficiency in a specific area of conduct (e.g., not being on time for work, training, or meetings) or performance of duties (e.g., not cleaning his or her room and common areas), the appropriate team leader, unit leader, or region director (designee) may impose extra instruction in

order to correct the deficiency. This extra instruction must be documented by the imposing official. Team leaders may impose up to four hours extra instruction; unit leaders may impose up to eight hours; region directors may impose up to 12 hours. These limits apply to each person per occurrence. Additionally, the extra instruction must have some relationship with the noted deficiency. Some examples include research projects related to the infraction, reflection papers on violation and implications for self and the program, as well as presentation of the results at a community meeting. Extra instruction, which will be assigned after normal duty hours or on weekends, will not involve activities that are inherently dangerous, demeaning, or otherwise inappropriate. Extra instruction may include campus/residential hall activities that enhance the overall community living conditions on the campus. Extra instruction will not count toward service hour credit.

6. Fines

At the discretion of the region director, a member may be fined not more than $100 for each occurrence of misconduct, and the fine may be in combination with other disciplinary actions (i.e, extra instruction, etc.) Fines may be imposed only after appropriate due process is given to the member (informed of the reason for the fine, given opportunity to rebut, etc.). Fines may not be deducted from the living allowance, and must be paid within a certain time period, as specified by the region director. Failure to pay may result in further disciplinary action up to, and including, dismissal. All fines must be paid in full in order to receive education award and to successfully complete the program. Region directors may suspend the imposition of a fine, or any portion thereof, for a specified period not to exceed 90 days based on subsequent appropriate behavior. Before a suspended fine can be re-imposed, the region director must notify the member of their intent and the reasons for the decision.

B. SUSPENSION, LOSS OF PRIVILEGES, AND LOSS OF LIVING ALLOWANCE

At the discretion of the region/deputy region directors a member may be officially suspended from all program activities (from one to five days). There will also be a loss of living allowance and loss of service credit toward the education award corresponding directly to the suspension. While suspended, members may attend AmeriCorps NCCC meals; however, members could face additional administrative sanctions, including extra instruction and/or restriction to the dormitory. This form of punishment precludes a member from performing service during the suspension period. Therefore, no service credit will be given.

The region director assigns suspension but may waive or reduce the imposition of all or a portion of the suspension if the violation does not occur again for up to 60 days. Should the member be involved in an additional infraction of any kind during the period of the waived suspension, the region director

may immediately vacate the waiver requiring imposition of any un-served portion of the waived suspension and may impose additional punishment, as appropriate.

C. IMMEDIATE SUSPENSION PENDING DISMISSAL HEARING

The region/deputy region directors may, at his discretion, suspend a member from the program pending a dismissal hearing. If a member is considered to be a current and direct threat either to himself or herself or to other members of AmeriCorps NCCC, the region director may remove him/her from the campus until the hearing can be held. The region director is the final authority for suspension and dismissal. The national program director is the appellate authority. Examples of infractions that may lead to immediate suspension and dismissal include, but are not limited to:

1. Incidents where the member is shown to be a current and direct threat to himself or herself or others. The definition of direct threat is "representing a significant risk of substantial harm to the health or safety of the individual or others."

2. Incidents in which a member is accused or convicted of a felony or misdemeanor. Consequently, all AmeriCorps NCCC members will notify their respective region director whenever they are arrested, charged, and/or convicted of a crime. The notification will occur as soon as one of the above actions occur. Failure to provide timely notification may result in immediate dismissal proceedings.

3. Consistent with AmeriCorps NCCC Federal legislation, incidents that would tend to jeopardize the enforcement of the standards of conduct or diminish the opportunities of other members.

4. Other examples include possession/use of illegal drugs; possession/use of alcoholic beverages by underage individuals; possession or use of alcohol by members on the AmeriCorps NCCC campus/spike worksite or place of lodging; possession or use of firearms or other weapons, such as knives, clubs, brass knuckles; theft; intentional destruction of property; unwelcome sexual contact; and sexual assault/abuse.

D. CRITERIA FOR TRANSFER/DISMISSAL

1. Transfer for Cause

When, in the opinion of the region director, the retention of a member in that member's campus will jeopardize the enforcement of the standards of conduct set by the director or diminish the opportunities for other members in that campus, the region director may, with the approval of the national director, transfer a member to another campus. If directors of other campuses are unwilling to accept the individual, the national director or his/her designee will determine (if appropriate) to which campus the individual will be transferred.

2. Dismissal for Cause

When, in the opinion of the region director, the retention of an individual in AmeriCorps NCCC will jeopardize the enforcement of the

standards of conduct or diminish the opportunities of other members, and the region director further determines that transfer to another unit or campus is not appropriate, the region director may dismiss the individual from the program. This is the most severe sanction that a region director may impose; therefore, dismissal should be used for the most serious infractions, and for continuing patterns of misconduct.

3. Effects of a Criminal Conviction

Once an individual is convicted of an offense, the individual will be given a dismissal hearing. A conviction is considered to be final even though it may be in the appellate process. Upon being charged with an offense, a member may, during the time that charges are pending, and at the discretion of the region director, have his or her service suspended without receiving a living allowance and without receiving credit for hours missed. Alternatively, a region director may institute immediate dismissal proceedings for misconduct that may be subject to future criminal proceedings. In other words, if a region director has sufficient facts upon which to base a decision, he or she may hold a dismissal hearing before any criminal action is taken, because a dismissal hearing is administrative, and not criminal in nature. An individual who has been charged with an offense and is later acquitted or has had the charge(s) dismissed, may be allowed to resume service, at the discretion of the region director. Further, if reinstated, the individual may be entitled, at the discretion of the region director, to any or part of the living allowance and service hours missed as a result of the suspension.

4. Requirement for Specific Standards of Conduct

In addition to the standards contained in this handbook, each region director may develop additional local standards of conduct for members assigned to his or her campus, as long as they do not conflict with this handbook. There will also be uniform standards applicable to all AmeriCorps NCCC members. Both the national and local standards shall be sufficiently clear and specific to put the members on notice as to their expected behavior, and under what circumstances members may be disciplined, transferred, or dismissed for cause.

E. ADMINISTRATIVE HEARING PROCEDURES

1. Probationary Period

During the Corps Training Institute (CTI), members will be in a probationary status. During this probationary period, individuals who are being considered for involuntary dismissal will receive written notice of the region director's intent, and be given a reasonable opportunity to respond (either orally or in writing). No hearing is required under these circumstances. If the region director decides to dismiss the member, the member has 10 days to appeal the decision to the national director. The individual may, at the discretion of the region director, be suspended and/or removed from the campus while the appeal is pending.

2. Procedures

After completion of the probationary period, individuals who are facing either transfer or dismissal from the program are entitled to a hearing, unless waived in writing. These individuals shall be provided written notice of the director's intent. This notice shall state the reasons for the proposed action and shall also provide the individual sufficient opportunity (at least 48 hours, not over a weekend) to present his or her case to the region director or, in the absence of the region director, the director's designee. This notice requirement may be waived by the member, in writing. This shall include the right to submit documents and call witnesses for the presentation of relevant testimony, or the right to not make any statements. Continuances will be granted for good cause.

Additionally, the individual shall be afforded the opportunity to examine and cross-examine any witness. A member may also request a spokesperson on his or her behalf. This may include an attorney who is hired by the member, at no expense to the government. This spokesperson will have the right to question the witnesses, and to speak on behalf of the member. If the spokesperson is another AmeriCorps NCCC member, the spokesperson shall be given ample opportunity to assist the member in preparing for the hearing. The region director shall have the discretion to deny the member's witness request(s) or specific questions desired by the member, if, in the opinion of the region director, the live testimony of that witness request(s), or specific questions desired by the member, is not relevant to the issue under consideration, and will not make a substantial contribution to the resolution of the case. The region director may also limit the number of witnesses to a reasonable number when the testimony of the witnesses will, in the opinion of the region director, be cumulative in nature. A typed summarized transcript will be taken of the proceedings, which will be made available to the appellate authority upon request.

Table of Disciplinary Actions

	Verbal Warning	Written Warning	Letter of Reprimand	Behavior Contract	Extra Instruction	Fine	Suspension	Dismissal
Team Leader	X	X			4 hrs			
Unit Leader	X	X	X	X	8 hrs			
Acting Region Director	X	X	X	X	12 hrs	up to $100/per occurrence	1-5 days	
Region Director	X	X	X	X	12 hrs	up to $100/per occurrence	1-5 days	X

F. INTRA-CAMPUS (WITHIN) TRANSFERS

The transfer of members to other teams and units within the campus is considered to be an internal campus-level decision. Consequently, a member has no right to appeal this decision to the AmeriCorps NCCC director. Region directors shall have discretion in establishing appropriate procedures to assist them in the day-to-day internal operation of their campus, including criteria for intra-campus transfers. AmeriCorps NCCC does not permit transfers into or out of the AmeriCorps NCCC program.

G. SUSPENSIONS

Depending on the nature of the misconduct, the region/deputy region directos shall have the discretion to either allow the individual to continue his or her service, or to suspend the member (with no living allowance or service credit) during the time the disciplinary proceedings are ongoing. If a suspended member is ultimately reinstated, he or she may, at the region director's discretion, receive all or part of the allowances and service credit forfeited during the period of suspension.

H. APPELLATE PROCEDURES

1. Appeal to the National Director

An AmeriCorps NCCC member who desires to appeal a region director's decision to either transfer the member to another campus or dismiss that member from AmeriCorps NCCC shall have the right to appeal the decision to the national director or his/her designee. However, as stated above, a decision to transfer an individual within the campus to another unit is not reviewable. The region director's final decision shall be in writing. In this decision, the region director will inform the individual of his or her right to appeal the decision, and that such appeal must be submitted within 10 days of the director's final decision. The appeal shall also be in writing and should contain the member's statement as to why the appeal should be granted, as well as any statements on behalf of the individual, either on the merits of the case, or in extenuation and/or mitigation. Additionally, attorney fees are not authorized for any aspects of the hearing process or the appeal. The appeal shall normally be acted upon within 15 days from receipt by the appellate authority.

2. Standard of Review

The appeal does not constitute a new hearing, but the standard will be whether or not the region director abused his or her discretion in determining that a member should either be transferred or dismissed. The only exception is for those appeals where new evidence having a direct bearing on the facts of the case is discovered after the appeal has been submitted. For cases involving newly submitted evidence, the region director has the discretion to reconsider his or her previous decision based on this new evidence. This decision is also reviewable only for an abuse of discretion.

a. Status of Members During Appeal
Pending the resolution of the appeal, the region director may permit the member to either continue to perform service at the campus, with full living allowances and credit for service hours, or if circumstances warrant, to suspend the member with no living allowance or credit for service hours until the appeal is resolved. If, in the opinion of the region director, the individual's continued presence on campus poses a threat or disruption to other individuals, the individual may also be removed from the campus. For those individuals who are in a suspended status while the appeal is being considered, the living allowance and service hours may, depending on the totality of the circumstances, be restored if the appeal is ultimately successful and the member is reinstated.

b. Authority to Mitigate Punishment
The appellate authority may decide to either reduce the punishment, or to transfer an individual who has been dismissed from the program by a region director, but may not increase the level of punishment by dismissing an individual who has appealed a transfer determination by a region director.

I. CHARACTERIZATION OF SERVICE-ELIGIBILITY TO SERVE ANOTHER TERM

If an individual leaves the program for any reason other than under personal and compelling circumstances, the region director shall make an affirmative determination as to whether the individual has served in a satisfactory manner (the law provides that an individual is not eligible to serve an additional term unless he or she has served in a satisfactory manner in the previous term). The member's file shall then be annotated, and the member informed of the region director's decision regarding characterization of service. The region director's decision concerning the quality of the member's service is final. Additionally, a resignation in lieu of dismissal does not prevent the region director from determining that the member's service was not satisfactory.

J. PEER REVIEW COMMITTEES

Members may be appointed to assist the region director in administering discipline on their respective campuses. The Peer Review Committee shall serve at the pleasure of the director, and will assist the region director in adjudicating all cases referred to it by the director. A summarized transcript will be taken of all Peer Review Committee hearings. After the hearing, the committee will submit its recommendation to the director for a final decision. Dismissal hearings will not be conducted solely by the Peer Review Committee.

SEXUAL HARASSMENT

PURPOSE: To establish AmeriCorps NCCC's policy against sexual harassment within and by AmeriCorps NCCC, to define conduct that constitutes, or may constitute, sexual harassment, and to inform all AmeriCorps NCCC members and

team leaders of their rights and responsibilities with regard to sexual harassment in AmeriCorps NCCC.

A. PROHIBITED PRACTICES

It is the responsibility of AmeriCorps NCCC and its members to prevent and eliminate sexual harassment, whenever possible. Examples of prohibited practices include, but are not limited to the following:

1. Acts of "quid pro quo" sexual harassment, wherein an individual demands sexual favors for benefits, are prohibited.

2. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that have the purpose or effect of creating an intimidating, hostile, or offensive working environment are prohibited. Once an individual has indicated (either orally or in writing) that specific conduct is offensive, any continued offensive conduct or statement will be considered to be sexual harassment.

3. Acts of sexual harassment by contractor personnel and non-employees (i.e., project sponsors) are prohibited. AmeriCorps NCCC's responsibility under these circumstances depends on the extent of its control over the non-employees and any other legal responsibilities it may have with respect to the non-employees' conduct.

B. RESPONSIBILITIES

1. Equal Opportunity Office

The Corporation for National and Community Service's Equal Opportunity Office is responsible for ensuring that all members and team leaders receive appropriate and recurring guidance and/or instruction on the prevention and elimination of sexual harassment.

2. Region Directors

In order to prevent and eliminate sexual harassment, region directors will:

a. Inform members and team leaders that sexual harassment is prohibited and will not be tolerated and that appropriate corrective action will be taken against persons who engage in such conduct. Appropriate corrective action may include disciplinary action up to and including dismissal from the program.

b. Ensure that all individuals are knowledgeable concerning AmeriCorps NCCC's sexual harassment policies.

c. Inform members and team leaders that they should report, in a timely manner, all sexual harassment to the appropriate leader, or higher level staff member, as appropriate.

d. Investigate immediately all complaints of sexual harassment brought to their attention.

e. Consult with the Corporation's Personnel Office before initiating any corrective action against an employee, including disciplinary or adverse action.

3. Members and Team Leaders

Members and team leaders will:

a. Bring conduct that they believe might constitute sexual harassment to the attention of senior staff.

b. Assist senior staff, as may be required, in receiving, investigating, and resolving informal complaints or reports of alleged sexual harassment.

c. Cooperate in the investigation of informal or formal complaints of alleged sexual harassment by providing any information they may possess concerning the matters under investigation.

d. Ensure that their conduct does not sexually harass any other member, contractor personnel, visitor, or other individual connected with the service site.

e. Cooperate with AmeriCorps NCCC's efforts to prevent and eliminate sexual harassment and to maintain an environment free from such conduct.

C. DEFINITION

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or service.

2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.

3. Submission to or rejection of such conduct has the purpose or effect of unreasonably interfering with an individual's work or service performance or creating an intimidating, hostile, or offensive working environment.

D. CONSIDERATION

Sexual harassment includes, but is not limited to, the following conduct:

1. Explicit or implicit demands for sexual favors in return for job or service benefits.

2. Unwelcome letters, telephone calls, or distribution or display of materials of a sexual nature.

3. Physical assaults of a sexual nature.

4. Unwelcome and deliberate touching, leaning over, covering, or pinching.

5. Unwelcome sexually suggestive looks or gestures.

6. Unwelcome pressure for sexual favors

7. Unwelcome pressure for dates.

8. Discussion of sexually explicit materials or experiences.

9. Unwelcome sexual teasing, jokes, remarks, or questions.

10. According favorable treatment to those who grant sexual favors.

11. Attempting to control, influence, or affect the life of an individual through behavior of a sexual nature.

E. ADDITIONAL CONSIDERATIONS

Sexual harassment is not limited to prohibited conduct by a male toward a female, nor by a superior toward a subordinate: A man as well as a woman may be the target of sexual harassment and a woman as well as a man may be the harasser. The victim does not have to be of the opposite sex from the harasser. The harasser does not have to be the victim's supervisor. The harasser could be a supervisor who does not supervise the victim, a project sponsor or one of its employees, a non-supervisory employee, a co-worker, a fellow member, an agent of AmeriCorps NCCC, or a contract employee. The victim does not have to be the person toward whom the unwelcomed sexual conduct is directed, but may be someone who is affected by such conduct when it is directed toward another person. For example, sexual harassment of a member may create an intimidating, hostile, or offensive work or service environment for others.

Sexual harassment does not depend on whether the victim has suffered an economic loss as result of the harasser's misconduct. For example, improper sexual advances that do not result in the denial of promotion, benefits, or the discharge of the victim may, nonetheless, constitute sexual harassment when they interfere with the victim's work or service, or create an intimidating, hostile or offensive work environment.

F. SANCTIONS

Any violation of the above rules will be investigated and strict disciplinary measures will be taken if sexual harassment is found to have occurred. As a minimum:

1. Members and team leaders may be disciplined or dismissed from the program.

2. AmeriCorps NCCC employees may be disciplined, subjected to adverse action, or terminated from employment with the Corporation.

3. Contractor personnel may be removed from AmeriCorps NCCC.

4. AmeriCorps NCCC services may be withdrawn from a sponsoring organization.

5. Physical assaults of a sexual nature will result in dismissal proceedings and may be grounds for criminal prosecution.

DRUGS, ALCOHOL, AND TOBACCO

PURPOSE: To establish a drug, alcohol, and tobacco-free workplace that ensures a safe, healthy, and productive work environment for all AmeriCorps NCCC members.

Alcohol and drug abuse adversely affects health and work performance, creates dangerous situations, and serves to undermine the community's confidence in AmeriCorps NCCC. Therefore, AmeriCorps NCCC prohibits illegal drug or alcohol abuse on the part of its employees (including volunteer and contractor personnel), team leaders, or members. Before admittance to the program, all AmeriCorps NCCC team leaders and members must pass an initial drug screening test upon their arrival at the campus. If the test is positive for illegal drugs, the individual will not be allowed to continue in the program. Additionally, team leaders and members will be subjected to random drug testing throughout the course of the program. Team leaders and members may also be required to submit to drug testing when there is reasonable suspicion of drug use. Possession or use of illegal drugs is strictly prohibited and is cause for immediate dismissal proceedings. Tobacco has also been shown to adversely affect a user's health and, in some cases, the health of those who are exposed to secondhand smoke. Therefore, AmeriCorps NCCC will minimize exposure to such products for individuals who do not choose to use them.

A. DEFINITIONS

1. **Substance** - alcohol or drugs.

2. **Alcohol** - ethyl alcohol or ethanol.

3. **Drugs** - any illegal substance taken into the body, other than alcohol, which may impair one's mental faculties and/or physical performance.

4. **Abuse** - use of any illegal drug, or use of any drug, alcohol, or over-the-counter or prescription drugs where use is not in conformance with prescription requirements, or occurs in circumstances where use is not permitted.

5. **Tobacco** - any tobacco product including cigarettes, chewing tobacco (and other smokeless tobacco products), pipes, and cigars.

B. POLICY

1. Legal Drinking Age

The legal drinking age is 21 years of age. Consequently, possession or use of alcohol by individuals who are under the legal drinking age is prohibited at all times. Individuals who are 21 years or older are prohibited from purchasing or providing alcohol to individuals who are under the legal drinking age.

2. Possession and Consumption of Alcohol

Alcohol is prohibited during service or training hours and it shall not be used by or served to anyone, regardless of age, in AmeriCorps NCCC facilities, housing areas, or project sites. Alcohol may not be transported in AmeriCorps NCCC/sponsor vehicles for any reason. Additionally, AmeriCorps NCCC members are prohibited from possessing in NCCC facilities, containers or packag-

ing that originally were designed to hold alcoholic beverages.

Alcohol consumption between of age team leaders and corps members is permitted, but strongly cautioned for the following reasons:

a. Doing so may undermine team cohesion and contribute to the perception of fraternization;

b. Doing so exposes the team leader to situations that may undermine his/her leadership; and

c. Doing so may lead to negative team performance due to a culture that focuses excessively on drinking.

Some examples of appropriate consumption of alcohol for team leaders and members who are over 21 are: going to a bowling alley, attending a sporting event or concert, and sharing a meal. This activity is best limited to groups of people and/or keeping an appropriate mix of people at different activities. Finally, it is a requirement that consumption of alcohol be in moderation and not to the point of intoxication, as you may be required to respond to a team issue at any time. Team leaders and members over 21 years of age must avoid circumstances where the primary purpose of the event is to consume alcohol (e.g. going to a bar together).

3. AmeriCorps NCCC and Project Sponsor Events

Alcoholic beverages are prohibited for all members and team leaders during parties, "get togethers," or any AmeriCorps NCCC sponsored event. Team dinners and recreational activities in which the entire team, including team leader is present are considered AmeriCorps NCCC sponsored events. If alcohol is served at an event hosted by the sponsoring organization, all may remain at the event, but members are not allowed to consume alcohol unless everyone present is 21 years of age.

4. Alcohol Consumption and Operating Vehicles

Members over 21 may not drive an AmeriCorps NCCC or sponsor organization vehicle until the following day after consuming alcohol. Violations will result in loss of driving privileges for the remainder of the term and could result in additional disciplinary actions.

5. Legal Medications and Operating Vehicles

Members may not operate AmeriCorps NCCC or sponsor organization vehicles when taking medications that have warnings concerning potential side effects of drowsiness or adversely impacting a person's ability to drive vehicles or heavy equipment.

6. Illegal Drugs and Controlled Substances

The introduction, consumption, and/or possession of illegal drugs or controlled substances and paraphernalia is prohibited for all individuals. Campuses will conduct random drug screening among members at anytime throughout the service year and will use the results to determine suitability for continued service. Members who test positive for

illegal drugs will be given the opportunity to explain the positive results. Additionally, the AmeriCorps NCCC will take no disciplinary action against members who voluntarily admit their drug usage to their region directors, as long as all of the following conditions are met:

a. The member voluntarily identifies himself or herself as a user of illegal drugs prior to being identified (either officially or unofficially) for testing;

b. The member agrees to obtain counseling or rehabilitation; and the member agrees to refrain from using illegal drugs thereafter (the member may be tested as often as necessary, at the discretion of the NCCC region director, in order to ensure compliance).

The above procedure will not apply to members who attempt to self-refer before they undergo initial drug testing. Therefore, the AmeriCorps NCCC self-referral policy will only apply to members who have successfully passed their initial drug screening and physical examination.

7. Problems Resulting from Alcohol Abuse

Performance, attendance, or behavioral problems resulting from drug and/or alcohol abuse will lead to immediate termination, pursuant to administrative hearing procedures set forth in this handbook.

8. Reporting in a Fit Condition

Members and team leaders will report to work in a fit condition to perform their duties. Reporting to work under the influence of illegal drugs or alcohol is unacceptable and is grounds for immediate dismissal proceedings. Individuals suspected of being unfit for duty will be referred for medical evaluation upon the region director's approval.

9. Prescription Medication

Individuals on physician-prescribed medication must notify their immediate supervisor if there is a likelihood that such medication could affect job performance and/or safety.

10. Arrest or Conviction

Individual members arrested or convicted for off-the-job illegal drug or alcohol involvement may be considered to be in violation of AmeriCorps NCCC's substance abuse policy and will be subject to disciplinary action, up to and including dismissal.

11. Law Enforcement

When appropriate, AmeriCorps NCCC will bring matters of illegal drug or alcohol use to the attention of appropriate law enforcement authorities.

12. Alcohol Abuse

At the discretion of the region director, members or team leaders who are of legal drinking age and are suspected of alcohol abuse may be requested to enroll in and successfully complete an alcohol education/treatment

program, at no cost to AmeriCorps NCCC, as a condition of continuation in the AmeriCorps NCCC program.

13. Smoking/Tobacco Use

Campuses will designate specific areas on campus as smoking/tobacco use areas. These areas will have proper receptacles and ventilation. All classrooms, cafeterias, AmeriCorps NCCC vehicles, dormitories, and worksites will be smoke- and tobacco-free. This policy will be strictly enforced. Smoking is allowed only in designated areas.

UNIFORM AND GROOMING STANDARDS

PURPOSE: To enhance public recognition and perception of AmeriCorps NCCC by requiring an AmeriCorps NCCC uniform and minimum grooming standards. Campuses will issue uniforms necessary for members to participate in the program, to meet safety and health requirements, and to enable them to function comfortably and effectively outdoors under adverse weather conditions. Uniform standards include the following:

A. GUIDELINES DURING SERVICE AND TRAINING PERIODS

The normal duty day uniform: T-shirt, sweatshirt, or polo shirt, BDU pants or shorts and the issued black belt. Uniform items may only be worn if in full uniform with the exception of the NCCC baseball hat.

1. Positive Image

AmeriCorps NCCC members must maintain a positive image in their dress, appearance, and demeanor.

2. Uniform

Uniform items will be clean and in good repair at all times and will be worn when representing AmeriCorps NCCC. The uniform may not be altered in anyway such as ripping, intentional paint, or cuffing. Pants cannot be rolled past standard shoe length. Members must tuck their shirts in, may not wear tank tops or tube tops or go shirtless. Socks must be solid color black, white or gray and worn below the knee. Steel toed boots are standard for safety reasons but the alternative must be closed-toed and closed-heeled shoes. The bandana is issued for personal protective use only, not as an accessory. It is not to be worn while off-duty, in schools, or at professional events. The region directors will require certain dress for special occasions and ceremonial events.

3. Non-Issued Uniform Items

Any layers of non-issued visible clothing (ex: shirts layered under a uniform) must be a solid color that is white, black or grey.

4. Jewelry

The only types of jewelry that may be worn outside the member uniform, or while on duty, are watches, bracelets, and ear studs or small earrings no larger than a dime. All tunnels in the ears must be solid. Necklaces are OK, but if they are long and loose, they must

be tucked inside the uniform shirt. All other facial or visible jewelry is prohibited while the member is performing official AmeriCorps NCCC duties, or while in uniform. No facial piercings, including tongue studs, may be worn during working/service hours. Additionally, AmeriCorps NCCC may adhere to more restrictive standards set by the project sponsor.

5. Hair

Hair, mustaches, and beards must be clean and neatly styled. Long hair can be a safety hazard; therefore, long hair must be pinned up or tied back when working near any power equipment or machinery. Hair dyed unnatural colors or two-toned, mohawks, faux hawks and spikes are not permitted while serving in the program. Headbands must be solid color black, white, or grey that are no greater than three inches in width. Headgear may not be worn inside at any time.

6. Grooming Standards

All AmeriCorps NCCC members will be required to comply with grooming standards set by the campuses, including proper showering and hygiene.

B. GUIDELINES DURING LEISURE HOURS

During leisure hours, members and team leaders may wear the clothing of their choice; however, this will be no less than a T-shirt, shorts, and appropriate footwear when an individual is remaining on campus or on the host facility. In the interest of cooperation, campuses will adopt reasonable standards for civilian attire for their members that will be in compliance with the standards of the host facility. Members and team leaders will also comply with base dress codes required for admittance, and use of, facilities.