

# COLLEGE OF MICRONESIA-FSM

## BOARD POLICY No. 4907

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### **Banned Deadly Weapons or Dangerous Devices**

Date Adopted: 1981

Date Revised: 1998; 21 May 2009; 13 April 2023

Date Reviewed: 15 December 2015; 13 April 2023

References: Federated States of Micronesia Weapons Control Act, PL 11-76 § 9

Intentional use, possession or sale (or distribution) of deadly weapons or dangerous devices<sup>1</sup> is strictly prohibited. ~~Student may not possess a banned weapon~~ on any COM-FSM campus, at any COM-FSM approved or sponsored event, on any COM-FSM property or in the buildings, vehicles or boards used by COM-FSM for its educational or recreational programs. Any violation of the banned weapons policy will result in a referral to the disciplinary committee and referral to local law enforcement authorities. Penalties will range as described below:

#### A. First Offense

1. Confiscation of the ~~banned~~ deadly weapon or dangerous device.
2. Disciplinary suspension for up to two academic years.
3. Any measures short of disciplinary suspension, such as probation or other discipline, if in the view of the disciplinary committee, such measures will reasonably enforce the goals of the policy.
4. Referral of the matter to local law enforcement authorities, ~~if appropriate.~~

#### B. Multiple Offenses

~~In the event that a student is to be disciplined for another offense, the disciplinary committee may impose the highest discipline allow for that offense.~~

When a student has been found in violation of another offense, the maximum penalty shall not exceed the maximum penalty for the most serious offense the student is found to have committed.

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<sup>1</sup>A "dangerous weapon" under 11 FSMC 919(1) is an object which, as used, may be anticipated to produce death or great bodily harm. *Laion v. FSM, 1 FSM Intrm. 503, 512 (App. 1984).*

Dangerous device include weapons of violence, 11 FSMC 1204(3). Dangerous device is defined in three categories, 1) explosive, etc., 2) an instrument designed or redesigned as a weapon, and 3) an instrument which can be used to inflict bodily harm and which under the circumstances of its possession serves no lawful purpose. *Este v. FSM, 4 FSM Intrm. 132, 136 (App. 1989).* The second category of "dangerous device" under the Weapons Control Act requires demonstration by the government that the item in question was designed or redesigned as a weapon and that the person whose possession is at issue is aware that the instrument was created or modified for that purpose. The intent and knowledge normally might be inferred from the nature of the instrument itself. It does not appear necessary that the possessor be shown to have actually intended to use the instrument as a weapon or for a wrongful purpose. *Joker v. FSM, 2 FSM Intrm. 38, 45 (App. 1985).* For the last category of "dangerous device" under the Weapons Control Act, the forbidden instrument in question must not only be capable of causing bodily injury but it must also be possessed without any "lawful purpose." A violation occurs only when the possession is coupled with a wrongful purpose, that is, a purpose to use the instrument to cause bodily injury, or a complete absence of any lawful purpose, shown through statements or overt conduct of the possessor manifesting wrongful purpose. *Joker v. FSM, 2 FSM Intrm. 38, 45 (App. 1985).*

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### C. Immediate Suspension

A student charged with any offense under this policy may be immediately suspended from the college by the administration, pending the holding of the disciplinary hearing and issuance of the decision by the disciplinary committee.

### C. ~~Failure to Comply with Assigned Disciplinary Actions~~

~~Non-compliance by the student of assigned disciplinary actions will result in the withholding of grades and/or transcripts until written notice of compliance has been filed with the Vice President for Enrollment Management and Student Services or the Campus Dean/Director, who will be responsible to provide the appropriate lists to the Office of Admissions, Records and Retention. The withholding of grades can interfere with the ability of the student to obtain future financial aid for his/her schooling. Failure to complete counseling and other requirements inside the given time constraints under any discipline imposed may result in the denial of the student to register for continued classes.~~