

COLLEGE OF MICRONESIA-FSM

BOARD POLICY No. 4909

Acts of Violence and Threats of Violence, Including Accessory to Violence

Date Adopted:	1981
Date Revised:	1998; 21 May 2009; 13 April 2023
Date Reviewed:	15 December 2015; 13 April 2023
References:	PL 11-72 § 74, Revised Criminal Code Act, Federated States of Micronesia, Title IX of the Education Opportunity Act of 1972, Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1990), as amended in 2015 (Clery Act)

~~Student may not commit an act of violence on any COM-FSM campus, at any COM-FSM approved or sponsored event, on any COM-FSM property, or in any COM-FSM building, vehicle or boat used by COM-FSM for its educational or recreational programs, or against members of the COM-FSM community wherever the act of violence may take place. Any violation as described above will result in a referral to the Disciplinary Committee.~~

The College of Micronesia-FSM (COM-FSM or the “college”) is committed to creating and maintaining an environment that is free from violence for all members of the college community.

A. Zero Tolerance for Violent Acts and Threats of Violence

COM-FSM has *zero tolerance* for and prohibits violent acts or threats of violence against any member of the college community, in any college building, vehicle or boat used by the college for its educational or recreational programs.

COM-FSM has *zero tolerance* for and prohibits violence or threats of violence occurring off the college premises by a person acting in the capacity of a representative or agent of the college if such violence or threat of violence affects the legitimate interests of COM-FSM.

B. Violence¹ and Threats² of Violence Defined

For the purpose of this policy, violence and threats of violence include, but are not limited to:

1. Any act that is physically assaultive; or
2. Any threat, behavior or action that carries the potential to:

¹Violence is the use of physical force with intent, effect, or reasonable likelihood of causing pain, harm, injury or damage to any person or property. A person commits a crime if he or she unlawfully and intentionally offers or attempts, with force or violence, to strike, beat, wound, or do bodily harm to another (PL 11-72 § 74.).

²Threats of violence are words or actions intended, causing, or reasonably likely to cause fear, pain, harm, injury, or damage to any person or property.

COLLEGE OF MICRONESIA-FSM

BOARD POLICY No. 4909

- c. Harm or endanger the safety of others;
- d. Result in an act of aggression; or
- e. Destruction of damage property(ies).

C. Accessory in the Act of Violence and Threats of Violence

Students may not be an accessory in act of violence or threats of violence. To be an “*accessory*” means helping someone in the commission of either the act or threat of violence.

Any violation as described above will result in a referral to the disciplinary committee and/or to local law enforcement authorities, if applicable. Penalties will range as described below:

D. First Offense

1. Referral for up to 30 hours of professional education/counseling, which must be completed within three months of the issuance of the decision by the disciplinary committee and/or three months prior to reinstatement after suspension.
2. Disciplinary suspension for up to one academic year.
3. Restitution, if appropriate (or applicable).
4. Any measures short of disciplinary suspension if, in the view of the disciplinary committee, such measures will reasonably enforce the goals of this policy.
5. Referral of the matter to local law enforcement authorities, (or applicable).

E. Second Offense

1. Referral for up to 30 hours of professional education/counseling, which must be completed within three months of the issuance of the decision by the disciplinary committee and/or three months prior to reinstatement after suspension.
2. Disciplinary suspension for:
 - a. Violence (or acts of violence). Up to four academic year; or
 - b. Threats of violence and accessory in the act or threat of violence. Up to two academic years.
3. ~~Prohibition of the student from even entering the College of Micronesia-FSM National Campus, states campuses, or FSM-FMI college's campuses, premises, properties, or participating in college approved and sponsored events while on disciplinary suspension (see section B.1(a & b)).~~
4. Restitution, if appropriate (or applicable).
5. Any measures short of disciplinary suspension if, in the view of the disciplinary committee, such measures will reasonably enforce the goals of this policy.
6. Referral of the matter to local law enforcement authorities, (or applicable).

COLLEGE OF MICRONESIA-FSM

BOARD POLICY No. 4909

F. 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.

G. Use of Alcohol or Any Intoxicating Substance in the Commission of Violence or Threats of Violence

The use of alcohol or any intoxicating substance by the student is not to be considered excuse for violent behavior.

H. 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.

I. 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.