

COLLEGE OF MICRONESIA-FSM

BOARD POLICY No. 4909

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)

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 member of the college community.

A. Zero Tolerance for 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 and recreational programs.

COM-FSM has *zero tolerance* for and prohibits violent acts 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 violent act or threat of violence affects the legitimate interests of COM-FSM.

B. Violence¹ and Threats of Violence² 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:
 - a. Harm or endanger the safety of others;
 - b. Result in an act of aggression; or
 - c. Destroy or damage property(ies).

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.

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C. Accessory in the Act of Violence and/or Threat of Violence

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

Any violations 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, if appropriate 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 acts or threats of violence: Up to two academic years.
3. Prohibition of the student from even entering the college’s campus, premises, properties, or participating in college approved and sponsored events while on disciplinary suspension.
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, if appropriate or applicable.

F. Multiple Offenses

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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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

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 at the college.