

**College of Micronesia-FSM Policies on  
Betelnut, Tobacco, Alcohol and Illicit Drugs  
and the Prohibition of Violence**

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## **Section A. Policies on Betelnut, Tobacco, Alcohol, and Illicit Drugs**

### **1.0 Introduction.**

The College of Micronesia-FSM (COM-FSM) Board of Regents adopted a policy in 1981 that was amended in 1998 prohibiting the unlawful manufacture, distribution, dispensing, possession or use of alcohol and illicit drugs on college campuses. This policy remains in force and has been expanded for clarification. COM-FSM students are not permitted to be under the influence of, possess, distribute, purchase or sell alcohol or illicit drugs on the COM-FSM campuses, at COM-FSM approved or sponsored events, on COM-FSM property or in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs. It is the goal and policy of the College of Micronesia-FSM to have zero tolerance for illicit drugs and the misuse of alcohol, tobacco and betelnut on all campuses, at all campus events and during College related activities. The College of Micronesia-FSM also prohibits tobacco and betel nut chewing and tobacco smoking in all College of Micronesia-FSM buildings. Some campuses have designated areas for smoking and betelnut chewing areas that also must be observed.

The College of Micronesia-FSM requires compliance with the above policy for all visitors to all COM-FSM campuses, at COM-FSM approved or sponsored events, on COM-FSM properties or in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs. Visitors who fail to obey these restrictions can be removed from the above properties, and have their right to enter properties of COM-FSM or to attend COM-FSM approved or sponsored events on COM-FSM properties curtailed.

The College of Micronesia-FSM reserves the right to regulate admission and entrance to the college and all of its facilities. Any discipline imposed under this policy is predicated on this ability to determine the qualifications of students to enroll and continue studying at COM-FSM, which includes that students must comply with all discipline assigned to them prior to continuing their studies at COM-FSM, or receiving their final grades and diploma. Further, the College of Micronesia-FSM reserves the right to control access to the College of Micronesia-FSM National Campus, all state campuses, Federated States of Micronesia-Fisheries and Maritime Institute (FSM-FMI), all land grant operations facilities, and any other facilities, vehicles and school functions. The college, at its discretion, can determine the right of access to anyone.

### **2.0 Purpose.**

It is one of the goals of the College of Micronesia-FSM to “provide a safe, healthy, and attractive environment which promotes a sense of achievement and belonging for students, faculty and staff.” Furthermore, COM-FSM intends to provide an environment in which students can learn without the distractions, specifically those caused by the use and abuse of illicit drugs and alcohol. COM-FSM recognizes that alcohol and illicit drug use create many problems for the members of the community. Therefore, the

College of Micronesia-FSM seeks to provide substance-free campuses. Such standards will comply with the U.S. Drug-Free Workplace Act of 1988 and with the Drug-Free School and Community Act Amendment of 1989, to the extent such acts can be enforced in the Federated States of Micronesia. The college will also follow FSM national laws, and the state laws that are applicable in each state concerning standards involving illicit drugs and alcohol.

### **3.0 Application.**

This policy applies to all students of the College of Micronesia-FSM. The guidelines set out in this policy, where applicable, shall also apply to visitors to the College of Micronesia-FSM. An exception to this policy may be invoked upon written authorization by the President of COM-FSM, and/or the Chairman of the Board of Regents, for specified events sponsored by COM-FSM, which would allow the provision or purchase of alcoholic beverages at those events. This written authorization will be provided in advance of the event.

### **4.0 Definitions.**

The following definitions shall apply in interpreting this policy.

**Alcohol** - All beverages containing ethyl alcohol, to include but not limited to beer, wine and liquor. The definition of alcohol is not limited to manufactured beverages, but also includes any homemade beverage, distilled or processed, that contains ethyl alcohol such as tuba, palm wine and homemade beer.

**Counseling** – Counseling shall be issued to students as a sanction for failing to comply with these policies. Counseling shall consist of a formal meeting with a counselor that involves discussion of issues specific to substance misuse, violence or any inappropriate behavior outlined in this policy, and the consequences of such behavior both now and in the future. The counselor may be a counseling professional at COM-FSM or may be a religious, community, or college leader or professional.

**Disciplinary Committee** - The disciplinary committee will be comprised of three members of the college community: an employee of the college selected by the student, an employee of the college selected by the Vice President for Support and Student Affairs (VPSSA) or Campus Director, and a third committee member who will be chosen by the first two committee members. In situations requiring an urgent response, the VPSSA or Campus Director may take immediate action and consult with the committee as soon as possible. For more information, please see Section C: Scope and Procedures of Disciplinary Hearings.

**Disciplinary Hearing** - A hearing conducted prior to the imposition of discipline under this policy, for offenses that involve a punishment greater than a written reprimand and two

hours of a supervised work detail. For more information, please see Section C: Scope and Procedures of Disciplinary Hearings.

**Illicit Drugs** -All controlled substances defined in 11 F.S.M.C; section 1116, et. seq., in which the person possessing or using such controlled substance has no valid current prescription from a valid medical care practitioner, for the exact type, quantity, and quality of controlled substance found.

**Minor** – A person not legally of drinking age in the state in which s/he is located. For instance, in the State of Pohnpei, a person under the age of 21 may not possess, sell, use or purchase alcoholic beverages.

**Possession** - Either physical possession of illicit drugs or alcohol on the person, or in an area under the control of or secured by a person, or where additional evidence shows that the person recently discarded illicit drugs or alcohol or hid illicit drugs or alcohol on the campuses at the College of Micronesia-FSM or in any buildings, vehicles or boats belonging to the College of Micronesia-FSM. Possession also extends to containers that previously held illicit drugs or alcohol, to include but not limited to items such as beer cans and liquor bottles, or paraphernalia utilized in the consumption of illegal drugs or alcohol, to include but not limited to items such as syringes and water pipes.

**Probation** – A sanction by the disciplinary committee may include probation. Probation is a trial period during which an offender has time to redeem himself or herself. During this time the offender must remain in complete compliance with his/her sanction as well as with COM-FSM policy or he/she shall appear again before the disciplinary committee and may receive an additional sanction.

**Restitution** – To compensate for loss, damage or injury.

**School Year** – For purposes of this policy a school year begins on the first day of fall semester and continues to the day before the next fall semester.

**Standard of Proof** - The burden of proof shall at all times rest upon the complainant. The standard of proof for deciding against the accused student shall be such evidence that, when weighed against that opposed to it, has the more convincing force and the greater probability of truth.

**Student** - For purposes of this policy, the term student refers to persons who are currently enrolled at any campus of the College of Micronesia-FSM, have completed the immediately preceding semester and/or are enrolled for the next scheduled semester, or are officially representing the college during a period between regular academic semesters.

Suspension – The Disciplinary Committee may suspend a student for violating some college policies. This means that for a designated period of time, the student is banned from all COM-FSM college campuses and from all college sponsored and related activities.

Under the influence - A person who has used a substance, whether alcohol or an illicit drug, in which the ordinary thought and physical processes are compromised. This can be demonstrated by it being shown to the satisfaction of the disciplinary committee that the person used an illicit drug or alcohol, and/or that the person's ordinary thought and physical processes were compromised. Whether or not a person was 'under the influence' is a factual determination for the Disciplinary Committee.

## **5.0 Chewing of Betel Nut and/or Tobacco Use Policy.**

Students are not permitted to smoke pipes, cigars, cigarettes, or any other tobacco products in COM-FSM buildings. At some campuses smoking is only permitted in designated outside smoking areas. Students are not permitted to chew betelnut or any type of chewable tobacco, except in designated areas.

Violations:

### **A. First Offense.**

A first offense will not be referred to the Disciplinary Committee and is handled by the VPSSA or the Campus Director.

- i. The maximum punishment that may be levied by the administration is a written reprimand to be placed into the student's personal file, and up to two hours of supervised work detail, to be completed within one month.

### **B. Second Offense.**

A second violation of the chewing of betel nut and/or tobacco use policy is one that occurs within the same semester of the first offense. A second violation of the chewing of betel nut and/or tobacco use policy will result in a referral to the Disciplinary Committee. Penalties will range up to the following:

- i. A written reprimand, which will go in the student's personal file.
- ii. Up to four hours of supervised work detail, which must be completed within one month.

- iii. Up to two hours of drug/alcohol education/counseling, this must be completed within three months of the decision by the Disciplinary Committee.

C. Third Offense.

A third violation of the chewing of betel nut and/or tobacco use policy is one that occurs within the same school year of the previous offenses. A third violation of the chewing of betel nut and/or tobacco use policy will result in a referral to the Disciplinary Committee. Penalties will range up to the following:

- i. A written reprimand, which will go in the student's personal file.
- ii. Up to six hours of supervised work detail, which must be completed within one month.
- iii. Up to four hours of drug/alcohol education/counseling, this must be completed within three months of the decision by the Disciplinary Committee.
- iv. Any other restrictions reasonably necessary to enforce the goals implicit in this policy.

D. More Than Three Offenses

In the event any student commits and is to be disciplined for more than three offenses during a school year, the Disciplinary Committee may use its discretion and impose an appropriate penalty.

E. Failure to Comply with Assigned Disciplinary Actions.

Non-compliance by the student of assigned disciplinary actions can result in the withholding of grades and/or transcripts until written notice of compliance has been filed with the Vice-President for Support and Student Affairs, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

## 6.0 Alcohol Policy.

### Introduction:

The College of Micronesia-FSM (COM-FSM) Board of Regents adopted a policy in 1981 that was amended in 1998 prohibiting the unlawful manufacture, distribution, dispensing, possession

or use of alcohol and illicit drugs on college campus. This policy remains in force and has been expanded for clarification. COM-FSM students are not permitted to be under the influence of, possess, distribute, purchase or sell alcohol or illicit drugs on the COM-FSM campuses, at COM-FSM approved or sponsored events, on COM-FSM property or in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs.

### **1.0 Alcohol Policy:**

COM-FSM students are not permitted to possess, distribute, consume, sell, or purchase alcohol nor are they permitted to be under the influence of alcohol on COM-FSM Campuses, at COM-FSM approved or sponsored events on COM-FSM properties or in buildings, vehicles, or boats used by COM-FSM for its educational or recreation programs.

This policy will be evaluated every three (3) years.

Any violation of the alcohol policy will result in a referral to the Disciplinary Committee. Penalties for violations will range as described below:

#### **Violations:**

##### A. First Offense

1. A written reprimand with not less than two (2) hours and not more than six (6) hours of work detail to be completed within one month.
2. Not less than two (2) hours and not more than ten (10) hours of drug/alcohol education/counseling; this must be completed within three (3) months of the decision by the disciplinary committee.
3. Any other restrictions reasonably necessary to enforce the goals implicit in this policy.

##### B. Second Offense: A second violation of the alcohol policy in one that occurs within the same semester as the first offense. Penalties will range up to the following:

1. Written notice of probation for up to one year. The restrictions for probation will be determined by the Disciplinary Committee and can involve the following restrictions:
  - a) The student cannot hold any student office in any association or club during the period of probation, and must resign such an office upon a finding by the Disciplinary Committee.
  - b) If the student boards at COM-FSM, the student must remain on campus between the hours of 6:00 pm and 6:00 am, unless exempted by a counselor or an administrator.
  - c) A notice of probation is placed in the student's permanent academic record.

- d) Student's parents will be notified only when in compliance with FERPA regulations. (See Section 5 of the procedures.)
    - e) A notice that any further violations of College policy will result in even more harsh sanctions, including suspension.
  - 2. Referral for not less than ten (10) hours and not more than twenty (20) hours of drug/alcohol education/counseling, which must be completed within three months of the decision by the Disciplinary Committee.
  - 3. Any other restrictions reasonably necessary to enforce the goals implicit in this policy.
- C. Third Offense: A third violation of the alcohol policy is one that occurs within the same school year of the previous offenses. Penalties will range up to the following:
- 1. Disciplinary suspension for up to one (1) year. Suspension will be initiated at the discretion of the Disciplinary Committee.
  - 2. Referral for not less than twenty (20) hours and not more than thirty (30) hours of drug/alcohol education/counseling, which must be completed prior to reinstatement after suspension, or completed within three (3) months of the decision by the Disciplinary Committee, if the penalty prescribed is less than suspension. The College is not responsible to provide the drug/alcohol education/counseling while the student is suspension. Documentation of the drug/alcohol education/counseling must be provided by the student upon reinstatement.
  - 3. Any measure short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the alcohol policy.
- D. More Than Three Offenses: In the event any student commits and is to be disciplined for more than three (3) offenses during a school year, the Disciplinary Committee will impose immediate suspension.
- E. Failure to Comply with Assigned Disciplinary Actions. Non-compliance by the student of any of the above 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 Student Services or the Campus Director, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.
- F. Violations of the alcohol Policy Involving Violence. If any violation of the alcohol policy involves violence, the discipline imposed and penalties prescribed will be those found under the Prohibition of Violence Policy.
- G. Violations of the Alcohol Policy Involving a Minor. If any violation of the alcohol policy involves a minor, the Disciplinary Committee will also weigh this factor in considering the appropriate discipline for the offense. Referral of the matter to local law enforcement authorities will also be made, if appropriate.



## **2.0 Purpose:**

The purpose of this policy is to define the college's expectations regarding the use of alcohol on campus or at COM-FSM sponsored events.

## **3.0 Application:**

This policy applies to all students attending COM-FSM.

## **4.0 Responsibility:**

The Vice President for Student Services or his/her designee is responsible for enforcing this policy.

The Director of Student Life at the National Campus and the Student Services Coordinators at the State Campuses will monitor reporting of violations of this policy and follow-up reporting from counseling, security, and dorm managers.

## **5.0 Procedures:**

1. Student will be reported to the Director of Student Life or Student Services Coordinator (SC) at the state campuses for confirmation of violation and referral to the disciplinary committee.
  - A Disciplinary Committee of five (5) members (1 counselor, 1 security office, and 3 others) shall be appointed by the Vice President for Student Services at the National Campus and the Director at the state campuses. Members shall serve for a period of one academic year.
2. The Chair of the Disciplinary Committee shall forward the details of the disciplinary action to the Director of Student Life or Student Services Coordinator at the State Campuses who will forward the information on community service work to the dorm manager for dorm students or security office for off-campus students at National Campus, and to the security office at the state campuses. The Director of Student Life or Student Services Coordinator shall also provide details for counseling to the counseling office at the respective campus.
3. The person supervising the community service work or counseling shall report back to the Director of Student Life or Student Services Coordinator on the student's compliance or non-compliance with the disciplinary action.
4. In the case where disciplinary action results in suspension, the student may appeal this decision to the Student Conduct Board, specifically for clemency purposes. See Student Conduct Procedure and Due Process (pgs. 32-33 of 2007-2009 catalog).

5. While the student is going through the appeal process, he or she shall be referred by the Disciplinary Committee to Counseling Center for counseling assistance. On a case by case basis, the Disciplinary Committee shall decide on the number of counseling hours/days. Parents will be notified when:
  - a. Student poses a threat to safety of self or other students/faculty/staff/visitors (FERPA)
  - b. Student is under the legal age of drinking. Legal age is 21 years. (FERPA)
  - c. Student is arrested for alcohol related crime
  - d. Student is undergoing disciplinary actions as a result of alcohol related violations
6. While the student is going through the appeal process, any further violation of the alcohol policy will result in immediate suspension from the College.
7. The Director of Student Life at the National Campus and the Student Services Coordinator at the state campuses shall submit a monthly report on the implementation of this policy.

## **7.0 Illicit Drug Policy.**

Students are not permitted to possess, distribute, consume, sell, or purchase illicit drugs, nor are they permitted to be under the influence of illicit drugs, on COM-FSM campuses, at COM-FSM approved or sponsored events, on COM-FSM properties or in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs. Any violation of the illicit drug policy will result in a referral to the Disciplinary Committee. Penalties will range as described below.

### **Violations:**

- A. First Offense.
  - i. Disciplinary suspension for up to one year. Suspension will be initiated at the discretion of the Disciplinary Committee.
  - ii. Referral for up to fifteen hours of drug/alcohol education/counseling, which must be completed prior to reinstatement after suspension, or completed within three months of the decision by the Disciplinary Committee, if the penalty prescribed, is less than suspension.
  - iii. Any measures short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the illicit drug policy, such as probation for one year.

- iv. Referral of the matter to local law enforcement authorities if appropriate.

B. Second Offense.

A second violation of the illicit drug policy is one that is within the same semester as the first offense. Penalties will range up to the following:

- i. Disciplinary suspension for up to four years.
- ii. Prohibition on the student from even entering the College of Micronesia-FSM National Campus, state campuses, or FSM-FMI for up to four years.
- iii. Referral for up to thirty hours of drug/alcohol education/counseling, which must be completed prior to reinstatement after suspension, or completed within three months of the decision by the Disciplinary Committee, if the penalty prescribed, is less than suspension.
- iv. Any measures short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the illicit drug policy.
- v. Reference of the matter to local law enforcement authorities if appropriate.

C. More Than Two Offenses.

In the event any student commits and is to be disciplined for more than two offenses during the school year, the Disciplinary Committee may use its discretion and impose an appropriate penalty up to suspension.

D. 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 Support and Student Affairs or the Campus Director. This VPSSA or the Campus Director will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

E. Violations of the Illicit Drug Policy Involving Violence.

If any violation of the illicit drug policy involves violence, the discipline imposed and penalties prescribed will be those found under the Prohibition of Violence policy.

F. Violations of the Illicit Drug Policy Involving Alcohol.

The Disciplinary Committee may consider previous violations of the alcohol policy or violation of the alcohol policy in the same incident as the violation of the illicit drug policy in determining the level of appropriate discipline to be issued.

G. Immediate Suspension Allowed.

A student charged with any offense under this illicit drug 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.

## **Section B. Policies on Prohibition of Violence**

### **1.0 Introduction.**

It is the goal and policy of the College of Micronesia-FSM to have zero tolerance for violence on campus, at all college events, and during college related activities. This policy will apply on all COM-FSM campuses, at COM-FSM approved or sponsored events on COM-FSM properties, in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs or in actions against other COM-FSM students wherever the act of violence may take place.

The College of Micronesia-FSM reserves the right to regulate admission and entrance to the college and its facilities. Any discipline imposed under this policy is predicated on this ability to determine the qualifications of students to enroll and continue studying at COM-FSM, which includes that students must comply with all discipline assigned to them prior to continuing their studies at COM-FSM, or receiving their final grades and diploma. Further, the College of Micronesia-FSM reserves the right to control access to College of Micronesia-FSM National Campus, all state campuses, FSM-FMI, all land grant operations facilities and any other facilities, vehicles and school functions. The college at its discretion can determine the right of access to anyone.

### **2.0 Purpose.**

The College of Micronesia-FSM recognizes that violence or threats of violence can seriously interfere with the ability of students to study and dedicate themselves to learning. It is the policy that violent acts or threats perpetrated by students will not be

tolerated and that serious discipline will be imposed to deter acts of violence. The college will also follow FSM national laws and the State laws that are applicable in each state in defining violent acts.

### **3.0 Application.**

This policy applies to all students of the College of Micronesia-FSM. The guidelines set out in this policy, where applicable, shall also apply to all visitors to all campuses and facilities of the College of Micronesia-FSM.

### **4.0 Definitions.**

The following definitions shall apply in interpreting this policy.

**Accessory to an Act of Violence** - A person who does not physically participate in an act of violence, but through his/her presence and conduct encourages an act of violence to occur, or one who prevents assistance being rendered to a victim of an act of violence.

**Act of Violence** – A person who threatens, harasses or (intentionally or unintentionally) creates an abusive or hostile environment; and/or when a person strikes, beats, wounds or otherwise does any kind of bodily harm to another; and/or when a person perpetrates a sexual act without consent; and/or when a person destroys or damages the personal property of another.

**Banned Weapons** - Any object that can be used to inflict grievous bodily injury on or death of another. A banned weapon includes all deadly weapons, but may include other multiple-use items that can inflict grievous bodily injury or death. The following objects, which have no alternative use, are banned from COM-FSM campuses, at COM-FSM approved or sponsored events, on COM-FSM properties, or in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs: guns, air guns, pistols, rifles, juggle sticks, explosive devices, and martial arts weapons, to include but not limited to throwing stars or nungchucks, slingshots, or switchblade knives.

**Counseling** – Counseling shall be issued to students as a sanction for failing to comply with these policies. Counseling shall consist of a formal meeting with a counselor that involves discussion of issues specific to substance misuse, violence or any inappropriate behavior outlined in this policy, and the consequences of such behavior both now and in the future. The counselor may be a counseling professional at COM-FSM or may be a religious, community, or college leader or professional.

**Disciplinary Committee** - The disciplinary committee will be comprised of three members of the college community: an employee of the college selected by the student, an employee of the college selected by the VPSSA or Campus Director, and a third committee member who will be chosen by the first two committee members. In situations requiring an urgent response, the VPSSA or Campus Director may take

immediate action and consult with the committee as soon as possible. For more information, please see Section C: Scope and Procedures of Disciplinary Hearings.

**Disciplinary Hearing** - A hearing conducted prior to the imposition of discipline under this policy, for offenses that involve a punishment greater than a written reprimand and two hours of a supervised work detail. For more information, please see Section C: Scope and Procedures of Disciplinary Hearings.

**Possession** - Either physical possession of a weapon on the person, or in an area under the control of or secured by a person, or where additional evidence shows that the person recently discarded a weapon or hid a weapon on a campus of the College of Micronesia-FSM or in COM-FSM buildings, vehicles or boats belonging to the College of Micronesia-FSM.

**Probation** – A sanction by the disciplinary committee may include probation. Probation is a trial period during which an offender has time to redeem himself or herself. During this time the offender must remain in complete compliance with his/her sanction as well as with COM-FSM policy or he/she shall appear again before the disciplinary committee and may receive an additional sanction.

**Prohibition** –The student is not allowed on COM-FSM campuses or at any COM-FSM sponsored event or activity.

**Restitution** – To compensate for loss, damage or injury.

**Self-Defense** - A defense to a charge of committing an act of violence. However, the actions taken in self-defense must be reasonable to the ordinary person. Excessive force used in self-defense may be an act of violence. The Disciplinary Committee shall rule on this issue if raised by a student.

**Standard of Proof** - The burden of proof shall at all times rest upon the complainant. The standard of proof for deciding against the accused student shall be such evidence that, when weighed against that opposed to it, has the more convincing force and the greater probability of truth.

**Student** - For purposes of this policy, the term student refers to persons who are currently enrolled at any campus of the College of Micronesia-FSM, have completed the immediately preceding semester and/or are enrolled for the next scheduled semester, or are officially representing the university during a period between regular academic semesters.

**Suspension** – The Disciplinary Committee may suspend a student for violating some college policies. This means that for a designated period of time, the student is barred from all COM-FSM campuses and from all college sponsored and related activities.

Threat of Violence - when a person threatens, harasses or (intentionally or unintentionally) creates an abusive or hostile environment.

## **5.0 Policy on Banned Weapons.**

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 boats 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. Penalties will range as described below.

Violations:

- A. First Offense.
  - i. Confiscation of the banned weapon.
  - ii. Disciplinary suspension for up to two years.
  - iii. 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.
  - iv. 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 allowed for that offense.

- 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.

- D. 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 Support and Student Affairs, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

## **6.0 Policy on Threats of Violence.**

Students may not utter a threat of violence on any COM-FSM campus, at any COM-FSM approved or sponsored event on COM-FSM property, in the buildings, vehicles or boats used by COM-FSM for its educational or recreational programs or against any member of the COM-FSM community wherever the threat of violence may take place. Any violation of the policy on threats of violence will result in a referral to the Disciplinary Committee. Penalties will range as described below.

Violations:

### **A. First Offense.**

- i. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.
- ii. Disciplinary suspension for up to one year.
- iii. Restitution, if appropriate.
- iv. Any measures short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the policy.
- v. Referral of the matter to local law enforcement authorities, if appropriate.

### **B. Second Offense.**

A second offense of the policy on threats of violence is an offense that occurs within the same semester as the first offense. The following semester begins on the first day of the term. Penalties will range up to the following:

- i. Disciplinary suspension for up to two years.
- ii. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.



- iii. Prohibition on the student from even entering the College of Micronesia-FSM National Campus, state campuses or FSM-FMI for up to two years.
- iv. Restitution, if appropriate.
- v. Any measures short of disciplinary suspension if in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the prohibition of violence policy.
- vi. Referral of the matter to local law enforcement authorities, if appropriate.

C. More than Two Offenses.

In the event any student is to be disciplined for more than two offenses during the school year, the Disciplinary Committee may impose the highest discipline allowed for that offense.

D. 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.

E. 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 Support and Student Affairs, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

## **7.0 Policy on Acts of Violence.**

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. Penalties will range as described below.

Violations:

A. First Offense.

- i. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.
- ii. Disciplinary suspension for up to two years.
- iii. Restitution, if appropriate.
- iv. 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 prohibition of violence of policy.
- v. Referral of the matter to local law enforcement authorities, if appropriate.

B. Second Offense.

A second offense for a violation of the acts of violence policy is one that occurs within the same semester of the first offense. The following semester begins on the first day of the term. Penalties will range as described below:

- i. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.
- ii. Disciplinary suspension for up to four years.
- iii. Prohibition on the student from even entering the College of Micronesia-FSM National Campus, state campuses, or FSM-FMI for up to four years.
- iv. Restitution, if appropriate.
- v. Any measures short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the Acts of Violence Policy.
- vi. Referral of the matter to local law enforcement authorities, if appropriate.

C. More than Two Offenses.

In the event that a student is to be disciplined for more than two offences during the school year, the Disciplinary Committee may impose the highest discipline allowed for that offense.

D. 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.

E. 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 Support and Student Affairs, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

## **8.0 Policy on Being an Accessory to Violence.**

Students may not be an accessory in act of violence on any COM-FSM campus, at COM-FSM approved or sponsored events on COM-FSM property, or in the buildings, vehicles or boats 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 of this of policy will result in a referral to the Disciplinary Committee.

Violations:

A. First Offense.

- i. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.
- ii. Disciplinary suspension for up to one year.
- iii. Restitution, if appropriate.
- iv. Any measures short of disciplinary suspension if, in the view of the

Disciplinary Committee, such measures will reasonably enforce the goals of the policy, such as probation or other discipline.

- v. Referral of the matter to local law enforcement authorities, if appropriate.

B. Second Offense.

A second offense for being an accessory to an act of violence in violation of the policy will be determined to be any violation that is within the same semester as the first offense. Penalties will range up to the following:

- i. Referral for up to thirty hours of professional education/counseling, which must be completed within three months of the decision by the Disciplinary Committee and prior to reinstatement after suspension.
- ii. Disciplinary suspension for up to two years.
- iii. Prohibition on the student from even entering the College of Micronesia-FSM National Campus, state campuses or FSM-FMI for up to two years.
- iv. Restitution, if appropriate.
- v. Any measures short of disciplinary suspension if, in the view of the Disciplinary Committee, such measures will reasonably enforce the goals of the prohibition of violence policy.
- vi. Referral of the matter to local law enforcement authorities, if appropriate.

C. More than Two Offenses.

In the event that any student is to be disciplined for more than two offences during the school year, the Disciplinary Committee may impose the highest discipline allowed for that offense.

D. 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.

E. 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 Support and Student Affairs, who will be responsible to provide the appropriate lists to the Office of Admissions and Records. 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.

#### **9.0 Policy on Use of a Banned Weapon Together with any Other Forms of Violence.**

The Disciplinary Committee may consider the range of options for a second offense under this policy, including referral to law enforcement authorities, if appropriate.

#### **10. Use of Alcohol in the Commission of the Act of Violence**

The use of alcohol by the student is to be considered by the Disciplinary Committee in assessing the appropriate punishment for the offense. The use of alcohol by the student is not to be considered an excuse for violent behavior.

## **Section C - Scope and Procedures of Disciplinary Hearings**

### **1.0 Right to Disciplinary Hearing.**

All students have a right to a Disciplinary Hearing for violations under this policy unless the maximum penalty is a written reprimand and two hours or less of supervised work detail. For discipline greater than the above, a Disciplinary Committee Hearing will be scheduled by the VPSSA or the Campus Director. For violation under this policy the following procedure applies:

Any member of the college community (faculty, staff and/or student) may initiate a complaint against a student under the College of Micronesia-FSM Policies on Betelnut, Tobacco, Alcohol and Illicit Drugs and the Prohibition of Violence. All complaints will be made to the Vice President for Support and Student Affairs or the Campus Director.

A report of an alleged violation should consist of a clear, concise written statement that contains the following information:

- A. A list of any and all parties against whom the complaint is being filed.
- B. A description of the alleged misconduct, the date or period of time during which it occurred, and the location where the incident(s) allegedly occurred.
- C. The name, address and phone number of the person making the report.
- D. All complaints are considered to have been made in good faith. Any information to the contrary may be grounds for College action against the initiating party.

The Vice President for Support and Student Affairs or the Campus Director will review the complaint to determine how to handle the case. When proceeding with the disciplinary process, the accused student will be provided written notification of the allegation, information on the disciplinary process, and a deadline for responding to the notice. If the student fails to respond to the written notice then the VPSSA or the Campus Director will place a hold on the student's account.

The VPSSA or the Campus Director will meet with the accused student to discuss the incident. At that meeting, the student will have an opportunity to present any information regarding the incident. Failure by the student to meet the VPSSA or the Campus Director will result in a decision by the VPSSA or Campus Director without input from the student.

The VPSSA or the Campus Director will then determine if the offense warrants a Disciplinary Hearing. The decision whether to refer the matter to a Disciplinary Committee is at the sole discretion of the VPSSA or the Campus Director. This decision will be based on the information presented by the student and according to the sanctions identified in this policy. If the offense warrants a Disciplinary Hearing, the student is to be informed in writing about the process. The VPSSA or the Campus Director will also inform all parties about the process. This includes members of the

Disciplinary Committee, witnesses, and those who may participate in the appeals process.

## **2.0 Timing of Disciplinary Hearing.**

Due to the need for prompt decision-making a Disciplinary Hearing shall be scheduled within five days of the event giving rise to the discipline. The hearing may be continued by agreement of all parties. Failure by a student to attend a Disciplinary Hearing, without reasonable excuse, will result in a decision by the Disciplinary Committee without input from the student.

Each student is entitled to an individual hearing; however, for the convenience of the parties, there may be an agreement to hold a hearing involving multiple students at the same time, when it arises from the same events upon which the discipline is based.

## **3.0 Composition of the Committee.**

The Disciplinary Committee will be comprised of three members of the college community. An employee of the college will be selected by the student, an employee of the college will be selected by the VPSSA or Campus Director, and a third committee member will be chosen by the first two committee members. In situations requiring an urgent response, the VPSSA or Campus Director may take immediate action and consult with the Committee as soon as possible.

## **4.0 Conduct of the Hearing.**

Formal rules of evidence will not apply. Witnesses will provide testimony under oath. The student may be represented by an attorney, if he or she so chooses. The Committee has the power to compel students and staff to appear before it.

The Disciplinary Committee will hear the cases of both the complainant and the student. And will determine the outcome of the hearing. The Disciplinary Committee shall make its decision based on the preponderance of evidence put before it. The standard of proof for deciding against the accused student shall be such evidence that, when weighed against that opposed to it, has the more convincing force and the greater probability of truth. The burden of proof shall at all times rest upon the complainant.

## **5.0 Decision of the Disciplinary Committee.**

The decision of the Disciplinary Committee shall be in writing and issued within five days of the conclusion of the hearing. The Disciplinary Committee shall set out its factual findings, along with its determinations concerning the appropriate discipline to be imposed. A decision must be adopted by a majority of the committee.

## **6.0 Appeal of the Decision of the Disciplinary Committee.**

A student may appeal in writing the decision of the Disciplinary Committee to the President of the College of Micronesia-FSM, within thirty days of the decision of the Disciplinary Committee being personally served upon him or her. Personally served the decision means personal service on the student, personal service on a close relative of the student, or by leaving a copy at the residence of the student. The discipline remains in effect during the entire appeal time period unless the President specifically grants a stay of the execution of the discipline.

The President shall review the findings of the Disciplinary Committee on the basis that discipline imposed by the Committee was an abuse of discretion, or that the factual findings of the Committee are unsupported by the evidence in the record. The President, based on his/her review, may affirm the decision of the Committee, modify the discipline imposed by the Committee, or send the matter back to the Committee for further review. The President shall make his/her decision within thirty days of the appeal by the student. Failure to appeal by the student within the time frames designated results in a waiver of the right to appeal the discipline imposed.

## **7.0 Appeals to the Board of Regents.**

A student may appeal the decision of the President of the College of Micronesia-FSM, in writing, to the Board of Regents of the College of Micronesia-FSM, by delivery of a written appeal to the Office of the President of the College, within thirty days of the written decision of the President being served upon the student as outlined in section 6.0.

The Board of Regents shall review the findings of the Disciplinary Committee and the President, on the basis that discipline imposed by the Committee or the President was an abuse of discretion, or that the factual findings of the Committee or the President are unsupported by the evidence in the record. The Board of Regents, based on this review, may affirm the decision of the President, modify the discipline imposed by the President, or send the matter back to the President for further review. The Board of Regents shall make its decision within ninety days of the appeal by the student. Failure to appeal by the student within the time frames designated results in a waiver of the right to appeal the discipline imposed.

The decision of the Board of Regents is final.

## **8.0 Responsibilities.**

Members of the college community (faculty, staff and/or students) are responsible for reporting violations of the college policies on betelnut, tobacco, alcohol and illicit drugs and the prohibition of violence to the VPSSA or the Campus Director.

The VPSSA or the Campus Director will be responsible for facilitating the process until it is finalized including notifying all parties of hearing, educating all parties about the standard of proof, documenting all proceedings and decisions, and issuing statements



in writing to all parties. This process may require the follow-up of the VPSSA and the Campus Director through the final appeal process.

The student will be responsible for immediate follow-up to all written notices, for appointing a member of the Disciplinary Committee and for maintaining consistent contact with the VPSSA or the Campus Director. The student is also responsible to present his/her case and to offer evidence in support of that case and to comply with the disciplinary decision.

Disciplinary Committee will be responsible for following the established timeline and to being impartial and fair.

It is the President's responsibility to hear first appeals. If the decision of the President is appealed, it will go to the Board of Regents. The BOR is responsible for the final appeal decision.