

College of Micronesia-FSM
Student Code of Conduct

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Introduction

In order to maintain an educational environment to meet the mission and goals of the College of Micronesia-FSM, a **Student Code of Conduct** that requires respect, integrity and civility by all students enrolled at COM-FSM must be established.

This Code outlines student expectations, proscribed conduct, and provides for imposing of appropriate discipline sanctions. Students are expected to conduct themselves responsibly and observe COM-FSM rules, policies and procedures as well as municipal, state, and national laws and regulations. Misconduct on any COM-FSM campus or at any off-campus college sponsored events or activities may result in disciplinary action in order to protect student rights and the College educational process, its property, and the safety and security of its community.

Expectations

- Promote a culture of trust and respect.
- Care for the well-being of others and engage in service-oriented activities of benefit to others
- Speak well of others and interact positively with peers
- Be honest and truthful, practicing personal and academic integrity, producing and submitting one's own work, citing sources, being honest in their use of technology
- Exhibit responsibility and accepting ownership for their actions, attitudes, and behaviors
- Strive to maintain and improve their academic effort
- Use college equipment, resources, and property in an appropriate and permitted manner
- Exhibit stewardship of college facilities and the campus environment
- Remain free from substances such as alcohol and controlled substances.
- Encourage and respect diversity of opinions and ideas
- Reject bigotry, discrimination, violence, or intimidation of any kind.
- Comply with national, state, and municipal laws as well as college rules and regulations.

Any student conduct constituting a criminal offense will be referred to Campus Security whose responsibility is to immediately report it to the Department of Public Safety. If this offense is in violation of the Student Conduct Code, disciplinary action will proceed by the College, as they may not be necessarily related.

Proscribed Conduct

The following prohibited offenses are not intended to be in exhaustive terms or be all inclusive. Students who display any other conduct that is in contrary to the best interest of the College or its students will be subject to disciplinary action.

Category I

1. Betel nut or tobacco chewing in any non-designated area on campus.
2. Inability or refusal to provide identification when requested by a college official including faculty, administrators, staff members, resident assistants or law enforcement officers.
3. Failure to comply with any directions of COM-FSM officials or law enforcement officers acting in performance of their duties

Category II

1. Public inconvenience, annoyance, alarm, recklessness, or creating a risk thereof
2. Disruptive, disorderly, or unbecoming behavior; or lewd, indecent or obscene conduct or expression on campus
3. Obstruction or disruption of teaching, research, administration, disciplinary procedures or other College activity
4. Possessing or being under the influence of alcohol or illicit drugs
5. Violation of any national, state or municipal law
6. Racial or ethnic discrimination
7. All forms of academic dishonesty including cheating, fabricating and plagiarism.

Category IIA (Residence Halls)

1. Residents possessing or being under the influence of alcohol or illicit drugs in the Residence Halls.

Category III (conduct)

1. Stealing, damaging, or misusing College property or services and knowingly possessing stolen property
2. Unauthorized entry into or use of College facilities
3. Any conduct which threatens or endangers the health or safety of any person including but not limited to, physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or stalking.
4. Fighting or violent behavior without injury occurring
5. Being an accessory to an act of violence
6. Sexual harassment including unwelcome behavior or remarks of a sexual nature, requests for sexual favors and other verbal or physical contact of a sexual nature.
7. Sexual advances, requests for sexual favors or other behavior of a sexual nature that is unwelcome and sufficiently severe or pervasive that it interferes with a person's academic or professional performance or creates an intimidating, hostile or offensive educational or employment environment. The behavior can be verbal, non-verbal or physical. Examples include sexual innuendo, spreading sexual rumors, sexual put-downs and jokes, remarks of a sexual nature about a person's clothing or body, offensive written notes or emails, sexual propositions, insults or threats, leering, whistling, suggestive or insulting sounds and gestures, and touching someone's body when unwelcome.
8. Sexual slurs, epithets, threats, derogatory comments and unwelcome jokes
9. Retaliation against another student or any college staff or faculty for
 - a. Raising an allegation of sexual harassment
 - b. Filing a complaint alleging sexual harassment, or
 - c. Participating in a proceeding to determine if sexual harassment has occurred.
10. Sponsoring or advocating of hazing activities. Hazing, defined as an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
11. Manufacturing, distributing, dispensing, purchasing, or selling alcohol on COM-FSM campuses, at its off-campus approved or sponsored events, or in vehicles or boats used by the College for its educational or recreational programs.

12. Possession of a banned weapon on COM-FSM campuses, at its off-campus approved or sponsored events, or in vehicles or boats used by the College for its educational or recreational programs.

Category IV

1. Fighting or other violent behavior resulting in injury
2. Manufacturing, distributing, dispensing, purchasing, or selling controlled substances on the COM-FSM campuses, at its off-campus approved or sponsored events, or in vehicles or boats used by the College for its educational or recreational programs.
3. Forgery, alteration, or misuse of College documents or identifications.

Category V

1. Forcible sexual assault
2. Non-forcible sexual assault
3. Violence on campus with exacerbating circumstances such as the use of a banned weapon. Banned weapons are guns or air guns, pistols, rifles, explosive devices, and martial arts weapons, to include but not limited to throwing stars or nunchucks, slingshots, or switchblade knives.

Sanctions by Category

Category	First Offense	Second Offense	Third Offense
I	Written reprimand, written citation, work detail, and counseling	Increased work detail and loss of privileges for one term (may include library-borrowing privileges, use of the cafeteria, use of the inter-campus shuttle, etc.)	More work detail and disciplinary probation for two terms (loss of participation in extracurricular activities, athletic, and/or holding of an office in student organizations.
II	Family or authorities contacted or removal from campus for remainder of the day	Suspension for remainder of term	Suspension for two terms
IIA	Authorities contacted and dismissal and separation from the Residence Hall for remainder of the term	Separation from the Residence Hall for two terms	Permanent separation from the Residence Hall
III	Authorities contacted and suspension for remainder of term Restitution	Suspension for two terms	Dismissal from program and the college without the possibility of return for ten years.
IV	Authorities contacted and suspension for two terms	Dismissal from program and the College without the possibility of return for	

		ten years.	
V	Authorities contacted, dismissal from program and the college without the possibility of return for ten years.		

Administrators retain the option of modifying and altering the sanction based on mitigating or aggravating circumstances.

Student Disciplinary Action

Student disciplinary action may be imposed by:

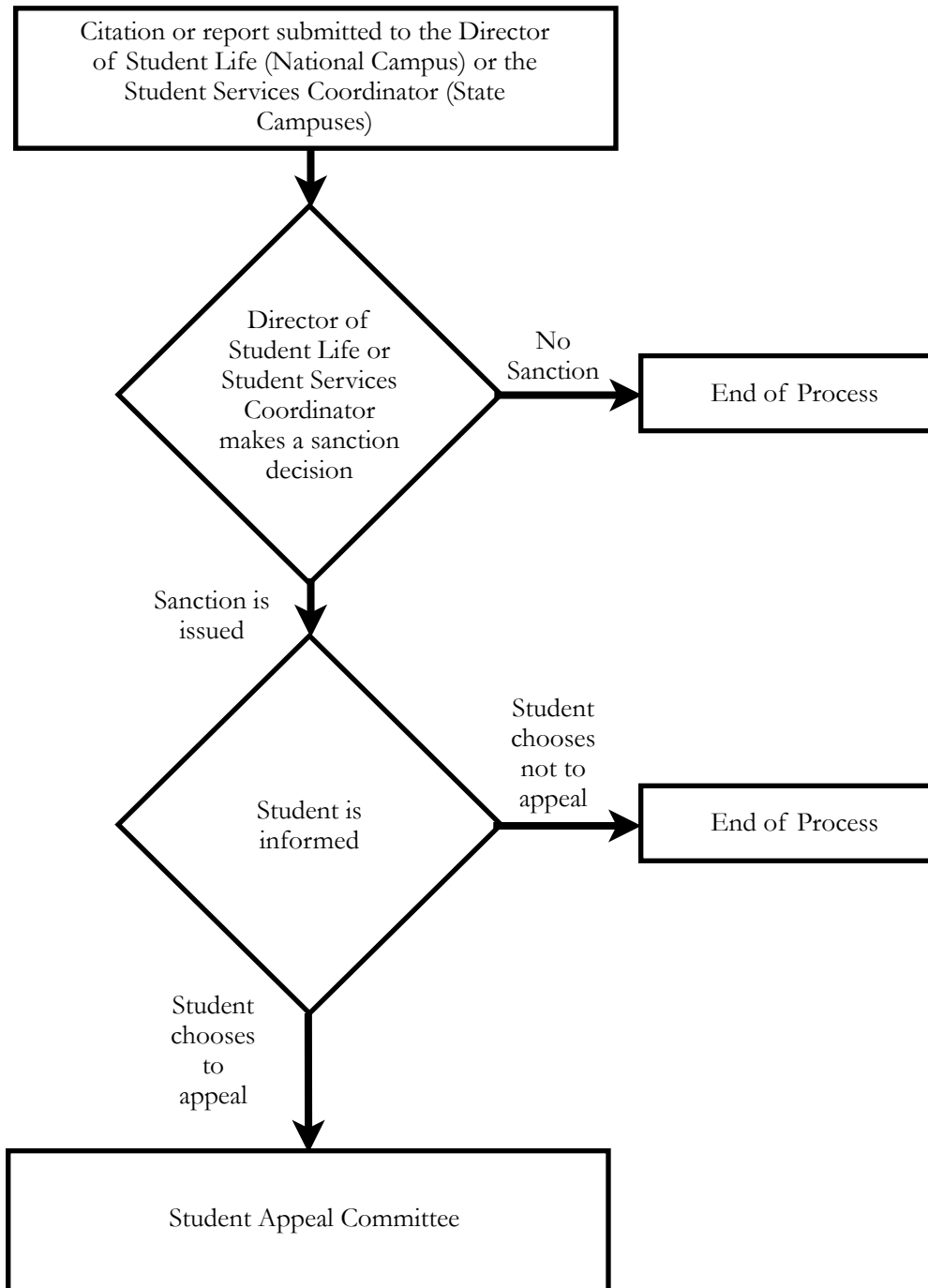
- **College security personnel:**
 - Categories II and I (*First Offense*), sanctions can be imposed by any member of the College Security force without the need for review by an administrator.
 - In a situation where the safety and security of students or staff is imperiled, any member of the College Security and Safety Services has the authority to exclude a student from campus for no longer than one day.
- **Instructor:** He/she may warn or temporarily exclude the student from the classroom or from any other College sponsored or supervised activity for the duration of the activity, not to exceed one day.
- **Director of Student Life or Student Services Coordinator:** He/she may have the authority to administer discipline up to but not including suspension. In situations in which suspension is a possibility, the Campus Dean or Vice President for Student Services has the authority to exclude a student from the campus until the President acts.
- **President:** Authority to suspend a student rests solely with the President.

Disciplinary Procedure

All complaints and allegation of a violation of the Student Conduct Code are considered to have been made in good faith. Any information to the contrary may be grounds for College action against an initiating party.

- A report of an alleged violation should consist of a clear, concise written statement that contains the following information:
 - a list of any and all parties against whom the complaint is being filed.
 - a description of the alleged misconduct, the date and time during which it occurred, and the location where the incident(s) allegedly occurred.
 - the name, e-mail address and phone number of the person making the report.
- The Director of Student Life or the Student Services Coordinator will review the complaint or alleged violation to determine the appropriate disciplinary action.
- The student will be provided written notification of the disciplinary action, information on the appeal process, and a deadline for appealing the disciplinary action.

- The administrator retains the option to meet with the student prior to imposing a sanction, but the administrator is not required to meet with the student.



Appellate Procedure

Option to Appeal a Disciplinary Action

All students have the option to appeal a disciplinary sanction.

Timing of Appeal Hearing

An Appeal Hearing shall be scheduled within five days of the appeal request in writing. Failure by a student to attend an Appeal Hearing, without reasonable excuse, will result in a decision by the Appeal Committee without input from the student. Each student is entitled to an individual hearing; however, 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.

Composition of the Committee

The Appeal Committee will consist of three members of the College community. An employee of the College will be selected by the student, another employee will be selected by the Vice President for Student Services or Campus Dean, and a third member will be chosen by the first two committee members. The three members shall elect the chairperson of this Committee.

Conduct of the Hearing

Formal rules of evidence will not apply. An attorney may represent the student, if he or she so chooses. The Committee has the power to compel students and staff to appear before it. The Appeal Committee will hear the cases of both the complainant and the student and will determine the outcome of the hearing. The Appeal 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.

Decision of the Appeal Committee

The decision of the Appeal Committee shall be in writing and issued within five days of the conclusion of the hearing. The Appeal 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.

Appeal of the Decision of the Appeal Committee

A student may appeal in writing the decision of the Appeal Committee to the President of the College of Micronesia-FSM within seven business days of the decision of the Appeal 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 Appeal 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 seven business days of the appeal by the student. Failure to appeal by the student within the time frame designated will result in a waiver of the right to appeal the discipline imposed. The decision of the President is final.