

CMI POLICY NO. 349

STUDENT DISCIPLINE

Policy Statement

The following principles guide the student conduct code and discipline at the College of the Marshall Islands:

1. Preservation of a safe, secure, and healthful campus and online environment conducive to learning;
2. Compliance with legal and regulatory requirements;
3. Prevention of disruptive and harmful behaviors;
4. Safeguarding of all students' rights; and
5. Restorative justice, where not in conflict with the principles above.

Reason for the Policy

The College of the Marshall Islands expects each student to comply with Republic of the Marshall Islands law and College regulations. Illegal acts will be reported to the police. Legal proceedings do not obviate the need for College disciplinary action, nor does College disciplinary action in any way forestall legal actions.

This policy addresses student behavioral issues. Academic dishonesty is addressed under a separate policy.

Definitions

I. Violations of Student Conduct Code

Level 1 Violations

A student found to have committed any of the following violations may be subject to a maximum sanction of expulsion from CMI. Students who have engaged in Level 1.A Violations may be subject to College disciplinary action even if the violation occurs outside areas controlled by the College. Level 1.B Violations are subject to College disciplinary action if they occur on CMI campuses, distance education centers, physical or online spaces controlled by the College, or if College resources are used to commit the violations. Sexual harassment in particular (I.B.12) will be subject to the highest penalty.

1.A.1: Violent crimes or threats against individuals - Assault or any other activity that inflicts, or seeks to inflict, bodily harm upon another individual, along with any threats to commit the same.

1.A.2: Obstruction of College functions - Obstructing or interfering with College functions or any College activity to include, but not limited to: the disruption of teaching, research, administration, disciplinary proceedings, and other College activities, including functions on or off campus.

1.A.3: Distribution of controlled substances - Manufacture, delivery, cultivation, sale or transfer of controlled substances including but not limited to prescription drugs without appropriate authorization, barbiturates, hallucinogens, amphetamines, cocaine, opium, and heroin.

1.A.4: Terrorism or terroristic threats - The use of violence, intimidation, or threats for political or religious aims.

1.B.1: Failure to comply - Failure to comply with directions of College officials, campus security, law enforcement officers, or any other official acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so. This violation includes failure to comply with the terms of a disciplinary sanction.

1.B.2: Disorderly Conduct - Disturbing the peace of the College environment, including by fighting, quarreling, or engaging in indecent or lewd behavior.

1.B.3: Harassment - Any demeaning, degrading, or inflammatory speech, action, or behavior that targets an individual or group based on the individual's or group's gender, race, sexual orientation, religion, ethnicity, or disability.

1.B.4: Stalking - Repeated unwanted intrusions into the life of an individual, including but not limited to the following, surveilling, texting, and emailing.

1.B.5: Discrimination - Discrimination against a person on the basis of gender, race, sexual orientation, religion, ethnicity, or disability.

1.B.6: Destruction of property - Damage, destruction, defacement, or interference with College property or the property of any person.

1.B.7: Theft - Theft or attempted theft of property or services from the College or from any person.

1.B.8: Forcible entry or trespass - Forcible or unauthorized entry into any building, room, structure, or facility of the College and/or unauthorized use of a College campus or center.

1.B.9: False report of emergency or student conduct violation - Making or circulating an inaccurate report of harassment, a fire, explosion, crime, disaster, or other emergent incident.

1.B.10: Misuse of emergency equipment - Unauthorized or inappropriate use of equipment for fighting fires, treating injuries, or otherwise addressing emergencies.

1.B.11: Possession of weapons - Unauthorized possession of weapons including but not limited to firearms, dangerous chemicals, explosives, swords, and illegal knives.

1.B.12: Sexual assault, harassment, or misconduct - Unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature, especially when this behavior creates an intimidating, coercive, hostile or offensive environment.

1.B.13: Falsifying records - Unauthorized alteration, or attempted alteration, of CMI records or provision of false or misleading information on College forms or documents.

1.B.14: Unauthorized use of IDs or logins - Use of another person's College ID or login credentials, or allowing another person to use an ID or login credentials.

1.B.15: Misuse or abuse of technology - Unauthorized use or misuse of any computer, computer system, service, program data, network, or communication network, including but not limited to cyberbullying, sharing illegal or pornographic materials, and hacking.

1.B.16: Aiding and abetting - Assisting, hiring, or encouraging another person to engage in any Level 1 Violation, or helping an individual to hide or disguise a Level 1 Violation.

1.B.17: Repeated violations - Any Level 2 Violation committed on multiple occasions or while on probation.

1.B.18: Level 2 violations compounded by Intoxication - Any Level 2 Violation (other than 2.2: Possession of controlled substances or alcohol) committed while intoxicated.

Level 2 Violations

A student found to have committed any of the following violations may be subject to a maximum sanction of disciplinary probation.

2.1: Possession of stolen property - Possession of stolen property that rightfully belongs to the College or any individual.

2.2: Possession of controlled substances or alcohol - Possession or use of intoxicating substances on campus, including but not limited to prescription drugs without appropriate authorization, barbiturates, hallucinogens, amphetamines, cocaine, opium, heroin, alcohol, and betel nut.

2.3: Violation of criminal law - Any violation of criminal law not specified above.

2.4: Aiding and abetting - Assisting, hiring, or encouraging another person to engage in any Level 2 Violation, or helping an individual to hide or disguise a Level 2 Violation.

2.5: Repeated violations - Any Level 3 Violation committed on multiple occasions or while on probation.

2.6: Level 3 Violation Compounded by Intoxication - Any Level 3 Violation committed while intoxicated.

Level 3 Violations

A student found to have engaged in any of the following violations may be subject to a maximum sanction of loss of privileges as described under Board Policy 349.05.

3.1: Littering - Disposing of waste in an improper or inappropriate manner.

3.2: Violation of College residence hall rules - Violation of any clause in the residence halls contract not listed above.

3.3: Violation of College rules or policies - Violation of any CMI rules or policies not listed above, or of any program or service specific rules not listed above.

3.4: Aiding and abetting - Assisting, hiring, or encouraging another person to engage in any Level 3 Violation, or helping an individual to hide or disguise a Level 3 Violation.

II. Sanctions

The following sanctions may be imposed upon students who violate the student conduct code:

1. Expulsion. Expulsion is the immediate, permanent, and involuntary termination of student status at the College. An expelled student may receive “W” or “F” grades in their courses, depending on the timing of the expulsion. A resident student who is expelled from the College will also be evicted and permanently removed from the residence halls. No expelled student will receive refunds of tuition and fees as a result of the expulsion.
2. Disciplinary suspension. Suspension is the immediate and involuntary termination of student status at the College for a specified period of time. Suspension may include specific requirements for return to student status. A suspended student may receive “W” or “F” grades in their courses, depending on the timing of the suspension. A resident student who is suspended from the College will also be evicted and permanently removed from the residence halls. No suspended student will receive refunds of tuition and fees as a result of the suspension.
3. Disciplinary probation. A student on disciplinary probation may continue to attend the College so long as they continue to comply with all requirements of the probation. The terms of probation may include loss of privileges, restitution, and restorative/education sanctions. A student on probation is not typically eligible to represent the College in any official capacity, including serving as a Student Body Association officer, participating in a College committee, or serving as a Student Ambassador or Peer Tutor.
4. Eviction from College housing. Eviction from College housing may be imposed as a discrete penalty for violations of the student conduct code that occur in the residence halls, relate specifically to the student’s status as a resident student, or that present a threat to the health, safety, and security of other resident students. Evicted students will be given a move out date and will not be allowed to participate in any residence hall activities or visit the residence halls after

eviction. Housing fees will not be refunded, and the student may be charged for any damages to the room. Depending on the severity of the violation and whether it is a repeated offense, they may be given a timeframe after which they can reapply for the residence halls.

5. Loss of privileges. Access to specific College privileges may be withdrawn for a specified period of time. These privileges may include, but are not limited to, participation in campus events, co-curricular activities, access to the wireless network, and use of facilities such as the fitness center or student lounge. There may be additional conditions for restoration of privileges.
6. Restitution. Restitution is repayment for damage, theft, or loss of property. Restitution may involve a dollar amount or designated service hours.
7. Restorative/Educational sanctions. Restorative or educational sanctions are intended to correct damaging patterns of behavior and help students build a healthy relationship with the community. Educational sanctions in particular help the student to understand why the violation they engaged in is harmful either to themselves or to others. These sanctions may include, but are by no means limited to counseling, participation in workshops or community events, assigned research on a relevant topic, written assignments, and community service.

Statements of Elaboration of Policy

1. Student Disciplinary Hearings

The Dean of Student Success is responsible for holding hearings to determine the guilt of a student accused or suspected of violating the student conduct code and, if the student is found guilty, to determine the appropriate sanction(s). If a student has admitted to the conduct or been found guilty in a court of law, the hearing will only address the sanctions. Level 3 Violations will usually be addressed through an informal hearing involving the student and the Dean of Student Success or designee. Level 1 and 2 Violations based on a student complaint against another student may be handled through an informal hearing or mediation session if all parties agree. Otherwise, Level 2 Violations shall be handled through a formal hearing involving the student and the Dean of Student Success or designee. Level 1 Violations shall be heard by a five-person panel chaired by the Dean of Student Success. All hearings must comply with legal and regulatory requirements, including Title IX rules where relevant. An accused student has the right to an advisor. When the disciplinary proceedings result from another student's complaint, the complainant also has the right to an advisor. Advisors must be provided by the College if the students do not have their own.

2. Interim Sanctions

An interim suspension or loss of privileges may be imposed temporarily during investigation of an alleged or suspected Level 1 violation of the student conduct code. The primary reason for imposing temporary sanctions is to ensure the health, safety, and security of the College and all members of the College community. Any interim sanctions must be approved by the president.

Interim sanctions shall remain in place until a final decision is made on the complaint. Interim sanctions will not become part of a student's permanent educational record.

3. Right to Appeal

Both accused students and student complainants have the right to appeal the outcome of a hearing. Appeals must introduce new evidence not raised at the hearing or address a procedural issue to be considered valid.

Responsible Officer

The Dean of Student Success is the Chief Disciplinary Officer of the College and is responsible for ensuring that the appropriate policies, procedures, and processes are followed. The Dean of Student Success may delegate responsibilities to other management-level employees with the approval of the Vice President for Academic and Student Affairs.

Key Offices to Contact Regarding the Policy and its Implementation

All personnel are required to report suspected violations of the Student Conduct Code to the Dean of Student Success. Ongoing incidents or incidents that result in injury must immediately be reported to Safety and Security. Safety and Security personnel may remove individuals from campus, contact the police, or otherwise take immediate action to maintain the safety and security of the College and all members of the College community.

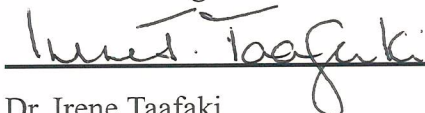
Date of Initial Policy

Recommended by Enrollment Management Committee: October 15, 2020

Recommended by Executive Council: October 21, 2020

Approved by Board of Regents: December 14, 2020

President's Signature:

A handwritten signature in black ink, appearing to read "Irene Taafaki", written over a solid horizontal line.

Dr. Irene Taafaki

Date 12/14/2020