

Missouri Fine Arts Academy Policies and Procedures Manual

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Code of Student Rights and Responsibilities Of the Missouri Fine Arts Academy

A primary goal of the Missouri Fine Arts Academy is to maintain an atmosphere that is conducive to the pursuit of artistic, intellectual and personal growth. The administration, faculty and staff of the Academy are committed to fostering an environment that encourages exploration, interaction and freedom while respecting the rights and safety of each person and the Academy community. Each member must accept the responsibility associated with living and working in the Academy environment and make a special effort to be aware of how their actions affect the Academy community. Students are encouraged to learn responsible decision-making skills, develop an appreciation of community standards, respect individual rights and property, practice good citizenship, and understand the policies of the Academy within the context of a community environment. To these purposes, the Missouri Fine Arts Academy establishes this Code of Student Rights and Responsibilities.

Article I: Student Rights

1.1 The following enumeration of rights shall not be construed to deny or disparage other rights not in conflict with this Code of Student Rights and Responsibilities and retained by students as citizens of the State or of the United States. This Code shall not be construed to conflict with the direction provided by the Missouri Department of Elementary and Secondary Education, Missouri State University, or the Missouri Fine Arts Academy. It shall not be construed, interpreted, nor applied in any manner that would seem detrimental to the privileges, purposes, aims, and goals of the Missouri Fine Arts Academy.

1.2 Federal and State constitutional guarantees of free inquiry, expression, and assembly are specifically restated as guarantees of the Academy.

1.3 Students are free to pursue their educational goals and to have appropriate opportunities for learning in the classroom and on the campus as shall be provided by the Academy and Missouri State University.

1.4 No disciplinary sanctions may be imposed upon any student without following minimal procedural due process, as described in Article VI of this code.

1.5 Discussion and expression of all views relevant to the subject matter are permitted in the classroom, subject only to the responsibility of the instructor to maintain order and a climate conducive to learning within the stated goals and purposes of the Academy.

1.6 Discussion and expression not inconsistent with the laws of the State and the United States, and in the manner, time, and place prescribed by Academy and University policy are permitted at the Academy. Support of any cause by orderly means is permitted, subject to the paramount rights of the Academy and University, the safety and rights of individuals, the protection of property, and the continuity of the educational process.

1.7 Students have limited rights of privacy, which extend to living quarters in residence halls. The following activities shall not be considered to impinge upon such rights of privacy:

- a. Entry into a room to provide maintenance inspections or repair services;
- b. Entry into a room when there is reasonable cause to believe that Academy or University regulations or laws are being violated;
- c. Entry into a room when a student permanently vacates the room;
- d. Search of student rooms by civil authorities in accordance with local, state, or federal laws;
- e. Removal of substances or property in violation of Academy or University policy or law during a routine health or safety inspection;
- f. Removal of substances or property in violation of Academy or University policy or law when in plain view;
- g. Removal of substances or property in violation of University policy or law during a situation when an Academy or University official, in the course of his/her duties, believes an emergency situation exists that poses threat of harm to a member of the Academy or University community or to University property.
- h. Entry into a room to verify student is in compliance with curfew or as otherwise necessary for confirmation of the health and safety of the student.

Students should not expect these limited rights of privacy to extend to computer accounts and electronic mail. The Academy and University reserve the right to access student files and accounts as a part of normal routine tasks and for the purposes of investigating alleged wrongdoing.

1.8 All students shall have the right to have their records protected from unauthorized access by any person without the written consent of the student's parent or legal guardian, except under compulsion by the Department of Elementary and Secondary Education, the Missouri Fine Arts Academy administration, court of law, or as otherwise allowed by state and federal law.

1.9 All students shall have the right to be secure from having their rights infringed upon by Academy administrators, faculty, support staff, or fellow students.

Article II: Student Responsibilities

In joining the Academy community, students voluntarily assume certain responsibilities that are necessary for promoting the welfare of the community. Although no definitive list of responsibilities can ever be developed, the following represent the main responsibilities students assume by becoming members of the Academy community.

2.1 Integrity and honesty are the foundation of the Academy community. Students are expected to practice academic, artistic, and personal integrity at all times, and to be honest in all interactions with other students, faculty, and staff.

2.2 The Academy has the inherent right to promulgate appropriate rules and regulations for the orderly conduct of Academy business and the protection of the health and safety of the Academy community. Students are expected to comply with all published and stated rules and regulations.

2.3 Members of the faculty and staff have the authority to properly direct student conduct in concert with the authority stated above. Students are expected to comply with directives of Academy and University officials who are acting in performance of their duties. Students must comply with directives even when they disagree with the directives. A student retains the right to appeal an issued directive through the administrative structure that exists for the faculty or staff member who issued the directive, through established policies.

2.4 The Academy community is made up of members with diverse cultural, ethnic, and economic backgrounds. Students are expected to respect the right to freedom of expression and to treat all members of the Academy and University communities in a civil manner.

2.5 The campus and its grounds, facilities, and equipment are provided largely by the people of the State of Missouri, and funding for the Missouri Fine Arts Academy is provided by an appropriation from the State of Missouri. Students are expected to protect and guard these resources.

2.6 Individual compliance with Academy rules and regulations can only partially ensure a safe and orderly environment. Being a responsible member of the community also implies encouraging behaviors in others that are consistent with these rights and responsibilities, discouraging behaviors which are inconsistent, and taking positive action in the face of violations. Minimally, students are expected to report violations of which they have knowledge.

2.7 The welfare of our students is of the highest importance to the Missouri Fine Arts Academy. To that end, the Academy wants to minimize any hesitation that students might have in obtaining help due to concern that their own behavior might be a violation of Academy policy. While policy violations cannot be overlooked, the Academy administration will take into consideration the positive impact of reporting an incident on the welfare of students when determining the appropriate response for policy violations by the reporter of the incident. Any possible negative consequences for the reporter of the problem should be weighed against the possible negative consequences for the student who needs intervention. At a minimum, the Academy administration encourages anonymous reports made for the safety or welfare of any at-risk student.

2.8 Academy students are expected to attend all Academy classes, presentations, assemblies and all other activities unless an activity is specifically designated as optional. Being present and on time for all Academy activities is the responsibility of each student.

2.9 Academy faculty or staff have original jurisdiction over Academy classes or activities for which they are responsible, and may dismiss and/or initiate disciplinary procedures against students for disruption of those activities. The student is expected to comply with all reasonable directives of Academy personnel.

Article III: Authority and Jurisdiction

3.1 The State of Missouri has delegated authority for the governance of the Missouri Fine Arts Academy to the Department of Elementary and Secondary Education under whose auspices the Missouri Fine Arts Academy functions. This includes full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students while attending the Academy, the authority to enforce obedience to those rules and regulations, and to delegate disciplinary authority.

3.2 Generally, jurisdiction and discipline shall be limited to conduct that occurs on University premises or which adversely affects the Academy or University community and/or the pursuit of their objectives.

3.3 Each student shall be responsible for his/her conduct from the time of arriving for registration through departure after the conclusion of the Academy's closing convocation.

Article IV: Proscribed Conduct

The Academy cannot develop a list of acts of misconduct that can accurately describe or anticipate every possible act of a student. The authority to determine if a specific act is subject to disciplinary sanction shall be left to the discretion of the Missouri Fine Arts Academy administration.

The following acts of misconduct are considered major violations of the code and are subject to the sanctions of Article 7.1:

4.1 Violation of federal, state, or local laws and ordinances on University premises or at Academy-sponsored or -supervised activities.

4.2 Use, possession, or distribution of narcotic or other controlled substances or drug paraphernalia except as expressly permitted by law.

4.3 Use, possession, or distribution of alcoholic beverages.

4.4 Use, possession or distribution of tobacco products.

4.5 Use, possession or distribution of firearms or other weapons, explosives, or fireworks on University premises or at Academy-sponsored or -supervised activities. Weapons include any object so designed or adapted to be capable of inflicting injury or taking a human life, including blackjacks, stun guns, pellet guns, dart guns, darts, paint guns, bows and arrows, slingshots, metal knuckles or knives with a blade over two inches in length (including pocket, hunting, and collectible knives).

The following acts of misconduct are subject to the sanctions of article 7.2:

4.6 Tampering with fire alarms, extinguishers, and/or other safety equipment, including:

- a. Intentionally sounding of a false alarm;
- b. Pushing card-accessed emergency release buttons;
- c. Sounding emergency exit alarms;
- d. Making false emergency calls;
- e. Attempting to ignite and/or the action of igniting a substance on fire;
- f. Issuing a bomb threat;
- g. Constructing mock explosive devices;
- h. Tampering with, destroying, and/or possession of fire equipment, emergency signs, and sprinklers.

4.7 Attempted or actual theft of and/or damage to property of:

- a. The Missouri Fine Arts Academy or member of the Academy community;
- b. Missouri State University or property of a member of the University community;
- c. Other personal or public property.

4.8 Attempted or actual theft of, use or attempted use of credit cards, student identification cards, access cards, telephone cards, and/or personal checks including forgery, alteration, or misrepresentation of any form of identification.

4.9 Theft or other abuse of computer time, including but not limited to:

- a. Unauthorized entry into a file to use, read, alter, transfer, or for any other purpose;
- b. Unauthorized use of another individual's identification and password;
- c. Use of computing facilities to interfere with the work of Academy or University personnel, or to interfere with normal operation of the university computing system;
- d. Use of computing facilities to send obscene or abusive messages;
- e. Violation of the University's computer use policies.

4.10 Unauthorized entry to or use of Academy and/or University premises, including but not limited to:

- a. Entry to any University building unless specifically designated for student use by the Academy administration;
- b. Unauthorized possession or use of keys to any premises;
- c. Loaning or giving keys and/or access card to another person;
- d. Tailgating or allowing someone else to tailgate through a card accessed door;
- e. Entering/exiting emergency exit doors when alarmed.

4.11 Forgery, alteration, or misuse of any Academy document, record, or instrument of identification.

4.12 Failure to comply with directions of Academy or University officials, or law enforcement officers acting in performance of their duties.

4.13 Failure to identify oneself or furnishing false information to any Academy or University officials, or law enforcement officers, when requested to do so.

4.14 Disorderly conduct toward or harassment of any person, including but not limited to:

- a. Physical harm or abuse, or threat of physical harm;
- b. Intentional reckless, dangerous, or negligent behavior;
- c. Verbal abuse, threats, intimidation, or coercion;
- e. Disruptive or offensive behavior; lewd, indecent, or obscene conduct, dress, or written or verbal communication;
- f. Sexual offenses including, but not limited to, involvement in any sexual act or sexual contact with another person with or without the consent of the other person;
- g. Harassment, including sexual harassment, acts or communications (including phone and email) that are intended to intimidate or humiliate any person;
- h. Unauthorized video recording or photographing of any person in a location in which that person has a reasonable expectation of privacy, including, but not limited to, shower/locker rooms, residence hall rooms, and men's or women's restrooms. Also prohibited are the storing, sharing, and/or other distribution of such unauthorized images by any means.

4.15 Participation in any activity that:

- a. Disrupts the normal operations of the Academy or University and infringes on the rights of the Academy or University community;
- b. Leads or incites others to disrupt scheduled and/or normal activities within any campus building or area;
- c. Intentionally obstructs either pedestrian or vehicular freedom of movement on campus.

Article V: Prescribed Conduct

Students are expected to conduct themselves in a manner consistent with the ideals and goals of the Academy. Deviations from the standards of prescribed conduct described below are subject to the sanctions of Article 7.2. Students must:

5.1 Wear their Academy nametag at all times that it ensures the safety of the Academy community and the secure functioning of Academy activities.

5.2 Be present and on time for all mandatory Academy activities, including classes, meetings, and events.

5.3 Participate fully and appropriately in all Academy classes and other activities.

5.4 Remain within campus boundaries at all times unless accompanied by an Academy official or released from the Academy through prior agreement with an Academy administrator.

5.5 Remain in the Academy dormitory or on its grounds after dark unless accompanied by an Academy official.

5.6 Refrain from inviting visitors to campus and from fraternizing or otherwise interacting with non-Academy individuals.

5.7 Comply with all house rules regarding curfew, lights-out, and dormitory visitation.

5.8 Conduct themselves in a manner consistent with this code and the ideals and goals of the Missouri Fine Arts Academy.

Article VI: Judicial Policies

6.1 Administrators, faculty and Resident Assistants of the Missouri Fine Arts Academy are required to confront violations of Academy policy and respond according to the policies and procedures of the Missouri Fine Arts Academy.

6.2 Prescribed conduct infractions (see Article V) are often resolved without the filing of an incident report. If determined necessary by the Academy official, an incident report will be filed as soon as is reasonably possible with the office of the director of the Missouri Fine Arts Academy.

6.3 Students cited in an incident report for an alleged violation of policy are required to meet as soon as is reasonably possible with an Academy administrator.

6.4 If the Academy administrator determines that a violation of the Code or of the Safety and Security Procedures has been violated, sanctions will be imposed as outlined in Article VII below.

Article VII: Sanctions

If an Academy administrator determines that a violation of the Code or of the Safety and Security Procedures has been violated:

7.1 For acts proscribed in Articles 4.1 through 4.5 of this Code, the mandatory sanction is immediate dismissal from the Academy. The student's parent/legal guardian will be notified and required to transport the student from the Academy and campus of Missouri State University within 24 hours of the notification of dismissal.

7.2 For infractions (including violations of the Safety and Security Procedures) other than acts proscribed in Articles 4.1 through 4.5, sanctions may include, but not be limited to, a verbal warning and/or dismissal from the Academy. In addition or alternatively, students may be referred to the Academy counselor, and/or the custodial parent may be notified.

7.3 The Academy administration may seek restitution or monetary compensation for loss, damage, or injury resulting from violations of this Code.

7.4 In the event a student is dismissed from the Academy, the student's school will be notified of the dismissal.

Article VIII: Interpretation and Revision

8.1 Any question of interpretation regarding the Code shall be referred to the Missouri Fine Arts Academy administration.

8.2 The Code should be reviewed periodically under the direction of the Academy administration.

8.3 Changes in the Code that are editorial in nature and do not affect the fundamental nature of the document, or are required to ensure the code is consistent with state or federal law, can be made by the Academy administration and become effective upon approval by the Department of Elementary and Secondary Education and Missouri State University.

8.4 Substantive changes recommended for the Code because of the review process shall be submitted to the Department of Elementary and Secondary Education and Missouri State University for approval and adoption.

Article IX: Definition of Terms

9.1 The term “Code” refers to the Code of Student Rights and Responsibilities.

9.2 The term “policy” is defined as the written regulations of the Academy as found in this Code and/or other Academy or University handbooks or publications.

9.3 The term “Academy” means the Missouri Fine Arts Academy.

9.4 The term “Academy official” includes any person employed by the Academy performing assigned administrative or professional responsibilities. This term specifically includes Resident Assistants.

9.5 The term “Academy administrator” refers to the Director or Coordinator of the Missouri Fine Arts Academy.

9.6 The term “member of the Academy community” includes any person who is a student, faculty member, Resident Assistant, Academy administrator, or any guest of the Missouri Fine Arts Academy as designated by the Academy administration. An Academy administrator shall determine a person’s status in a particular situation.

9.7 The terms “may” and “should” are used in the permissive sense.

9.8 The terms “must” and “shall” are used in the imperative sense.

9.9 The term “consent” is defined in the following manner: consent or lack of consent may be expressed or implied. Acquiescence does not necessarily constitute consent. Further, consent cannot be construed if:

- a. It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
- b. It is given by a person who because of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- c. It is induced by force, duress, or deception.

9.10 The term “explosive weapons” means any explosive, incendiary, or poison gas bomb or similar device designated or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

9.11 The term “firearms” means any weapon that is designed or adapted to expel a projectile by the action of an explosive.

9.12 The term “other weapons” is to include, but not be limited to, a blackjack, switchblade knife, other than an ordinary pocketknife with no blade more than

two inches in length, brass knuckles, and projectile weapon such as a bow, crossbow, pellet gun, or slingshot.

9.13 The term “paraphernalia” includes any object that contains the residue of alcohol or of an illegal drug and any object that is used in the consumption or distribution of an illegal drug.

Examples of the former include, but are not limited to a marijuana pipe or bong, blow tube, a beer bong, and empty alcoholic containers. An example of the latter is a scale used in measuring quantities of an illegal drug.

9.14 The term “university” means Missouri State University.

9.15 The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Missouri State University.

Safety and Security Procedures

It is a primary aim of the Missouri Fine Arts Academy to ensure the safety and wellbeing of all members of the Academy community. The Academy administration therefore adopts the following Safety and Security Procedures.

I. Student illness or injury

Any student who becomes ill or is injured must report that illness or injury to an Academy official immediately. In every case of student illness or injury, the Academy office and/or Academy administrator shall be notified as soon as is reasonably possible and an incident report filed with the office. The Academy nurse will evaluate the student's illness or injury and treat the student or refer the student to Taylor Health Center or other local health care provider. Parents/guardians are responsible for all costs incurred at Taylor Health Center or other health care providers.) At times when there is no nurse on duty, the Academy administrator on duty will use her best judgment to determine the best course for diagnosis and treatment of the student's illness or injury.

To ensure the Academy administration is aware of each student's current medical health and history, each student's parent/guardian must complete and return the Emergency Medical form before the student can be admitted to the Academy. Any changes in this information must be reported during registration. Parents/guardians of students who will need specific medical treatment (such as allergy shots, insulin injections, etc.), are required to contact the Taylor Health and Wellness Center at 417-836-4400 prior to registration to: 1) arrange for such medical treatment; 2) to fax a written prescription from the student's physician; and 3) to arrange for delivery of medication.

Appropriate authorizations and instructions for all medications must be arranged prior to registration for the Academy. The Missouri Fine Arts Academy office keeps only medication that a doctor has indicated may not be self-administered; students are responsible for self-administered medications.

II. Student missing

In every case of a student missing from any Academy class, activity, or meeting the Academy office and/or Academy administrator shall be notified as soon as is reasonably possible and an incident report filed with the office. Any Academy officials available will be expected to participate in a search for the missing student. If deemed necessary by the Academy administrator, the Safety and Security Office of Missouri State University or other law enforcement agencies may be contacted to assist in the search. Students deliberately or willfully absent from the Academy, found in restricted areas, or outside designated campus boundaries are subject to disciplinary sanctions as outlined in Article VI of the Student Code of Rights and Responsibilities.

III. Physical threat or harassment

Students must immediately report any physical threat or harassment to an Academy official. In every case of a physical threat or harassment the Academy office and/or Academy administrator shall be notified as soon as is reasonably possible and an incident report filed with the office. Academy officials will use their best judgment in assessing the threat and alert the Safety and Security Office of Missouri State University and/or other law enforcement agencies.

IV. Storm warnings and other emergencies

Evacuation and emergency procedures are published in the Missouri Fine Arts Academy Handbook that every member of the Academy community will receive after arriving on campus. In addition, evacuation procedures for specific buildings and classrooms will be posted on the inside and outside of the doors of all campus facilities used by the Academy. Academy officials are aware of evacuation and emergency procedures and will direct the response to any emergency or evacuation.

V. Student nametag

During registration for the Academy, each member of the Academy community is issued a nametag. This identification is crucial to the safety of each Academy member and contributes to the security of the Academy community. The reverse side of the nametag provides emergency phone numbers for the Academy. Students are expected to wear their nametags at all times that they fulfill their purpose of ensuring the safety and security of individuals or the Academy community.

Missouri State University Declarations

Nondiscrimination Policy

Missouri State University is a community of people with respect for diversity. The University emphasizes the dignity and equality common to all persons and adheres to a strict nondiscrimination policy regarding the treatment of individual faculty, staff, and students. In accord with federal law and applicable Missouri statutes, the University does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, age, disability, or veteran status in employment or in any program or activity offered or sponsored by the University. In addition, the University does not discriminate on any basis (including, but not limited to, political affiliation and sexual orientation) not related to the applicable educational requirements for students or the applicable job requirements for employees.

This policy shall not be interpreted in a manner as to violate the legal rights of religious organizations or military organizations associated with the Armed Forces of the United States of America.

The University maintains a grievance procedure incorporating due process available to any person who believes he or she has been discriminated against. Missouri State University is an Equal Opportunity/Affirmative Action employer. Inquiries concerning the grievance procedure, Affirmative Action Plan, or compliance with federal and state laws and guidelines should be addressed to Jana Estergard, Equal Opportunity Officer, Sicheluff Hall 296, 901 South National, Springfield, Missouri 65897, (417) 836-4252.

Declaration of Principles

The community of scholars that is Missouri State University is committed to developing educated persons. It is believed that educated persons will accept responsibility to act in accordance with the following principles:

- I. Practicing personal and academic integrity.
- II. Being a full participant in the educational process, and respecting the right of all to contribute to the "Marketplace of Ideas."
- III. Treating all persons with civility, while understanding that tolerating an idea is not the same as supporting it.
- IV. Being a steward of the shared resources of the community of scholars.

Choosing to accept these principles suggests that each participant of the community refrains from and discourages behavior that threatens the freedom and respect each member deserves.