The Constitution of the Montgomery Bell Academy Honor System

Montgomery Bell Academy
Nashville, Tennessee
Effective:

I. Preamble

In the pursuit of the ideals of Montgomery Bell Academy, the student body acknowledges and appreciates the necessity of a common foundation among members of the community. That common foundation shall derive unilaterally from an omnipresent commitment to truth shared by all members. For communal progress and self-betterment, noble standards of personal integrity and intellectual honor must be highly valued. Individuals must trust and respect others while promoting equitable treatment. Articulating, guarding, and maintaining these ideals constitute the shared responsibility of all members of the M.B.A. community. The students of M.B.A. endorse the Honor System with the single mission of accomplishing the goals listed above, in full belief that its implementation, adoption, and fervent promotion will yield the greatest happiness of all individuals who accept it as a fundamental necessity.

II. History and Function

In 1945 the M.B.A. student body adopted the Honor System. The purpose of the Honor Council is to promote a strong sense of honor and integrity among the students and to discourage lying, cheating, stealing, and falsifying information. The Honor System does not cover matters of ordinary discipline such as the breaking of rules and regulations as stated in the Student Handbook.

III. Premises. This Constitution, including the Honor Code and the written means for its enforcement, is adopted and based on the following premises:

1. Student Commitment. Honor, integrity, responsibility, self-respect, and respect for others are the core values of the school. These expectations are to be represented by all students at all times. These ideals are the embodiment of the Honor Code, which is set forth by this document. All members of the M.B.A. community will strive to attain a solid foundation of morality and human decency knowing that without honor and integrity our accomplishments are meaningless. Students are to sign a contract on registration that will be a written statement indicating that each student consents to follow the rules set forth by this Constitution. Enrollment in Montgomery Bell Academy, by the nature of contract, binds that person to abide by the moral principles set forth by the school and this document.
2. **Faculty Commitment.** The faculty of Montgomery Bell Academy, in order to ensure the best possible education of its students, must at all times represent the spirit of the Honor Code. The faculty is not only responsible for educating its students on the importance of honor, but also expected to endorse the Honor System with full knowledge of the Honor Council, its functions, and its proceedings. Faculty members are expected to turn in all violations of the Honor Code into the Honor Council. If the Honor Council deems the case unworthy of an Official Hearing, the faculty member may deal with the issue appropriately as he or she sees fit. These punishments may include but are not limited to: the student receiving a zero percent on an assignment, demerits, or restricted privileges as deemed fair by the administration. A Faculty member is allowed to have an classroom Honor Policy that allows some items from this Constitution to be void in his or her issued assignments or graded work. Employment by Montgomery Bell Academy, by the nature of contract, binds that person to abide by the moral principles set forth by the school and this document.

3. **Headmaster’s Responsibilities.** The Headmaster remains responsible for upholding or vetoing any Honor Council decision. The Headmaster is obligated to exemplify the moral ideals of the school in order to serve as an example for the student body. He has the obligation to endorse the Honor Code and to promote awareness of the Honor Code and honorable living through action, speech, example, and representation.

IV. **Apportion of Responsibility between Students, Faculty, and Staff.**

In order to ensure the effective and relevant function of this document and the Honor System, the responsibilities and duties of each student and faculty member are stated in Section III Articles 1 and 2. These responsibilities are the minimum that is expected of each student. In the event that a student, faculty, or staff member does not live up to the stated standard, or does not acknowledge this ideology as his or her standard, does not mean that he or she is exempt from full punishment as stated in this document. These circumstances also do not mean that he or she is excused from complying from such requirements or other requirements set forth by the institution.

V. **Membership.**
The Honor Council is to consist of 12 members including 4 senior representatives, 3 junior representatives, 2 sophomore representatives, 2 freshman representatives, and 1 Eighth Grade representative. The total members on the Honor Council shall never exceed 12 unless circumstances deem it necessary to add new members. These representatives are to be elected in the spring of each academic year.
Each member-elect will become an active member of the Honor Council upon graduation of the current senior class, residing over any cases that occur during the summer school or any M.B.A. sanction summer activities and the upcoming academic year.

A. Voting
Voting is to occur by electronic or paper ballot done by each candidate’s respective class. The ballots are to then be totaled up by current Honor Council members or a faculty or staff member. The top 4 seniors receiving votes, the top 3 juniors receiving votes, the top 2 sophomores, 2 freshmen, and 1 eighth grader will earn positions on the next year’s Honor Council.

B. Appointment and Qualification
Any student who receives a maximum sanction of warning in a previous honor offense is still thereby eligible to run for the Honor Council. However, any student who has received a first level punishment must have a minimum of a 2-year waiting period before being eligible to run for the Honor Council. Any student with an Honor Council record that is greater than a first level punishment is no longer eligible to run for the Honor Council under any circumstances. Any student wishing to run who has been found guilty of a discipline violation must be approved to run by the Honor Council Faculty Sponsor.

C. Officer Elections
Honor Council officers are to be elected by the Honor Council senior members. In the event that multiple parties are interested in the same officer position, the matter shall be resolved by a vote of the current members of the Council. A simple majority is needed to secure the particular office for that member. In the event that the vote is split, the Honor Council Faculty Sponsor will decide the office for each representative.

D. Dismissal from the Honor Council
Any Honor Council member who is caught and found guilty of a discipline infraction by the M.B.A. Discipline Committee or by the M.B.A. Honor Council is to be dismissed from his position on the Honor Council. In the event that multiple members are dismissed, emergency elections are to be held in each previous member’s class to fill the number of representative’s positions that need to be filled. However, if the number of students dismissed from the council keeps the total member number above the number of members required for
an Official Hearing, no action need be taken. Any officer that is dismissed from the council will have his position filled by a current member of the Honor Council as voted on by the current council. This voting process will allow members of all grade levels to be considered. The vote to induct a current member into the available position need only be won by majority.

VI. Roles of Elected Officers

A. The President is the chief residing member of the Montgomery Bell Academy Honor Council. The president has the power to:

1. Call Meetings. The Honor Council and Faculty Sponsor can be called to meet upon the president’s request.

2. Approve or Deny Cases. The president shall have the power to explore the details and evidence of each potential case and to make a judgment as to whether a pending case is worthy to be brought forth to the Honor Council. The president will also have the ability to explore potential cases further through examining witnesses and gathering any necessary information needed to make an accurate assessment of the case for consideration.

3. Delegate Responsibility. The president shall have the ability to delegate responsibility to his fellow officers or any member he sees fit. These responsibilities include, but are not limited to:

   a. Writing Letters to be Delivered to the home(s) of the accused’s parents and/or guardian of the accused.

   b. Gathering Information to help clarify the case for all of the members, the Faculty Sponsor, and the accused.

   c. Inculcation of the Accused by speaking during the Official Hearing in order to educate the accused about the Honor Council, the accused’s case, expectations of a student at Montgomery Bell Academy, or the ruling itself.

B. The Vice-President is the second-in-command officer who will have the responsibility of overseeing each case alongside of the president. The Vice-President shall reside over cases in the absence of the President. The Vice-President has all of the same powers expressed by the President as outlined in Section VI Article 3 in absence of the President.
C. **The Attorney General** will be primarily responsible for knowledge of the Honor Council, its presidings, and the Honor Code. The Attorney General will also be responsible for working with the President to determine if cases are eligible to have Official Hearings. The Attorney General’s main responsibility is to be well-versed in this document and the procedure of the Honor Council. The Attorney General will cite each infraction of the Honor Code during a case from this document and be the primary consultant of all matters concerning this *Constitution*, its interpretation, and the Honor Council proceedings.

D. **The Secretary** has the primary responsibility of taking minutes and recording them in The Book (Article VIII C). The Secretary has the right to take the minutes through whatever means necessary to take accurate record of the proceedings. The Secretary may take notes through a recording device only upon the consent of the accused.

VII. **Role of Faculty in an Official Honor Case**

A. **The Faculty Sponsor.** The Honor Council Faculty Sponsor will be the primary faculty liaison between the Honor Council, the students, and the faculty. The Faculty Sponsor is to be knowledgeable in the Honor Council *Constitution* and is to address any appropriate questions from students or faculty concerning the Honor Council, procedures, and potential cases. The Faculty Sponsor will also serve to guide the elected Honor Council members if the Honor Council is expressing action out of bounds as defined by this document or wishes to seek counsel from the Faculty Advisor. The Faculty Sponsor’s first priority is to support and to serve the members of the Honor Council in order to encourage the pursuit of justice, fairness, and equality.

B. **Faculty Accuser.** A Faculty member presenting an official Honor Council case is responsible for securing the primary evidence of the case. Presenting a case allows the faculty member to be questioned by the Honor Council in order to gain a more clear perspective of the case at hand.

C. **Faculty Advisor.** The accused student’s faculty advisor is to accompany the student to the Honor Council Hearing and answer any questions the Council has about the student or the case being tried. The faculty advisor is to answer questions the accused has that he would otherwise not ask the Council, as well as serving to make sure the accused is aware of his rights and the procedures laid forth by this *Constitution*. The faculty advisor may also be called in by the Honor Council to answer questions the Council has about the case.
VIII. Procedures

A. Reporting Offenses – The Honor Council will meet when a member of the student body, faculty, or staff reports a violation of the Honor Code. Reports of offenses may be brought to the attention of the Honor Council by communication with the Honor Council Faculty Sponsor or any current Honor Council member. Once a report has been made, the Honor Council and Faculty Sponsor will determine what action to take, including but not limited to a Hearing or an informal meeting. If a Hearing is deemed necessary, the President will notify the reporting party, the accused student, the student’s advisor, the Honor Council Faculty Sponsor, and any other concerned parties of the date, time, and location of the Hearing.

B. Honor Council Hearings – The Honor Council will meet at a predetermined time and private location. The accused student and his Faculty Advisor will have been notified of these details in advance of the Hearing. The reporting party will present the case to the Honor Council, including any evidence, and the Council will ask any clarifying questions. The reporting party is then free to leave. The Honor Council will then hear from the accused student, present the case to him, and ask any clarifying questions. The Council will take a recess to discuss the case, determine any further questions, or if no more questions exist, determine a verdict and sanction. The Honor Council is not required to deliver a verdict on the day of the Hearing. However, the Council is obligated to deliver a verdict within two weeks after the most recent recess of the Honor Council. After the recess, the Council will either have further discussion with the student or, if sufficient information had already been presented to enable rendering a verdict and the Council has done so, present the verdict to the student. At this time the student will be informed of any resulting action that he or the Council will need to take after the Hearing. In the event of recommendation for expulsion, the Headmaster will be consulted, call in the accused, and make a final decision. The Headmaster may take as much time as he sees fit to deliver a final verdict.

C. Honor Council Book – After the completion of the Hearing, the Secretary will transfer his notes from the Hearing into the Honor Council book. The book is to be stored and protected for confidentiality in a locked cabinet or container. A thorough summary of the Hearing is essential for record keeping purposes and should include the student(s) involved, reporting party, advisor, verdict, and sanctions.
D. Letters to be Delivered Home – The President is to send a letter to the home(s) of the student’s parent(s) after a Hearing explaining the offense, Hearing, sanction, and any other pertinent information. In cases of Negligence a letter may or may not be sent, by the discretion of the President and Faculty Advisor.

IX. The Pledge

A. Pledged Work – All assignments, tests, quizzes, and homeworks, graded or ungraded, completed by students shall be pledged and signed unless otherwise instructed by a faculty member. The pledge indicates that the student has not engaged in any activity prohibited by this Constitution.

B. The Pledge Shall Read:

On my honor, as a gentleman, I have neither given nor received aid on this work.

C. Signing the Pledge – Signing the pledge is a written contract stating that the Honor Code has not been broken while the assignment was completed. If a student signs the pledge and has broken the Honor Code, he is in violation of the Honor Code and may be brought before the Honor Council.

X. Offenses under the Honor Code

A. Responsibilities of the Student. It shall be the responsibility of every student at Montgomery Bell Academy to:

1. Obey and support the enforcement and application of the M.B.A. Honor Code.
2. Act at all times with the utmost integrity that best represents himself and the school.
3. Refrain from lying, cheating, stealing, falsifying information, and deception.
4. Act in such a way that does not inhibit or falsely represent his learning or the learning of those around him.
5. Never give an unfair advantage to himself or any other student at M.B.A.

Offenses under the M.B.A. Honor System Constitution shall be set forth in Section IX. However, an Honor Offense that is not laid out specifically in these guidelines may be brought forth with specific citation of a violation as specified in this document or a Faculty member’s classroom Honor Policy.
B. **Academic Dishonesty.** It shall be the duty of all students at Montgomery Bell Academy to act with the utmost integrity at all times and refrain from academic dishonesty, including:

1. **Plagiarism** in the form of direct or deliberate reproduction or representation of another’s thoughts, ideas, words, concepts, or phrasing, whether graded or otherwise, without attribution to the author or citation reflecting the use or material that is not one’s own.

2. **Illegal Use of Internet Sources** in the form of direct or deliberate attempt to use an online source to translate words, phrases, conjugations, sentences, or any grammatical construction of any kind from one language to another and present the use of the source as one’s own work.

3. **Direct Copying or Cheating** from another student or teacher's work by looking at another student’s paper, taking materials from a teacher, or using any sort of unauthorized aid to help a student arrive at production of material.

4. **Lying** by not telling the truth or not being forthright with a teacher or student when confronted about a particular issue. Being evasive, vague, or inexplicit all constitute lying in the attempt to deliberately deceive another.

5. **Unauthorized discussion, collaboration, or sharing of information** with academic work with the attempt to extract information, share information, or collaborate to gain information unless otherwise instructed to.

6. **Technology** with the attempt to extract information from a computer, smartphone, cellular phone, PDA, or any other electronic device. If a device is discovered in plain sight in possession of a student while a test or quiz is being conducted, the teacher retains the right to assume the device is being used to cheat unless the accused is able to prove otherwise or has a valid excuse.

7. **Forgery** in the form of falsification or signature on a school sanctioned document.

8. **Unauthorized assistance to another student** or to engage in or attempt to engage in academic dishonesty prohibited by Section IX.

9. **Deliberately Missing an Honor Council Sanctioned Hearing** without a valid excuse as deemed legitimate by the Honor Council, the student’s Faculty Sponsor, or the Honor Council Faculty Sponsor. In the event that a student deliberately misses an Honor Council sanctioned Hearing, that
student’s punishment may be increased by one level if the Honor Council deems it so fair.

XI. Punishments and Sanctions

A. Inculcation – In keeping with Montgomery Bell Academy’s fundamental goal, students who violate this Honor Code ought to learn from their mistakes. When possible, sanctions should aim to educate the individual in question, while being appropriately punitive to discourage dishonest action, both in the first case and in the future. Therein, the imposition of sanctions should concern the communal interests of students, faculty, staff, and the greater M.B.A. community.

B. Relevance – When deliberating among possible sanctions provided for by this Constitution, the Honor Council should consider four types of relevant factors:

1. The Gravity of the Offense including the consequences for any members of the M.B.A. community and any recurring patterns of behavior.
2. The Value of Learning through experience to take responsibility for one’s actions and to adopt the tenets of personal integrity.
3. The Importance of Equitable Treatment for similar offenses.
4. Any Other Mitigating Factors that need to be considered to impose a just sanction in the best interest of the whole of the community.

C. Available Rulings and Punishments – All subsequent offenses after the first, with the possible exception of Negligence, will result in at least the next serious punishment. In all cases, again with the possible exception of Negligence, a letter will be sent home to the parents to be signed and returned to the office.

1. Negligence – In cases where the student is found not found to have broken the Honor Code with definitive evidence to support the ruling, this verdict may be given. Negligence will be recorded in the Honor Council book, but this note is to have no bearing on any future Honor Council Hearings (i.e. “Negligence” is not to be treated in the same way as “Warning”) except to the extent that a pattern of behavior addressed in the Negligence Hearing is evidenced in following Hearings.
2. Warning – A Warning may be given only to first-time offenses in which significant reason exists to deviate below a First-Level punishment. Suitable reasons to deviate should correspond with one or more of the relevant factors listed above.
3. First-Level Punishment – The First-Level punishment entails a note of an honor offense being recorded on the student’s school file, in addition to the Honor Council book. The punitive nature of this punishment is the fact that it is a punishment of record. All
subsequent punishments will also be placed in the permanent file. For the sake of learning from experience, a suspension may be added to the First-Level punishment at the discretion of the Honor Council.

4. **Second-Level Punishment** – The Second-Level punishment, in addition to the punishment of record, involves a one, two, or three-day in-school suspension. In addition, students who receive a Second-Level punishment are placed on Probation. Probation means that the next offense will likely result in dismissal from school.

5. **Third-Level Punishment** – Expulsion from Montgomery Bell Academy.

XII. The Rights

A. **Procedural Rights of the Student**

1. **Information** – The right to examine this Constitution; to inquire when any procedures appear unclear; to be advised of the accusation, the possible levels of punishment, and corresponding sanctions, and his responsibility to appear for relevant Honor Council proceedings; and to be informed of any subsequent Honor Council action after the Hearing, including but not limited to letters being sent to the home(s) of the accused’s to parents and/or guardian.

2. **Presumption of Innocence** – The right to be presumed innocent until proven guilty.

3. **Fair Hearing** – The right to a fair, impartial Hearing before his peers on the M.B.A. Honor Council; to be accompanied by his advisor in the Hearing, or when his advisor is not available, to be accompanied by a replacement faculty or staff member, per the guidelines for replacement in Article VII C: to defend himself before the Council and rebut any claims brought against him.

4. **Evidence and Witnesses** – The right to confront any accusatory witnesses and rebut any presented evidence, to the extent that such actions do not violate the rights of the other students, faculty, or staff involved.

5. **Appeal** – The right to appeal an Honor Council decision to the extent afforded by this Constitution to the M.B.A. Headmaster, who may or may not act upon the appeal request.

6. **Witness** – The accused has the right to call witnesses to testify on or his behalf.

7. **Privacy** – The right to have his name withheld from all people not directly involved with the case by members of the Honor Council. Witnesses also retain this right.
B. Procedural Rights of the Accuser

1. **Information** – The right to examine this *Constitution*; to be advised of Honor Council procedures and precedents of action where applicable; and to be notified of the Honor Council ruling and rationale after the Hearing.

2. **Recommendations** – The right to make an additional written or oral statement to the Council during the Hearing in relation to non-evidence material that he views as relevant:
   
a. **In the case of a faculty accuser**, including but not limited to statements on the student’s performance in the class, the student’s character exhibited in the class, and the student’s actions since being accused of an Honor Offense under this *Constitution*; to suggest a punishment to the Council based on personal impressions and rationale; and to impose a grade sanction or other academic sanction in cases of academic dishonesty, including but not limited to a failing grade on the assignment or a failing grade for the grading period. The imposition of such a sanction is binding on the Honor Council to uphold.

   b. **In the case of a staff accuser**, including but not limited to impressions of the student’s character from personal relationship; and to impose additional punishments in relation to the staff-student avenue of relations, such as athletic suspensions in the case of a coach-student relationship, or extracurricular ramifications in the case of an activity sponsor – member relationship.

   c. **In the case of a student accuser**, including but not limited to statements on the student’s character; and to suggest a punishment to the Council based on personal impressions and rationale

3. **Witness**– The accuser has the right to call witnesses to testify on or his or her behalf.

4. **Privacy** – The right to have his or her name withheld from all people not directly involved with the case by members of the Honor Council. Witnesses also retain this right.

XIII. **Amendments to this Constitution.** This document may be amended, refined, or edited for relevance, practical use, and further explanation of protocol, procedure, or the Honor Code itself. Any changes made to this Constitution must be adopted by the student body through of a two-thirds majority vote in favor of the proposed changes.