Abstract discussion will be held on 4/8 at 7:00PM in Ryan Gym.

The Elements:
An Honor Council Joint
Student/Administration Panel
Released Spring 2015

This abstract was not released in accordance to the timeline specified by the Students’ Association Constitution. The confronting party consented to the release of the abstract. The confronted party did not consent to the release of the abstract. (The addition of this disclaimer began in Spring 2010).

Key:
Carbon - Confronted party
Nitrogen - Confronting party on behalf of the Community
Oxygen - Student who witnessed the event
Sodium - Off-campus visitor
Fluorine - Another witness
Aluminum - Oxygen’s dean
The Periodic Table - Building where Carbon and Oxygen lived

Summary/Pre-Trial:
Oxygen contacted his Dean, after Carbon, another resident of The Periodic Table, used homophobic language, which Oxygen believed had been directed at him and Sodium. Sodium was a visitor to campus with whom Oxygen was working. Oxygen said that he and Sodium had felt threatened by Carbon’s words. The deans found the incident to be of particular concern because Sodium was an adult representative of an off-campus organization for which Oxygen worked. They worried both about how the incident represented Haverford to an outside organization as well as the serious implications of Carbon’s language when used towards a professional adult.

The deans then brought the matter to Honor Council, who collected statements and consented to send the case to a Joint Panel. Since Oxygen was not willing to serve as the confronting party, Nitrogen, a member of Honor Council, agreed to serve as the confronting party on behalf of the community. Since Oxygen felt that any breach of trust between him and Carbon had already been resolved, the trial focused on Carbon’s breach of trust with the
community as a whole, with resolutions focusing primarily on education.

**Fact Finding:**

The jury met for the Fact Finding portion of the trial. Nitrogen, the confronting party, began by clarifying his role in the case. Although he had not been involved prior to the case coming to Council, when the Deans brought the matter to Honor Council, he had volunteered to confront on behalf of the community as a member of Honor Council. Nitrogen had initially reached out to Carbon to set up a meeting and Carbon responded quickly. At the meeting, Carbon explained to Nitrogen that he had been outside The Periodic Table with his friends and had “been a dick.” Nitrogen felt that it was clear that Carbon had thought about his actions. He asked Carbon for a statement, which he sent in the next day as promised. After this point in the case, Nitrogen was not further involved.

Carbon spoke next. He explained that in mid-October he had been outside The Periodic Table, the on-campus building where he lived, with teammates and they had been drinking. He said that they were being loud and obnoxious and screaming inappropriate things when Oxygen, another resident of The Periodic Table, and Sodium, a visitor from off campus, came to the building. Sodium took offense when Carbon said “What’s up, faggot?” The next day, Carbon talked to Oxygen to settle the issue and subsequently wrote an apology letter to Sodium.

A juror asked Carbon whether his words had been directed at anyone in particular, and Carbon said that they were not; he had not looked either Oxygen or Sodium in the face and did not even know Oxygen. He disagreed with Oxygen and Sodium’s view that the statement had been a question directed at them. He clarified that his use of the phrase was part of a story he was retelling.

Oxygen then arrived at the meeting to act as a witness. Oxygen explained that he moved forward in bringing the matter to Honor Council because the Deans Office had asked that it be moved forward, but emphasized that he didn’t feel that the individual incident merited such a response. On the night of the incident in question he and Sodium were walking back to The Periodic Table after attending a meeting in The Beaker. When he got back, he saw a group of students, some of whom he recognized as residents of The Periodic Table, smoking and drinking outside the building. When they approached the building, the group did not move, so they started to walk around them. Carbon then said “What’s up, faggot?” After that, Oxygen and Sodium had entered the building.

Oxygen also mentioned that he had spoken with Carbon about the matter the next day. When asked whether he felt that the comment was directed toward him, Oxygen said that he felt that Carbon had been addressing him and Sodium, and that the group dynamic of the incident was the scariest part for him. Had a similar incident occurred in Philadelphia with people he did not know, Oxygen said, he would have feared for his life because of the group dynamic.

Sodium had been shocked after the incident and definitely felt that the comments were directed at him and Oxygen. As a result Oxygen talked to his dean, Aluminum, about the
continuing pattern of disrespect from a residents of one floor of The Periodic Table. He had initially mentioned the incident without attributing the comment to a particular person, but Dean Aluminum said she knew who it was before he told her due to the pattern of behavior. Even then, Oxygen said that he had only given Carbon’s name to the Deans Office because if the incident were representative of a pattern of behavior, he wanted Carbon to get help. Oxygen finished by requesting that the jury make no resolutions directed at him because he felt that he and Carbon had already worked out a resolution.

After Oxygen left, one of the trial chairs asked Carbon whether he wanted any witnesses to attend future meetings to help explain what had happened. Carbon declined, saying that he knew he was in the wrong and didn’t need anyone to corroborate his memory.

**Jury Deliberations/Statement of Violation:**

After the parties left, one of the trial chairs said that it seemed to them that the issue between Carbon and Oxygen had been resolved, given that Carbon had written a letter of apology to Sodium and that Oxygen was not interested in having any resolutions addressing his relationship with Carbon. The discussion then moved to whether or not Carbon’s words constituted a further breach of community standards. Some jurors felt that Carbon was taking the fall in a conflict between different social groups living in the same building. Others felt that while the incident had been resolved on the surface, the larger issue of Carbon’s language being commonly used on campus remained present, regardless of the fact that the issue had not been brought to Honor Council as a larger community issue.

Overall, jurors were confused because they were disturbed by Carbon’s language and felt that a violation had likely occurred, but also did not feel that he should be held accountable to an extreme degree in resolutions because of the odd way in which the incident was brought to Honor Council and because they were unsure whether Carbon’s comment had been directed at Oxygen and Sodium. An issue of unfair bias against Carbon was raised because the matter had been brought forward by the Deans Office and the role of Honor Council was not to be the instrument of the Deans. Some jurors also were uncomfortable moving forward with the trial because they thought that changing someone’s attitude about the language they use was unrealistic.

Ultimately, the jury decided that since the case had been sent to the Panel, it was their responsibility to deal with it regardless of whether they disagreed with some of the decisions which had brought the case to them. The jury then consented to the following statement of violation:

*Carbon violated the honor code by using language that is oppressive and deeply disrespectful. This incident is of particular concern because it subjected a guest of the college to unacceptable behavior that also misrepresented Haverford’s values.*

*(All jurors consented, no jurors stood outside.)*
Circumstantial Portion:

The jurors met with Carbon for the Circumstantial portion of the trial. Nitrogen was not present. Another student who witnessed the event, Fluorine, attended this meeting. Fluorine explained that he had a clear vision of the incident and said that he and other teammates were standing in a circle and Carbon was telling a story about something that had happened at an event that some of the team had attended. Carbon’s comment was a part of the story. Fluorine said that while some people listening to the story could have been offended by the language, he thought it was clear to Oxygen and Sodium that it was not directed at them.

A juror asked Fluorine for more information about the story Carbon was telling. Fluorine explained that Carbon was doing an impression of something that had happened at the event when someone who was drunk had used that language. While Carbon wasn’t present at event, he knew that person who had used that language, and therefore was telling the story.

Before departing, Carbon asked whether any other events were being considered in the trial. It was clarified that Carbon’s language on the night in question was the only thing that the jury was considering. Carbon also asked why his letter to Sodium had gotten out to so many people when it was meant for Sodium alone and had been sealed. (Oxygen had given the letter to the deans’ office at their request and the letter had been seen by the jury).

Jury Deliberations and Tentative Resolutions:

After Carbon and Fluorine left, the jury began their deliberations. Some jurors felt that the whole incident seemed more believable if the comment were a catchphrase or a part of an impersonation, while others were not convinced. Overall, the jury felt that a breach of trust of some significance had taken place since Carbon’s language had been used in the first place.

The jury then discussed the trial goals of education, accountability, and restoration to ascertain which goals still needed to be addressed in their resolutions. Many jurors felt that education was the most important goal to be addressed and felt that their resolutions should provide Carbon with an opportunity to learn that his language is not acceptable in any context. Some suggested that Carbon be required to write a reflective essay or perform community service to accomplish this goal. The jury ultimately decided that they would provide Carbon with resources including articles and videos from the It Gets Better project from which he could learn about how such language can marginalize people.

Many jurors struggled with the issue of accountability because separation seemed unnecessary; ultimately, most jurors felt that the trial was enough to hold Carbon accountable. For restoration, jurors suggested that Carbon write Sodium another letter or that he be asked to confront the person who used had that language in the first place.

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1 The “It Gets Better Project” is an initiative that provides support for LGBTQ youth through online videos, created by LGBTQ adults, that convey messages of hope.
The jury eventually consented to the following tentative resolutions:

**Tentative Resolutions:**

1. *The jury will provide a selection of videos and articles which Carbon will read and view.* (Jury consents; no jurors stood outside.)
2. *Carbon will write a reflective essay of at least two pages in response to the provided materials. This essay will be submitted to the jury by the end of the quarter.* (Jury consents; no jurors stood outside.)
3. *The jury will send Sodium a copy of the abstract.* (Jury consents; no jurors stood outside.)
4. *If Carbon is found to be in violation of the Code in another non-academic trial, that jury will be informed of the details of this case during their circumstantial portion.* (Jury consents; no jurors stood outside.)
5. *The jury does not recommend this incident be reported to other institutions of higher learning.* (Jury consents; no jurors stood outside.)

(Resolutions as a whole: All jurors consented, no jurors stood outside.)

**Finalizing Resolutions:**

Since both the jury and Carbon were comfortable with the tentative resolutions, the jury re-consented on these resolutions as the final resolutions.

**Finalized Resolutions:**

1. *The jury will provide a selection of videos and articles which Carbon will read and view.* (Jury consents; no jurors stood outside.)
2. *Carbon will write a reflective essay of at least two pages in response to the provided materials. This essay will be submitted to the jury by the end of the quarter.* (Jury consents; no jurors stood outside.)
3. *The jury will send Sodium a copy of the abstract.* (Jury consents; no jurors stood outside.)
4. *If Carbon is found to be in violation of the Code in another non-academic trial, that jury will be informed of the details of this case during their circumstantial portion.* (Jury consents; no jurors stood outside.)
5. *The jury does not recommend this incident be reported to other institutions of higher learning.* (Jury consents; no jurors stood outside.)

(Resolutions as a whole: All jurors consented, no jurors stood outside.)

**Post-Trial:**

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The resolutions were not appealed.

**Discussion Questions:**

1. To what degree can and should a jury hold a confronted party accountable when their actions are just one instance of much larger issues?
2. Are there other ways in which Honor Council can address trends of behavior that are in conflict with the spirit of the Social Honor Code?
3. What type of role should witnesses play in a Social Trial?
4. Does the fact that the incident was witnessed by a visitor make it a larger breach of trust with the community?
5. Do you agree with the jury’s concern that “changing someone’s attitude about the language they use was unrealistic”? What sorts of resolutions can/should a jury make to educated parties in issues of diversity?
6. With this case in mind, when can a potential breach of the Social Code be resolved between two parties, and when does it represent a broader breach of trust with the community and necessitate a trial?