Chessmasters

An Honor Council Social Trial

Released Spring 2010

Introduction/Pre-Trial Deliberations:

Efim Geller and Abe Turner confronted Bobby Fischer and Boris Spassky over the organization of a series of chess tournaments during the semester, and asked them to turn themselves in to Honor Council for numerous suspected violations of the social Honor Code. Boris chose to meet with Efim and Abe separately, and the three were able to settle their concerns. Abe and Efim issued statements to Honor Council asking that Boris not be suspected of violating the Honor Code. However, Abe and Efim reiterated their request that Bobby bring himself to Honor Council. Upon his failure to do so, they brought him to Council themselves. Honor Council subsequently asked Bobby to issue a statement, and based off of the statements available to them, consented upon a suspicion of violation. Honor Council discussed both a joint student/administrative panel and a social trial as possible means of adjudication, and ultimately consented to send the case to a social trial.

As part of the pre-trial process, schedules were requested from participants to plan the meetings. Upon receipt of Bobby’s schedule, it was noted that, over the nine days encompassed by the schedule template, Bobby marked himself as unavailable for eighty-one hours of “Scheduled Work.” Bobby stated in emails that the trial did not take priority over his extracurriculars and that he would be unable to make the fact-finding portion that night or the following evening. Bobby was informed that, despite these conflicts, his full participation in the trial was expected.

First Scheduled Fact Finding:

All parties except Bobby arrived within ten minutes of the scheduled time. After ten minutes, Bobby was still not present, and the jury moved on to discuss what would happen if Bobby failed to attend the fact-finding portion. Abe and Efim expressed that they wished to see the trial proceed immediately, but both seemed disturbed that Bobby might not join the group for the fact-finding. Abe and Efim were asked to leave the room for juror deliberations.

Many jurors expressed discomfort with holding a fact-finding without Bobby. Jurors were concerned that holding a trial in absentia might make it punitive, rather than restorative, and that the jury might have insufficient information to make an appropriate decision. Several jurors wanted to call and talk with Bobby. After a brief discussion of what should be said, the jury agreed to have a juror contact Bobby.

During this phone conversation, the juror expressed the jury’s desire that Bobby join the fact-finding that night, or at some point in the next few days. Bobby said that he could not join the jury that night for the fact-finding, because he had to do work for an extracurricular project and that he would be unable to join the jury for several days. Referencing the schedule Bobby
had provided to the trial chair, the juror informed Bobby that an Honor Council trial takes priority, but Bobby disagreed.

The jury began a discussion of whether they in fact wanted to see the trial proceed forward that semester, since it was approaching the end of the semester. Abe and Efim briefly joined the jury. They told the jury that they very much wanted to see the trial happen this semester. Jurors were then provided with a transcript of emails between Bobby and the chair, as well as copies of a schedule Bobby had made and given to the chair. The jury appeared unanimously taken aback by Bobby’s schedule, one juror calling it “bullshit.” Another juror thought that Bobby’s behavior amounted to obstructionism, which might continue to be a problem next semester. Some jurors felt that the restorative avenue might be closed until next semester regardless. One juror commented that, by acting this way, Bobby was rejecting the community as a whole. The first juror put forward the position that punitive action might actually be restorative. After some discussion, the jury unanimously consented to having the trial heard this semester and rescheduled the fact-finding portion for the following evening. Bobby indicated that he might be able to come to the fact-finding if his extracurricular work allowed.

Fact Finding:

Confronting Parties’ Statements

The meeting began fifteen minutes after the scheduled start time, as the jury was waiting for Bobby and for one juror. All jurors and both confronting parties were present for the start of the fact-finding, but Bobby was again absent. The jury then decided to begin the fact-finding without Bobby.

Efim began with a disclaimer: although Efim and Abe are both involved with the Chess Hall Security (CS), their participation in which informed them of Bobby’s behavior, they were not acting as representatives of the organization for the purposes of this confrontation.

Efim stated that CS, the Dean’s Office and Students’ Council (SC) had worked continuously with Chess Club – the organization within which Bobby had been acting during the incidents that led to his confrontation – for some time. In working with Chess Club, it had become apparent that the issues raised by Efim and Abe in their letter were not issues of “Chess Club versus students, but rather Bobby versus students.” According to Efim, all members of Chess Club other than Bobby were compliant with new policies for the chess hall instituted by the administration. He stated further that Bobby had yelled in his face numerous times while he was working with CS in the chess hall during Chess Club tournaments.

Abe claimed that Bobby “keeps changing his story” in order to appease people, as evidenced by his conversations with other student leaders. Furthermore, Abe stated that conversations with Boris brought him to the conclusion that the points of confrontation in his and Efim’s original statements were problems exclusively associated with Bobby. Efim followed up, saying that although they had other grievances with Bobby that extended beyond the past semester, they had tried to stick with specific grievances that could be easily demonstrated to a jury.

Mikhail Tal

To begin, Abe stated that Chess Club was hosting a tournament the same night that Mikhail Tal (a popular chessmaster) was coming to Swarthmore College. Abe stated that Bobby changed his Facebook event page to fraudulently add Mikhail Tal to the actual Haverford
chessmasters. Abe further pointed out that Bobby changed the name of the Haverford event to the name of the Swarthmore Mikhail Tal event, leaving the original Haverford time and location intact. Bobby also changed the event picture so that, according to Abe, any individual who had been invited to both events would not be able to readily distinguish the origin of messages from either event. Abe provided the jury with printed screen captures to support his statements.

Per Abe, the “real” (Swarthmore) Mikhail Tal event sent ticketing information as a message to event guests, which Bobby then followed with a message from the “fake” (Haverford) event, wherein he pretended to be a member of Swarthmore’s Chess Club retracting the original message from the Swarthmore group. This second message claimed that Mikhail Tal would be competing at Haverford, and that the tournament would not require tickets, as the Swarthmore event message had relayed. Abe stated that high school students and other people from off-campus came to the Haverford tournament expecting to see Mikhail Tal. When talking to CS personnel at the event, these students referenced Bobby’s name. Some of them behaved belligerently towards CS personnel; one student called Abe a “faggot.”

**Guest and Alcohol Policies**

Efim stated that Bobby had circumvented the alcohol policy. He said the Alcohol Policy requires approval for publicized events where alcohol is present. He claimed that Bobby brought cases of beer to non-approved Chess Club tournaments on several occasions. Efim stated that no alcohol had been found in the Chess Hall prior to these tournaments, but at the end of these nights, he had found the hall littered with empty beer cans. He said that many tournament-goers had told him that Bobby had given them beer. He recognized that there had been an agreement allowing the presence of alcohol for Chess Club members and chessmasters, but that many people who had obtained this beer were neither Chess Club members nor chessmasters.

According to Efim, Bobby had charged tournament-goers on various occasions, which amounts to charging for alcohol and makes the college liable under social host and dram shop regulations. Efim commented that charging admission for events, regardless of whether alcohol was present, was not allowed, a rule expressed to Chess Club members at meetings between Chess Club, JSAAPP, the Deans’ Office, and SC. Efim claimed that he had been offered money for admission to Chess Club tournaments on various occasions this semester by individuals who were not part of the Tri-College Consortium; according to Efim, these individuals often told CS personnel that Bobby had said that entrance could be gained with an admission fee. Efim asserted that he had observed Bobby collecting money from off-campus individuals in exchange for admission to a Chess Club tournament.

Efim also stated that Bobby would not sign in guests who had arrived at the Chess Hall before CS. According to Efim, Bobby had in the past instructed individuals from off-campus to come to tournaments up to two hours prior to the start of the tournament, though the jury had no evidence. Efim also stated that individuals from off-campus would often yell at CS, forcing them to call security.

Abe told the jury that the Deans had instituted a three-guest policy, specifying that these guests must be “close personal friends.” According to Abe, the Deans had had a “long” conversation with Bobby earlier in the semester concerning what constituted a “close personal friend.” Abe stated that Bobby would often vouch for guests without knowing their names, which Abe viewed as inconsistent with the spirit of the guest policy.

**Jury Questions:**

3
Juror 1 asked if there had been any damage as a result of Bobby’s behavior. Efim and Abe answered that, at one tournament, individuals from off-campus damaged the Chess Hall. Abe and Efim acknowledged that they were not sure whether Bobby had in fact vouched for these guests. Besides the physical damage, Efim was disturbed that Bobby was subverting guest policies. According to Efim and Abe, students often complained that the presence of rowdy spectators from off-campus created a hostile tournament environment.

Juror 2 asked how Abe and Efim were involved in these tournaments. Efim stated that he was often the CS shift manager, and that he has had many problems with Bobby in the past, and had confronted him on multiple occasions, often with the same concerns. He also stated that his experience with JSAAPP alerted him to Bobby’s possible breach of the Alcohol Policy. Abe was shift manager for CS on numerous occasions and stated that he personally felt Bobby had violated community standards.

Juror 3 asked Efim to expand on an earlier comment, that Bobby had yelled at him on multiple occasions. Efim stated that, while he himself was not the only target of attacks by Bobby, he had one particular incident in mind: when Efim, who was securing the hall, refused to let non-Tri-Co students into the tournament, Bobby came up to Efim and “yelled in his face.”

Juror 4 asked for clarification on what Bobby said to Efim. Efim stated that Bobby had said things like, “Why are you being so difficult?” Efim noted that similar events had occurred a number of times between Bobby and other CS personnel.

Juror 5 asked how Abe was involved in the confrontation. Abe responded that, although he had not been involved in a “formal” confrontation with Bobby in the past, he had been involved in various meetings with Bobby regarding Chess Club tournaments. Abe mentioned that the *Bi-College News* ran an article discussing the case and the board postings, wherein Bobby commented heavily regarding the case. Abe viewed this as an unnecessary breach of confidentiality.

Juror 6 asked why Efim and Abe brought the case to Honor Council, to which Efim responded that he had made a clear distinction between Chess Club and Bobby. Efim noted that Boris, who had initially been confronted along with Bobby, but was able to work things out with Abe and Efim directly, had said that he often felt like Bobby’s mother in trying to prevent him from engaging in negative behavior. Efim reiterated that he has a problem only with Bobby. He stated that Bobby had violated his trust and the trust of the community, but that Chess Club as an organization had not violated his trust.
Juror 7 asked whether Efim and Abe viewed Bobby’s non-participation in the trial as a violation of the Honor Code. Abe responded, “Yes, absolutely.” Abe said that the key to confrontation is conversation and a desire to make things right, and that non-participation in the trial process is effectively an erasure of Bobby’s name from the signature line on the Honor Code. Efim agreed.

Juror 8 asked whether there had been any contact between Bobby and Abe and Efim since he posted on the board. Efim said, “No, not at all.” Abe said that some people had approached him regarding the confrontation, but that Bobby had not had any direct conversations with either Efim or Abe since his board postings.

Juror 6 asked why the confidentiality problems represented a breach of the Honor Code for Abe and Efim. Efim said that, besides the initial breach of community standards, Bobby added insult to injury by publishing the follow-up email on the message boards. Efim stated that Bobby did not have permission to post from Abe, himself, or Boris, and that, based on conversations with Boris, he felt that Boris was also angry that Bobby had posted the confrontation letter on the message boards.

Juror 9 asked for a timeline of the trouble with Chess Club and Bobby. Efim stated that problems started at an event the previous year, but said that all members of Chess Club have largely been compliant with administrative requests since then, but that at one point Bobby tried to pass off a high schooler as a young Swarthmore student.

Juror 6 asked how charging for tournaments amounts to a break from the Honor Code. Efim responded that this went against the dean’s regulations for the Chess Hall and placed the College in an unfortunate situation of legal liability regarding alcohol.

Juror 7 asked how many times Bobby had charged for admission. Efim responded that, although he wasn’t sure how many people had been charged, he had personally seen it occur at least four or five times. According to Efim, off-campus tournament attendees would often try to give money for admission, telling CS that Bobby had said they could pay for admission. Efim stated that he had confronted Bobby numerous times regarding this issue.

Deliberations:

One juror started out by saying that “no respectful communication” had occurred, which he viewed as an inherent violation of the Honor Code. Another juror offered that Bobby did not take himself to Honor Council upon request, which he viewed as a direct violation of the Honor Code. No jurors indicated a belief that Bobby did not violate the Honor Code. In considering possible violations of the Honor Code, the jury initially looked at Efim and Abe’s points of confrontation individually.

The jury did feel that Bobby had lied to the community about the Mikhail Tal tournament, creating a hostile situation for CS personnel. During the fact-finding, Efim and Abe had offered as evidence a series of public, online communications between a high school student and Bobby, regarding a Chess Club tournament, wherein Bobby told the student that he or Boris could vouch for the student. Based on this information and on Abe’s and Efim’s testimonies, the jury was convinced that Bobby repeatedly engaged in behavior contrary to the spirit, and possibly the word, of the guest policy.

Although the jury did think that Bobby might have circumvented the alcohol policy or charged admission to non-Tri-Co students, the jury thought it inappropriate to discuss these points without having heard Bobby’s side of the story. The jury did not think that the information
provided by Abe and Efim on these points was sufficient evidence that Bobby had violated the Honor Code.

The jury briefly discussed Bobby’s message board posts and quickly decided that Bobby’s behavior fell outside of the realm of community standards.

Despite not being a part of the confronting parties’ original points of confrontation, the jury also expressed concern over Bobby’s apparent unwillingness to participate in the trial process. Abe and Efim had noted that they felt Bobby’s obstructionism amounted to a break from the Honor Code, and the jury agreed that his behavior was disrespectful of Honor Council and Honor Council proceedings, which is itself a break from Haverford’s community standards.

**Statement of Violation:**
Based on these considerations, the jury consented to the following statement of violation:

*Bobby has resisted engaging in respectful communication aimed at creating a mutual understanding of community standards. This has been demonstrated by:

a) confounding the efforts of Chess Hall Security, particularly in regards to the “Mikhail Tal” tournament, wherein he misrepresented the performance via online advertisements. And also, in encouraging participation in tournaments by non-tri-co students in violation of guest policies, Bobby created a hostile environment for students and security personnel;

b) being unwilling to participate in the process of confrontation. Bobby did not engage in dialogue and made public statements which were intended to be private, and were specifically requested to be private by the confronting parties;

c) refusing to accommodate Honor Council proceedings within a reasonable time line, and by not presenting himself to Honor Council upon request.*

**Circumstantial:**

Bobby was present for the circumstantial portion, as was Efim, but Abe could not attend. It should be noted that confronting parties are not required to attend the circumstantial portion.

Bobby explained that he had intended the Mikhail Tal event as a joke. He went on to state that he had been genuinely unable to attend the prior meetings and that he was angry that the trial had proceeded without him. He felt the trial structure assumed a certain sequence of events regarding his actions that wasn’t necessarily accurate. He explained that he publicized the confrontation because he felt scared: he said that he had been repeatedly confronted by JSAAPP and Students’ Council, along with other campus authorities, and felt threatened by them. He said that he loved Haverford, but that he had felt marginalized by the confrontation.

Efim interjected that he and Abe had acted as individual members of the Haverford community in this process, and not as representatives of their organizations. He further stated that there had been a slew of face-to-face conversations over the course of the semester and that he felt uncomfortable confronting Bobby personally, making email an appropriate means of confrontation.

Bobby contended that these were not personal issues, but difficulties between their organizations, asserting that the disagreements began when Efim became a student leader. He went on to state that he felt many of the issues Efim and Abe had mentioned in their statements were unfounded, saying that he had not bypassed the Alcohol Policy, that he had never gone over the guest limit at tournaments, and that he continued to feel that most of the problems were with
Chess Club as a group. However, when pushed by Efim, he admitted to being involved in a heated dispute with Efim on one night in particular, during an especially stressful time for Chess Club, JSAAPP, and CS, but maintained that he should not receive all the blame. He went on to say that the fight was provoked by his lack of information about the additional security measures being taken at the tournament. Efim responded that he remembered the night in question differently. He said that Chess Club knew in advance that CS would be working at the event, but Bobby maintained that Chess Club had received no email to that effect. When questioned about his vouching for certain individuals from out of the Tri-College Community, Bobby explained that he had met them at other venues.

Multiple members of the jury were concerned about Bobby’s publication of various aspects of the confrontation and the trial on Internet forums. He said that he had posted part of his statement of violation on Facebook because he found its vagueness “hilarious,” and that he had posted Efim’s second email on the message boards because he felt that the administrative bodies were “out to get” Chess Club, but recognized the possible breach of trust in his actions. He complained that administrative bodies had no interest in engaging in dialogue with Chess Club. Efim countered that he had been meeting with Chess Club. Efim asked Bobby whether he viewed these issues as personal or pertaining to Chess Club, and he responded that many of the issues were unclear to him. He indicated that he had felt threatened, but admitted that he could have asked for clarification upon confrontation.

In regards to his trial, Bobby said that he had requested the trial be postponed because he could not attend the trial meetings and that he was not sure how to act during the circumstantial portion when he had missed the fact-finding portion. He explained that he had not turned himself in to Honor Council upon request because he had thought that the issues were resolved after Boris met with Abe and Efim. He explained that the “scheduled work” that had prevented him from attending the trial were final essays, an extracurricular presentation, and academic work. He indicated that he had not been in contact with his dean regarding his academic workload, and that the trial had been a particular stressor for him because the first half had occurred without him. He asked that the trial be restarted the next semester, saying that his perspective had come after the fact-finding and so the trial could not be legitimate.

Efim said that it would have been helpful if Bobby had been present at the fact-finding meeting, so that he could better understand that Efim had been hurt by his behavior. Bobby expressed understanding with regards to Efim feeling intimidated, indicating that he wished that Efim had tried to communicate with him on a personal level. Efim responded that he had spoken with Boris, who had differentiated between “Chess Club issues” and “Bobby issues,” with most problems lying with Bobby. Bobby stated that Boris had told him that he and Efim had resolved all their problems. Efim questioned how he was supposed to engage in dialogue, given Bobby’s behavior, and also asked why he had “de-friended” him on Facebook. Bobby recognized the problem, but maintained that each side had problems. He said that the trial hadn’t gone ideally, and his statement that the fact-finding could go on without him was a result of his sense of disenfranchisement.

**Tentative Resolutions:**

Bobby did not have any proposed resolutions. Abe and Efim proposed that Bobby be socially separated from the College, meaning that Bobby would not be allowed to participate in campus life other than to attend class. The jury was concerned that Bobby had a fundamental misunderstanding of the trial process. One juror said that he felt uncomfortable with Bobby’s
understanding of methods of communication in the Haverford community. Another juror pointed out that Bobby had seen himself as a representative of Chess Club and failed to take personal responsibility, suggesting that mediation might open up personal avenues of communication. A few members of the jury stated that finding a middle route, rather than the social separation suggested by Abe and Efim, might be ideal; many jurors stated that they wanted to see a temporary social separation, but recognized this might not be feasible.

The jury consented on the following tentative resolutions:

1) Bobby will be removed from Chess Club, effective immediately.
2) Bobby will no longer be allowed any guests at tournaments.
3) Bobby will no longer have access to the message boards.
4) Bobby will re-draft his Honor Code admissions essay using current guidelines and resign the Honor Code, both due upon his return to campus next semester.
5) Bobby will engage in weekly mediation with Efim and Abe for at least two weeks, starting immediately after break. Mediation reports will be released to the community, and all parties are to submit a progress report at the two-week mark regarding the progress of the mediations. If the mediator believes that Bobby is engaging in behavior not conducive to dialogue, Bobby will be socially separated for the remainder of his time at Haverford.
6) Following the completion of mediation, Bobby will write a letter to the community.

Finalizing Resolutions:

Bobby, Abe, Efim and all jurors were present for the meeting, and the group was briefed on relevant trial protocol. The confronted and confronting parties were asked to leave the room momentarily for a discussion of the resolutions. It was asked whether social separation applied to Haverford alone or to the Tri-College Consortium at large. The resolutions were changed to address this concern. Questions were also raised about whether the mediator should have the power to socially separate Bobby, and several jurors felt that the decision ought to fall to Honor Council as a body. The jury consented on the following interim resolutions:

1) Bobby will be permanently removed from Chess Club, effective immediately.
2) Bobby will no longer be allowed any guests at tournaments.
3) Bobby will no longer have access to the message boards.
4) Bobby will re-draft his Honor Code admissions essay using current guidelines and resign the Honor Code, both due upon his return to campus next semester.
5) Bobby will engage in weekly mediation with both Efim and Abe for at least two weeks, starting immediately after break. A mediation report will be released to the community upon completion of mediation, and all parties are to submit a progress report at the two-week mark regarding the progress of the mediations. If Honor Council believes that Bobby is engaging in behavior not conducive to dialogue, Bobby will be socially separated from the Tri-College Consortium for the remainder of his time at Haverford, including permanent removal from Chess Club.
6) Following the completion of these mediations, Bobby will write a letter to the community. The confronting parties are also invited to submit letters.

The confronted and confronting parties were brought back into the room. Efim said he was happy with the direction the jury was taking the resolutions, and Abe agreed with him.
Bobby asked that Efim and Abe leave the room for his statement. Reading from a prepared statement, he noted that the resolutions were good, and he liked the focus on restoration. He recognized that certain actions were in poor taste, but said that the issues at hand were more complicated. He said that he had spoken with Chess Club members about the trial and had come to the conclusion that this was a case of miscommunication on a personal and a group level. He maintained that Chess Club as a group had not violated any policies. He stated that policies kept changing, and that Efim had problems with all members of Chess Club, mentioning that he and Boris had had a serious altercation at the most recent tournament.

Bobby was concerned that his removal from Chess Club would not be truly restorative, and would not help Chess Club as a group. He asked what goals the jury had in removing him, and what the jury thought the structure of Chess Club was. A juror responded that Bobby had represented Chess Club in managing the Facebook event. Another pointed out that Bobby said that the “Bobby/Chess Club line” was blurry, eliminating the distinction between Bobby as an individual and Bobby as a member of Chess Club. A third juror was concerned that Chess Club caused Bobby so much stress that he engaged in yelling matches.

Bobby was confused about why his removal from Chess Club was necessary. Efim and Abe rejoined the group, and Bobby asked what would be accomplished by his removal from Chess Club. He stated that many Chess Club members did not want Efim providing security for Chess Club tournaments given that, according to Bobby, he had been involved in every negative encounter. Efim was distressed by the request and asked Bobby to have Chess Club members contact him directly. Efim maintained that such a request would not be restorative and said he was confused why the issue was being raised now.

Bobby stated that he, among others, would like to see a mediation between Chess Club, JSAAPP and CS, but Abe responded that he didn’t have problems with Chess Club so much as with Bobby. Efim and Abe both said that they would be happy to meet with Chess Club, but they felt that Bobby had proven that he could not take Chess Club seriously as a responsibility. Bobby responded that isolated incidents didn’t necessarily indicate overall irresponsibility and reiterated his support for mediated discussions.

Efim viewed the confrontation as an issue of social responsibility, and a juror commented that Bobby’s response to the confrontation perhaps echoed his irresponsibility.

A juror stated that it seems as though most problems with Bobby regarding Chess Club follow a typical pattern: Bobby tells people to come early, prior to the arrival of CS who would check a Tri-Co ID. The individuals go outside and are subsequently denied re-entry to tournament, leading Bobby to yell at CS.

Abe noted that he liked the direction of the conversation, and that he would like to see Bobby’s removal from Chess Club put in the resolutions as a contingency, based on Bobby’s behavior, and that he wanted to engage in mediations. Efim agreed, but reiterated his concerns regarding Chess Club members not wanting him to secure tournaments; Bobby indicated that his particular issue could be resolved through mediation. A juror asked what should happen if the mediation was successful, and Abe responded that Bobby should remain in Chess Club.

A juror asked if the parties had a preference regarding mediators, and Efim and Abe requested an Honor Council member from the jury. Efim, Abe, and Bobby did not offer any closing statements and were asked to leave for final deliberations.

Jury Deliberations:
A juror said that not separating Bobby from Chess Club would fail to hold Bobby accountable for his actions. Another juror noted that Abe had requested that Bobby’s participation in Chess Club be contingent upon his continued cooperation with restorative processes. A third juror expressed concern that Bobby may not have been acting genuinely during the trial, but felt that accountability existed in the trial process regardless.

Another juror noted that the trial dealt with a larger issue of disrespect, expressing discomfort with Bobby’s discussion of the trial with Chess Club. The juror was confident in the use of a contingency clause, based on general good behavior. Another juror postulated that it might in fact be more productive to restore Bobby through Chess Club, but was worried that discussions between the involved parties might become superficial.

Another juror thought that having an incentive in the resolution might address these concerns, but others were worried that this made the resolutions parole-like and not restorative.

**Final Resolutions:**

Based on these conversations, the jury consented on the following set of final resolutions:

1) **Bobby will no longer be the principal individual in charge of running any Chess Club tournaments.**
2) **Bobby will no longer be allowed any guests at tournaments.**
3) **Bobby will no longer have access to the message boards.**
4) **Bobby will re-draft his Honor Code admissions essay using current guidelines and resign the Honor Code, both due upon his return to campus next semester.**
5) **Bobby will engage in weekly mediation with both Efim and Abe for at least two weeks, starting immediately after break. A mediation report will be released to the community upon completion of mediation, and all parties are to submit a progress report to Honor Council at the two-week mark regarding the progress of the mediations. If Honor Council believes that Bobby is engaging in behavior that is not conducive to dialogue, Bobby will be socially separated from the Tri-College Consortium for the remainder of his time at Haverford, including permanent removal from Chess Club. If at any point during the course of the semester the confronting parties feel that Bobby is acting in a manner inconsistent with community standards, the issue may be re-opened, with the possibility of social separation upon consent of Honor Council.**
6) **Following the completion of these mediations, Bobby will write a letter to the community. The confronting parties are also invited to submit a letter to the community.**

Bobby, Abe and Efim were informed of the final resolutions as soon as the trial ended.

**Discussion Questions**

- How should Honor Council handle cases where the confronted party chooses not to participate in the trial process?
- What makes a resolution punitive or restorative, and can punitive resolutions ever assist in restoration?
- How did the use of Internet forums affect the outcome of this trial? Should it have played a smaller or a larger role?
• The parties involved originally wanted the abstract to contain their real names throughout. If the parties involved in an Honor Council proceeding want their confidentiality broken, how should this be handled?
• To what extent are using external documents as evidence or calling in someone else who was involved appropriate in an Honor Council trial?
Mediation Statements

Mediation Statement from Bobby Fischer:

Mediation has been going really well. So far, we’ve focused on Chess Hall policy stuff. We haven’t really addressed any of the other issues from the trial—it seems like we’d all prefer to put that behind us.

The problems that came up at tournaments last semester have proved refreshingly easy to resolve, for a few reasons, I think: first, I’ve been talking to Efim and Abe directly, instead of through the college events coordinator or a dean or other Chess Hall Security (CS) or JSAPP members; second, the Honor Council trial is behind us, and I’m no longer worrying about the future of Chess Club or my own future as a Chess Club member; third, now that some time has passed, all the drama from the previous semester seems embarrassingly silly; and finally, the Honor Council mediator has done a really great job facilitating our mediation sessions. Overall, we’ve worked out problems regarding alcohol in the Chess Hall, the guest policy, and the relationship between CS and Chess Club members.

They should definitely continue, but maybe on a meeting-by-meeting basis instead of a weekly basis. For example, we haven’t met for the last two weeks because we’ve felt pretty good about where things are right now. Since there’s a Chess Club tournament basically every weekend for the rest of the semester, and I’ll be seeing Abe or Efim at every tournament, I think we should just decide after every tournament whether we want to meet that week. In the months ahead, I’m sure there will be a few things that will come up that we’ll want to talk through.

–Sam Kaplan

Mediation Statement from Abe Turner and Efim Geller:

Over the past few weeks, we (Abe Turner and Efim Geller) have met with the Honor Council mediator and Bobby Fischer as discussed in the Trial Resolution for mediation. During these meetings we chose to focus on setting out concrete policies for tournament procedures for both members of Chess Club and Chess Hall Security (CS). Since mediation, all tournaments have run very smoothly. We are completely satisfied that our trust has been restored, and we are confident that if issues arise we will be able to resolve them through further discussion or mediation.

We did not talk about the Haverford message boards, or our more hostile communications from the previous semester because we felt these issues had been largely resolved through the Trial itself. Additionally, we felt it would be most constructive to use the mediation sessions to move forward instead of harping on previous hostilities.

–Sam Blau and Jen Zelnick
Mediation Statement from the Mediator

I led two mediation sessions with the parties. None of them were obstructive, and they easily dealt with issues of chess tournament management. At the unanimous request of the parties, the mediations focused only on future chess tournaments, not the past issues that the trial brought up. We agreed after the second mediation that we would stop meeting regularly, but would meet again if problems came up at future chess tournaments.

I regret that we didn't discuss the issues from the trial, but given the parties' wishes it didn't seem reasonable. On the issues we did discuss, the mediation went excellently, and I know of no issues that might cause trouble at future chess tournaments.
This Honor Council trial was super dramatic, full of last-minute decisions, crazy things that I couldn’t believe were happening, hilarious ironies, and even a super great resolution. As the trial occurred, I first lost all faith in Honor Council, only to eventually discover that faith again—with reservations.

When I first learned I was being taken to Honor Council, my reaction was shock. I’d certainly had a rough semester dealing with Chess Hall Security and JSAAPP at Chess Club tournaments, but I didn’t think I had any particular beef with Efim or Abe beyond things that were simply extensions of Chess Club issues. I was furious at Efim and Abe for, as I saw it, trying to abuse the trial system to get me punished. I didn’t think an Honor Council trial was an appropriate venue to resolve our differences. I thought the whole thing was absurd, and so I backpedaled and backpedaled, resisted every effort to be involved, and generally acted like an ass. I thought Honor Council would see how ridiculous the situation was. I thought there was no way they’d take the case.

Honor Council decided we should go to trial. At this point, my anger at Efim and Abe grew to include Honor Council. How could they think a trial was the right decision here? It seemed clear to me that all our issues could be worked out through mediation, without the added framework of a trial. I spent hours reading old abstracts. Compared to them, my case seemed laughable. I should add that at this point, there was less than two weeks left in the semester. If we were going to have a trial, it didn’t seem reasonable to rush it through in the last weeks of the semester, when I was trying to focus on my finals. I tried to get the trial delayed until the spring, but it didn’t work. I was pretty stressed out about everything.

Meanwhile, the trial started. Honor Council scheduled the first two meetings at times when I couldn’t attend. It was awful. They had the fact-finding portion without me, which I found hilarious but also frightening. Once I started going to the meetings, though, things got better. Eventually, we got to the part with the proposed resolutions. Some were okay and some were pretty bad. Mostly, the bad ones didn’t pan out. They seemed to think it was important that I not post on the message boards anymore, which I had no problem accepting, compared to the possibilities of being “socially separated” from Haverford, or being removed from Chess Club. Overall, I was happy to escape with my life mostly intact.

Once second semester started, I almost immediately realized how awful it would have been if the trial had been postponed until the spring. Over winter break, all the animosity between me and Efim and Abe dissipated completely. Mediation started, which was great. None of us wanted to talk about what had happened last semester—I think we all felt embarrassed—so we just focused on solving Chess Club/Chess Hall Security/JSAAPP problems. It was exactly what I’d wanted before the trial—we just had to have a trial to get there. As I wrote in my mediation statement, we worked everything out fairly quickly. The Chess Club tournaments this semester have all gone smoothly, and Efim, Abe, and I are all great friends.

I said at the beginning of this letter that I had lost all my faith in Honor Council. Before the trial, I saw Honor Council as a much more powerful institution than I do now. I don’t mean that in a
demeaning way. What I mean is that my image of Honor Council was of a group of students hearing people’s cases and deciding to take some and maybe not take others, recommend them for mediation instead or something, based on the circumstances of each case.

I now understand, I think, that Honor Council isn’t just about deciding what to do based on the merits of each case. It’s much more about serving the student body, whatever that might mean. Efim and Abe wanted to go to trial, so we went to trial. Maybe if I were on Honor Council, I wouldn’t have done the same thing, but my voice is only my own, and Efim’s and Abe’s are just as important. I should have been happy that Honor Council wanted to go to trial. Imagine if they hadn’t, if I’d gotten what I originally wanted, if we’d moved straight to mediation. What kind of precedent would that have set? What if I was on the other end, someone who desperately thought a trial was the only option, and Honor Council said no? In the end, the principle of self-governance is far more important than the particulars of any case, and I’m thankful that we have an Honor Council that understands that.

I do still have reservations, but these are only the reservations that inevitably come from placing immense faith in your own student body. Of course, it’ll sometimes seem insane. How are these students, whom I don’t even know, allowed to decide my future as a Haverford student? But once you extend them the trust that a community like this needs to function, it all starts to make sense.

It seems like there is still an uncomfortable tension in Honor Council between reparation and punishment. This tension also seems inevitable, however. We live in a world where “justice” mostly means punishment. To come to a place like Haverford, where there are still “trials,” still “judges” (even if they are our peers), can be confusing. When I started my trial, I was scared. I felt like I was “getting in trouble”—which, of course, to be cynical, I was. But to really make Honor Council work—and even as I write this, I have some trouble really believing it—we have to banish that cynicism, to have faith in our peers, to believe in the trial process.

Sure, Honor Council will probably mess up sometimes. Read the old abstracts—some of the things that have happened in trials seem insane. But when things like that happen, it’s on us, because all of the people on that trial were our peers. We should recognize that fact, rather than antagonize Honor Council, and if we really care, we’ll work with them to make sure things like that don’t happen again. They will happen again, of course, because everyone makes mistakes, but I’d still rather have that than not have an Honor Council. No form of justice can ever always be fair to everyone, so I think the best kind is one where we at least have a say in what happens.

If I had to say what I think people should learn from this case, I think I’d say just talk to people if you have a problem with them. Don’t post on the ACBs, don’t post on the message boards, don’t just tell your friends. Make confrontation a real thing, not just a way of taking someone to Honor Council. Because my suspicion is that most situations can be resolved pretty easily if you just talk it out, without preconditions, without a trial, without animosity. That can be a hard thing to do, but it’s certainly a lot easier than having an Honor Council trial.

Sincerely,
Sam Kaplan