Elijah
A Joint Honor Council-Administrative Panel

Abstract Released Spring 2003

Abstract Discussion:
Monday March 3rd, 2003
12:30 and 7:00PM
Sunken Lounge

Introduction:
The Co-Chairs of Honor Council, Cher and Sonny, informed Honor Council as a whole that they were unable to reach Elijah, a former juror who had volunteered to write an abstract. They pointed out that the Honor Code stated that abstracts had to be released within four weeks of the end of a trial. They had already sent repeated e-mails and they asked Council how it thought they could get in touch with Elijah. Members suggested instant messaging, campus mail, and telephone as alternative means. Furthermore, some members said that they knew Elijah and that if they saw him they would inform him to contact Cher and Sonny. During the following weeks, the Chairs continued to express their frustration at their inability to get a copy of the abstract to release. Honor Council decided to inform Elijah that he was in violation of the Honor Code for failing in his responsibilities to give Honor Council a copy of the abstract and that Honor Council would be forced to consent to a statement of violation if he was unable to produce an abstract. Shortly before the next meeting Cher and Sonny talked to Elijah on instant messenger and again asked for a copy of the abstract restating that if he did not send them a copy they would be forced to consider a statement of violation. Elijah said that he would not produce an abstract until after a trial was held. Thus Honor Council came to a suspicion of violation and consented to convening a Joint Honor Council-Administrative Panel.

Both Honor Council Chairs and Secretaries said that they could not be a chair of the trial due to conflicts of interest and so a class representative acted as co-chair of the trial.

Statement of the Parties:
Cher’s Statement1:
Cher stated that since the time that the abstract was due, she had been attempting to contact Elijah; first by email, then phone, campus mail, and finally instant messenger. She said that the first time Elijah returned her communication, he promised to send the abstract by a specific date, which did not occur; furthermore, when an email finally was received with an attachment, the file was not in a format that was readable on any computer that could be found. Elijah was asked to email the abstract again and also campus mail a hard copy, but he had never done so.

1 One Honor Council Chair gave the statement as a representative for Honor Council as a whole.
After some time of trying to procure the abstract from Elijah, the Co-Chairs asked Honor Council if it would be appropriate to confront Elijah. Honor Council consented to the decision and an email was sent voicing the concern that Elijah had violated the Honor Code by not turning in the abstract. The email went on to say that if Elijah did not turn in the abstract within a week, Honor Council would be forced to consider a statement of violation. The afternoon before the next meeting, Sonny and Cher spoke to Elijah over instant messenger. Elijah said that he had written the abstract, but was intrigued by the idea of a trial and so would not turn over the abstract until after a trial had occurred. Sonny and Cher expressed their frustration that Elijah had the abstract but would not give it to Honor Council and reiterated the fact that a trial could still be avoided. Elijah again stated that he would not give them the abstract until after a trial was held. The Co-Chairs then brought the matter to Honor Council which came to a statement of violation.

**Elijah’s Statement:**

Elijah said that a rough draft of the abstract had been completed shortly after the end of the trial, but after talking with one of the chairs of the trial\(^2\) it was decided that the abstract would be kept by Elijah until it was time to release it. Over the intervening time, Elijah had several personal problems which at times made him fear that he might need to leave school. During those times, he forgot about the abstract. He also began checking his email and campus mail very infrequently, and leaving his phone unplugged.

Elijah stated that the first communication he actually received from Honor Council on time was an email from one of the secretaries, to which he responded by attaching an electronic version of the abstract. Shortly after that, he was approached by two members of Council, on separate occasions, asking him to get in touch with the Co-Chairs, but he had assumed that they simply had not yet been informed that he had sent the abstract.

Following the email to which he responded, the next communication that he received from Honor Council was the final email and instant messenger conversation. Elijah said that he found this final communication very threatening and became angry, which is why he decided to not turn in the abstract.

He said that he commonly passed by Honor Council members on campus and, except for the two times after he had attempted to send the abstract, no one stopped to engage him in personal communication. He said that he was angered that no one from Honor Council came to try to get the abstract from him personally.

**Panel Questions:**

Cher said that she had a copy of the instant messenger conversation and that if Elijah was okay with the decision, she would give it to the Joint Panel. Elijah reiterated that the conversation had not been written in a normal frame of mind, but did give his consent.

The Panel asked a number of clarifying questions. Most of the questions revolved around the time table of communications. Cher stated that she had attempted to email Elijah four or five times, campus mailed him once, and left a few instant messages, also that Sonny had attempted e-mailing several times. Cher offered to find the exact number of communications and their content if the Panel wanted that information. Elijah

\(^2\) The chair of the trial had not been Sonny or Cher.
reiterated that he had received only two communications on time and that he found the final instant messenger conversation threatening. He also stated that until the second confrontation, he had assumed that the e-mail attachment he had sent was readable. He also expressed his frustration in Honor Council’s methods of communication. Cher said that Council had realized that email had not been working and as a result had tried many other means of getting in touch with Elijah. The panel also asked Elijah why he chose not to deliver the abstract during the final confrontation; he said that he was angry and wanted a trial and thought that delivering the abstract would reduce the trial to a mere technicality.

Panel Deliberations:
Several of the panel members were concerned about the actions that Honor Council took in attempting to find Elijah and get the abstract. Most members agreed that there was a literal violation of the Code, but some thought that it had been blown out of proportion and that the matter never should have come to a Joint Panel.

Among the major concerns voiced was that to put forth a statement of violation would be telling Elijah that his preferred means of communication were not valid. There was also concern voiced about the means of confrontation. Several members suggested that the only appropriate means of confrontation should be face to face and that without a proper confrontation there cannot be a violation. Most of the members of the group disagreed with that sentiment and felt that the question of whether or not Elijah had violated the Honor Code was independent of the confrontation.

Panel members also pondered whether or not they should be considering the spirit or the letter of the code. Some members believed that Elijah had violated both the spirit and the letter of the code, others believed he had only violated the letter and not the spirit of the code, and some members thought that he had violated neither. Along these lines, the difference between determinations of “guilt” and “violations” were also discussed.

Some members of the panel questioned whether the delay in the release of the abstract that he was writing damaged the community. Others said that was impossible to judge since the contents of the abstract were unknown and that, regardless of the abstract's content, it should still have been written and released in accordance with the guidelines set forth in the Honor Code. After further discussion, the panel came to consensus on a statement of violation.

Statement of Violation:

The confronted party violated the Honor Code by not properly delivering the abstract to Honor Council, thereby not fulfilling his duties as a jury member.

At this point in time the confronted and confronting parties were presented with the statement of violation and asked to come for the circumstantial section of the trial. It was then revealed to the chairs of the trial that they had in fact had not been following the proper procedure for the trial (using the Universal Trial Procedure outlined in Appendix C, rather than the Joint Panel Guidelines). As a result, the parties had not been given the opportunity to prepare written statements ahead of time and read them to the panel; furthermore, the statement of violation was issued without the resolutions. When
informed of this, the Joint Panel rescinded its statement of violation and asked both parties if they would like to prepare and present written statements of the panel. Neither party chose to read statements, so the Panel decided to go on and discuss possible resolutions.

Panel Deliberations II:

The Panel decided to move forward with its current statement of violation since neither party had decided to issue any further statements. In discussing possible resolutions, the Panel quickly decided that in addition to having Elijah give the abstract to Honor Council, it would also be beneficial for a mediated dialogue to occur between Elijah and the Chairs of Honor Council. There was some discussion about whether or not a letter to the community would be appropriate. Some were concerned this would be a form of punishment that Elijah didn’t deserve; however, it was decided that such a letter would be able to not only address the breach of trust, but also to give Elijah a voice in the abstract. The Panel then came to tentative consensus on the following resolutions.

Resolutions:
1. The student will give a hard copy of the original abstract to Honor Council by [specified date].
2. Both parties will engage in a dialogue mediated by a dean of the college with the intent to repair the breach of trust between them.
3. The student will write a letter addressing his feelings about the trial process, his interactions with Honor Council, and any changes he thinks should be made to the Honor Code. This letter will be submitted in hard copy by [specified date] and will be released with the abstract.

Presentation of Resolutions:

The Panel presented the resolutions to the parties. Both parties said that they could accept the resolutions as written. Only some technical questions about the mediated dialogue were voiced during the presentations. The Panel then came to consensus on the final resolutions, unchanged from the tentative resolutions listed above.

Please note that the abstract discussed in this trial has since been release.

Questions:
1) What forms of communication are appropriate for confrontation?
2) Is a proper confrontation necessary before a trial can occur?
3) What responsibilities does the Honor Code’s definition of confrontation as “initiating a dialogue” place on the confronted and confronting parties?

3 Bracketed comments have been edited to protect confidentiality.