Abstract Discussions will be held Tuesday, November 9th at 6 pm and Wednesday, November 10th at 6 pm in Ryan Gym

Roadrunner and Wile E. Coyote
An Honor Council Student Panel
Released Fall 2010

This abstract was not released in accordance with the timeline in the Constitution. The confronting and confronted parties were given the opportunity to review this abstract prior to its release. (The addition of this disclaimer began Fall 2010).

Introduction

Roadrunner was a confronted party for an Honor Council trial who contended that the chair of his trial, Wile E. Coyote, violated his confidentiality while selecting the jury. Wile E. deviated from standard Council practice and revealed the identities of the confronting and confronted parties to the selected jury members before first asking the confronted party, Roadrunner, if he had a conflict of interest with any of them. Roadrunner thought Honor Council as a body should be held responsible for this breach of confidentiality, and took his concerns to a student panel. A student panel is the proceeding called when Honor Council is suspected of violating the Honor Code. It consists of 12 students, three from each class year, and is chaired by a dean.

Fact-Finding

Honor Council received an email from a student named Roadrunner, whom a member of the faculty had confronted regarding a suspicion of violating the Honor Code. Honor Council met and decided to proceed to an academic trial. Wile E. Coyote, one of the Honor Council Co-Chairs, was chosen to serve as chair of the trial.

Wile E. then began contacting potential jurors, and each time a potential juror indicated that he or she could serve, Wile E. then revealed to the juror the name of the confronting and confronted parties. Having thus spoken to seven of ten possible jurors by phone, he left voicemail for the remaining three potential jurors and forwarded the entire list of ten potential jurors to Roadrunner. Shortly thereafter, one of these three potential jurors, Sylvester, returned Wile E.’s voicemail. After confirming that Sylvester could serve as a juror, Wile E. then revealed, as he had in the previous seven instances, the name of the confronting and confronted parties. Sylvester responded that he knew Roadrunner, that they were in fact teammates, and that he therefore could not serve as a juror in Roadrunner’s trial. Wile E. then told Sylvester that this was a confidential matter and that he must not discuss it with anyone, including Roadrunner, unless Roadrunner chose to reveal the matter to him.

Wile E. then sent an email to Roadrunner to update him on this development. Roadrunner replied that Sylvester and another student in the juror pool with whom Wile E. had not yet
spoken were both Roadrunner’s teammates. Wile E. apologized to Roadrunner for revealing his identity to Sylvester and tried to reassure him that he, Wile E., took confidentiality very seriously and regretted any distress he may have caused.

Roadrunner met with Wile E. to say that Wile E.’s decision to tell Sylvester his name had forced Roadrunner to reveal the facts of the case to Sylvester, which he found embarrassing. Roadrunner also informed Wile E. that he was formally requesting a student panel to assess concerns he had about the way the juror pool was being assembled. Wile E. suggested the possibility of having Dean Tweety Bird conduct a mediation, but Roadrunner eventually declined to participate in any such discussion, opting instead to take his concerns to a student panel.

Roadrunner’s complaint was that his confidentiality had been unnecessarily compromised; the recent practice of Honor Council had been to first give a list of jurors to the confronted and confronting parties and to allow him or her to remove up to two jurors from the pool.

In an attempt to avert the possibility of a student panel, Honor Council invited Roadrunner to a meeting. Council asked Roadrunner to reconsider whom he wanted to confront, and if Roadrunner thought the issue was a “Wile E. issue” or a “Council issue”, since Wile E. had acted without the prior knowledge or consent of Council. Roadrunner explained that he felt that it was a Council issue because Wile E. was acting as Honor Council Co-Chair and had signed off on all of their correspondence as such.

In addition, the Honor Council Co-Chairs presented Roadrunner with two proposals. First, Wile E. would remove himself from Roadrunner’s trial. Second, Honor Council would explicitly ban the practice Wile E. employed in assembling a jury, ensuring that, in the future, Council would first get feedback from the confronted party before contacting anyone in a potential juror pool. Prior to the meeting, Honor Council had already made the decision to have Wile E. step down as the chair of Roadrunner’s jury. However, Roadrunner was not satisfied, and he declared his intention to confront Honor Council as a whole on the grounds that Wile E. had acted and presented himself as Honor Council’s agent in his discussions with potential jurors, and therefore Honor Council collectively bore responsibility for Wile E.’s actions. In the statement Roadrunner gave to the student panel, he specified the grounds on which he was basing his confrontation:

In section 3.03d of the Honor Code it is stated that trials will be kept in the strictest confidence. Further on, in section 3.05 it is explained that Honor Council is responsible to the entire Haverford community to uphold the Honor Code. In this case, the confidentiality of the confronted party was broken because members of the jury, who would have been removed once the confronted party was given the list of jurors, were notified of the identity of the confronted party before any removal could take place. Because the decision to notify the jurors ahead of time was made solely for the purpose of speeding up the trial, this constitutes an unnecessary and utterly avoidable breach of confidentiality. The actions taken by Honor Council in this case resulted in serious consequences for the confronted party.
Deliberation

The student panel assembled to discuss two fundamental questions. First, was there evidence that Roadrunner’s confidentiality was violated unnecessarily by a mistake in Honor Council practice? Second, and more crucially, if there was a violation, was Honor Council the appropriate party to confront?

In his statement to the student panel, Wile E. stated that, if anyone was responsible, it was he, not Honor Council as a whole:

Even if a violation of the Honor Code took place, Honor Council as a whole was not at fault, and is therefore not the appropriate confronted party…I made this decision unilaterally, without consulting with anyone else on Council, and without Council precedent…

Honor Council, which submitted a statement without Wile E.’s participation, confirmed that Wile E. had not consulted them before proceeding as he did; Wile E. chose entirely on his own to use a jury selection procedure that, by his own admission, had not been used for three years.

The student panel discussed whether Roadrunner’s confidentiality had been violated. The general consensus was that there may be grounds for finding that it had, but the panel would defer coming to consensus on that point because it was not entirely clear whether the correct party had been confronted.

After thorough discussion, the panel came to consensus that Honor Council could not be held responsible for Wile E.’s actions. Just because “Honor Council is responsible to the entire Haverford community to uphold the Honor Code,” it does not necessarily mean that Honor Council as a whole is responsible and subject to confrontation for the individual actions of its members. For Honor Council to be collectively responsible, Council would have to have been aware of the questionable actions of its member in advance. On the other hand, Honor Council could appropriately be confronted if it was aware that one of its members had acted improperly and took no action to confront that member nor took timely steps to heal the breach created.

Nobody contested the fact that Wile E. decided, on his own and without prior knowledge of Honor Council, to abandon well-established procedure and assemble a jury in a fashion that may have violated Roadrunner’s confidentiality. As soon as Honor Council was made aware of Roadrunner’s concerns, it made attempts to address them. Honor Council did not know and could not have known in advance that one of its members departed from well-established procedure. Thus it was difficult for the panel to conclude that Honor Council as a whole violated standards of trust, concern, and/or respect towards the community or Roadrunner as an
individual. The panel consented that there was no suspicion of violation that Honor Council as a whole had violated the Honor Code.

Since the student panel had not been asked to determine whether another party besides Honor Council had violated the Code, the panel adjourned without consenting on whether Wile E. Coyote had violated the Code and Roadrunner’s trust.

**Reflections from the Panel Chair**

However, it still seems worthwhile to comment on Wile E.’s contention that, although Roadrunner’s confidentiality had in fact been “compromised,” Wile E.’s actions constituted “an administrative error, not a breach between the Honor Code or Constitution…” Wile E. seems to be correct in asserting that there is nothing in the Code or the Constitution that specifically forbids the jury selection procedure he chose to use in this one case; in the strictest sense, he was therefore acting within the letter of both documents when he chose to assemble a jury in a fashion that departed from established practice. He also convincingly asserts that, if he had consulted the rest of Honor Council, there very well may have been no case because, as soon as he apprised his colleagues on Honor Council of what he had done, they “quickly spotted the error in my judgment.” This last contention further validates the consensus of the panel that, if there was a violation of the Code, Honor Council collectively was certainly not the party that should have been confronted.

Nevertheless, with an eye on the future, it seems important not to permit what transpired to be dismissed as merely “an administrative error.” No body of law, formal regulations, or code of conduct can define every single aspect of correct behavior or acceptable procedure. It is incumbent on those who undertake, of their own explicit choice, to live under a code of conduct—most particularly those who are entrusted with the responsibility of safeguarding it—to give due consideration as to what responsibilities might be implicit in such a code. In this connection, those who administer the enforcement of a code of conduct are responsible for asking themselves whether the established procedures that pertain to the enforcement of such a code might very well have been framed purposely, at some point that predates their tenure, to advance the best interests and the most equitable administration of that code.

From this perspective, anyone considering the possibility of departing from established procedure for the sake of his or her convenience must first ask whether the procedure may have been created for a specific and important reason and, if so, whether departure from it is not just administratively incorrect, but potentially injurious to the best interests of the community and the individuals he or she has been entrusted to serve. If it was, as Wile E. contends, so obvious to the rest of his colleagues that a departure from the established procedure was problematic, it seems that he may have committed something more momentous than an “administrative error”—he may have violated the community’s faith that he would act in a prudent and responsible fashion in carrying out the duties of his elective office. Given that there was a very well-established jury selection practice (one that probably predates the tenure of most or all of the current members of Honor Council), and that practice demonstrably gave a confronted student an opportunity to remove from a jury list students he or she may know, this procedure implicitly
acknowledged and sought to safeguard a certain, if still limited, right to privacy and to insulate confronted parties from unnecessary embarrassment. In short, the established procedure seems to have served the function of doing as much as possible to ensure that confronted parties were treated with respect and concern.

Whether a suspicion of violation ought to have been brought against Wile E. as an individual is, as said above, moot, in that Roadrunner chose, even when prompted to reconsider his decision, to confront Honor Council as a whole and only Honor Council; no individual was confronted. That said, this last part of the abstract is offered to the community as food for thought. Procedures can be changed, and often they need to be in the interest of ensuring that conflicts are resolved in a timely fashion, as “justice delayed is justice denied.” Still, it seems unwise for individual officers to make such decisions without consultation with those with whom he shares the important responsibility of ensuring that members of the student body treat one another with the civility and respect and that they pursue their education with integrity.

Respectfully submitted,

Panel Chair

Discussion Questions

1. Who should be advising the confronting party in a process where Honor Council is the confronted party?

2. To what extent does an Honor Council Co-Chair represent Honor Council as a whole?

3. When does an Honor Council Co-Chair’s breach of conduct or confidentiality merit resignation?

4. Should Roadrunner have first individually confronted Wile E. Coyote?