April, Wendy, and Albert

Fall 1997

Joint Honor Council-Administrative Panel

Introduction:

Allegations of sexual and aggressive misconduct were brought to Honor Council which reached consensus that a Joint Panel should be held. Two deans and four Honor Council members convened as the Joint Panel.

Initial Proceedings:

April's Statement:

On the night in question, April had gone to bed early only to be awoken around 6 a.m. by the presence of someone in her room. Albert was sitting on the floor next to her bed with his hand under her covers. He had pulled up her shorts and was touching her bottom. She asked him to leave but Albert pretended not to know where he was or what he was doing. Eventually he left. In the morning she discussed the incident with two friends, including Wendy. Wendy informed April that she had had a similar incident with Albert.

Wendy's Statement:

Wendy said that night she had been at a party at the Fieldhouse. Albert was there along with many other students. Wendy observed that Albert seemed quite intoxicated. When Albert returned from the party he was in bad shape from drinking. Wendy and some friends thought that he needed to be put to bed and Wendy volunteered to do so. As she was putting Albert to bed, he grabbed at her, but Wendy pulled away from him and left the room. She went to a friend's room nearby for some time. On her way back to her room she stopped to make sure that Albert was okay, and had not vomited. Wendy leaned over Albert to check his breathing and Albert grabbed her and pulled her to the floor, where he was lying on a sleeping bag. Albert tried to take off her shirt, and maneuvered his body to get on top of her. When he tried to unbutton his pants, she
kicked him in the groin. Albert keeled over and Wendy left the room. Wendy told a friend what
had happened, but decided to deal with it in the morning. It was that next morning that Wendy
learned that April had a similar experience. April and Wendy decided to confront Albert.

A couple of days later the two women spoke with Albert about the incident with April. Wendy
did not want to discuss her incident with Albert at that time because she was embarrassed and did
not want to make a big deal. Albert was very apologetic and promised to cut down on drinking
and partying. He also told April and Wendy that some of his friends had laced his soda that night
with cocaine. Throughout the conversation, Albert seemed very sincere and April and Wendy
believed that he would change his behavior. Wendy did not think it necessary to raise the issue of
his behavior toward her since she believed he would change.

The next weekend Wendy went to a party in Stokes Auditorium where she saw Albert and his
friends and noticed that he was drunk. Wendy left the party, asking Albert's friends to make sure
that he got home safely. Wendy returned to her room and talked with friends for a while and was
still awake when Albert came home from the party with his friends. As he walked down the hall,
Albert started to enter the room of another woman on the hall. The woman was in bed with the
lights out at the time, and Albert's friend pulled him out and closed the door. Some friends on the
hall put Albert to bed, and Wendy checked on him once before she went to bed. At that time he
appeared to be sleeping soundly.

At about 4:15 am Wendy awoke because Albert had climbed into her bed and was on top of her,
taking off her shirt. He began kissing her neck. She kept telling him to stop and yelled "no"
many times, struggling to get away. Albert pressed his body against hers and pinned her arms to
her sides, calling her name repeatedly. Albert then fumbled with his pants and attempted to stick
his penis into the shorts Wendy was wearing. In the process he loosened his grip and Wendy
escaped. She grabbed another shirt from the floor and ran to a friends room down the hall. She
tried to open her friends door, but found it locked. As she stood there, Albert came up from
behind and grabbed her around the waist. He lifted her and dragged her struggling into his room
and shoved the door closed. The whole time Wendy was telling him to stop, she was flailing her
arms about trying to get loose. Finally he lost his balance and Wendy pushed him away. He fell
and hit his back. As Wendy fled, Albert called out to her to come help him because he was hurt.
Wendy ran to her own room and stayed there with the door locked.

In the morning, Wendy mentioned to a couple friends that there had been another "incident"
with Albert, but she did not give any details. It was a full week before Wendy felt able to
confront Albert.

Albert's Statement:

Albert said that, on the first night in question, he went to a party at the Fieldhouse with some
friends. In an effort to entertain his friends, he drank a lot (at least 10 beers by the end of the
night). He returned to his hall and was helped to bed by Wendy. Albert stated that he and Wendy
kissed for a few minutes before she left his room. At that point Albert fell asleep and was awoken
sometime later by Wendy who was kissing him. After a few more minutes she left his room. Albert said that although he was kissing back, he was very passive in that interaction.

Later that night Albert got up to use the bathroom and upon returning he was confused about what room he was in because he had in fact gone into April's room. He saw a person lying in bed. Without thinking clearly about who it was or what the consequences might be, he reached under her covers and touched April. She woke up immediately and asked him if he was drunk or high. He realized the situation he was in and stumbled out of April's room back to his own room. In the morning, Albert woke up with a bad headache and a sense of guilt. After some thinking he remembered what had happened in April's room. He wanted to find a way to talk to April about it; he was deeply ashamed and was not sure how to apologize. He emailed April an apology and requested a chance to apologize in person. April and Albert had a meeting to discuss the matter at which other friends, including Wendy, were present. Albert offered to change his housing to make April more comfortable, but everybody thought that would not be necessary. He offered to stop drinking entirely, but was asked just to drink less, so that alcohol would not lead to more problems.

Albert still wanted to talk to Wendy because he felt violated by what had happened between the two of them when she put him to bed. However, he did not approach her directly and kept a distance from his hallmates because of the incident with April.

The next weekend Albert went to a party off-campus and then returned to the party at Stokes with some friends. He said that he was in a very jovial mood. He did drink, but with the incident from the previous weekend in his mind, he limited himself to four beers. Albert left the party with his friends and returned home. Except for getting up to use the bathroom once, he slept until 11 o'clock the next morning when his friends were getting up to leave. Later that day Albert stopped by Wendy's room while some of their friends were visiting. Albert felt that his presence was not welcomed by Wendy or the people in her room. When Albert returned from dinner two of his friends and Wendy came into his room. She told him that on Friday night, he had attempted to rape her.

Albert was outraged by her accusations. He tried to defend himself but said that he was not given the opportunity to do so. Albert said that he was given two options: seek help at Psychological Services, as Wendy requested, or face legal charges. Still outraged, Albert went to a couple of close friends for support. He felt that he was in a bad position to defend himself against Wendy's accusations because of his earlier incident with April. The night ended with a loud argument between Albert and Wendy. Albert said his friends advised him to just go to Psychological Services because they saw it as Wendy giving him an easy way out. Albert felt extremely helpless and did not know what to do, so he decided that Psychological Services might be able to help. The next day, he made an appointment.

**Witness Testimony and Further Questioning:**
Because of the inconsistency between the accounts presented, the Panel decided to hear from several witnesses. The Panel was given a witness list from April, Wendy and Albert and asked them to explain the relevance of each potential witness. The Panel made decisions to hear from as many witnesses as possible without duplicating information that had already been well established by the parties involved. In talking to witnesses and in further questioning of the two parties, the Panel tried to establish the credibility of the scenarios thus far presented and to explore any alternative explanations of what had happened. By all witnesses' accounts (including his own) Albert was very drunk on the night of the first incidents (involving both April and Wendy). Brad, Wendy's friend, confirmed that he had heard of the first incident between Albert and Wendy immediately after it had happened. Brad further stated that he had no reason to think that Wendy was lying, given the usually friendly relationship between all parties involved. The Panel asked each witness if s/he was aware of any other motives or explanations for what had occurred. Each witness said there was no reason for Wendy to make this up. Albert said that although Wendy mentioned in her statement that there had been cocaine in a drink he was served on this first night, this was in fact not the case. He explained that he had made up the detail about the cocaine early on because he himself could not believe what he had done (with April) and did not think alcohol was enough to explain his actions. He added that he was obviously "well over his own tolerance" of alcohol that night. On the second night in question (when Albert allegedly entered Wendy's room and attempted to rape her), he was also, by most witnesses' accounts, drunk. Though Albert maintained that he drank only "in moderation" the bartender from the party in Stokes said that he had cut Albert off because he was obviously drunk. Other witnesses could not distinguish Albert's behavior that night from the previous weekend when he was admittedly very drunk. Also, one witness confirmed that Albert had smoked pot with some others in the bathroom at Stokes. Although Albert was very sure that Wendy's accusations were not true, his own memory of the evening was at times unclear and conflicted with the accounts presented by others who had had no alcohol or drugs. His main argument was that the accusation "just doesn't make sense." After careful inquiry, the Panel was unable to find any other credible explanation, or any reason for Wendy to fabricate the story.

Panel Deliberations:

The panel agreed that there was no dispute between the confronting and confronted parties regarding Albert's behavior towards April. The panel further reached consensus that: Albert engaged in sexual misconduct towards April. And, that by violating April's privacy and sense of personal safety and security, he also violated community standards of trust, concern, and respect.

In regard to the incidents with Wendy, the Panel felt it explored all possible explanations. The members of the panel were convinced without a doubt that the events described by Wendy on the two nights in question had occurred. The Panel reached the following statement of violation: Albert sexually assaulted Wendy on two occasions. This behavior was not only devastating to Wendy, but also threatened the security of the community at large.
After hearing the statements of violation, Albert remained silent for several moments. He then told the Panel that there were other reasons he had thought of that Wendy might be making these allegations up, but that until now he had not brought them up fearing that Wendy might become even angrier and press criminal charges against him. The panel informed Albert that it was critical to hear all of his testimony. Albert explained that on the night of the first incident, he had harshly rejected Wendy's sexual advances toward him and suggested that perhaps she had been angry with him and wanted revenge.

The Panel met again in closed session to review their deliberations in light of this information. The Panel felt that the information was not in fact new. During the proceedings Albert had suggested that Wendy might have been upset because of something he had said to her. The panel investigated this possibility during its deliberations and could find no evidence that indicated that Wendy had fabricated her story. The fact that Wendy did not press charges the week following the first incident and had only reluctantly come forward following the second incident made Albert's notion of revenge less plausible. In addition, Wendy's main concern was that Albert get counseling.

Despite the new testimony, all Panel members still felt that the statements of violation were accurate and should remain as they were.

**Resolutions:**

*Albert will be separated from the college for a period of seven (7) semesters, at which time he will be eligible to apply, to the Dean of the College, for re-admission. Re-admission is not guaranteed, but may be contingent on: consultation with Psychological Services; demonstrated successful completion of a professional counseling program to address drinking and behavioral issues; demonstration of personal growth.* This period of time served several purposes: first, panel members felt strongly that Albert needed a considerable amount of time to work through his drinking and behavioral issues; second, there would be no possibility of his return while the women were still at Haverford; and finally, it sends a message to all members of the Haverford community that this kind of conduct will not be tolerated.

(Feel free to answer these questions and return them to an Honor Council member or bring them to the Council Office on the 3rd floor of the campus center.)

**Questions For Discussion:**
1. How do you feel about the Panel's decision?

2. Could these events have been prevented? How?

3. How should a panel or jury deal with conflicting testimony between two parties when there are no eyewitnesses?

Send comments, problems, or suggestions to: code@haverford.edu
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