Mike and John

A Student Facilitation Panel AND

A Joint-Honor Council Administrative Panel

Note: This case required two procedures because after the conclusion of the SFP, new and very important information came to light which necessitated a Joint Panel. The resolutions of the Joint Panel, being arrived at with the most accurate and complete information, should be considered the "true" resolutions for the case. While Council is grateful to those who served on the SFP, the new information renders the resolutions of that procedure largely invalid.

INTRODUCTION:

One day, Mike returned home and noticed that $100 were missing from the locked box where he kept his money and other valuables. The box was locked at all times, and to the best of his knowledge only Mike's roommate, John, knew about the box. Mike usually kept the only key to the box with him on his key chain. Because John had the most access to the key and the box, Mike immediately suspected that John took the money. In addition, John had taken other belongings without permission, which added to Mike's suspicions.

Mike decided to set a trap to see who took the money. Before leaving for the evening, Mike intentionally left the box open and exposed with an additional $100 inside. Mike left the room for three hours, and when he returned, $50 were missing. John was in room when Mike left and returned, which furthered Mike's suspicions that John took the money.

A few days later, after filing a report with security, Mike had a meeting with his entire floor at which he told them what had happened. One day later, Mike confronted John about the money, and John responded that he knew nothing about the situation.
One day later, Mike moved out his room and to another building on campus. The same day that Mike moved out, he and John went through a mediation to discuss the issue of the missing money as well as other roommate issues.

Mike, unsatisfied with the mediation and its lack of closure, took the case to Honor Council. Honor Council reached consensus that the case needed to go to a Student Facilitated Panel (SFP). The SFP is the procedure designed to replace social trials. The atmosphere, ideally, is that of a mediated discussion to help resolve social issues without immediately assigning fault. As this was the very first SFP, this abstract will try to be more exhaustive in its descriptions of procedure, so please bear with us.

PREPARATORY MEETING:

The panel (consisting of three honor council members and three randomly selected community members) met to discuss the process and goals of an SFP. At this meeting, the panel members were given copies of written statements by both Mike and John, in conjunction with their contact person. The panel, after reading and discussing the statements, felt that it was important to focus primarily on repairing the lack of trust and respect that existed between Mike and John, rather than turning the panel into a trial-like setting.

As outlined in the Code, the panel set out with a goal of answering the following three questions:

1. How and why did the communication breakdown occur?
2. What are the personal issues that the parties should address?
3. What are the community issues that should be addressed?

After reading the statements, the panel was somewhat skeptical that enough evidence would be provided to prove that John took Mike's money. While establishing the facts of the case was still a major goal, the panel decided that, given the circumstances, another crucial goal was to establish better lines of communication between the two parties.

FACILITATED DIALOGUE:

After the Chair reviewed the goals of the procedure with the two parties, John began his uninterrupted speaking time and told his side of the story. He reiterated part of his statement by clearly stating that he did not steal any money from Mike. He admitted to taking other belongings and apologized for this. He also responded to other allegations raised in the opening statements and in the prior mediation by trying to clear up some of the miscommunication he felt had been occurring. Finally, John stated that he was very upset by the way Mike went about accusing him of taking the money. John had been called into his dean's office. He and his dean talked about issues of theft. John was bothered that Mike brought up these issues with his dean--especially since he thought that they were false allegations.

Mike began his uninterrupted speaking time by apologizing for taking some of the issues to the dean. Mike said that he had been bothered by John's lack of respect for his belongings for a long
time. He proceeded to list off a series of times in which John took Mike's possessions without asking. In terms of the money, Mike said that he was willing to get beyond the missing money--as long as some of the other issues were resolved. However, Mike stated that he would not (nor did he feel it was his obligation to) be able to trust John after the conclusion of the SFP.

The Panel then inquired about Mike's motives for moving out of his room. He stated that he was not able to trust John, and this was affecting his work, performance in his extracurriculars, and his social life. He said that he would not have been able to comfortably live in the same room as John. The downside was that Mike really enjoyed living with the other people on the hall. He felt that the people he and the people he had met on the hall had become good friends and did not want to leave them. Mike also did not feel completely at home in his new environment. As a result, Mike wanted to move back into his old room--on condition that John move out. He felt that John's obvious disrespect for his possessions, as well as the alleged theft of the money, warranted the Panel asking John to move out.

The Panel asked Mike and John questions aimed at leading them to a common understanding and ability to communicate. Both were asked to define trust and respect. Both parties were also asked to try to understand and verbalize the views of the other party. As a result of these discussions, Mike and John had a better understanding of the other's point of view. However, both parties still felt that they were unable to live together and John was still unwilling to state that he had taken Mike's money. After significant discussion, the panel, Mike, and John reached consensus that further dialogue about potential solutions was not productive, and the panel began deliberating.

PANEL DELIBERATIONS:

From the start, all panel members were unwilling to say that John had taken Mike's money. Although they were not willing to rule out this possibility, the panel had not seen enough evidence to warrant a statement of violation regarding this issue. Because of this, the panel was also uncomfortable asking John to move out of his room. However, the panel did not want to preclude Mike from returning to his room.

The panel was disappointed with John's conduct throughout the time leading up to the money incident. They felt that John had not shown respect for his roommate's belongings and personal space.

Some members of the panel were bothered by the fact that Mike was unwilling to trust John after the procedure had ended. While these concerns were recognized and expressed to Mike, the panel did not feel that John had violated the Honor Code.

After significant deliberations, the panel reached consensus on the following statements:

1. The Panel recognizes the validity of Mike's concerns, but concludes that at this time there is not enough evidence to determine who took the money.

2. a. Mike may move back into his room at any time. However, the Panel strongly recommends formal mediation through Communication Outreach before this occurs.
b. If John voluntarily enters room-draw at mid-year, Mike has first priority to occupy the room.

3. Both parties will write letters to the community reflecting on how their actions relate to our community standards, as expressed in the Honor Code.

This writing will be done in consultation with the contact person and the letters will be released with the abstract.

When the resolutions were presented, Mike was very disappointed with the second statement. He strongly felt that John had indeed taken the money, and he felt that he had full rights to move back into his room. Both parties felt that the SFP had been successful to varying degrees to get Mike and John on better terms, however the parties felt that while this might have been the only procedure available, it might not be the best forum for dealing with such a case.

At the conclusion of the panel, the panel made it clear that if further evidence came forward Honor Council would deal with the matter. Once John had left the room, Mike shared with the panel that a local detective had been investigating the matter of the stolen money. Although the detective had not discovered anything, the investigation was continuing.

ABOUT TWO OR THREE WEEKS LATER

About two or three weeks after the conclusion of the SFP, John contacted the Honor Council chair. He stated that he had been lying throughout the process, and had indeed taken the money. John had already contacted Mike to tell him this, and he had also repaid Mike most of the money. John stated that after the conclusion of the SFP, he felt bad for what he had done and after talking to the detective had decided to come clean. Honor Council convened to discuss what should happen next. Three main options were seen. The first was to reconvene the SFP. However, many people were uncomfortable having the same group of people deal with the issue because they had been lied to during the entire process. A second option was to reconvene a new SFP. Again, Honor Council was uncomfortable with this option because, among other reasons, they felt that the breach of trust was not going to be repaired by sitting down and discussing what had happened. Additionally, with the police involved in the case, some members of Council cited the Code saying that when such authorities are involved on campus, a Joint Panel can be called. Honor Council then reached consensus (with two members standing outside), that a Joint Honor Council-Administrative Panel, consisting of two deans and four council members would be convened to investigate the matter.

Mike and John, the Joint Panel

JOINT PANEL
The Joint Panel began by hearing what had transpired during the SFP from the Co-Chair, who had chaired the SFP as well as chairing the present Joint Panel. Mike wished to no longer be involved in the process, and was not formally considered the confronting party. After briefly covering the SFP, the panel heard from John. He began by confessing that he had indeed stolen money from Mike on two separate occasions, totaling $150. He said that after numerous conversations with his dean, his mother, and several other significant others, he realized that in good conscience he had to come forward and confess. He also stated that his confession was part of an arrangement between himself, the detective mentioned above, and Mike's family. Mike's family had promised, through the detective, that no further legal action would be taken if John confessed. John gave a signed confession, with the detective as witness.

Very little new factual information was revealed in the Panel's fact finding efforts, as most factual issues had been thoroughly pursued in the SFP. As such, and given the clear and open confession, the Panel quickly moved to considering resolutions. It was also established that, as the resolutions of the SFP were based on incomplete (indeed, simply incorrect) information, the resolutions of the Joint Panel would take precedence, and the obligations put on Mike from the SFP resolutions were removed.

The panel felt it was crucial that resolutions address the breach of trust between John and Mike as much as possible, and also between John and the community. Additionally, the entire incident had hurt the relationship Mike had with the other people he was living with, as they had no idea that John had actually stolen the money, only that Mike had accused him. The panel felt very strongly that those relationships be repaired. To this end, the panel reached consensus on the following resolutions:

**Resolutions:**

1. John will lose his current housing. He is responsible for finding alternate on-campus housing other than his current building.

2. John will earn $150 in accordance with guidelines set by the panel. This money will be donated to a charitable organization to be approved by the Panel.

3. In order to return next semester, John must re-read the Honor Code, re-write the Honor Code essay, and re-sign his Honor Code pledge card.

4. The Panel recommends continued counseling.

5. A copy of these proceedings will be kept on file by the Dean of the College until John graduates. In the event of any future violation of the Honor Code or of College Policy, these may be taken into consideration.

Guidelines related to resolution number two:

Giving back to the community is one way of helping to rebuild the trust that was violated. The Panel hopes that by earning, over the period of one semester, the same amount of money he stole
and contributing it to a college-based charitable organization, John will have the opportunity to focus his attention on the value of working to benefit others.

The Panel will assist John in obtaining appropriate work that will not interfere with his academic program and will be of assistance to some aspect of the college community. Together with the Panel, John will outline the conditions under which this work will be completed.

After a 24-hour period of reflection, the resolutions were presented to John, who said he did not intend to appeal.

**Questions:**

1. Do you agree with the resolutions in this case? Why or why not?

2. In matters where the facts are clearly in dispute and there is no way to accurately determine what happened without significant investigation, how should Honor Council proceed?

3. This was the first SFP. Comments/Questions as to the efficacy or advantages/disadvantages of this procedure? This is probably the most important question, and the one for which Honor Council would most like feedback.

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

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