There will be an abstract discussion on Tuesday, November 10, at 10:15 pm in the Sharpless Auditorium

Note: This abstract is not the result of a trial. The Honor Code states, "abstracts may be published for mediations and discussions as well if the Honor Council feels that the community could benefit from their distribution" (Honor Code, VII.A.1). In this situation, we are publishing an abstract of a discussion begun by an earlier Council and reopened by the current Council. We are releasing it not merely because the community could "benefit" from it, but because the community has a right to understand several of the issues. The need for Honor Council to be held accountable to the community has been asserted time and time again at such forums as Plenary and abstract discussions; we hope that this abstract will address such concerns. Furthermore, we hope that this abstract will encourage the community to engage in a collective dialogue to consider the issues raised.

Background:

Honor Council has several important responsibilities as the body which "administers the Honor Code on behalf of the community" (Code, II). Several issues relevant to this discussion are presented below as stated in the Code:

- VII.B.3: "Honor Council must follow the stated procedures for handling concerns."

- VII.C.1: "Honor Council is charged with interpreting the sections of the Code that leave room for flexibility."

- VII.C.1: "In interpreting the Code, it is the Honor Council's responsibility to consider both the community and the individual involved, and to try to find the balance between what is best for both."

- II.A: "All decisions made by Honor Council, including those approving Council publications, are made by consensus."

- VII.A: "In the interest of keeping the community informed, abstracts must be written within four weeks of every trial, joint panel, or SFP... If an individual(s) requests that the abstract be delayed, Honor Council will weigh the importance of keeping the community informed with the effects of immediate release on the confidentiality of involved individual(s)."

- VII.A: "Honor Council will reach consensus on whether or not to withhold the abstract. Abstracts may be withheld for no longer than one year."
- VII.B.1: "All matters involving individual students which are brought to Honor Council's attention must remain in strict confidence. No Council member shall discuss cases in progress with other students who are not members of Council."

- VIII.A.1: "Abstracts are detailed enough to outline the issues, but vague enough to protect the confidentiality of the people involved. No names or revealing information such as specific dates, classes, instructors or, in social cases, any detailed information which would identify any individual, are included."

The Story:

Long, long ago, in a galaxy far, far away, Honor Council was faced with a decision in which it was forced to violate the Honor Code. An earlier Council had consented to delay the release of an abstract for one year in order to protect the confidentiality of the parties involved. This abstract was fairly detailed, and Council consented upon the fact that such detail must be maintained in order to retain the abstract's educational value. The year had come and passed, and Council was faced with releasing the abstract. Two members of Council, Luke and Leia, raised concern over the impact of the abstract on the individuals involved in the procedure, Obi-Wan Kenobe and Yoda. Obi-Wan and Yoda had expected the abstract to be released and did not approach Council about it. Nonetheless, Luke and Leia felt that the abstract would cause these individuals to relive the trial and that releasing the abstract would violate their confidentiality. Honor Council normally delays an abstract only on request of a party involved, but in this case some members of Council saw that Luke and Leia had an interesting and valid point.

Council began discussing the issues. On the one hand, the Code explicitly states that an abstract may only be withheld for only one year. On the other, the Code demands that Council must protect an individual's confidentiality and personal freedoms. Here, it became an issue of whether Honor Council should emphasize the rights of the community or the rights of the individual. Council discussed this issue for a long time. Luke, Leia, and others asserted that releasing the abstract, because it was so specific, would breach Obi-Wan's and Yoda's confidentiality. Doing so would be an explicit violation of the Code (see VII.A and VIII.A.1). The whole community would know that Obi-Wan and Yoda were involved; Obi-Wan and Yoda would be forced to face another trial, this time in front of the public. It would cause them unnecessary grief and would make them relive a difficult part of their lives. Han Solo and Chewie, however, thought that the community must be informed. They referred to the Code's clause that any abstract had to be released within one year. Ignoring this clause would also be an explicit violation of the Code (see VII.A). Over time, it became clear that Honor Council was going to have to make a difficult decision. Either way, the Council agreed, the Code would be violated.

At this point, Honor Council decided to approach Obi-Wan and Yoda in order to prevent possible painful deliberation over a non-issue; if Obi-Wan and Yoda would not mind if Council released the abstract, the discussion could cease. Before this point, one or more Council members had been in contact with Obi-Wan and Yoda, informing them of the discussion Honor Council was
having and some specifics of that discussion. Because of this unofficial communication, which continued throughout the discussions, many Council members seemed to feel that Obi-Wan and Yoda were in the room in spirit and were monitoring everything discussed. Furthermore, many Council members had close relationships, either positive or negative, with Obi-Wan or Yoda. After Council's official contact with Obi-Wan and Yoda, it received a letter outlining their concerns with the abstract's release and their belief that it should be delayed. Council as a whole discussed whether or not they should consider the letter in the decision-making process and consented to use the letter as a way of examining the views of those who had most at stake, Obi-Wan and Yoda.

Council had now been discussing the release of the abstract for more than twenty hours and the process had essentially reached a standstill. Council was able to reach consensus on the need to make a decision: they consented that they would neither pass on the decision nor make a decision by default. In other words, not reaching a decision would have, in effect, been a binding decision in and of itself because it would have delayed the abstract.

Council struggled for days to revise the abstract so that the accused parties would not be exposed. However, the act committed by Obi-Wan and Yoda was so singular in nature that any mention of it would reveal their identity. The resolutions also pointed directly to their Jedi abilities, and, after a lengthy discussion, Council decided that the abstract must come out in its original form with all of the resolutions intact if the educational benefit were to be realized.

The situation grew increasingly hostile. Eventually, time had run out and Council needed to decide. They had one final meeting, characterized by polarized and hostile opinions. Leia threatened to block any decision other than delaying the abstract until Obi-Wan and Yoda had left the galaxy forever. Han Solo could not consent to any decision that would delay it at all. Luke, Leia, Han, and Chewie all felt that the issues went to the level of conscience. Leia herself acknowledged the moral courage and integrity of Han and Chewie, and in no way felt that she or they were being obstructionist. Council stood divided on fundamental interpretations of the Code, and under the circumstances of the time no reconciliation was possible. There was no decision that would not have been blocked by at least one member of Council. Council members also threatened to walk out of the room or even to resign. However, if no decision were made, the abstract would have been delayed not by consensus, but by default. Consensus had completely broken down; members were no longer able to look each other in the eyes.

Council had now been sitting in a room for over four hours facing an intensely personal, difficult, and hostile issue. By this point, people were in tears. In the final hour of the meeting, Council decided (not by consensus) to abandon consensus and experimented with several different procedures. Eventually, one member laid down an ultimatum: she was leaving in twenty minutes and would never discuss the issue again, no matter what the consequence. The only remaining option was a straight vote. They explicitly violated the clause saying that "All decisions made by Honor Council, including those approving Council publication, are made by consensus" (Code, II.A). However, some members felt that in not providing Obi-Wan and Yoda with an answer or with letting the abstract be delayed even further by default, Council would be
committing a violation of equal magnitude. Throughout the voting procedure, certain members were adamant that voting was a violation of the Code and refused to vote. Most of Council was on its feet and yelling at each other. Almost half of Council refused to vote; of those who did, the clear majority chose the option of delaying the abstract until Obi-Wan and Yoda had left the galaxy.

Council then officially relayed this decision to Obi-Wan and Yoda. Soon, the semester was over, leaving Council members feeling ashamed of the process and disheartened because consensus had failed.

**Part II (Fall 1998):**

Two members of Council, who served after these incidents, decided to "confront" Council concerning the release of the abstract. They had been approached by a community member who, although he had never served on Council, was familiar with the case and wondered why the abstract had not yet been released. After much discussion, some facts of the earlier decision and the second delay of the abstract came out into the open.

Much more discussion followed, and members of Council had very different opinions about the situation. Although these discussions have not yet been resolved, Council was able to reach consensus that the community should be informed about the breakdown of consensus and the consequences of that breakdown. This abstract hopefully provides the community with as complete a version of the story as can be accomplished while maintaining Obi-Wan's and Yoda's confidentiality.

In writing this abstract, Honor Council hopes to educate the community and hold Council accountable for its actions. We hope to focus discussion on Honor Council's decision-making process and not on the actual decision. We do not believe that whether or not this specific abstract comes out is not as important as discussing these issues in general. Hopefully this abstract will begin a productive dialogue concerning several issues:

**What can Council do when any possible alternative involves breaking the Honor Code?**

In this case, Council was required to release the abstract, but doing so would have violated the confidentiality and individual rights of community members. Either way, Honor Council would have violated the Code.

**What can be done when consensus breaks down?**

The Honor Code does not directly address this issue; it demands that all decisions must be made by consensus. In this case, however, consensus was not possible. What can Honor Council do within the bounds of the Code? Does Council have the authority to leave the Code?
What is the relative importance of consensus in the Code? What can be done if Council cannot consent to one particular decision and the alternative thus becomes a "default decision"?

Honor Council recognized that the Code states that consensus is the only viable process for making decisions. However, Council also realized that the failure to consent to one decision would lead the abstract to be delayed indefinitely. It also felt that it owed Obi-Wan and Yoda an answer of when the abstract would be released. What is Council's responsibility to preserve the letter of the Code as compared to its responsibility to render a timely decision?

How should Honor Council balance concerns for an individual with concerns for the community?

Honor Council decided that Obi-Wan's and Yoda's confidentiality was more important than the need to release the abstract to the community.

How should Honor Council be held more accountable to the community?

Council made a decision by a vote without informing the community of the fact that voting occurred. The community only now knows about this process because Council decided to publish this abstract.

What should Honor Council do when so many of its members have a very strong personal connection, either positive or negative, to the individuals being discussed?

Here, most of Council had personal relationships, both positive and negative, with either Yoda or Obi-Wan. In such situations, can Council still be impartial and still make the best decision?

How should the breach of confidentiality within Honor Council be seen?

A member of Honor Council spoke directly with Obi-Wan and Yoda before Council had consented to approach them, violating the Honor Code (see VII.B.1). This communication continued throughout the discussions to such an extent that many members felt Obi-Wan and Yoda were in the room in spirit. Can the community continue to trust Honor Council? How should Honor Council address this breach of trust?

What can be done about "pockets of power" or "privilege" at Haverford?

Obi-Wan and Yoda knew about the procedure because of their relationship with a member or members of Honor Council. All sorts of people at Haverford receive privileges as a result of who their friends are. In this case, Obi-Wan and Yoda received privileges that few other community members would have received.

What powers does Honor Council have?
Can Honor Council reexamine a decision made by previous Councils? This question came to the fore in Part II of the discussion; the current Council has been discussing whether or not we can even address the decision made by a past Council.

In turn, that past Council took the power to reexamine an earlier Council's decision. The first Council delayed the abstract for one year, assuming that it would be released at that time. By delaying it further, Council changed a decision made by an earlier Council.

**Can Honor Council let a decision made by voting remain binding?**

By releasing this abstract, Council does not necessarily endorse the binding nature of a decision made by voting.

We will be holding a campus-wide abstract discussion concerning these issues on **Tuesday, November 10, at 10:15 pm in the Sharpless Auditorium**. Furthermore, Council has by no means put an end to this discussion itself. If community members would like to raise issues, concerns, or questions with Council, speak with or email any Council member. We would like to explicitly state that all correspondence will be kept confidential so as to encourage further discussion.

Although previous Councils were involved in the proceedings and committed the violations discussed, the current Council seeks to take responsibility for them. We hope that the ensuing dialogue will not focus on either the specific actions of past Council members or on details concerning Obi-Wan or Yoda; instead, we hope the community will address concerns to the current Council and emphasize what can be done now and in the future.

Sincerely,

Lauren Hersh '99

John Papay '99

Matt Stremlau '99

Rob Tambyraja '99

Bill Dawe '00 (Co-Chair)

Jenn Eng '00

Laura McTighe '00

Mike Ranen '00

Daphne Heidkamp '01
Ben Huebner '01
Anthony Minko '01
Matt Osypowski '01
Scott Burau '02
Matt Lesneski '02
Elise Pinero '02
Jared Tankel '02

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