Public Portion Minutes from February 10, 2011

Guests: Anna Brockway, Florencia Foxley, Kate Mahoney, Jacob Horn and Emma Hilbert

1. Discussion of Summer Trials and Trials at the end of the Semester
   a. They are difficult to do
   b. Jacob – are we talking about starting something, finishing something?
      i. Anna – doesn’t matter, just the difficulty of transition periods.
         How can you minimize the issue of four months of break?
   c. Jacob – Shouldn’t you set up a system for getting a trial together over the
      summer?
      i. Anna – We have that in place, the logistics are just difficult
         1. We could also give people the option of a summer trial
   d. Kate – I think the most important issue is having a proceeding split up, not
      so much if something starts late
      i. Emma – I think having to wait three months in the middle of a
         thing would be awful for a confronting or confronted party
      ii. Anna – I agree that it can be really stressful (the anticipation of a
         trial) and when it starts people calm down
      iii. Florencia – unless Haverford wants to pay for emergency/just in
         case jurors over the summer there is really no way around it. It’s
         just a logistical nightmare.
   e. Jacob – could we get more notice about abstracts
      i. Anna – not really. Mostly there is a reason that we send them out
         when we do that we can’t always tell people. Sorry.
   f. Jacob – This abstract raised the issue of how a case could come to a state
      of paralysis when the person who cheated simply won’t acknowledge it.
      i. Emma – People are usually willing to discuss what they did
      ii. Kate – Raises the issue too of whether academic situations should
         be sent to a mediation. If it comes to a he-said-she-said, a
         mediation won’t do anything.
      iii. Anna – Academic mediations are strange things.
      iv. Jacob – So is there a place that academic mediations are
         appropriate?
      v. Kate – How can you say in any case that this is the one thing that
         will work the best?
      vi. Emma – Even if it turns out there isn’t a statement of violation in a
         trial, you have a resolution.
      vii. Kate – What if, during the mediation, Tinkerbell had said, “I
         cheated”?
      viii. Anna – You could have ended it there, if that was agreeable to all
         parties, or it could have gone to a trial. It’s a question of what’s
         practical and what’s productive.

These minutes reflect the opinions of Florencia Foxley and Jacob Horn, the Council Co-Secretary and helper (ffoxley@hc or jhorn@hc) and are neither approved nor reviewed by the rest of Council.
Questions/comments? Email code@hc!
ix. Jacob – But nothing about a mediation would hold anyone accountable for anything.

x. Anna – And it would have been made a more egregious problem by her initially saying she didn’t cheat.

xi. Kate – In a trial, there’s also a jury to represent whether things are OK with the community, but a mediator can’t say that the outcome has restored the trust of the community.

g. Jacob – What about the issue of the mediator not being to Wendy’s liking – is there an analogy to removing jurors, if this had been a trial?

i. Anna – The only reason you’d remove a juror is if there’s a conflict of interest, not because someone is a freshman. You could say that they have a conflict of interest when you’re really removing them because they’re a freshman, but probably doesn’t happen.

ii. Kate – Clarification on conflict of interest?

iii. Anna – You have to work with or know someone really well. Someone where your confidentiality in regards to the trial is important when it comes to your relationship with that person.