Professor Einstein confronted Priscilla and Beau because of a possible violation of the academic Honor Code. At Einstein's request, Priscilla and Beau reported themselves to Honor Council by speaking with a member of the Council. A jury was convened on Monday evening to address the situation.

After the Chairperson read the relevant portions of the Code, Professor Einstein related what he felt was the possible problem. Beau had done many of his homeworks in study groups with other students in the class, as was allowed. The professor claimed that he did not put the answers to questions in his own words, however. After Beau had repeatedly done this, he and another student were told by Einstein that they should take greater care in the future to hand in homework that contained more of their own work.

Professor Einstein also pointed out that Beau had received a failing grade on the first exam of the semester. Priscilla received a very high grade on this test. She also contributed to class discussion throughout the semester while Beau had not. Einstein maintained that Beau's homeworks, first exam grade, and lack of class participation pointed to a general lack of understanding of the subject matter. However, when Einstein was asked whether he was confronting Beau for the way he did homework, Einstein said he wasn't. Consequently, all the information he had presented about the homework became circumstantial.

The jury wondered why Einstein spent so much time on what now looked like circumstantial evidence, since he wasn't confronting Beau for his semester-long behavior. Its impression was that he was trying to build up a case against Beau, though he did continue with testimony about the matter in question; that is, the second exam of the semester. Einstein said that in the process of grading the class's exams, he encountered Beau's first, then Priscilla's. He told the jury that there were "too many similarities." Students were allowed to use their books and notes, and had 2 1/2 hours to complete it. Once the time limit was up, they could recopy their answers without making any changes. The exam was distributed on Friday, in class, to be handed in on Monday.

Einstein related that after he had confronted them he found out the following. Priscilla took the test on Saturday night and Beau took it the following afternoon. On Sunday night they met, discussed the exam, and Beau took notes on their conversation. Einstein then contended that Beau used those notes when he recopied his exam, thereby changing what he did originally. Einstein felt that two violations had to be addressed. First, he believed that by discussing the exam before recopying it, they were in violation of the Code. Second, he believed that by changing his answers after speaking with Priscilla, Beau had committed a serious violation. A juror asked Einstein why he did not think Priscilla was also guilty of the second allegation. He responded that based upon the high quality of her class performance throughout the semester, plus the way she handled the second test, she most likely did not commit the second violation. Einstein said that in due course he would point out how the answers to exam questions would be strong evidence against Beau.

Beau then gave his view of the situation and the points made by Professor Einstein. He understood that the final drafts of the homeworks had to be written up separately. Beau felt that some of the homeworks lent themselves to similar answers, especially those done on the computer. Beau pointed out that the homeworks were done in a group and that was why they came out the same way when written up separately. As for the exam, he emphasized that he redid all the homeworks before taking it. Since he had done poorly the first time he wanted to do well this time to make up for it. He used the full 2 1/2 hours that was allowed, and when he was done he thought he had done "decently." He and Priscilla both thought that the exam was hard.
When he went to Priscilla's room later that evening, he was going to work on a class project with her. Instead of talking about their joint project, however, they began to talk about the exam they had completed within the last twenty-four hours. [The exam had three questions, A, B, and C; the first two had many subsections.] Beau contended that he found the end part of his original answer to question B when he opened his folder in Priscilla's room. He explained that after taking the exam, he went back to his dorm and thought that he left all his exam answers there. However, when he got to Priscilla's room later, he found a page of the exam answers in his book bag. He contended that this one stray page had been accidentally separated from the others.

Beau made a point of saying that they did not want anyone else in the class to inadvertently hear their discussion, so they closed Priscilla's room door and the suite door. They went over the whole test carefully, and did not discuss the project at all. They were in Priscilla's room from approximately 9:00 p.m. until about 10:30 or 11:00. Beau then went to visit a friend, returned to his dorm and watched TV, helped one of his friends with a problem, and recopied his exam from about 1 a.m. until about 3 a.m.

Then Priscilla spoke. She said she took the exam Saturday night, but she panicked at the beginning. She finally got through the first two problems before the time limit expired. She did the third problem on Sunday morning, and indicated on her final copy that it was completed after the time limit. She said the exam could be rewritten as many times as one wanted before handing it in--without making changes in the original answers. She told the jury that there was no way they would ever change their answers after their discussion. They went over each question using her exam and found that they had both made mistakes. She didn't copy anything down herself from this conversation; however, Beau took what were, in his words, "comprehensive notes." During their discussion, Beau and Priscilla discovered minor errors on her exam which she indicated as having found after the time limit.

Beau spoke again saying that their answers to A and C were very similar, as Einstein had told them earlier. They had the most trouble with B, which they did very differently in their final drafts. When asked whether he thought that he possibly could have confused the rough draft of his answers with the notes he took at Priscilla's, he said that he didn't think that had happened. When asked whether he still had the rough draft of his test and the notes he took in Priscilla's room, Beau said that he had thrown them out during a spring cleaning of his room a week or so earlier. When asked about Priscilla and Beau's discussion, Professor Einstein stated that he had not specifically told students not to talk about the exam after taking it, but he did think it was wrong to do so before recopying it.

Professor Einstein then went through the exam with the jury to point out the similarities he found. Each juror, plus Beau and Priscilla, received copies of each exam. Before this night Beau and Priscilla had not seen their exams since handing them in because Professor Einstein did not want to return them.

The first similarity was a unique mistake in notation that only the two of them had made. In order to describe the second similarity to the jury, Professor Einstein pointed to the Gravity Chart on Priscilla's test. Although both Beau and Priscilla had calculated all the information that had to be put in this table, Priscilla had the necessary information in its standard chart form, where Beau had merely listed the information. When each had to derive more information from this chart and use it for various calculations, both Beau and Priscilla made the same mistake. Specifically, when reading numbers from the chart, one should place a 5 in the numerator of a fraction and a 2 in the denominator. However, both made the same mistake of reading from the next line down on the chart, and chose a 3 for the denominator. This error was made only by the two of them.
The third similarity was a careless error in subtraction which caused both Beau and Priscilla to square 16 instead of 19. Again, this mistake was made only by Priscilla and Beau. The fourth mistake was made in a simple formula that required them to place a 52 in two equations, but both left out the 52. Priscilla, Beau, and one other student made this error. Professor Einstein pointed out that separately each pair of similarities would not be significant. Einstein stated that mistakes in thought processes were more common than simple arithmetic errors. As Einstein said, the similarities were "beyond the realm of coincidence." So many similarities on the same two exams pointed to definite cheating. Upon seeing these similarities in the exams, Beau and Priscilla insisted that the likenesses had to be coincidental.

At this point, the confronting and confronted parties left the room. The jury began to discuss whether or not Beau and Priscilla's actions constituted a violation of the Code. The jury first determined that their discussing the exam before recopying it was not in and of itself a violation. The jury felt that once the 2 1/2 hour time limit was up, the exam was finished. The jury thought that if the community trusts students to take take-home exams, then it must trust them not to change their answers after discussing a completed test. Furthermore, it was contrary to the professor's specific instructions. It was firmly believed that discussing the exam in such detail before handing it in was not a wise action on their part, but it did not constitute a violation.

Next, the jury discussed the second possible violation. Professor Einstein had said earlier that he thought that Priscilla did not cheat from Beau because of her previous performance in the class. He also pointed out that she clearly noted on her exam where she made changes after the time limit expired. It was not evident that she made any changes that she did not expressly indicate. In addition, she had left incorrect answers to question B on her test after discussing the mistakes with Beau. Beau, however, had virtually all of question B correct. In addition, he had made the same mistakes as Priscilla did on questions A and C, but left out some of the particulars that she included. Not putting the Gravity Chart information in chart form as Priscilla did was an example of this lack of particulars.

For the next few hours the jury discussed what Einstein presented. It also talked about the way Einstein presented his argument. Some jurors were taken aback by the accusatory tone of Einstein's presentation. He had claimed that Beau had a history of questionable academic integrity which he felt should be considered in the inquiry. When discussing the tests Einstein continually pointed out where Priscilla "screwed up" and where Beau "cheated."

Some jurors were concerned by the professor's strong belief that Beau had cheated. The jury felt he was putting too much weight on the circumstantial issue of Beau's academic history in that class. The jury spent about 3 more hours that night discussing the exam and the testimony of both parties. The jury was severely split and thus not able to reach consensus that night as to whether a violation had occurred.

By the end of the first night the jury wished to get reactions from other professors as to how likely it was that two people could have made the same careless errors so often on an exam. The jury decided to give copies of these exams to other professors. Three jurors traced the exams onto tracing paper and then Xeroxed them. This would serve to change the handwriting (to protect confidentiality) and to have the professors not see Einstein's comments. In other words, the other professors would be grading the exams from scratch, knowing nothing of the circumstances. It was agreed that the exams would be sent to seven professors. Both the confronting and confronted parties agreed to this. One professor complied and after comparing the exams concluded that collaboration was probable. He also said he would bring the matter to Honor Council if he were the professor for this class.
Initially he did not know the size of the class. When told the number of students, he thought that the chances of collaboration increased further.

When the jury met again on Wednesday, it discussed the results. The responding professor's comments confirmed the opinions of some, and swayed others that the similarities between the exams could not be mere coincidence. On that night the jury also discussed the possibility of questioning Beau and Priscilla individually. The jury wanted to make sure it got each person's account without being influenced by the other's presence. Some jurors had reservations about questioning them separately before determining whether or not a violation had occurred.

On Thursday, Beau and Priscilla returned without Professor Einstein (who waived his right to be there). Beau recounted what happened the night he was confronted by Professor Einstein. Beau thought it was improper that the confrontation took place in the lobby of the library. Beau then walked around the campus for about 20 minutes thinking about the confrontation and then went to Priscilla's room to talk to her, as Einstein had advised. They walked together for 30 minutes or so and then went to the library to see Einstein.

Beau and Priscilla then talked about the time spent in her room on the night before the exam was due. Priscilla said that they both did not feel comfortable about the exam. Beau said that he spent 1 1/2 to 2 hours in her room. They spent about half an hour going over question B. They did some calculations on questions A and C as well. Beau said that there was a pretty detailed discussion of question B, including reviewing specific calculations.

Priscilla also said that Beau did not have the answers to question C with him. He did have the answers to the beginning and middle parts of question B. She also observed that she had done problems in more detail than he had on the test.

After two hours they left the room. At that point, much of the jury was "moving in the direction" that a violation had occurred. Jurors did not find any overwhelming contradictions in their stories, and the confronted parties maintained that they had not violated the Code.

On Friday night, the jury met again by itself and discussed whether or not there was a violation. It was determined that questioning them individually would not help in the factual portion. There were many circumstantial questions that needed to be asked, as well as some factual questions. For example, jurors wondered what parts of which answers Beau had with him when he came to Priscilla's room. That point became increasingly fuzzy as the trial progressed.

The jury discussed an apparent contradiction in their statements: Priscilla had said that they spent about a half hour discussing question B, but they also said that most of the 1 1/2--2 hours were spent solving question B. Another question that arose was how well they felt they had done on the test upon completing it. Some jurors wondered why Beau felt the need to discuss it at all if he thought he had done "decently," as he stated originally.

The general feeling was that a violation had occurred, although a couple of people were not yet willing to stand inside consensus because they believed Beau and Priscilla's testimonies.

On Saturday morning, the jury came to consensus that a violation had occurred, although it was not able to determine who had committed the violation. At this time some jurors were entertaining the possibility that the violation was unintentional. Beau and Priscilla consented to being questioned separately.

On Sunday afternoon, Priscilla and Beau came in together. Einstein had again waived his right to be present. They were informed that consensus had been reached that a violation had occurred. Beau was asked to leave the room. Priscilla then repeated much of what she had said earlier. She did add the following information: She did not find it strange that Beau took notes on
their conversation. She described the notes he took as being "pretty extensive." She could not remember the number of pages of notes Beau took in her room. She said that she had completed her recopying of her answers to questions A and C before he got to her room. Priscilla added that she did not like the manner in which she and Beau were confronted initially. Priscilla said that the possibility seemed unlikely of Beau's getting the rough copy of his test confused with the notes he took in her room. She thought it hard to believe that he cheated, though some of the similarities in the test seemed strange. She said Beau had told her the night they were confronted that he did not deliberately cheat.

Priscilla left and Beau came in a while later. He said that he didn't think he got the rough test mixed up with the notes from Priscilla's room. He took notes in her room because he did not have his test with him and he wanted to compare his rough test to his discussion notes. He wanted to understand the process behind the answers. Beau did not compare the two sets of answers because he underestimated the amount of time he would have to do so that night. Beau never compared his notes to the rough test, even after handing in the final copy. He started recopying his exam from the beginning and did it in order, using the rough test in this process. Beau repeated that he was bothered by the way Einstein had confronted them. Beau did not suspect that Priscilla had done anything wrong. He maintained that the similarities in the exams were coincidental. He insisted that he did not commit a violation.

On Sunday night, the jury met again and discussed a number of inconsistencies in the two stories. After some discussion, it was decided that these inconsistencies could be due to the fact that the confronted parties' memories were getting blurred or that something might have been misunderstood by the jury.

A juror pointed out that it was highly unlikely that Beau accidentally miscopied the wrong set of answers. Since Beau found one sheet with some of his exam answers in his notebook as he was going over the test in Priscilla's room, this sheet would have ended up with the notes he took there. Consequently, when he went to copy over his original test later, he would have noticed that this one page of the rough test was missing. Had he mistakenly copied from the notes taken in Priscilla's room, he would have had this extra sheet left over, indicating that at least one question had been worked out twice. At that point he should have realized that he copied from the wrong source. In addition, although the rough test and the notes from Priscilla's room were written by the same pen on the same type of paper, the content would be different. For example, cross-outs and false starts that would appear on the rough test would not be evident in the discussion notes.

During that night's discussion the jury was virtually able to exonerate Priscilla. The jury felt she could have cheated in so many other ways, but most importantly, because she had taken no notes on their conversation, she could not have picked up on the careless mistakes they had discussed. Given this new approach, almost all jury members felt that the violation could not be accidental. The jury was not able to maintain the consensus it came to the day before because some jury members hesitated to attribute the violation to either Beau or Priscilla. Some jurors chose to believe Beau despite the evidence; he was able to maintain his story for a whole week. Beau was convincing, cooperative, and seemingly sincere; he repeated several times, "In my mind, I did not maliciously, intentionally violate the Code." He said his conscience was clear. Some jurors felt that since trust is the foundation of the community, they were compelled to believe him. The jury decided to give more professors copies of the exams.

On Monday, a week after the trial began, everyone returned because Professor Einstein had more similarities he wanted to present, the most significant of which involved the Gravity Chart. On a standard Gravity Chart there are subject headings and corresponding information in a certain order.
Priscilla had two sets of Gravity Charts for two different problems. In problem A3 her headings and information were in a different order than they were in A4. Einstein discovered that Beau had written the information which should have been in a Gravity Chart in the same order in his A3 as Priscilla had. For A4 his order was also the same as Priscilla's. Beau's information was in a list form on his pages, while Priscilla had written in a normal, horizontal Gravity Chart form. Einstein pointed out that this similarity was strange because the subject headings in Priscilla's A3 and A4 should have been in the same order, but they weren't. Beau's information was in the same incorrect order as Priscilla's.

Beau claimed that he had no way to defend himself. He wished he had some proof. All he could say was that he did not deliberately copy from the notes taken in Priscilla's room. Priscilla emphasized that Beau did not copy her test. Professor Einstein then accused Beau of lying about several points during the trial. Beau and Priscilla refuted this. Tension ran high in the room and a recess was called. When the trial reconvened, Professor Einstein said that he was hurt by the antagonism which some of the jurors displayed toward his presentation. He had presented the jury with many details they felt were irrelevant, although he thought this information was important. Einstein said that Beau had failed the first test and was "grasping" for everything. He missed 3 of 19 classes. Beau did not do his homework in his own words. Einstein now thought that doing the homework improperly was a violation.

Beau and Priscilla then spoke. Beau said he was a slow test taker. Priscilla said she feels she knows Beau well now. Priscilla thought that Beau could have done a better job cheating if he wanted. He could have gone over the time limit. He could have chosen someone else to cheat from; she wasn't so certain of the quality of her answers.

A juror then pointed out to Priscilla and Beau why he thought Beau could not have gotten the two sets of notes accidentally confused. He went through the same explanation as he offered to the jury the day before. The confronted and confronting parties left the room. In working to reach consensus, the jury was about evenly split. On Tuesday, eleven members of the jury were able to agree that a violation had occurred. What helped to move the jury back toward consensus were more similarities that were found in the tests. The accumulation of factual evidence could no longer be attributed to coincidence. Some jurors still had doubts that there was any violation. The statement "I want to believe them" was frequently made. However many jurors could not ignore the evidence and were beginning to believe that Beau was lying. Some jurors wanted to ask him directly whether he was telling the truth.

The jury met Wednesday afternoon and shared the findings of five more professors that cheating was extremely probable. Soon thereafter Priscilla spoke to the jury without Beau. She told the jury that it was placing too much emphasis on estimates of time. She and Beau were unsure about how much time was spent discussing each question and how much time Beau spent on each question while taking his test. She also insisted on the possibility of Beau's confusing his notes with his rough test. She said that if intent were considered it would be just as easy for her to copy as it would for Beau. She also said that if a person like her were doing well in a course, then did poorly on a subsequent test, that would be incentive to copy. Another juror asked her whether it was possible that Beau had given in to temptation after taking notes in her room. Priscilla thought it was highly unlikely.

An hour after Priscilla left, Beau entered. He felt that the trial process was getting bogged down. He said he had been giving a lot of guess-estimates because he could not remember the details of events that happened weeks before. He felt the jury was giving too much validity to these estimates. As he saw it, there were three possibilities. First, he or Priscilla intentionally cheated. Second, he inadvertently confused two sets
of notes. Third, the similarities in the exam were coincidental. He firmly
denied the first, and left the jury with the second or third possibilities,
although he thought the second was unlikely. Beau mentioned that he had once
served as a random jury member in a trial. After sitting on that jury, and
seeing the problems that arise, he said he subsequently took precautions to
avoid an accidental violation. This statement seemed inconsistent with
several things he had said before; for example, he had told the jury that he
had not worn a watch during the exam.

Beau was then asked whether he was tempted by seeing Priscilla's notes.
He felt that under the worst of circumstances he could have been tempted, but
the circumstances surrounding this test were not the worst. A member of the
jury then spoke to Beau and told him that he personally thought Beau was
lying. He told Beau that he thought he was doing an excellent job of lying
and as a result the jury was having difficulty in coming to consensus. Beau
responded by saying, "In my mind, I have done nothing wrong. I have told you
everything I could tell you." He was hurt that the jury was questioning his
integrity. When he left the room, some jurors said that they still wanted to
believe him.

The jury decided that it was unable to make further progress and needed
an objective person to act as a sounding board. It was a most painful
decision to have anyone outside the student body come in to help in any way,
for the jury took pride in the fact that the Code's administration belongs
solely to the students. At this time, however, it looked like the jury would
be indefinitely deadlocked. The jury reviewed the mounting evidence and
elaborated the key facts. At this point the jury felt that it had to
exclusively believe either Beau or the evidence. Because a certain dean had
taken part in the "Tom and Paul" case last December, a precedent had then been
set. Many jurors were comfortable with a certain dean, and the jury decided
to ask him to come to the meeting the next day. He agreed. The jury told
Priscilla and Beau that he was coming.

On Thursday, the dean came to the inquiry. The jurors presented the
case in abstract to him. He asked a few questions. The jury enumerated all
the difficulties it had with Beau's story. It was struck by the fact that it
was saying little in his defense and questioning Beau's faith in his own
innocence. The dean pointed out that "sometimes good people can do bad
things." He added that it is possible to rationalize one's actions to the
point of self-delusion.

After he left, the weight of the group was that there had been a
violation. Eleven members of the jury reached consensus that a violation had
occurred. The jury felt that it could no longer ignore the overwhelming
factual evidence. One person blocked consensus and after further discussion
stood outside of consensus. He firmly believed that since our community is
based upon trust, he was obligated to believe Beau and Priscilla despite the
evidence.

Then ten of the eleven other jurors came to consensus that Beau had
intentionally committed the violation. One person stood outside of consensus,
maintaining that he believed Beau's testimony. He was not convinced that Beau
was lying.

That night the Chairperson told Beau and Priscilla that the jury
believed that Beau had intentionally cheated. Priscilla was very upset, and
Beau seemed angry. The next morning, Friday, the jury met again and came to
consensus that Priscilla did not commit a violation. The jury agreed that
although she did not point out that the minor changes she made in her exam
were prompted by her conversation with Beau, she did tell Einstein that they
were made after the time limit had expired. The jury agreed that making these
changes without indicating that they came from their conversation represented
poor judgment. The jury also felt it was bad judgment, though not a
violation, for her to have spoken to Beau about the exam and not question his taking notes.

After discussing Priscilla's role, both confronted parties returned to the room and were told that the jury had determined that Priscilla had not committed a violation of the Code. Beau read a statement which reiterated that his conscience was clear and that he felt he did not do anything wrong. He felt he could not propose a resolution for something he did not do. Priscilla said that incoming freshmen should be told to be more careful about discussing exams, that the trial procedures be revamped so that trials don't last two weeks, and that professors demonstrate better behavior during confrontations and trials. They left the room, and the jury came to the following resolution for Beau:

a) he should fail the test because it constituted unacceptable academic work;

b) he should be separated from Haverford for one year. The jury felt he needed time away to reflect upon the violation and to realize the extent to which he had damaged the trust within the community;

c) he will be allowed to reapply to Haverford after that time, but reapplication is contingent on an admission that he committed an intentional violation of the Code. The jury felt that he was lying to himself and to the community and he could not return to Haverford living that lie. Reapplication, instead of automatic readmission, was chosen by the jury because it felt that Beau needed to actively evaluate his decision to return to the college;

d) this admission could come at any time, be written or oral, and be given to either the Dean of the College or the Director of Admissions. Both will see or hear about it;

e) in filling out a new application there has to be an increased understanding of the Code. The jury felt that Beau must understand the importance of every individual's actions within the community;

f) he may visit the campus at any time.

The jury came to consensus on this tentative resolution with two members remaining outside.

Late Saturday night Beau left the Chairperson a note saying he had gone home for the weekend in order to "get some perspective on the situation." He waived his right to be at the trial the next day. On Sunday, the jury presented the final resolution to Priscilla. She told the jury that it should separate itself from the community for the injustice she felt it had done. She disagreed with the jury's contention that Beau received every benefit of the doubt. The resolution it had devised would not benefit the community. She then said they would appeal to the President of the College.

The Acting President of the College, Ronald Thiemann, heard Beau's appeal. In a letter to the Chairperson, he relayed his decision as follows. He supported the following Honor Jury resolutions:

"1. [Beau] should fail the exam;
2. he should be separated from Haverford for one year;
3. he will be allowed to reapply to Haverford after that time;
4. in filling out his application for readmission he must show an increased understanding of the Code;
5. he may visit the campus at any time."

The Acting President did not uphold the jury's recommendation that Beau "be required to submit a confession that he committed an intentional violation of the Code." Instead he substituted the following requirement: "that upon readmission [Beau] submit an essay reflecting on this incident and relating his behavior to the requirements of the Code. This essay should be submitted both to the Dean of the College and to the Director of Admissions."