Honor Code Trial Abstract
Fall 1991

Brenda

INTRODUCTION

Professor Flynn contacted the Honor Council Chairperson about a situation involving Brenda, a student who had taken his Introductory Economics course the previous semester. Brenda had handed in a photocopy of the course's last in-semester exam on the last day of exams. That exam had been due on the last day of classes, but Professor Flynn did not receive an exam from Brenda at that time. In addition, the photocopy she handed in had all the answers correct, while Brenda had always scored in the lowest 25% of the class on each of the other exams, including the course's final.

There was a great deal of trouble in contacting Brenda because 1) Brenda's phone number was not in the student directory, and 2) she did not respond to her mail, either Professor Flynn's two letters, or to several notes from the Chairperson. Brenda also did not answer a registered letter that the Chairperson sent to her; the letter was returned, unclaimed. At this point, Honor Council met and reached consensus that a trial was necessary, as there existed suspicion of academic dishonesty. Having spoken with the Dean about Brenda's lack of response, at the Dean's suggestion the Chairperson suggested that the trial be held in absentia, as Brenda seemed to be disregarding Honor Council and the Honor Code. Other members of Honor Council disagreed with this, and offered to contact Brenda personally, and some did so individually. After Brenda spoke to the Chairperson, and was apprised of the situation, the trial was convened, four months after the original incident.

The Honor Council Chairperson, for personal reasons unrelated to the case, designated another member of Honor Council as the Chairperson for this trial (from here on in, this member will be referred to as the Chairperson).

FACT FINDING

The jury, Professor Flynn, and Brenda arrived and the trial began. Brenda had declined to bring a support person.
As the confronting party, Professor Flynn gave his account first. Most of the details, he said, were contained in the documents that he had given to the jury, which were photocopies of the two letters he had sent to Brenda. He wished to have these stand as his account, because he did not want to set up an "adversarial situation," and felt he had little to add to them. Both of the letters had been sent through Campus Mail. He had sent the first over Winter Break, and had outlined in it this situation:

The exam in question was a take-home, unlimited-time, open-book test due the last day of classes. Professor Flynn had not received Brenda's test on time, and gave Brenda a zero at that point. On the last day of the finals period, he received a photocopy of Brenda's solutions to the exam, with a note stating that the originals had been turned in at the proper time. Brenda's note further stated that this copy was being handed in to make sure that Professor Flynn received a copy, since Brenda realized that she had not received her graded exam from which to study.

The letter also explained that Professor Flynn had given Brenda 50% credit on the exam as a temporary measure. It contained his reasons for not trusting Brenda's statement:

1) Brenda's score on this exam was a perfect 100%, while her performance on the other tests during the semester, as well as on the final, was in the lowest quartile of the students' performances. Her grade on the final was the fifth lowest score in a large class.

2) The photocopy that Brenda submitted "included a signed copy of the original exam sheet itself, which was supposed to have been turned in along with the original test." The fact that the exam sheet was signed in ink (not xeroxed) led Professor Flynn to believe it was the original, which should have been handed in on time with solutions. This heightened Professor Flynn's suspicion that Brenda had not handed in her exam on time. In addition, the solutions to the exam in question were on reserve in the library, adding the possibility that Brenda had used them to do her exam as well.

The jury turned its attention to Brenda, asking her to give her account of the events.

Brenda said repeatedly that she did not cheat and had not done anything wrong. Much of the following information was obtained in response to questions from the jurors.

Brenda began by stating that if she had seen any of the letters that had been sent to her, she would have responded immediately. She explained that she does not check her mail often [this fact was amply supported by the mail room], and usually recycles a great deal of her mail without reading it. She had been taking the course to satisfy a requirement, and she hadn't taken it too seriously. She had known she
was in trouble in the course, though, and had expended a lot of effort on the last semester exam.

Brenda said that she had not known that the solutions were available in the library, and denied checking them for answers. She said she photocopied the exam because finals were approaching and she wasn't sure if she would get it back in time to study from it for the final.

She said that she had not received her exam back to study from, and worried that Professor Flynn had not received her exam when she had handed it in. Her account at this point was confusing and sketchy; she also pointed out that four months had passed since the events in question. She often expressed uncertainty and often qualified her answers. Regarding when she realized that she did not have her exam back, she reported three different moments of realization: a) When she saw her roommate had it and she didn't; b) when she started studying, a day or two before taking the final exam; and c) on the note to Professor Flynn, Brenda had said that she had realized this after taking the final, on the second-to-last day of finals.

A juror asked Brenda if she had photocopied the earlier exams for the class, and Brenda said that she had. Another juror pointed out that Brenda herself had told the jury that the other exams had been in-class. Brenda replied, "No, I guess I must not have [copied the exams]."

In response to other questions, the jurors learned the following:

Professor Flynn handed back the exams by leaving them in a box outside his office door. Brenda could not remember if she had checked the box before handing in the photocopy of her exam on the last day of finals.

Professor Flynn had announced to the class several times that the solutions to all homework assignments and course exams were on reserve in the library. He had also periodically reminded them of this. Brenda said that she had not known that the solutions were available, in part because she had attended only about 65% of the classes during the semester.

Professor Flynn could not remember losing a single exam or paper in the last fifteen years, and he said that he would definitely remember an event of that magnitude. In addition, he said that in some ways, Brenda's answers on the exam in question "got to the essence" of the problems better than his own, more "discursive" solutions.

At this point, the jurors had no further questions, and Professor Flynn and Brenda left the room. The jury began deliberations on whether Brenda had committed a violation of the Honor Code. These deliberations lasted another five days.
JURY DELIBERATION

The jury discussed the problem of Brenda's account, which was confusing, fragmentary, and often contradictory. Her memory of events in general seemed poor, and some jurors were distressed at her lack of recall regarding events central to the trial. Throughout the trial, members of the jury wrestled with the question of whether Brenda was lying. This dilemma of uncertain information and confusing testimony was the central issue of the jury's deliberations.

The jury looked over the exams that Professor Flynn had brought. After some discussion, they decided that there were three major questions that needed answering: 1) Did Brenda lie to Professor Flynn? 2) Did Brenda copy the solutions that Professor Flynn had put on reserve? 3) Did Brenda deliberately avoid contacting a member of Honor Council?

The third question rapidly became irrelevant. After exhausting all sources of information, including the mail room (verifying that Brenda's box was often overflowing), the jury decided that this question could not be answered with the information available, and moved on, turning to the first question, that of Brenda's veracity.

Most jurors were uncomfortable with Brenda's account. In answer to many questions, Brenda had offered an "I don't know" or "I don't remember," or a confusing response. For some questions, two or three different answers were given at separate points in the trial. None of the answers, however, were offered with any certainty. One juror pointed out that here uncertainty was not surprising considering that it had been four months since the events had occurred.

The jury members spent many hours trying to reconcile the confusing parts of Brenda's account, even calling Brenda back to ask additional questions at one point [Professor Flynn decided not to return for this session]. They discussed and attempted to resolve the contradictions in Brenda's answers to their questions.

For instance, Brenda said she took the final exam on the last day of finals, in the morning, but the note she left for Professor Flynn said that she had taken it the night before. Brenda had failed to remember many important details, but she not only had remembered that the earlier exams were in-class; she had corrected Professor Flynn on that point. And several jurors were puzzled that someone as "un-careful" as Brenda would have xeroxed her exam. Brenda herself had told the jury that she was not a careful student.

One juror fastened on what he saw as a glaring contradiction in Brenda's story: why had she sent the "second" copy of her exam to Professor Flynn if she had not had some "hard evidence" that Professor Flynn had not received the "first" copy? Brenda had said that she could
not remember checking the box where the exams were handed back, and this struck this juror as making no sense whatsoever, even four months later, especially in light of her later decision to hand in the photocopy. Another juror pointed out that Brenda's statement she didn't remember could be a sign of her integrity, since it would help her case to say that she had checked the box. Others disagreed, saying that she would have written that on her note to Professor Flynn.

Since they could not judge Brenda's character directly, jurors reasoned, they would have to decide if the story she told was plausible enough to believe. After attempting to assess the plausibility of each part of Brenda's account, it became clear that events varied in believability. Taken as a whole, the story consisted of a large number of unlikely coincidences. The subject of past cases was raised at this point. One juror mentioned Beau and Priscilla, in which a student was told by a jury that he was lying. In that case, the evidence of cheating had been so strong that the jury had even gone so far as to mandate that "Beau" had to admit to lying before being readmitted to the College. This juror drew a sharp distinction between that and this case, in which no such evidence existed. Other jurors responded, speaking of Jasmine and Brian, in which the jury could not reach consensus that the confronted party was lying. In that case, it was only word against word. In the present case, they argued, there was series of unlikely events that, put together, added up to incredible implausibility.

Many jurors wavered between two lines of thinking, with some jurors changing their opinions and working through arguments for a long time. One line of thinking was:

-- Brenda's account, with all its inconsistencies and implausible events, simply wasn't true. Any one or two of the events could be taken, but the sequence as a whole was beyond the realm of plausibility. The test was not turned in on time and Brenda had been lying to Professor Flynn and the Honor Code trial jury.

The other line of thinking was:

-- Despite the admitted implausibilities, no "hard evidence" (e.g. a "confession") existed to contradict Brenda's account. There wasn't even any softer evidence, such as two extremely similar papers. In past cases, such as Beau and Priscilla, there had been no other possible explanation for the events, other than cheating. Here, several jurors felt it was possible that Brenda had not cheated. While there was no easy explanation for the contradictions and confusions in Brenda's account, something more was needed in order to reach consensus and say — officially — that Brenda was lying.
The jury discussed the problem of community trust: how far should it go? If such trust were absolute, argued the Chairperson, if the jury did not at least question people's integrity, the jury would be paralysed and would not be doing its job. Someone made the distinction between *Jasmine and Brian* and this case: *Jasmine and Brian* was a case of word against word. This case was word against at least a modicum of evidence. While no one argued that the trust of the community should be absolute, they could not agree on where that line should be drawn. How far could a jury go in saying that someone was lying, and how "hard" would the evidence have to be for it to do so?

At the beginning of the next day of deliberations, the trial's Chair related something she had just learned from the Honor Council Chairperson. Brenda had told the Honor Council Chairperson, in pre-trial conversation, "I've been through this process before. I have faith in the system." The Honor Council Chairperson, having been told by one of the jurors that Brenda had been on trial before, had not mentioned this to the acting Chair, who also knew that Brenda had been involved in a trial. The acting Chair had not revealed this to the jury because of issues of confidentiality. [NB: Any pre-trial conversation may be discussed during a trial.]

This threw the jury into turmoil. Because no policy exists regarding the issue of a previous trial vis-a-vis a current trial, the jury had to reach a decision as to what to do in this case. Some members felt that they had to know what she had meant, no matter what, even if it meant that Brenda had been a confronted party in another trial. Someone pointed out that she could have been a confronting party, or a support person, or even a random juror. If she had been a confronted party in a trial before, several people argued, they wanted to know. And if the circumstances were similar, one said, it would push Brenda's story into the realm of the totally implausible. Other members of the jury felt that issues of confidentiality prohibited them from knowing any more information. Still others felt that they should not know it in any case, because of any possible biasing effects. In the end, they decided to call Brenda and ask her to come back and explain what she'd meant.

Brenda consented to return, and when she did, the Chairperson asked her what she had meant by her statement that she had "been through the process before." Brenda very calmly told the jury that she had been through a trial in the past "in which I was placed in almost the same situation as this." Brenda went on to explain that the outcome of the last trial, in which she had been "exonerated" [no violation was found], could
help to explain why she seemed so confident, even, as she said, "cocky," about this matter.

After Brenda had left, two jurors revealed that they had served on Brenda's previous trial. This fact upset several members of the jury, who felt that they should have been told, and/or that the repeat jurors should not have served on this trial. The two jurors explained that they felt that they could be impartial, and that Brenda, had not objected to their presence. [A confronted party may remove up to three members of the jury.] Others objected that of course she would not object, because they had been part of a jury which had not found her guilty of violation before. Several of the jurors felt extremely manipulated, and felt that this new information shed light on some of the stranger dynamics in the trial. One juror now felt that Brenda had been "playing to" the repeat jurors, and that he had misread the dynamics completely because he had not known of the previous trial.

Over the next day and a half, some members of the jury consulted with the Dean, and the jury continued to discuss the ramifications of this new information. Part of the delay was a disagreement between the Chairperson and the Dean over whether and to what extent the jury could use the information. When this was cleared up, the Chair described to the jury the parameters of the case: since Brenda herself had offered the information freely, they could use the information, although the revelations regarding the specific case, as revealed by the two repeat jurors, should not be included in the decision.

During this process, the jury raised the issue of a possible mistrial. Some members of the jury were unsure if they could continue as part of the jury. When the Chairperson brought this up with the Dean, the Dean told the Chairperson that the trial must continue. After this delay, violent emotions had cooled, and the jury's deliberations continued.

A juror brought up the issue of the ramifications of finding a violation. If the jury reached consensus that a violation had occurred, then it would be saying officially that Brenda had lied to her professor, to an Honor Code Jury, and to the community as a whole. The probable resolution would be separation. Given that no "hard" evidence existed, argued this juror, he couldn't support the finding of a violation while there was a chance that Brenda was telling the truth. Another juror countered by pointing out the ramifications of not finding a violation: it would be saying that Professor Flynn had lost an exam, and this would represent a huge breach of trust with Professor Flynn. A different juror urged the jury to consider whether they thought Brenda was lying without being overwhelmed by the ramifications of saying so.
In the end, the trial's Chairperson asked the jurors to take ten minutes of silence in which to think, before attempting to reach consensus. When the time was up, they went around the room, and each juror said what he or she was thinking.

The first felt that Brenda's story was implausible and the Brenda had not given the jury anything on which to base a plausible explanation for her actions. She felt that she was ready to say Brenda was lying.

The second juror did not feel that the story was plausible, but did not feel that that was enough to say Brenda was lying. She said she would go along with consensus if enough people would say that Brenda was lying.

The third juror said that he didn't want to tell someone she was lying just because her scenario was "less likely."

The fourth said "I feel 80% sure that she's lying -- that means the story is 20% likely." He felt that he could not take a 1 in 5 chance of making the wrong decision, given the ramifications of finding a violation.

The fifth juror said that she felt that Brenda was lying, but that she could never be sure, and that she would follow consensus; if enough other people felt she was lying, she'd go along with it.

The sixth said that even if eleven other people said she was lying, she would still have her doubts.

The next juror said "I'm sure she's lying." She added that she felt so disappointed in the system that if she ever saw someone cheating, she would not bother to confront the person.

The next juror felt that Brenda was lying, that there was no way that it could have happened the way that Brenda said it did.

The ninth juror also felt that Brenda was lying, and expressed his concern that jurors might be too scared to take their responsibility to say so.

The next said that she had her doubts, but "I really don't think she turned the exam in on time." She said she was scared by the implications, but she had to go with what she believed.

The next juror said that Brenda was lying, and that he was upset that others had built up stories in order to explain Brenda's actions, when Brenda herself had not helped the jury by giving them a story. He added, "If I were Professor Flynn, I would never come to Honor Council again."

The last juror said "I'm disappointed in myself for not being able to convince you that Brenda is lying." He said that this case was not a shaky case of word against word; it was "no word against a lot of evidence."

After a moment of silence, the Chairperson called for consensus on the question, "Did Brenda violate the Honor Code by lying to her professor about when she handed in the exam and lying to this jury about what
happened?" Slowly, each juror answered in turn. At the end, eight jurors answered "Yes," three answered "No," and one "stood outside."

After 22 hours of questions and deliberation, the jury failed to reach consensus and the trial ended.

ADMINISTRATIVE RESPONSE

After reading the report of the trial, and speaking with Brenda and Professor Flynn, the Dean felt that Brenda's story was not plausible, and he made the following recommendations to the President of the College:

1) I recommend that Professor Flynn not accept the photocopied version of Brenda's original take-home examination. I recommend that Professor Flynn record a failing grade for the take-home examination.
2) I recommend that a copy of this letter [detailing these resolutions] be kept by the Dean of the College until Brenda's graduation from Haverford. If at any time between now and then Brenda is found in academic violation (with intent) of the Honor Code by Honor Council, the Dean of the College will present the following resolutions to the jury: Brenda will immediately be separated from the College by the Dean of the College without the opportunity to complete the term. The Dean will recommend that Brenda be dropped from all courses with failing grades.

These recommendations were upheld by the President.

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Responses? Please answer these questions, or write more to Honor Council. There will be box in the Mail Room. All Students and Faculty are encouraged to reply.

1) What do you think of the Administration's sanctions? Should the Administration be able to effect sanctions when no violation has been found?
2) This case raises many very difficult issues for Honor Code juries. When do you think a jury has the right, or the duty, to say that someone is lying, without a "confession" or "hard evidence" (such as a clearly plagiarized paper)?

3) When should a jury know that person has been on trial before: a) after finding a violation? b) before the trial begins? c) never?

4) Should jurors serve on two trials with the same confronted party?
RESPONSES TO "BRENDA" ABSTRACT

1) What do you think of the Administration's sanctions? Should the Administration be able to effect sanctions when no violation has been found?

   Total number of positive reactions-- 26
   Total number of negative reactions-- 2
   Total number of unsure reactions-- 2

Sample of responses:

"...as long as the Administration's judgment isn't blatantly wrong/biased"
"Definitely. In this case the faculty members involved appear to think that Brenda was definitely at fault, and after all the prof. are the people who have to teach us. I know that it is us, the student body who are most effected by these violations (or should see themselves as most effected but avtually they don't), however if the faculty feel very strongly about an issue, their opinion must be acted on in some way because the way they view the code has a serious effect on the way it functions. If the faculty lose faith in the code, the system will no longer work."
"I think that the Administrative sanctions were good-- the Honor Code is based on trust and if enough of that trust is broken something has to be done about it. The administration has every right to effect sanctions. Jury deliberation is our privilege and should not be taken for granted. The administration has integrity to maintain as well."
"I support the administrative response and am of the opinion that the Administration, unlike Honor Council apparently, appropriately feels itself bound to come to a conclusion about whether a violation did in fact take place and then react accordingly." (faculty member)
"Yes-- administration can effect sanctions-- we have responsibility to them and faculty too. I feel that in this case Honor Council shirked its responsibility. The faculty will never take us seriously if we let things like this happen."
"In this case they had to because the Council was not doing its job."
"I believe the administration has the right to impose sanctions if council cannot reach consensus and the evidence strongly suggests that a violation had been commited. I approve of the administration's intervention, but not necessarily the sanctions themselves."
"I am extremely happy with the administration's response and action in both "Greg" and "Brenda." The dean has filled his role in the trial process admirably....the dean properly imposed sanctions against Brenda when the jury could not agree that a violation had occurred, although in the dean's mind it was obvious. I am very gald that we ahve a responsible administration that is willing to allow self-governement, but also has the ability to step in when that same government steps out of line."

"I think the Administration's sanctions are very fair-- maybe even a little too lenient. Yes, I think they should be able to interfere with the approval of Honor Council."

"Perhaps we should re-evaluate our whole system. I don't like the idea of saying that students have the power to preside over Honor Code trials and the (hypocritically), it is the Dean and the President who wind up taking action. Maybe one of the Deans should sit in on trials. Why is it that students seem to have a different interpretation of the Honor Code and granting (ultimate) trust than faculty or administration members do?"

"I believe that the administrations responses were great. They do not accuse the person of lying nor do they accept the academic violation that I believe occurred. I think the fact that we, the community, do not know Brenda's previous trial info. is a problem in evaluating the administrative response. They looked at two instances and we only one."

"Even though no violation was found, that doesn't mean that one wasn't committed. Especially in light of Brenda's previous experience with Hon. Coun., I htink action of the Dean was necessary. The Deans should have final say and veto power if needed. They represent an important link to the 'real world.'"

"As long as you employ logic stretched thin in your overarching attempts to believe the confronted party, you deserve to have your power usurped by the administration."

"...In cases where the HC jury cannot come to consensus, but the administration believes that the confronted person has cheated--something must be done. What other choice is there?"

"I think the sanctions were too lenient. Brenda should have been separated. When the system breaks down and the jury screws up, as they did in this case, the administration had better do something and we should be thankful they did. Maybe if it hadn't been so obvious a violation, I probably would be upset at the administration for making these sanctions, but to me, this case was an obvious violation."
"I think the sanctions are valid. After 22 hours of questions some conclusions must be reached; it's ridiculous and proves that there is something wrong with our system if none is reached...."

"This is about the only admirable thing I can see from this abstract. I cannot blame anyone but the system here. The administration MUST make decisions like this. No one can distinguish between the feelings that individuals and peers of Brenda of anger because they think she cheated and guilt because THEY would make a decision to separate a student. It would seem to be a lesser evil to let a guilty person stay than to deal with the responsibility of expelling an innocent person. This burden is too great for students. Administrators are trained and experienced in these difficult decisions."

"...I do NOT think the administration should be able to effect sanctions when no violation has been found. This particular sanction is like a half-punishment in case a violation occurred. If I were confronted, if it were found that I had not violated the code, and then I were given such a half-punishment, I would be VERY pissed."

"They are unfair. The professor said she wasn't doing well regardless of jury decisions. He will give her the grade he thought she deserved."

"Yes, obviously in this case the students felt too much pressure to make a clear-headed decision. Some jurors seemed unable to deal with the guilt of separating someone from the community. Something needed to be done to keep the whole process from being a big joke (ie. overly hesitant, wimpy, wishy washy jurors (a few of them, not all) who let a manipulative, arrogant cheater escape free of consequences)."

"I strongly agreed with the administration's sanctions...I basically trust the administration at Haverford. In this case, I just wish that the jury had been able to reach consensus that a violation had occurred because I would like to see a resolution which forces Brenda to confront her action."

2) This case raises many very difficult issues for Honor Code juries. When do you think a jury has the right, or the duty, to say that someone is lying, without a "confession" or "hard evidence" (such as clearly plagiarized paper)?

Sample of responses:
"Getting hard evidence is very rare, and this must be taken into consideration when the jury decides on an issue. Sheating underwrites the Academic Code from its foundations. Haverford does not wrk when people cheat and everyone is effected by it. Students on the jury must be willing to have the courage to remove students from the community when they think they have done something as wrong as cheating. What I noticed about this trial was that the jurors were looking at each piece of evidence separately finding explanations for them. This is necessary but after this we must be able to step back and look at the whole situation. How many excuses can you make up for peopl? Is the typw of person who never turns up to class, never checkes her mail the same type of person who photocopies an exam? Also-- this is the second trial. This is not a common occurrence and after all it involved two different professors."

"If the jury did their best to review the case carefully and each individual member makes the decision he/she feels most comfortable with, that's all I can ask for."

"I believe that Honor Code juries have an obligation to come to a determination about whether a violation did or did not take place. That will occasionally necessitate proceeding without a 'confession'. In cases where the person confronted is prepared to lie, 'hard evidenc' may often be unavailable, and the only standard available would be whether jury members are persuaded beyond reasonable doubt. Nothing in Brenda's explanation of the situation is reasonable in my opinion. One has to worry about the long-term health of the Honor Code if these situations cannot be adjudicated. Brenda will certainly act as a strong counterincentive to confessions in future cases." (faculty member)

"I understand it is hard to say someone is lying if there is no proof in this system— perhaps the system is not working. The abstract says that as long as people cover their tracks fairly well, they can cheat and get away with it."

"Even Haverford cannot rely upon confessions. I am unconvinced that Council members failed to reach consensus because they were unsure of Brenda's guilt. How can a juror decide to 'go along.' Either you accept the responsibility and trust your judgment or not. Any jury must face the possibility of making a mistake. Clearly otherwise the system has failed."

"If there were always ahrd evidence, being a judge, lawyer or juror would be a 'piece of cake.' Jurors have the right and the duty to make a decision. However, in this case I found the evidence quite substantial and incriminating. I agree withe juror who did not find
the case shaky; and believe some of the jurors unwilling to take responsibility."

"I find it utterly ridiculous, as well as a travesty of justice, that "Greg" was almost thrown out (excuse me, 'separated from') the college for making a political statement (no matter how wrong his methods), and "Brenda" walks free when she has obviously been dishonest...In Brenda's case, the jury cannot allow itself to be duped. When the information about the previous trial came out, it should have been painfully honest that academic fraud had occurred."

"...Really it would depend on the situation. Facing serious consequences for the person suspected of lying, I would try to trust the person until the point when the facts could not support the person's story."

"The jury has a right and a duty to say that someone is lying even without a confession. From the abstract, there's no doubt in my mind that Brenda is a liar...I know it's hard to make decisions, but you, as Honor Council members, have been elected by your peers to do so. The ramifications of finding a violation are big, but letting her get away with 2 violations makes me ill."

"Yes, you are crossing a very difficult line, but it is appropriate to be crossed at times...Circumstances can be coincidental but there's a limit. Brenda's contradictions are very suspicious! The best is that she claimed to photocopy all her tests until the juror pointed out that 2 were in class. I realize that being a juror is different than my reading the abstract, but this case is too blatant for me to not say that lying took place. In terms of jury's duties/rights, the jury must uphold...our trust in academics. This case breaks down that trust."

"They of course often may not know for certain and of course can never then make a judgement for certain. I think the game in our judicial system is to see who can make their side most believable. I think our Hon. Coun. system of consensus doesn't allow this as much. Should it? Well, if you value always the protection of the innocent in such 'grey' circumstances, no. I think the Dean's action is the key here. The Dean balanced out the Hon. Council's limitations."

"When they feel the person is lying."

"Brenda's story was implausible in the extreme. By accepting the mere existence of any excuse-- no matter how contrived the confabulation-- as a valid reason for inaction, you undermine your credibility as a judicial body. To disregard the testimony of a professor that has lived in the community for years for an untenable contradiction-ridden creation of a fellow student belies your facade of impartiality in matters between students and faculty."
"I think it's difficult to accuse someone of lying, but there are no black and white. Sometimes you must decide."

"When the evidence is assessed by the victim/professor to be substantial this must be registered as significant. It should be remembered that this is not a true court but the best approximation thereof. 'Without a doubt' does not always require confession and the weapon. Guidelines here are reasonable: For separation, 'hard evidence' should be necessary. For intermediate or probationary measures, circumstantial evidence may be acceptable. The dean's recommendation is reasonable and appropriate."

"Jurors do not need confession or hard evidence. If they did there would rarely ever be a violation found. What jurors need are beliefs. Whether or not there's hard evidence, if you truly believe someone's lying deep down inside, call it a violation. If you truly believe they are not lying block consensus. Hard evidence really plays no role at all-- that's for the U.S. judicial system, not the Haverford Honor Code system."

"I suggest that in such vague cases Prof. be alert and orally ask a few key questions about the material to the student. This investment in time will save trial time and confusion. This should be done delicately so students don't feel attacked."

"Personally, I think the evidence, as well as the numerous contradictions in Brenda's statements, is enough. In general, though, I think Honor Council should trust that it is being told the truth, and each case where it is word against word should be taken individually, and if a violation can be ascertained or not is up to the jury based on what they believe. If they feel that someone is lying, then they do have the duty to say so. Much like the Jay case, it seems as though someone may either be lying or may be the victim of a number of coincidences. But I feel that in both cases, while certain coincidences and aspects of their cases may be believable, there were simply too many coincidences. Too much weird shit went down to be plausible, in both cases."

"This is too much to ask of a jury of students with a zillion other things to think about aside from the responsibility of dealing with a guilty person who admits no wrong doing. The paper was for all practical purposes clearly plagiarized. Who would xerox exams just in case the prof. lost it?"

"Honor Council is in a position of extreme power over a person's life. Every student in this school has been accepted by admissions and has signed the honor code. This school relies on trust. The primary goal of a trial and 'punishment' is not actually supposed to be to punish the individual but to teach and transform them. Ultimately
each student must be responsible for him/her own conscience. It is much more difficult to be true to one's conscience than to be true to a set of rules. In cases where Honor Council does not have sufficient evidence to be 100% sure, the council should leave it to the individual to punish themselves. After all we are here for ourselves and not for anyone else. As far as the jury being paralyzed goes: No individual should be punished just to give the jury the feeling that it's accomplishing something. Better accomplish nothing than accomplish something wrongful."

"Yes, in many situations the evidence against someone speaks the truth. No one was biased as far as gathering evidence was concerned."

"A confession is not needed, a liar will not confess. 'Hard evidence' is also not a viable prerequisite for a violation. GET RID OF THE ACADEMIC HONOR CODE! Students can't make moral judgments on case not as blatant as this case. (Then the Honor Council would be compared to Gestapo) So then the responsibility falls on administration (or poor Matts). But they would then turn into the bad guys and why should they have to deal with all this shit? Students would attack them for not basing violations on evidence, etc. The only reasonable solution is to SCRAP THE CODE. I'm sorry to say it really."

"I believe in 'innocent until proven guilty,' but the question here is: what is proof? In this case, I believe that all the contradictions in Brenda's story are proof that she is lying. I think many jurors had a gut feeling that she was lying, but were afraid to say she was guilty because they didn't want to have to separate her. I think they wimped out."

"It's a hard call. Can we trust jury members to be totally honest and impartial? I'd say only if all jury members felt sure, then they could say that someone is lying without hard evidence."

3) When should a jury know that person has been on trial before: a) after finding a violation? b) before the trial begins? c) never?

Total number of (a) responses— 2
Total number of (b) responses— 14
Total number of (c) responses— 8

Sample of responses:
"I think it would be consistent with the general privacy/confidentiality protections built into the Haverford Honor Code to rule out discussion of any previous trial the person confronted may have been involved in. The individual 'on trial' should have the right, however, to introduce that into the deliberations if they choose to do so."

"...Brenda's previous trial was vital information and should not have been withheld. Previous action of the accused can serve to condemn or exonerate, as the case may demand. No, it is not a foolproof method of determining a trial, but it should be used by the jury as important info."

"In this case, never because in the last case Brenda was found to be innocent. However, if Brenda was guilty, then definitely the info should go out before the trial begins."

"Never. An overseeing Dean should have."

"It should be kept secret. A person should not be punished for two separate incidents."

"(b): repeated suspicion of cheating is relevant here."

"I think they should know before the trial begins. Let the jury decide for themselves whether the info is relevant to the present case or not. Most people don't go on trial ever. It seems very unlikely that someone would go on trial twice and not have done anything either time. If the juror decides the previous trial is irrelevant that's fine. In this case, Brenda not only was on trial for a second time but both trials were very similar. That seems pretty relevant to me."

"As for informing the jury of previous instances: I would not consider it necessary or perhaps proper given separate issues. However, given such a parallel, I think that the jury should have been informed during the course of the trial, and should have taken that history into account."

"I would really hope that this has never occurred before. For someone to be on trial twice (and remember, the average student gets but four years here, so for someone to get sent to trial twice is really hard) is pretty damn scary. So yeah, I think so, a jury should be told before trial. Yes, it may be prejudicial, but in the REAL WORLD, should someone go on trial, it's perfectly fair to bring up past court appearances if they are relevant, if I'm not mistaken."

"This trial does not involve previous charges and they should not be admissible."

"I think a jury shouldn't know this until/unless there are very strong doubts (eg. when some people think the person is guilty and some don't), or until the person is found guilty."
4) Should jurors serve on two trials with the same confronted party?

Total number of positive responses -- 4
Total number of negative responses -- 17
Total number of unsure responses -- 4

Sample of responses:

"Definitely. How much easier is it for a guilty person to convince 2 different groups of people? We must not forget that those who commit academic violations are destroying Haverford and every effort should be made to insure that these types of people are removed."

"NO. There is no way to be so impartial as to ignore what has happened in the past and as a rule it's better to have all new members."

"You can't possibly have a juror serving on more than one trial with the same confronted party, because as long as that party can 'choose to remove up to three jurors,' he will inevitably keep whichever repeat-jurors he knows voted in favor of him before, and try to remove any jurors who voted against him before. This situation will cause the trial to be biased unless the remaining jurors can be absolutely impartial-- no, the trial will STILL be biased because these remaining jurors, the 'nice' jurors, may be just the ones who vote like, 'well, I really think the guy violated the Honor Code, but I'm not ready to vote to find a violation....' So the confronted party, if allowed to remove some jurors he's already had, is 'improving' his chances at escaping from this trial. The confronting party will also not be too happy to learn that jurors exist who already voted to 'exonerate' the confronted party. In fact we've got so many students at Haverford-- why even bother having people serve on two juries with the same confronted person?"

"There must be many situations in which a potential juror feels that some prior knowledge or acquaintance would render it difficult to deliberate impartially. I think involvement in a prior trial might well, for most persons, fall into that category, but it should be for the individual him or herself to judge. It's a bit more difficult to deal with the potential situation-- which did not arise in Brenda-- of the confronted person objecting to the presence of jurors involved in a previous trial who had not recused themselves. (Evidently, thsi
could only arise if there are more than three repeating jurors.) In that case, I think I would be in favor of acceding to the wishes of the confronted party." (faculty member)

"Is it inconvenient otherwise? Preferable but unimportant. Considering the trust otherwise inherent and the unlikelihood that any student could seem to grossly plagiarize twice, it seems fair to consider all the details of a previous trial."

"Jurors should NEVER serve on 2 trials with the same confronted person. If they do, impartiality will always be a question or doubt." "No. Of course, this question shouldn't even need to be asked because one would think that someone would not be brought before HC twice."

"If the jury members are informed about the previous trial, it would make sense to have 'old' jury members on hand to present their impressions of the previous trial. Simply knowing that a previous trial occurred would bias new jury members against the person more than for the person."

"NEVER! This is unheard of. Impartial! That is impossible to believe. No one of Honor Council is nonhuman. A bias exists-- like it or not." "Never. And I support the 'defendant's,' Honor Council's, and the Dean's ability to remove jurors for important reasons."

"No-- and they should have dismissed themselves-- Why did the chairperson not participate? It's incredible that Brenda had so many people on the trial and Honor Council that knew secrets about her."

"...If the confronted party doesn't object, there shouldn't be a problem...."

"No because either way they are more biased."

"...I feel that for a jury to be informed about a previous trial a confronted party has been involved in, and for them to allow it to influence their decision amounts to trying the party twice for the same crime, as it were, and runs counter not only to Quakerism, but to any fair judicial system."

"No. There is no way to tell where there biases are. A trial should start without knowledge that could create the problems seen here."

"No never! The juror cannot help but hold on to impressions made during the previous trial. The juror has already made an opinion concerning the confronted party's credibility, etc."

"Only if it's okay with the confronted party."

"No this would prejudice the confronted party."

Other Comments
"Incidentally, if in some trials a willingness to work within the system during the trial is considered a reason for lenience, then in this trial it was valid to trust juror's instincts about Brenda."

"Both the Jay and Brenda trials could have been avoided if the professor had been firmer about deadlines. In Brenda's case an extension had not been granted. Brenda did not immediately approach the professor (as she should have if he had lost her paper); so, the prof. should have given her a zero for a missing assignment. If she had really turned the examin, she could have discussed the matter with the professor....I am happy the professors at Haverford are nice, but we students MUST take responsibility for our work, or we deserve to receive low grades, if not zeroes."

"The Honor Council is not a court of law. She wouldn't have gone to jail or even had to do community service. She committed so many contradictions, tried to avoid the thing all together and obviously turned her paper in late. If she were innocent, why did she ignore a registered letter from the chairperson. This case has proven to me that the system does not work; it's no use to confront violators and CHEATERS DO PROSPER!"

"Truly, this is the absolute height of absurdity. With this abstract, the Honor Council has, with supreme effectiveness, dealt the final death-blow to any credibility it had with the students, faculty, and administration of Haverford College. With an organization so utterly unable to uphold its fundamental principles in the face of glaring evidence, its very existence should be seriously called into question. Honor Council is merely a tool in the dishonest student's hand, another means to 'beat the system.' If I were a professor who believed in fairness and justice, I would definitely attempt to avoid the Honor Council process in cases of academic violations."

"What concerns me the most is the contents of all these last abstracts. If I were faculty, I would immediately shoot down the honor code. It doesn't work! Students can play dumb and lie and honor council is helpless to do anything. The dean did the right thins. Perhaps it is to save the academic honor cade, but hey why not? Faculty are frustrated with students like this. WE ARE ABUSING THEIR TRUST!! It's about time administration stepped in. Yep... this is reality people! The code is not perfect."

"The concern from this is that cheating is easy. Now we cannot even determine violations anymore. This is academic. We will lose faculty trust if this is not dealt with better. I would not be surprised that more faculty will give in class exams as opposed to take homes as a result of this case."
"This is the second abstract this year where the person on trial has flat-out lied and the jury just said they couldn't resolve that a violation occurred-- HAVE SOME COURAGE. This is SPIT in the face of the Honor Code and those of us who live by it. Apparently, the more disdain a person has for the honor code, and the more cheating and lying they do, the better their chances of getting away with it." "Brenda did not provide herself any 'defense' or story to demonstrate her honesty. I think she intended to manipulate the jury this way; after all she knew what was going to happen during the trial. With so many trials, I'm worried that juries are getting caught up in the number of possible violations and aren't focusing on the issues. In Brenda's case-- I think the jury should've concluded that she lied. I think the juries are being too cautious."

"A society creates laws to protect itself. In America we understand that laws must protect the individual for the society as a whole to be protected. At Haverford, we do as well. The only difference is that at Haverford we mistakenly believe that because of our special circumstances we can afford to trust everyone in front of Honor Council. As a result, we overprotect the accused, we do exactly what the U.S. Senate just did-- we give the accused the benefit of the doubt at the expense of society-- in our case, at the expense of our academic integrity and confidence in Honor Council. Shame on those three jurors-- they privileged their own morality over the majority of the clear majority (and I think the majority here represents the majority views of Haverford students) and as a result traumatized Honor Council and let a crook free. One more Brenda and all credibility will be destroyed."

"Yes. I am extremely disappointed with this entire resolution, and it leaves me in doubt whether I should confront someone I suspect of cheating if I feel that he/she may lie about it on trial. I also am concerned about how Prof. "Flynn" and other professors will view the Honor Code now."

"In sum, I feel really disgusted with the state of the code. It seems that the last batch of cases I've seen have let people who I feel were definitely violators of the code get away scot-free, and continue to pull their crap in our midst, thereby ruining the atmosphere of trust. Furthermore, I feel as though the faculty is rapidly losing faith in our ability to govern ourselves. Maybe this will change with some recently elected council members stepping up, but I fear the Code may be an endangered species."

"I am very disturbed by this abstract. This Brenda obviously lied and cheated. She should no longer be here. If the system of peer judging won't work, than it should be removed. I hate the idea of
being here when a revolting person can get away with a disgusting crime. The professor must be utterly insulted and dismayed. A person with his integrity of teaching at an institution to have a rotten amoral student blatantly cheat and suffer no consequence. And then the professor is indirectly accused of negligence for losing the 'original.' It's ludicrous. A person, Brenda, with such disrespect for academic integrity has no place at a college where students are given full reign over their academic life. If honor won't work here than get rid of it. I don't think this is a good trade off. As painful as it is, I think that the honor system is failing when people like Brenda get away. Anyway, I think that the responsibility placed on the jury is too great. I feel that the only remedy is to remove the academic honor code."

"A mistrial should have been declared because of the two jurors who were in the other trial for Brenda. It seems as though Brenda needed a lawyer."

"This pisses me off to no end. It seems that Honor Council has become a completely ineffective body. The fear of saying officially that we think someone is lying seems to be paralyzing Honor Council. Realizing that it is possible to make mistakes, Honor Council still has a responsibility to the community. I think the overall effect of this abstract on the community is very negative. The minute possibility that Brenda was not lying is not enough to outweigh the effect of this on the community, on Haverford's Academic reputation, and on the relationship between faculty and students (not to mention faculty and Honor Council!)."