Note: Due to personal reasons and issues of time, the Honor Council Chair did not co-chair this panel

Introduction:
Sam and Norm approached the Honor Council Chair because of events that took place at a party they had hosted. One of their guests, Cliff, had acted in a manner which they felt was both inappropriate and threatening. Honor Council reached consensus that a Joint Panel was required to resolve the case due to the threat of violence involved.

Fact Finding:
The members of the panel were given written statements by Cliff, Sam, Norm, and other students who were present at the party. To summarize the statements:
Sam wrote that at the party he was carefully making his way across the crowded dance floor with a cup of beer raised above his head with Norm in tow. Sam said that someone bumped into him and some of Sam’s beer spilled onto Cliff. At this point Sam began apologizing to Cliff. Cliff drank some of his beer and spit it into Sam’s face. Sam responded by throwing his cup and its contents back at Cliff and then immediately left the room and headed upstairs. After security had been called and had arrived, Sam went downstairs to talk to them and he noted Cliff leaving with some friends.
Norm’s account of the situation began when he entered the dancing room with Sam. He saw Sam get bumped by someone and as a result some of Sam’s beer spilled onto Cliff. Then Norm noted that Cliff spit beer in Sam’s face, to which Sam responded by tossing beer in Cliff’s direction, after which Sam promptly ran out of the room. In response to what he had just seen, Norm approached Cliff and asked Cliff to leave the party because Cliff’s behavior was inappropriate. Cliff refused to leave and the two were quickly shouting back and forth at each other. Then Cliff’s friends became involved as they both backed up Cliff’s refusal to leave and then held Cliff back, thereby separating the two arguing parties. At this point other hosts of the party intervened and at last Cliff was removed by a group of his friends.
Norm and Sam chose to bring this situation to Honor Council because they perceived Cliff’s actions to be both threatening and intimidating. They both felt concerned about their interactions with Cliff that evening and wanted those issues to be addressed. They both felt that mediation would be unsuccessful in solving the problems created by the incident at the party so they brought the matter to Honor Council.
Cliff’s written statement addressed the possibility that his actions may have seemed intimidating and he acknowledged his involvement in the incident. However, Cliff pointed out that the situation could not have escalated as it did were it not for the mutually inappropriate actions of Norm and Sam. Cliff reported the situation as having occurred very differently than the confronting party claimed. His statement reported that a little beer was poured on his shoulder and when he turned around he thought it had come from Sam. He assumed it to be a playful gesture and poured some back on Sam. Then Sam proceeded to throw his beer into Cliff’s face and left the room. Cliff then recounted that Norm stepped up to him and demanded that he leave the party. Cliff, feeling that he had clearly been the “loser” in the interaction with Sam,
thought it unfair that he should have to leave the party. Soon Cliff and Norm were arguing and other people intervened. These other people crowded around the two until finally some people stepped in between them. Before Cliff could continue protesting being ejected from the party he found himself outside. At that point Cliff decided that it was best that he head home.

After reading the parties' statements, the panel convened with Sam, Norm, Cliff and Cliff's support person (Sam and Norm chose not to have support people). Both parties were asked to retell their stories. Of note, Cliff added that he had spilled beer on Sam's shoulder after Sam spilled some on him and that he did not spit beer on Sam. Also, Norm and Sam explained that they had no reason to make this story up and that they chose to bring the matter to Honor Council instead of the police because they wanted the matter brought before the community. Norm explained that he perceived Cliff's response to his request that Cliff leave the party to be both belligerent and threatening. One panel member asked if Cliff, Sam, and Norm had been drinking that night. Each of the three people replied that they had consumed alcohol that evening, and agreed that it had affected the situation.

Because the information given by both parties conflicted on several points (including, most notably, whether or not Cliff spit beer in Sam's face and whether Cliff was out of control and needed to be restrained by his friends), the panel decided to call witnesses. In order to learn more about the incident that occurred that night, both parties presented a list of witnesses whom they wanted called. Statements were then collected from the prospective witnesses. However, all seven of the witnesses that were brought before the panel were only able to support the scenario that the person who suggested they be called had proposed; they did not provide any new testimony about what happened that night. So as to expedite the process, the panel asked if the parties had any other vital witnesses. When no one else was mentioned, the panel decided to seek other people at the party who might have seen the situation. Of particular note among these witnesses was a comment by Carla. She was standing by the door, and observed Cliff surging violently within a crowd of people while his friends were attempting to restrain him and take him outside. Carla said that if Cliff had not been restrained by those four strongmen, then there was the potential for violence because Cliff was acting in an aggressive manner. After hearing the various accounts of the witnesses, the panel decided that it was time to deliberate alone.

**Panel Deliberations:**

The panel decided that they could not definitively conclude what had occurred at the party, although they were able to agree and reach consensus on what most likely transpired. However, they did agree that Cliff did not treat Sam and Norm with respect and that he did not seem to understand why they were so upset with his behavior. The panel wanted Cliff to understand how his behavior affects others. However, the panel did not think that the blame should be placed on one person alone; all of those involved should examine their behavior. Therefore, the panel thought that the best resolution to this situation would be if both parties could communicate about what had occurred that evening. However, many members of the panel were wary of making mediation mandatory because they felt it would not be productive if the participants were not there in good faith and voluntarily. The panel also realized that it was impossible to simply uncover the truth. With most of the people who witnessed or participated in the occurrences of that evening under the influence of alcohol and with so many different interpretations of what had happened, it would be virtually impossible to definitively determine what had happened. Although the panel
could not be 100% sure of what happened at the party, based upon the testimony presented and the way in which Sam and Norm both were left feeling after the encounter, the panel concluded that what most likely happened was the result of Cliff's inappropriate behavior. As a result of these deliberations the joint panel reached the following statement of violation and set of resolutions:

Statement of Violation:
1. Cliff violated the Honor Code in his disrespectful behavior towards Sam and Norm.
   The Honor Code states that "our social relationships should be based on mutual respect and concern. We must consider how our words and actions may affect the sense of acceptance essential to an individual's or group's participation in the community." (III.B.)
   More specifically:
   a. The evidence presented and carefully reviewed led the panel to believe that Cliff most likely spit beer on Sam. Regardless of precise details, Sam came away from this interaction feeling humiliated and degraded.
   b. The panel also felt that Cliff responded in an inappropriate manner to Norm's demand that he leave the party. Norm perceived Cliff's response to be both aggressive and intimidating.
2. The panel was also concerned about Sam's response to Cliff's action. Throwing beer in Cliff's face was unacceptable in that it had the potential to exacerbate an already volatile situation.

Resolutions:
1. Cliff is to write two letters in consultation with Dean Coach:
   a. A letter to Sam reflecting on and taking responsibility for his role in the interaction with Sam.
   b. A letter to Norm addressing Norm's perception that Cliff's actions toward him were intimidating.
   Both letters should address how Cliff might have handled these situations differently.

2. It is the panel's belief that a successful resolution to this case cannot be achieved without further face-to-face discussion among the parties. Therefore, it is strongly recommended that Cliff and Sam and Cliff and Norm engage in separate structured conversations with an impartial and experienced third party. It is hoped that such conversations will result in outcomes which make all parties feel as though they have been both heard and understood.

3. It is the panel's expectation that Cliff will, in the future, more carefully consider how his actions affect others and refrain from behavior which is perceived to be humiliating, aggressive or intimidating. A letter including these resolutions will be kept on file in the Dean's Office until such time as Cliff graduates. Should Cliff be found to have engaged in similar behavior in the future, the fact that he has been cited by this panel for inappropriate behavior will be made known and factored into whatever resolutions are suggested at that time.

4. The panel expects that Sam will consider his response to Cliff's behavior toward him and will carefully reflect upon his reactions when angry.
These resolutions were presented separately to the parties and after discussion on some of the points both parties agreed with the resolutions, although Norm and Sam wanted Cliff to write a letter of apology to the residents of the building in which the party was located. The panel then re-affirmed its consensus on the statement of violation and resolutions, and, after a moment of silence, the proceedings were concluded.

Questions to Consider:
1. Do you agree with the panel’s decision? Why/Why not?

2. Are the resolutions appropriate? Why/Why not? Would other resolutions have been more appropriate?

3. How should a panel or jury deal with testimony from people under the influence of alcohol or other drugs, especially when people have conflicting memories of what occurred?

4. Is this case an example of the social code working or failing? What went right and what went wrong?

If you have any further comments or questions about this abstract, Honor Council offers the opportunity for you to discuss this abstract with an actual member of the panel. Please contact the Honor Council Chair(s) at 642-CODE, for more information. If you have general comments about this or any other abstract, please contact your Honor Council representative.