SUMMARY: Pink triangles were anonymously painted on the campus sidewalks in April. George, a senior, was trying to erase a pink triangle on the walkway in front of his dorm during a dorm party. Paula, recognizing the triangles as a symbol of gay pride and support, confronted George for what she believed to be a deliberate affront to the community. She later consulted with friends about the incident. These students gathered members from the Black Students League, the Gay Peoples Alliance, the Asian Students Association, Feminist Alliance, the Puerto Rican Students at Haverford, and other concerned community members, to form a confronting party. They brought their concerns to Honor Council, claiming that George's actions threatened or offended them as a group and as individuals. Since the confronting party felt that dialogue through mediation was not possible after this act, and as George was "suspected of having violated the community standards," Council decided a trial would be the most appropriate and procedurally correct means to deal with the concern.

At the inquiry, Paula told the jury that she had seen George "smashing a bottle" into a pink triangle painted on the ground. According to Paula, George was surrounded by "cheering men." Paula approached George, expressed her anger and left, feeling frustrated.

George said he had perceived the triangles as a violation of the college's posting policy, but did not know which individuals were responsible for painting them. Moreover, he felt that if he provoked discussion through acceptable channels, such as putting up a note on the community comment board or speaking to the Administration, he would not have been taken seriously.

The jury determined that George's actions constituted a violation of the Honor Code. The jury also recognized that the painting of the triangles was designed to elicit frustration and community discussion. However, regardless of intent, George acted in an unacceptable manner insofar as others perceived the situation as potentially violent and felt threatened. George was aware of the identification of some members of the community with the pink triangles, and his attempt to erase the triangle displayed a lack of respect for these community members.

The jury came up with the following five-part resolution:

(1) George is to write a letter to the community explaining why his actions were a violation of the Honor Code. Members of the confronting party are requested but not required to write a letter explaining what they have learned and critiquing the trial process.
(2) George is to initiate dialogue about his experience in abstract terms with members of the community.
(3) The jury felt that George did not fully understand that his reaction to the pink triangles was perceived as a threat to some community members. During Senior Week, George is to read literature selected by the jury explaining the significance of the pink triangles and the emotions associated with being a member of a minority group. He is to keep a journal concerning his reflections on his readings and meet daily with a jury member during the week. This reflection will culminate in a retreat to be held the day before graduation with two members of the jury.
(4) The jury offered the following statement: "Should George's behavior pose the threat of 'violent intolerance,' the Dean of the College has the right of full review of this case and its effect on George's standing at the college."
(5) In the fall, the jury members who return will come together to re-evaluate the social trial process. The resulting suggestions for reforming the process will be presented to the community. Members of the jury will write individual evaluations of the process upon completion of this case to be used in the fall discussion.

1. The Honor Code, section I. B. "Process"
PERSPECTIVES ON THE INCIDENT

Please note that because of the nature of a social inquiry, as opposed to an academic inquiry, the fact finding process took the form of an intense discussion rather than a strict question and answer session. Twelve jury members, consisting of eight Honor Council members, and four randomly chosen jury members were present throughout the trial as well as George, his support person, and the confronting party. To provide a better sense of the extent of the deliberation over this issue, please also note that the trial extended over a period of six days.

As the confronting party was very large, six members were chosen as representatives for the inquiry: Paula, Joan, Julian, Rachel, Doreen and Brian. Paula told the jury that as she was walking from Gummere, she noticed there was a group of "cheering men" off to the side of a Leeds party. She heard glass breaking, approached the group and found they were congregated around a pink triangle painted to publicize Gay Awareness Week. She saw George grinding a broken bottle into the pink triangle in an attempt to erase it. She approached George and expressed her extreme anger, but because she feared a potential for violence on his part, she felt too "shaky and uncomfortable" to talk with him long enough to have a meaningful dialogue. Joan had been in the vicinity, but said she was too scared to approach George and the group around him.

George said that the triangles had been bothering him all week. He said, "The first day I saw them I knew it (the triangles) was illegal." He felt that the triangles were an act of vandalism, since they violated the college's posting policy. He emphasized that it was the presence of the triangle on the sidewalk, and not what it stood for that offended him. Triangles on posters and buttons did not offend him, but he felt that the sidewalk was an inappropriate place for symbols. George said he understood that the pink triangles were significant to others but he himself did not equate the triangles with gay people.

Although he realized that the triangles were a symbol for gay pride and support, George did not know who was directly responsible for the symbols since they were painted anonymously. He felt that if he addressed the issue through the student community's comment board, the ensuing discussion would have been antagonistic and ineffective, since other people with similar messages had been "shouted down" in the past. Based on the comment board discussion, he did not think that those who supported the painting of the pink triangles would have listened to him.

Due to his past experience with housing violations, George said he could not appeal to the administration about the triangles, because he believed that they gave preferential treatment to certain groups on campus and that the college rules were administered unevenly. He wanted to "call attention to why they (the people who painted the triangles) weren't being punished." He felt that by publicly erasing the triangle, he was making a clear statement and initiating discussion.

On the night of the Leeds party, George and a friend brought down three large liquor bottles filled with water to erase the pink triangles. George said he was the only person present for the entire incident. He emphasized that he had not smashed the bottle into the sign on the pavement but had dropped the bottle out of frustration that the sign would not wash away with water. He stated that he had been clearing the glass away with his foot, not grinding the broken glass into the sign. George stated that there had been only two men there, not a group of men. He added that the people had not been cheering; they had been loudly discussing his actions with one another.

Since the triangles had been bothering him all week, George said he had been planning to erase them before he actually did it. Choosing the time to erase one triangle was spontaneous but the action itself was not. In retrospect, George believed it had not been a good idea to erase the triangle with a party nearby, because he had not wanted his action to create "a spectacular happening." George said his actions were not meant to be threatening.

Paula said she would not have felt threatened if George had erased the triangle in a different atmosphere or in a different manner. Joan concurred, but Julian said he would have felt threatened no matter
how George had gone about erasing the triangle since in his opinion, it symbolized George's desire to erase the people for whom the triangle stood. Julian said he felt "physically threatened" when he heard about George's actions, and was afraid that violence directed at minority students would escalate.

George replied to these statements. He said that Joan and Julian's fears of violence were based on hearsay since they did not witness the incident. He said he could not be held responsible for fears based on second-hand information. He emphasized that he was not capable of physical violence. He said that he had been drinking and though he had not been drunk, he had "got a little carried away." He said he was "excited...pumped... and energetic" at the time because he was proud of himself to have finally made a statement.

**JURY DISCUSSIONS**

At this point the jury had no further fact-seeking questions. The confronted and confronting parties left the room and the jury began to discuss whether or not a violation had occurred. Throughout the trial, the jury members continually struggled with these issues, and individuals' views changed over time.

The chairperson read sections from the President's policy on harassment, which states that a concern exists if the victim perceives a threat. The jury weighed the issue of George's intentions versus others' perceptions of a threat. George had stated that he had not intended to threaten anyone. He considered his own actions to be "offensive or obnoxious" but not threatening.

A jury member suggested that George's actions were not conducive to "a climate of trust, concern and respect." Another jury member questioned whether George's stated intent to provoke and be offensive was within the parameters of "acceptable behavior" in the community. According to the Code, "We must consider how our actions may be hindering our own or others' pursuit of an education." For students who identified themselves with the pink triangles, their fear of violent action from George was hindering their pursuit of an education. In addition, a jury member thought that George's actions deprived others of a chance to be educated about issues concerning minorities.

Speaking directly to the question of whether a violation had occurred, a jury member pointed out that Paula had been present and had felt threatened by violence; therefore a violation had in fact occurred.

Another jury member thought that George had committed a violation of the Honor Code in the way he had expressed his displeasure. If he had made his statement in a less "spectacular" fashion, his act might have been perceived as less of a threat. Another member suggested that George's actions had offended community members rather than opening lines of communication.

The jury discerned three aspects of the incident:

1. Paula felt that George posed a threat to her as an individual; therefore, a concern existed.
2. George did not express his opinions in an acceptable manner.
3. Since George was aware of the connection between the symbolic pink triangle and a specific segment of the community, members of the community were likely to feel threatened by his action.

After these deliberations, the jury came to consensus that a violation of the Honor Code had occurred. The jury formulated the following statement:

"George was disrespectful in his failure to consider Paula's and others' perception of the situation. Regardless of intent, he acted in an unacceptable manner insofar as others perceived the situation as potentially

2. The Honor Code, section I. A. "Introduction"
3. The Honor Code, section I. C. "Specific Concerns"
violent and therefore felt threatened. In erasing the symbol George sought to 'offend' to some extent. This act is unacceptable in that it undermines the responsibility to enter into a dialogue built on the premise of mutual respect. Aware of the link between a segment of the community and the symbol, George's public defacement displayed a lack of respect for those whom he knew to identify themselves with it.

The next morning, the jury reconvened to reaffirm their statement. The confronting and confronted parties returned and were informed of the jury's decision.

George said he did not realize that his actions would be perceived as violent. He also did not realize that people felt closely linked to the pink triangle symbols. He said it was wrong that the parties had come straight to a trial without mediation, since, when he had calmed down after the incident, he had been willing to speak with the people who had confronted him. He felt that it was wrong that the trial had been based on second-hand accounts when he disagreed with some aspects of Paula's account of the incident.

George stated that he had acted the way he did because he "wanted to know more" and he "thought it was the only way" to provoke dialogue about the triangles on the sidewalk. "I do think I have honestly learned from you," he said. He felt that the confronting party wasn't really listening to or learning about his point of view. He felt he was being judged by members of the confronting party on the basis of his past experiences with them. For example, Paula said that time and again "you (George) proved you can't be talked to on these issues." She provided some past examples of his insensitivity, specifically one in which George and several other men went to a party wearing homemade t-shirts which depicted a pink triangle with a red slash through it and the caption, "Fag-buster." George replied that he had not been confronted during that incident, but had spoken with someone and realized his action in that case had been wrong. He admitted that he had acted "spontaneously" in that instance and that it was "an obnoxious thing to do."

Joan asked George why his action with the triangle on the sidewalk occurred if, as he claimed, he had learned from the previous incident. George replied, "I thought people wouldn't see (the act of) erasing (triangles on the sidewalk) the same as wearing the shirt." He said that he never thought of violence or eradicating people. At this point, Joan interjected that a person's self-expression must stop where it obstructs the rights of others.

Julian refuted George's claim that the triangles had appeared without explanation or possibility for dialogue. Brian, another member of the confronting party, added that there had been adequate publicity pertaining to the painted triangles, and that the G.P.A. had been exceptionally open to discussion. In addition, he felt that the act against the triangles had been actual violence, which could easily be transferred from the symbol to the people it symbolized. George responded that one could not justify a direct correlation between violence against a symbol and violence against people.

RESOLUTIONS ARE PROPOSED

The jury then asked for proposed resolutions from both the confronting and confronted parties.

The confronting party asked that George leave the room because some members of the party felt intimidated by George's presence. Since the Honor Code does not stipulate conditions under which resolutions are proposed, this was procedurally acceptable. George left the room and these members proposed the following resolution:

"George is to leave the community for one year to reflect about his actions and why the act was perceived as violent. When he returns, he is to present what he has learned. Re-admission is unconditional."

Representatives from the student body constituting the confronting party felt that the three weeks of the remaining semester were not enough to inform George of the concerns of minority members about his
actions. They felt that the only way community's trust could be restored was if George took responsibility for his actions. The confronting party left the room.

The confronted party re-entered the room and proposed his resolution. He noted that many people had supported his action, which he now realized was a violation. He proposed that he could, on a one-to-one basis, explain why his actions were wrong to those who supported him. After the jury informed him of the confronting party's proposed resolution, George left, allowing jury to consider the two proposed resolutions.

The jury had difficulties with both parties' suggested resolutions. Members of the jury were concerned that members of the confronting party demanded that George reflect on his actions while not seeing a need for reflection themselves. However, another jury member feared that George did not realize the impact of his actions on others.

The jury agreed that separation from the community was an unfair resolution of the problem and would serve mainly to embitter George rather than educate him. The jury felt that the college offered resources and people who could educate George about minority concerns. If George left, he would lose the support which the college can provide; therefore, separation from the college was a poor solution.

The jury felt that the confronting party should have been more sympathetic to community members' discomfort with the issue of sexual orientation raised by the anonymously painted triangles.

In general, resolutions seek to educate and to restore the breach of trust within the community. The chairperson presented three parts of the educational aspect for the jury to consider when forming the tentative resolution.

a. George should be shown the meaning of his actions, and the impact of those actions on others.

b. George must reflect on his actions before he acts.

c. Finally, George should learn about minority groups to show respect for their concerns.

TENTATIVE RESOLUTIONS

(1) A: The jury feels that George should write a letter to the community explaining why his actions were a violation of the Honor Code.

B: The members of the confronting party are requested but not required to write a letter explaining what they have learned, and critiquing the trial process.

(2) Based on George's suggestion, the jury agrees that he should initiate dialogue about his experiences in abstract terms with members of the community.

(3) The jury feels that George did not sufficiently understand that his reaction to the pink triangles was perceived as a threat to some community members. The jury also feels that George should learn to respect people of minority groups by reading appropriate literature, selected by the jury, explaining the significance of the pink triangles and the fear associated with being a member of a minority group. As senior week is supposed to be a period of reflection, it is felt that this would be a suitable time for such readings to occur. George is to keep a journal concerning his reflections on his readings and meet daily with a jury member during senior week. Jury members feel that a retreat on the day before graduation would not only aid George in his personal reflection, but would also serve as a symbolic separation from the community. Two members of the jury would accompany George on this retreat.

(4) Jury members are concerned about the remaining time that George will be on campus this semester. The jury offered the following statement:
"Should George's behavior pose the threat of "violent intolerance," the Dean of the College has the right of full review of this case and its effect on George's standing at the college."
The fifth tentative resolution was added upon the jury's reconvening after having thought individually for one day. Many jury members expressed concern that the trial procedures outlined in the Honor Code function much more effectively in an academic trial than in a social inquiry. Because of their experiences in this matter, they felt that they could offer suggestions for reshaping the social inquiry procedures. Therefore, members of the jury ask themselves that each will write a letter about the process upon completion of this case. In the fall, the jury members who return will come together to discuss the social trial process. The resulting suggestions for reforming the social trial process will be presented to the community.

JURY RESOLUTIONS PRESENTED TO BOTH PARTIES

The jury presented the resolutions to the confronting and confronted parties. The confronting party later presented a letter reacting to the tentative resolution, urging again that George be separated from the college for his action. They felt that separating George would send a message to other threatened groups that they can trust the accepted channels of confrontation, and to the community that actions such as George's are not to be tolerated.

Representatives from the newly formed student collective felt that with the resolution as it stood, "George will be forced to reflect but he is still not being held responsible for his actions." Furthermore, one member of the confronting party felt that "nowhere in the resolution is the breach of trust worked upon," and another felt that there was still the possibility of George acting violently toward people who identified themselves with the issue of minority rights.

Paula stated that "self-reflection" had done nothing for George in the past. "There should be something which causes George an equal amount of pain, which will make him feel marginalized," said Rachel.

The jury asked the confronting party whether it was fair to strike at someone with the same intolerance that is being addressed on trial. Paula answered that it was unfair to ask the confronting party to trust George when the issue was a breach of trust.

George responded, "My act threatened others out of ignorance...you are addressing this like I meant to scare (people)."

Rachel said, "What if I don't buy that?"

George replied, "You have to trust me in that I didn't intend (harm), just as I have to trust you (when you say) that you were threatened."

Doreen, another member of the confronting party said, "A lot of people can afford to be ignorant...I want people to feel anger and deal with anger when their power is taken away." Doreen continued, "(There are) things that we do that might make you (George) angry. You can use that anger and say Honor Council sucks, every minority is a pain in the ass, or you can do something productive with the anger and your experience."

George agreed with and accepted the jury's proposed resolution.

The confronting and confronted parties left, and the jury considered whether its recommendation should be changed. Many jury members felt that the confronting party was giving George no credit for either understanding or attempting to understand. One juror was concerned that they were using the incident and the threat to their interest. She had observed that they had no trouble questioning George, and that they called him a "bullshitter" during the trial.

However, the jury recognized the importance of alerting the community to the fact that this behavior was unacceptable, and that the threat which members of student collective felt indicated that a real threat exists. The jury felt that education through the abstract and scheduled community discussions in the fall would meet this need. Part four of the final resolution underlined the seriousness of the jury's claim that George and all people must be responsible for the effect their actions have on others.
One member of the jury stood outside of consensus for several reasons, one of which was to signify her feeling that the jury was not completely comfortable with the resolution. Another jury member responded that she felt that the resolutions were effective in repairing the breach of community trust. However, some jury members were uncomfortable with having one member stand outside of consensus.

Some jury members held in mind the letter responding to the tentative resolution in which members of the confronting party had suggested that George needed to be punished in order to learn how to channel his anger and understand how his actions had made others feel. In the discussion with the dissenting jury member, several other suggestions for resolutions were presented and considered by the jury. It was suggested that George be made to graduate in absentia, that is, receive his diploma through the mail instead of at the graduation ceremony with the rest of his class. Graduation in absentia might symbolize a separation from the community, however, a jury member argued against this, saying that keeping George from the graduation ceremony would be solely punitive and unconstructive as a resolution. Ultimately, the jury agreed that to have George graduate in absentia would reflect a lack of trust in George's sincerity to participate in the process of consciousness raising with the given resolution. Since the jury was attempting to bridge a breach of trust, it was felt that separating George in his final moments at Haverford would be extremely counterproductive.

Another jury member suggested that George participate in some sort of community service, either now or over the summer. The jury agreed to suggest this to George during the retreat, but felt that mandating this action would not be effective, in part because of his position as a graduating senior. The jury came to the conclusion that any change, learning, or growth must come from within a person. An atmosphere conducive to these events can be created, but ultimately no external force can cause change in a person. Because of George's sincerity expressed during the trial, the jury felt they had to trust in George's promise to explore why his actions were threatening and to become more sensitive to the feelings of those around him who are affected by his actions. Realizing that there is no time limit on learning, the jury hoped that something which George reads, hears, or discuses now, may have an impact on him later, if not immediately.

After the confronting party presented its reservations about the proposed resolutions, the same jury member continued to feel she could not reach agreement on the resolution. The other jury members understood her reasons, and decided that they felt comfortable coming to consensus with one member standing outside. Thus, the jury came to consensus with one member standing outside; the tentative resolution became the final resolution and the trial ended.

The confronting party appealed to the Acting President of the College, Hank Payne, on substantive grounds. However, the final resolution was upheld.