Herbert, Tom, and Gordan

Introduction:

Olivia, a UCA, approached Honor Council saying that she had received three consecutive upsetting phone calls, and that the calls had been traced to the room of Herbert and Tom, two of her frosh. After some discussion, Honor Council decided that a trial was appropriate.

Fact Finding:

Present were: Olivia, the confronting party; Herbert, Tom, and Gordan, the confronted parties; Alice and Susan (Herbert’s two support people) and David (Tom’s support person). In addition, Maria (Olivia’s roommate); Linda (a customs person on the floor); and Elmo joined the jury for the initial fact-finding.

We began with Olivia’s account of events. She consulted notes she had made at the time. One Friday, about three months ago, she had decided to throw a party, and invited everyone on her hall and some of her close friends. During the party, the phone rang. Ernest, one of the customs people on the floor, answered it. The caller identified himself as “Harry”, which is the name of a man with whom Olivia had had a previous involvement and then a close friendship, and asked to speak to Olivia. Ernest heard laughter in the background. Olivia took the phone and heard, “Hi, this is Harry” in a ‘disguised’ voice and the caller hung up. Olivia felt that this couldn’t have been Harry, since Harry wasn’t at Haverford that semester. A few minutes later, the phone rang again, and Ernest answered it: this time the caller hung up immediately. Then the phone rang a third time; Olivia asked Ernest to scare off the caller. So, Ernest answered the phone and asked if the call was originating from the hall. The caller said no. Then Olivia took the phone, and the caller said, “Hi, Olivia. This is Harry. I know that Women’s Group would love to suck my dick”. The caller then hung up.

Maria then picked up the story. Seeing that Olivia was upset by the calls, Maria decided to check out the hall. No one was in the hallway. Elmo was in his room down the hall and the door to Herbert and Tom’s room was locked. When Maria knocked, the door was opened. Tom, Herbert, and Gordan were all inside, with Gordan at the computer. Maria asked if any of them had made phone calls, and Gordan said no, they’d just been VAXing. Maria then returned to Olivia’s room.

Olivia continued her narrative. Ernest decided to try to trace the phone calls. Since he wasn’t quite sure how to do it, he used a different phone to call the operator, who explained that hitting *57 will record the number of the last caller to a phone, and that *69 will call the caller back. In order to learn what the *57 number was, one needs to talk to the police and have them call the phone company.

Ernest then returned to Olivia’s room, and traced the call. He pressed *69, and Maria went out into the hall. Ernest heard the phone ringing in the receiver, but Maria didn’t hear anything in the hall.

Olivia began to wonder who could have called her. The caller would have to know about her friendship with Harry, as well as her involvement in Women’s Group. Someone suggested that it might have been one of Harry’s friends. On Saturday, Olivia called Harry who said that he didn’t know about the call, and that he would check with his friends. After lunch, Olivia talked to Herbert about the incident. Herbert said that it sounded sort of hopeless, and that traces were hard to do.

On Monday, Olivia received a letter in campus mail which read:

Olivia,

I understand that you really took my phone call offensively. It was not meant as an attack on either you or women’s group, but was just a foolish, irresponsible gesture. Please try to understand and accept my apology.

x

Olivia felt that the letter writer must be someone close to her to know that she was so upset, because she had told so few people about the situation. She had told some of her friends, including Elmo and Herbert to tell her if they knew anything, and they said they did not.
Then, Olivia called Security, who told her to call the phone company which told her to contact the police. A detective informed her that the final call came from Herbert and Tom's room at 11:21 p.m. the night of the party.

Olivia left a note on Herbert and Tom's door saying that she wanted to speak with Herbert, Tom, and Gordan at 8:15 that night. At the meeting Olivia and Maria told them the results of the trace. According to Olivia, "there was no surprise, no denials that it came from their room." Gordan told them that he knew who had done it. A drunk member of the customs group had made the call, and he had been the one laughing in the background, but he later decided that it wasn't funny. Olivia told the jury that Herbert "gave Gordan a blank look", and then Gordan said "oh, maybe you weren't there". Gordan refused to tell who had made the call; Olivia told him to tell the guy to talk to her by noon the next day. The three then questioned Olivia about what the police could do.

No one came at noon, but the trio returned that night. Gordan said that he had lied the day before, and that he really didn't know who had done it. He had lied hoping that Olivia would drop the matter if she thought someone in the group had done it. The trio then told her that they had an alibi: there were lots of people on the hall that night, and that anyone could have made the call. They stressed that the phone call was a prank, and that they didn't know that she was a close friend of Harry or her involvement in Women's Group. Olivia said that she had spoken with them about Women's Group in the past, and that they did know about her friendship with Harry. She had talked to Herbert about the friendship extensively, and Tom had met Harry once and heard Olivia talk about him, because Harry was dating a mutual friend of theirs.

Olivia and Maria then told Linda, one of the customs people, what had occurred. Linda asked Elmo, who lived on the floor if he knew anything. According to Linda, Elmo had looked nervous and said that he didn't know anything. When she asked Tom about the incident his reply was something to the effect of, "If Olivia hadn't been acting so irrational, someone might have said something."

Linda then spoke to Herbert, who denied doing it, and said at one point, "I've said all that I can." They discussed the implications of the phone calls, under the assumption Herbert hadn't made them. Linda then had what she called a "strange" discussion with Gordan, discussing hypothetical possibilities - what could happen, etc. In all, Linda said that she felt she hadn't been told the whole story, and no one had given her a blanket denial.

Again, Olivia picked up the narrative. After the weekend, she wrote a letter to the trio saying their options were mediation or a trial. She stressed that a mediation could only take place if they told her the truth. That night, a note appeared on her door which said, "We have nothing more to say." Two days later, Tom said they wanted to go to a mediation, and they had felt attacked by the letter. Olivia approached Honor Council.

Sometime in the next month, Maria went to academic computing and asked for the times that Herbert, Tom, and Gordan were using the VAX that day. The only times were 11:24-11:26 and 11:26-11:34 on Herbert's account.

Then, it was Herbert, Tom, and Gordan's turn to speak. Herbert explained that they had been in Gordan's room that night, watching a movie. There were lots of people on the hall from the party, with people running in and out of the room. Soon after the beginning of the movie, Elmo came in to get something. He asked them to stop the movie for a while until he could watch it as well and left. The three decided to show Gordan how to VAX from his new computer while they waited. They logged on, but it was too noisy for explanations, so they went to Herbert and Tom's room, and logged on again. At that point, Maria walked in and asked if they knew anything about the phone calls. They said no, and she left.

Elmo proceeded to tell the jury his story. When he heard that the calls had been traced to Herbert and Tom's room he was really surprised, since he didn't think that they would do anything like that. Elmo told the jury that, thinking back on the brief time between his having seen the trio in Herbert and Tom's room and Maria coming into his room, Elmo believed that the timing wouldn't have allowed them to have done it.

Tom then spoke. He felt that Olivia had twisted certain parts of her story. In particular, the party was larger, louder, and more hectic than Olivia had described. Also, they didn't know enough about Harry to use that name if he had made the call.
He said there were three possible motives for making the call: something to do with Harry, with Olivia, or with Women's Group. He said they didn't know much about Harry, were amiable with Olivia, and had nothing against Women's Group, therefore they had no motive. Also, Olivia knew the three of them well enough to recognize their voices, no matter how well disguised.

Herbert described Olivia's story as speculative. He said the only solid evidence was the trace and the VAX times. "We logged in at 11:24, and the (last) call was made at 11:21. The call was returned (by *69) and there was no answer, which shows that we weren't there."

Gordan stated, "We didn't make the phone call and we don't know who did." He apologized for lying to Olivia in his "confession". He explained, "I did it with the best of intentions, because I thought it would prevent something like this. I lied to her, and I was wrong."

After breaking for lunch, Tom reiterated that they hadn't done it. "We were in Gordan's room at 11:21. Elmo confirmed this. Subsequent attempts at communication have failed because Olivia thinks we did it."

Olivia had some brief comments. She said that she had taken notes at the time, so she remembered the details well. She had never heard the story about VAXing from two different places before the trial began. Also, she considered it a small party, and she knew everyone there. She reiterated that the trio knew about Harry, and Herbert in particular had heard her speak about him.

Finally, she told the jury that the trio had probably thought of the calls as a prank, since they had a history of pranks. This would account for a motive.

The jury then asked some clarifying questions. One juror wanted to know about the pranks Olivia had mentioned. The trio answered that they had pulled pranks on each other in the past, but on no one else. One of Herbert's two support people, Alice, said, "We pulled a prank on Gordan over the phone, at Herbert's urging".

Another juror asked Herbert why he had told Olivia that the calls were probably just pranks. Herbert answered, "I liked Olivia, and I didn't want her to be upset." At a later point in the questioning, Maria said Herbert had been adamant about the call being a prank. Olivia confirmed this. Herbert replied that he had thought Olivia was "being quite hysterical", and he had never told Olivia whether or not to pursue it.

A juror asked if it would be possible for someone to make a call from Herbert and Tom's room, and not be noticed by people in Gordan's room. The trio answered that one can't see directly into the other room; but Olivia pointed out that a person wandering into the room wouldn't know what to say about the Women's Group, nor would they be able to call over a 10-15 minute span.

Some questions centered on the nature of *57 and *69, and the chair and Olivia together investigated how it works. *57 logs the last incoming call with the phone company, who then forwards it to the police. *69 calls the phone from which the last incoming call originated. If the originating phone is off the hook, a busy signal is given, along with a message saying that if the person hung up at any time in the next 30 minutes, the *69 user's phone would ring a special ring. If the originating caller is VAXing, the same message is given; when the person logs off, the phone rings. If the originating phone is unplugged, the phone rings and rings and no message is given.

The jurors were confused by this. If the phone call was traced to Herbert and Tom's number, then *69 should have called that number back. Why didn't the trio answer the phone when Ernest and Olivia returned the call? And why didn't Maria hear it ringing when she was in the hall listening? The trio answered that they must not have been in the room.

At this point, the jury broke until the next day. Ernest was invited to join us and talk about receiving the calls. All people present at the first fact-finding were also present at the second.

Ernest started out by describing the events as he remembered them. He answered the phone the first time, and the caller said he was "Harry", and hung up. The second time, 5-10 minutes later, the caller didn't say anything. The third time, it sounded like there was something going on in the background, so he asked if the call was coming from the same floor. The caller didn't say "yes" and, using a "disguised" voice for the first time, the caller asked for Olivia.

About 10 minutes later, Ernest and Maria went to Herbert and Tom's room to use their phone to call the operator and ask about *57 and *69. Subsequently, they went back to Olivia's room, hit *57 and then hit *69. Ernest let the phone ring more than four times on *69, but no one answered.
One juror asked Herbert if he had unplugged his phone that night; he replied he hadn't. In response to another juror's question, he said his answering machine had been on, but "it messes up a lot".

Ernest was asked if he would recognize the trio's voices. He said he wouldn't. Olivia said the voice was the same each time.

There were some questions about the computers. Herbert said he had booted up his computer when they changed rooms. The Chair later timed this; it took 52 seconds to get to the VAX screen on Herbert's computer when the computer was initially off.

As the jury had no further questions at this point, the fact-finding was closed. The confronted and confronting parties were then given a chance to make closing statements. Tom said that they had been wrongly accused, and they had never been given a chance. "It's quite clear that it's not us." He said, "we were convenient scapegoats at the time." Herbert said Olivia had said she was enjoying this, previous to learning the traced number. He also said he resented the fact that Olivia was trying to blame them for something they hadn't done.

Olivia made no statement, but Ernest said the three had been given a chance, and after they had lied to him, how could he believe them?

Deliberations:

After 8 hours of deliberation, the jury came to consensus that Herbert, Tom and Gordan had violated the Honor Code. The following evidence pointed to their having made the call:

1) The call was traced to their room.
2) The story about VAXing in 2 different rooms is highly unlikely. In order for this to be true, the trio would have had to log off of Gordan's computer, cross the hall, and log on to Herbert's computer, all in the less than one minute between the recorded VAX times of 11:26 (log off) and 11:26 (log on). This is made especially difficult by the fact that it takes 52 seconds to log onto VAX from Herbert's computer, leaving at most 7 seconds to log off of Gordan's computer and cross the hall. The jury decided that a more likely story was that they were VAXing in Herbert's room both times, and logged off once to show Gordan how to log on.
3) Gordan's confession and retraction arouses suspicion.
4) In the weeks following the incident, the trio asked a lot of questions about what the ramifications of the actions were and what the police might do. Gordan entertained hypotheticals with Linda about the three of them having done it. Herbert tried to convince Olivia and Maria that the calls just pranks and to drop it.
5) The apology note could only have been written by someone who knew how upset Olivia was, and only a small group of people knew at that point.
6) Elmo's story only makes sense and fails as an alibi if "a few minutes" means 10 or 15.
7) Either the three turned off the ringer on Herbert and Tom's phone to cover up, or the *69 feature didn't work in Tom and Herbert's room, or they didn't answer it. If a stranger had made the calls from their room, and had left the phone ringer on, they would have answered the phone. If this hypothetical stranger had turned the ringer off, then they would have noticed this later, and mentioned it.
8) It's highly unlikely that a stranger would come into the room and spend 10-15 minutes making three phone calls, and yet have no one see them. After the person finished the third call, he would have had only a minute or so to get out before the trio came in to use the VAX the first time. And why would this stranger come onto the hall where Olivia lived to make these calls, unless he lived on the floor in which case he could have used his own phone. The other men on the floor had alibis.
9) The trio had the crucial knowledge of both Olivia's friendship with Harry and of her involvement in Women's Group. Tom had been talking to Harry's girlfriend earlier in the evening and might have him on his mind.

With these in mind, and considering that lying to the parties involved and the jury would constitute a violation because by lying the three were were not accepting responsibility for their actions and were further breaking the trust of the Haverford community, the jury came up with these following statements of violation:
1) Herbert, Tom, and Gordan violated the Honor Code by making anonymous harassing phone calls to Olivia.

2) Herbert, Tom, and Gordan violated the Honor Code by hiding their involvement immediately afterwards and by denying their role on several occasions.

3) Herbert, Tom, and Gordan violated the Honor Code by lying to an Honor Code jury.

When presented with the violations, Herbert, Tom, and Gordan said little. They called the Chair and asked to meet with him before the circumstantial session later that day. At that time, they confessed to making the call and lying about it.

Circumstantial:

Tom began by saying they had a lot of explanations and apologies. "The jury was right," he said, "Herbert, Gordan, and myself were in our room. That night, we felt excluded and isolated. It was a rash, stupid, spur-of-the-moment error. Herbert made the call, but Gordan and I could have stopped him. We realized that Olivia was upset, so we wrote the apology letter. When she received the letter with disgust, we got scared. The ball kept rolling away from us. We got in so deep, there was no going back. We were all together in it. We'd only been here a semester, and we came here with the idea that loyalty to your friends is the bottom line.

"Our support people didn't know. Elmo didn't know at the time, but we told him about a week later. He was under a lot of pressure from us not to tell. Only tonight and this morning did we realize that the Code, not loyalty to our friends, is the bottom line. We've already learned already. Our priorities were skewed. We didn't mean 'Harry' as in Olivia's friend. We think it was 'Gary'. It was just the first thing in our mind.. We also didn't mean to attack Women's Group. It just popped into our heads."

He then apologized to Olivia. Gordan and Herbert reiterated what Tom had said, and also apologized to their support people and to the jury.

Elmo apologized. He said he told the truth throughout the trial. He explained that the trio had felt a lot of pressure. He felt they should have gone to Olivia, but that he should stand by his friends. "I knew when I came to Haverford that I'd have trouble like this," he said in reference to the responsibility clause of the Honor Code.

Olivia then offered her reactions. She was glad that they were confessing, because it might allow her to get the truth, but that 3 months is too long to wait for an answer. She still felt they were doing the easiest thing, and were trying to save themselves. She also said the situation had been extremely difficult for her.

Jurors then asked questions. One juror wondered how the three had chosen "Women's Group can suck my dick" as what they would say. Tom said it wasn't something they had thought out. When asked what they thought the implications of what they-said were, Tom answered, "it's obviously very wrong...if it was meant with malice it would be horrible. But there was no meaning to it." Gordan said, "it was just like 'Fuck you'. We meant nothing behind it." They just did it to quiet down the hall. Tom said it wasn't until Maria came into the room that it "hit them" that Olivia was upset about what was going on.

Another juror asked if they had indeed changed rooms, and the trio said they had. They also said the phone never rang when Ernest hit *69. When asked why they covered up, Gordan explained they were "terrified of the police thing", and they were afraid that if they came out, the whole hall would look down on them. Herbert said they didn't want to spoil their friendship with Olivia. Tom added, "We were cornered. Telling the truth three months ago is ideal." When asked how they felt when dealing with the Code afterwards, Tom said, "We've thought about it a lot. It took 'til now for us to have the courage to say it." Herbert continued, "What we're doing now is the right thing. I believe in the Honor Code. It's unfortunate that it didn't work out in this case." Another juror questioned why he should believe their confessions were sincere, that they weren't just trying to lessen their resolutions. Herbert said they could have stonewalled, but that they felt they had to tell their support people. Tom said there was a point where loyalty to your friends has to stop, and Gordan said they had talked about that a lot the night before, in relation to bringing Elmo in. Tom added, "We had to go all the way. I saw the need to bring Elmo in."

After a break, both sides suggested resolutions. Olivia spoke first, saying, "I didn't do anything. I shouldn't have to question what I did. I really want to believe you three, but I have a real problem believing you have come to this sudden revelation about the code. At the least, you shouldn't be able to live together next year, but that doesn't go far enough."

Tom replied that it wasn't a sudden realization, but "a dilemma that reached its peak last night." He then suggested some possible resolutions:
- talk to Marilou Allen
- take one or more gender studies classes
- community service
- work for the Women's Center
- Communication Outreach between them and Olivia
- breaking confidentiality to explain themselves when the abstract comes out
- personal apologies
- letters to the community
- resigning the Honor Pledge
- dialogue with Honor Council

After both sides had spoken, the Chair asked for permission to ask for resolutions separately. The confronted parties and their support people left, and Olivia spoke again. She said that, after talking with Linda and Maria about this, she felt the three were only trying to save their butts. "I think you should consider separation, because they don't really understand. I don't think they have a right to be...a part of this community."

The confronted parties returned and Olivia left the room. They restated their previously suggested resolutions. The chair asked how they felt about separation, and they reacted strongly. Tom said, "It was one awful mistake. You wouldn't be giving us a chance to make up for it." Herbert said separation, "...won't allow us to learn. We haven't been here long enough". Gordan added that he might not be able to return if separated.

Deliberations of Resolutions:

After both parties left, the jury went around and "vented", each presenting what s/he felt about what had happened during circumstantial. Many jury members felt the confronted parties told the whole story merely because they believed this would lead the jury to go easier on them. Most of the jurors were upset because they still felt they were being lied to and that the only purpose of the confession was butt-saving. Some felt that a confession after one has been told one has been found guilty is pretty meaningless. One juror said that the trio had denied the evidence which was one of the jury's main indications that a violation had occurred. Another was "appalled" at the trio's claim that the phrase "Women's Group can suck my dick" came off the top of their heads. A third wondered how we could trust them now, since they had lied to everyone.

On the other hand, some jurors said we were being too suspicious of them; they had taken a large step by admitting their guilt. The confession had to be taken into account. Some thought towards the code was evident in the resolutions presented, especially with regard to the Gender Studies class.

After we had gone around, the jury discussed separation in the abstract sense. Everyone agreed that the trio's actions had to be addressed, but one juror noted that separation would be good only if the confronted parties would be unable to learn and understand in any other way. In this case, separation was too harsh, the juror felt. Other jurors disagreed, saying that the three were still lying. In the face on rising tempers the jury decided to break for fear of being non-objective.

That night, Herbert's two support people (Susan and Alice) and Tom's support person (David) asked to speak to the jury in private. Both confronted and confronting parties agreed to this.

Circumstantial II:

Susan started by reading a letter she had written to the jury. The main points of her letter were:
1) Herbert should be separated
2) Tom had been dragged into the whole situation
Alice said Tom had confessed first to her; Herbert wasn’t going to confess, but she told Tom to tell him to confess to her. She then told Herbert he had to confess to the jury, and she added she felt he would not have confessed on his own.

David said Tom confessed to him when he received the letter of violation. Tom also told him of Elmo’s role with no prompting. Herbert, on the other hand, wouldn’t tell him about Elmo until Tom prodded him.

In response to questions, Alice and Susan said they felt that Herbert had always been the guiding force behind keeping the lie going, he did it for himself, whereas Tom lied to protect Herbert and Gordan. They felt Tom was trying to separate himself from Herbert and Gordan now.

All three said they didn’t know Gordan very well. A juror asked if they had heard anything about the phone or the VAX, to which David replied, “They sometimes shut their ringer off, and their answering machine is messed up.”

Alice said that, were Tom to be separated, she didn’t think he could come back. She also said Herbert was continuing to lie about the lack of malice, he had called Olivia a “bitch”. She said he had “wanted to hurt” Olivia with the Women’s Group insult, and he had lied when he said it came out of midair. Herbert, Susan felt, needed to be away to think about what the Code means to him.

**Deliberations of Resolutions II:**

The jury, calm once again, went around once more and discussed whether we favored separation, and if so, for how long. Everyone agreed that Herbert needed to be separated, because we felt that he hadn’t even begun to think about the Code. There was disagreement, however, about Tom and Gordan, since some jurors felt there were more indications that they were further along in addressing the Code. The jury decided to focus on each person in turn.

Eleven of the 12 jurors agreed that Herbert needed to be separated. Their reasoning was that he had continued to lie, even in his confession in the circumstantial, by claiming he had no malice towards Olivia; this showed the jurors he hadn’t had much change in his feelings towards the Code, and he needed a shock like separation to make him think seriously about what he had done.

The remaining juror was against separation because he felt that Herbert wouldn’t do this again, so why should we separate? He said separation was unnecessary, since he felt the three goals towards which juries work in forming resolutions (education, restoration of breach of trust, and accountability) could be addressed at Haverford.

The other jurors felt, however, that Herbert lacked, in the words of one juror, “trust, integrity, and respect, the three cornerstones of the community”, and he needed to “earn the right to be here”. The jury eventually reached consensus that Herbert should be separated with one juror standing outside.

The discussion then turned to Gordan. Most of the jurors felt that little distinction could be made between Herbert and Gordan. One juror noted that we didn’t know as much about Gordan’s personality as about Tom and Herbert’s, but other jurors answered that they could discern his personality from his actions. These jurors felt the fact that Gordan continually focussed on his own pain and not on how his actions had affected Olivia and others showed he needed some time to think about what he had done and its consequences. In the end, 11 of the 12 jurors felt Gordan should be separated as well.

After a break, the jury began discussing Tom. Many of the jurors felt he should be separated. The primary reason was that his actions were not very different from those of Herbert and Gordan, that the three of them were all in this together, and therefore should all be treated the same. In addition, Tom had made some remarks which had disturbed these jurors. He had referred to his actions several times as being “just one stupid mistake”; some jury members felt this indicated that he didn’t acknowledge the months of lying to Olivia and the other people involved as part of the violation. Also some jurors felt he had actively tried to attack Olivia, calling her “irrational” and trying to make her seem vengeful, in an attempt to hurt Olivia enough to make her back off. Finally, some jurors felt Tom had continued to lie during the Circumstantial portion of the trial, in three ways: 1) by claiming the call and wording was spontaneous, 2) by saying that he now saw the Code as more important than his friends, but not speaking up when he heard Herbert lying about his lack of animosity towards Olivia, 3) by denying the cover-up we had found in the deliberations of violation (though not all jurors still believed any cover-up had taken place). Lying to a jury, during fact-
finding and possibly during circumstantial, was in itself a separable violation, some jurors felt. Almost all of the jurors felt, for one reason or another, that separation was indeed necessary.

One juror felt strongly, however, that the jury was being vengeful and making a big mistake. He felt there was evidence that Tom was different from Herbert and Gordan, and the jury shouldn't separate him. He believed the jury should look towards what the support people had said. The jury had used their testimony against Herbert, he felt, so the testimony which supported Tom should be used as well. The fact that Tom felt he had to tell the truth about Elmo's role indicated that Tom had indeed changed. Tom had been in the wrong place at the wrong time, and the jury should give him the benefit of the doubt. By not separating him, the jury would recognize his efforts for change.

After further discussion, the jury came to consensus that Tom should be separated, with the same juror standing outside with strong reservations.

The jury began to discuss length of separation in all three cases. Tom was felt to be fairly far along in thinking about his actions, so it was agreed he should only be separated for one semester. The jury was worried about Herbert; many members felt he was treating the trial as a game, and needed more time to think than Tom. However, sixteen months separation (a year and the summer) would be too long, especially since Herbert was a freshman, he would loose contact during that time, thus destroying the purpose of separation. The jury eventually agreed that the distinction between Herbert and Tom wasn't enough to merit an additional eight months of separation. Therefore, Herbert should be separated for one semester as well. The jury agreed Gordan should be separated for one semester too.

The jury then thought about whether other resolutions were necessary. We decided the three should be required to re-write their Honor Code essays, in order to help them think about their commitment to the Honor Code. One juror suggested they re-read their original essays before writing them again, and the jury agreed. We also thought they should be required to re-sign their Honor Pledges, in order to reaffirm their commitment to the Code.

The jury also quickly agreed to send a packet to each man at some point during his separation which would contain letters from individual jurors and some reflections on the Honor Code.

Then, the jury decided it would be a good idea not to address the question of further resolutions now, since we didn't know how the separations would affect the three. The jury agreed to have a panel consisting of all remaining jurors decide on whether any further resolutions were necessary if and when the three returned.

One juror who was a senior worried that this panel would be too harsh on the returning students. He asked for a ceiling to be placed on the severity of further resolutions. The jury eventually agreed that the returning students would have the option of a discussion with Marilou Allen, a gender studies course, and a semester of community service. These as an alternative choice to any resolutions of the panel was seen as an effective ceiling. We resolved to keep this ceiling secret so as not to scare the trio, since it would be highly unlikely that resolutions would be this harsh.

The jury consensed on the following tentative resolutions, with one juror standing outside on the separations:

1) Herbert will be separated from the community for a semester. Before he returns, he will re-sign the Honor Pledge.
2) Tom will be separated from the community for a semester. Before he returns, he will re-sign the Honor Pledge.
3) Gordan will be separated from the community for a semester. Before he returns, he will re-sign the Honor Pledge.
4) While they are separated, Herbert, Tom, and Gordan will each rewrite their Honor Code essays after re-reading their original ones.
5) Upon their return, Herbert, Tom, and Gordan will meet individually with the members of the jury who remain on campus to discuss the results of their separation. The panel must include at least 6 jurors. The jury will then reconvene to decide what additional resolutions are necessary, if any.

Packet (secret): The jury will send Herbert, Tom, and Gordan a packet with letters from the jurors and reflections on the Honor Code. This packet will be sent 4-5 months into the separation.
Ceiling(secret): The jury will mandate no more than the following: talking with Marilou Allen, taking a gender studies class, and a semester of community service. If the jury chooses something not on this list, then Herbert, Tom, and Gordan each have the option of doing all three things on the list instead. This ceiling will be revealed to Herbert, Tom, and Gordan once they have been interviewed by the panel.

Presentation of Resolutions:
The jury started by explaining the reasoning behind the separations. Many members felt that the separations weren't a direct result of making the phone call, but rather of the three months of lying to Olivia and the people around them, culminating in lying to the jury. Some of jurors emphasized that the purpose of the separations was to educate, not to punish.

The confronted parties then responded. Tom said he was disappointed that he was treated as severely as Herbert and Gordan. He was brought up to be loyal to his friends. His role differed from that of the other two, although he hadn't made it obvious. He said he didn't have anything to do with what had been said in the phone call. He had been honest in circumstantial.

Tom explained that if he was separated, there would be good chance he couldn't return, which would make separation extremely punitive. In addition, it was only in the context of Haverford that he would have the values of the Code instilled in him, whereas at home, he would be bitter and would re-adopt the old values in order to survive.

Olivia responded to Tom, saying that she believed he had been in the wrong place at the wrong time, but that Tom had made choices once he was in that place. She stressed that Tom needed to separate himself out, get away from them.

One juror said that he felt Tom had tried to make himself out as a victim and blame Olivia for what had happened, whereas it was actually entirely his fault. Tom responded that he was learning, and would act differently next time.

Herbert said he thought Tom had separated himself from the situation. Also, he didn't think the jury understood, only one juror saw the circumstantial part of the trial as a true revelation. He felt he wouldn't get accustomed to the Code away from Haverford.

Gordan said that this separation would damage him and his future, it would hurt a lot more than it would help. He would have to drop his summer courses, thereby losing money, and forcing him to explain everything to his parents. In addition, he would have to tell other people what had happened, and would have to decide who to tell. Olivia replied that these were more than inconveniences, but her semester had been more than an inconvenience as well.

Some jurors made closing remarks. One questioned whether the three would have confessed if they had not been found in violation. Another said that the jury had tried to listen to them and we were paying attention; a third said to Herbert that "everyone at Haverford comes from different background, but we all rely on everyone else putting the Code into practice in their lives", and the three needed to understand how much their actions had affected everyone at school. Then all the parties left and the jury agreed to meet later to reach final consensus.

Final Consensus:
The jury quickly came to consensus that Herbert and Gordan's separations should be upheld, but jurors were less certain about Tom. We agreed to drop the separation in this case because Tom had shown a lot of thought during the presentation of resolutions. In addition, Olivia's trust in him was an important factor.

The jury then turned to alternative resolutions for Tom. Some thought was given to rustification, in which Tom would only be allowed to connect to Haverford for academic reasons, but it was quickly decided that this would merely be "separation lite", and not useful, since the jury had accepted that Tom needed to be a full member of the community.

The jury focused on the three goals (education, repairing the breach of trust, and accountability). It was decided that a gender studies class would serve to educate Tom about women's issues. Community service at Haverford seemed to be a means by which Tom would feel he was regaining his place at Haverford, while giving something back to the community, so this would address both the breach of trust and accountability. Two jurors were chosen to select this service activity. Finally, it was decided that Tom would meet with an Honor Council member or a
former HCO familiar with the trial (a juror or support person) once a week to discuss the Honor Code; a former HCO was chosen because of HCOs wide experience with Honor Code related issues.

The jury reached final consensus on resolutions:

1) Herbert will be separated from the community for a semester. Before he returns, he will re-sign the Honor Pledge.
2) Gordan will be separated from the community for a semester. Before he returns, he will re-sign the Honor Pledge.
3) While they are separated, Herbert and Gordan will each rewrite their Honor Code essays after re-reading their original ones.
4) Upon their return, Herbert and Gordan will meet individually with the members of the jury who remain on campus to discuss the results of their separation. The panel must include at least 6 jurors. The jury will then reconvene to decide what additional resolutions are necessary, if any.
5) Tom will take a gender studies course for credit next year.
6) Over the summer, Tom will rewrite his Honor Code essay after re-reading his old one. He will also resign the Honor Pledge.
7) Tom will meet with an Honor Council member or past HCO of his choice on a weekly basis next semester to discuss the Honor Code.
8) In order to repair his breach of trust with the community, Tom will perform a service activity next semester which gives something back to the Haverford community. The activity will be chosen by him and two members of the jury.
9) (secret) The jury will send Herbert and Gordan a packet with letters from the jurors and reflections on the Honor Code. This packet will be sent 4-5 months into the separation. Tom's packet will be sent in the summer.
10) (secret) The jury will mandate no more than the following: talking with Marilou Allen, taking a gender studies class, and a semester of community service. If the jury chooses something not on this list, then Herbert and Gordan each have the option of doing all three things on the list instead.

Epilogue (panel):

Seven original jurors met with Gordan upon his return from separation. The Chair at this panel was a different original juror, though the former Chair was present. Gordan informed the jury of how he spent his time away from Haverford, attending another college. He did not want to return, and did so for purely academic reasons. He said he still felt uncomfortable with the "policeman's clause" of the Honor Code. He explained he would feel very uncomfortable confronting a friend, especially since he knows the consequences. The academic aspects of the code make sense, but the social are much more subjective.

Gordan felt the trial process itself was confusing and ridiculous. The Honor Council members of the panel told him steps were being taken to standardize the trial procedure to help remedy these problems.

Separation was more punitive than educational in his case, Gordan said. He felt the summer would have been long enough away from the community, and he gained more from a single conversation with the Chair than from the separation as a whole.

When asked to suggest possible further resolution if he thought any were necessary, Gordan suggested future conversations with the Chair and something written. He explained that he was already behind on credits due to his time away, so a gender studies class might not be possible.

The jury discussed possible further resolutions including: going through the HCO process, community service, conversations with the Chair, and some type of writing on the Code. We consensed on the following final resolutions:

1) Gordan will write a 3-5 page paper detailing his thoughts and opinions on the Honor Code in general, his specific situation, and his separation. This paper will be published by Honor Council.
2) Gordan will write a bi-monthly journal discussing the Honor Code. He will turn the journal in and discuss it with the Honor Council Chair once a month.
QUESTIONS:

Should cases of sexism, racism, homophobia, etc. such as this be handled by an Honor Code jury, or by a joint student/administration panel comprised of four Honor Council members and two deans?

Is separation justified in a social case such as this? What do you feel the purpose of separation should be?

Should the year (i.e. the fact that they were frosh) of the confronted parties have any effect on the decision?

What should the role of support people be in general? What do you think of their role in this case?

What do you think of this abstract in light of issues of perjury raised at the most recent plenary?