

Abstract discussion will be held on Wednesday 10/21 at 7pm in the  
MCC (Stokes 106).

# **Bones:**

## **An Honor Council Academic Trial**

### **Released Fall 2015**

This abstract was not released in accordance to the timeline specified by the Students' Association Constitution. The confronting party consented to the release of the abstract. The confronted party consented to the release of the abstract. (The addition of this disclaimer began in Spring 2010).

#### **Key:**

Confronted Party: Jack Hodgins

Confronting Party: Professor Temperance Brennan

Another student in the class: Daisy Wick

Class: Bone Cleaning 200

Department: Forensic Anthropology

#### **Summary/PreTrial:**

During the end of finals week, Professor [Brennan] reached out to Honor Council about a concern she had in her [Bone Cleaning 200] course. She had noticed striking similarities between two final exams - those of [Hodgins] and [Daisy]. As both students were now off campus, Professor Brennan emailed them both about this. Hodgins and Daisy both asserted that they had not used any outside sources, including each other's exams, while taking their finals. As Hodgins and Daisy did not know each other and had never collaborated before, Professor Brennan began to look into other possibilities. Considering, among other factors, Hodgins' and Daisy's previous performance in the class, Professor Brennan decided that the most likely series of events was that Hodgins had copied Daisy's test, so she asked him to bring himself to Honor Council. The trial occurred the following semester. Throughout the trial, Hodgins maintained that he had not violated the Code, but in light of the overwhelming evidence, the jury ultimately came to a statement of violation and a set of resolutions they hoped would allow Hodgins time to reflect on this incident, and ultimately, restore himself to the Haverford community.

**Fact Finding:**

Professor Brennan first gave her account of what had happened. On the final exam for the class, which was a take-home exam, she noticed that two students had used abnormal [cleaning compounds] in their solutions, and she was unable to find similar answers online. Comparing the two exams side by side, she noted they were nearly identical, she also believed that the similarities between the exams could only be possible if the solutions to the exact questions were available online and both students had copied them. Upon contacting the students, consulting with a colleague, considering each of the students' previous performance in the course, and looking at the timing of the tests, she concluded that the most likely course of events was that Hodgins had used Daisy's test to copy her responses. Given this course of events, she thought it likely that Daisy had learned to use the abnormal [cleaning compounds] in previous courses.

Hodgins then gave his account of the situation. He had decided halfway through the semester that he would not take any more Forensic Anthropology classes, adding that he was now majoring in [Entomology]. Since some time had passed between the exam and the trial, he could not recall enough [Forensic Anthropology] to fully explain his reasoning on the exam. He said that in studying for this final exam he did practice problems on Moodle and studied problems online from other schools for extra help, which he said probably wasn't a good idea looking back because the compounds may have not been consistent with compounds used in the class. He added that the reason that he had performed better on this exam than on previous work is that he had studied the material more extensively. Professor Brennan noted that no other student had such a drastic shift in grades. Hodgins said that he did not know Daisy outside of class, and that he had had his exam in his possession at all times, except when it was locked in his room.

**Jury Deliberations Part 1:**

One juror mentioned it was new information that Hodgins had studied quite a bit, and someone thought it would be helpful to ask Daisy if she used online sources at all. The jury found it striking that the compounds the two students used were so oddly similar, and that the similarities extended beyond that to most of the content of the exam, such that two Forensic Anthropology professors found it nearly impossible there wasn't some violation of the Code in completing them. The jury found that the most likely explanation was that Hodgins took Daisy's exam from under the door. The jury decided to ask Daisy some questions via email. They agreed to ask what study tools and online sources she used and why she decided to use the odd cleaning compounds that she did. Overall, the weight of the room felt that the exams were far too similar for there not to have been a violation. Most jurors were able to imagine such a violation, but some felt uncomfortable with coming to a statement based on speculation. Another juror said that it wasn't speculation as the facts were very clearly pointing to the fact

that Hodgins had violated the Code, even though he denied it in his account. The jury decided to adjourn until Daisy could respond to their questions.

### **Jury Deliberations Part 2:**

The meeting opened with the trial chair reading Daisy's emailed response to the jury's questions. She said she only studied using course materials, but that she had taken Forensic Anthropology courses at various schools, so her thinking could have been influenced by those. She also mentioned in the email that the cleaning compound choice was random chance, but that she took another course where such compounds were used, and it may have come from that. One juror brought up the fact that it was impossible Daisy had copied the exam from Hodgins because the exam was always in Hodgins' possession, and that they hadn't collaborated because they didn't know each other. This fact, combined with the others, made it sensible to conclude that Hodgins had violated the Honor Code.

Jurors felt very uncomfortable with the prospect that Hodgins had lied to the jury, but felt there wasn't any other explanation for the array of facts. The jury discussed extensively whether or not they should include that Hodgins lied to the jury in the statement of violation, with some jurors feeling that including it would be straying from the topic of this academic case or be seen by Hodgins as an attack towards him. Others still felt it would be very important to include, as it is a violation of the community standards of trust, concern and respect to lie to a jury. In the end, the jury decided not to include it, but to mention it to Hodgins in an email outside of the statement.

The jury consented on the following statement of violation:

*[Hodgins] violated the Honor Code by knowingly representing another student's work as his own on his final exam. (8 jurors consent, 2 stand outside due to absence)*

### **Circumstantial Portion:**

Professor Brennan was not present for circumstantial portion, but sent an extensive email to the jury with her thoughts and suggested resolutions. The meeting began with Hodgins sharing his thoughts. He said he was surprised when he saw the overlap between the two tests during the Fact Finding meeting. He said he had since gone on the internet looking for the sources he'd studied in an attempt to prove that had completed the exam without looking at Daisy's test, but he couldn't find any of them. He said at this point he was ready to see what resolutions the jury was open to, because he didn't think there was any way to prove his innocence.

Jurors then discussed various possible circumstantial reasons that could have caused Hodgins to violate the Honor Code, mostly involving stress. Hodgins maintained his

innocence, and continued to search for some other reason why the tests were nearly identical. He also said he was willing to do anything to get the process over with. The trial chair then asked Hodgins if he had any ideas for potential resolutions, he said that none came to him.

Before the meeting ended, a juror asked Hodgins if there were any circumstances that the jury should understand moving forward. Hodgins said that there was nothing out of the ordinary; he had studied more than usual but he hadn't been under any particular stress.

### **Jury Deliberations Part 1:**

After the meeting, the jury felt generally baffled and disheartened because Hodgins hadn't really added any circumstantial factors to the discussion and they found his attitude problematic. The evidence for the violation was so convincing that the jury was unable to see the case from Hodgins' perspective, and they worried about the way Hodgins had suggested he was willing to see himself as guilty to speed up the process, which they found manipulative. They found it odd that Hodgins generally appeared unemotional during the meeting, and that he wouldn't object to the jury coming to a statement of violation if, in fact, he had not violated the Code.

Some jurors questioned whether Hodgins understood the process, but another juror mentioned that Hodgins had discussed being an HCO, and claimed to be very involved with the Code. The jury found it generally problematic that Hodgins wasn't giving himself or the jury the opportunity to work with him to achieve restoration.

The trial chair then read Professor Brennan's email of proposed resolutions to the jury. She expressed concern that Hodgins continued to not be fully honest, given the evidence at hand. She felt that this might warrant failing the entire final exam or perhaps even the class. Professor Brennan also mentioned that Hodgins might need to take some time away from campus if he could not abide by the community standards. Finally, she said that normally she erred on the side of not reporting to graduate schools, but that the violation in this case was egregious enough to warrant it.

The jury was worried that Hodgins' attitude towards the trial would make achieving the goal of education difficult. They were concerned that he would go through the motions of the resolutions so that he could put the trial behind him. One juror thought that it might be more valuable to educate him on Honor Council than on the Code, since he had already received HCO training. Another juror said that he might already fully understand the purpose of Council, but believe that maintaining his innocence might result in less severe resolutions.

The jury spent a lot of time discussing a grade change. Most jurors felt that a failing grade on the final exam was appropriate, and would likely cause Hodgins to fail the entire course. One juror wanted Hodgins to fail the course in order to be fully held accountable, since he had stolen another student's intellectual property. Another juror wished for him to fail the

course because they felt that he may not have acted in accordance with the Code in the rest of his work in the course.

The jury discussed separation, which they noted is usually applied in cases of serious violations where there is a great breach of trust to be restored. They questioned whether it would be restorative in this case. Some jurors felt that separation was necessary to meet the trial goals of restoration and education, as well as aiding accountability. Others were more conflicted. One juror suggested that he be separated for a year with the opportunity to return after one semester if he had completed certain resolutions and the jury consented to his return.

### **Jury Deliberations Part 2 and Tentative Resolutions:**

One juror was absent for the entirety of this meeting, and another had to leave early. The jury began this meeting by discussing the resolutions that were likely to be less contentious. They decided to have Hodgins visit the OAR to discuss his studying habits. The jury also discussed him attending abstract discussions and completing some sort of community service as a way of giving back to the community.

The weight of the room was very much in favor of separation. The jury discussed other resolutions including having progress checks every two weeks, reading a set of abstracts selected by the Honor Council Librarian and writing a reflective response, writing a letter to the community, writing a letter to Daisy, and writing a letter to Professor Brennan.

The jury discussed whether or not to recommend that the incident be reported to institutions of higher learning. The trial chair clarified that this means that if an institution that Hodgins applied to as a transfer student or for graduate school was to reach out to Haverford and ask whether Hodgins had been involved in a disciplinary proceeding here, the jury recommends that the school report this incident. The weight of the room was very much in favor of this, as the violation represented a large breach of trust with the community and the jury felt Haverford should be honest with other schools about it.

Upon discussion of the grade change, most jurors were in favor of a failing grade on the final exam, as it was the most specific way to hold Hodgins accountable. One juror felt this was not sufficient for accountability, but decided to allow the group to move forward, as his voice had been heard. Because one juror would soon be leaving and another wished to stand outside, the jury consented on this resolution immediately before discussing the others further.

The jury consented to the following tentative resolutions:

- 1. The jury recommends that [Hodgins] be failed on his entire final exam (self-scheduled and take-home) in [Bone Cleaning 200]. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)*
- 2. [Hodgins] will be separated from the community for the duration of one year (starting next semester), with the opportunity to return to the community after one semester if the jury agrees the following resolutions have been completed to an appropriate*

*degree. To be readmitted after one semester, the jury must consent with a minimum of 5 members that [Hodgins] has been appropriately restored to the community, taking into account the efforts on his resolutions. The completion of these resolutions is mandatory regardless of the timeline. The following are these resolutions:*

- a. During separation [Hodgins] must write a reflective letter to the community, a private anonymous letter to [Daisy], and a letter to Professor [Brennan]. The letter to Professor [Brennan] will be accompanied by a in person meeting with Professor [Brennan] and another member of the jury prior to separation, at the discretion of Professor [Brennan].*
- b. During his separation, [Hodgins] will write periodic reflections at least every 2 weeks that are a minimum of 75 words to be submitted to Honor Council as a form of a progress check. The jury leaves [Hodgins] the option to submit a video log on this same timeline in place of any one of these reflections.*
- c. [Hodgins] will read a selection of abstracts chosen by the Honor Council Librarian, he will write a reflective essay on what his trial meant to him and the value of the trial process. (8 jurors consent, 2 stand outside in absentia)*
- 3. Once prior to separation and once after his separation, [Hodgins] will meet with a staff member of the OAR to discuss studying strategies and better techniques for academic success. (8 jurors consent, 2 stand outside in absentia)*
- 4. [Hodgins] will attend 2 abstract discussions of his choosing prior to separation as well as 3 abstract discussions of his choosing following his separation as a means of reflecting on the trial process and restoring his breach of trust with the community. He will begin his every other week logs prior to separation based on these 2 initial abstract discussions. (8 jurors consent, 2 stand outside in absentia)*
- 5. When [Hodgins] returns, he will complete at least 10 hours of mandatory community service. During his separation he will consider options for this to present to the jury as a means of selecting the place he will complete these service hours at. (8 jurors consent, 2 stand outside in absentia)*
- 6. The jury recommends that this violation be reported on applications to other institutions of higher learning should it be applicable (8 jurors consent, 2 stand outside in absentia)*

*Resolutions as a whole (8 jurors consent, 2 stand outside in absentia)*

### **Finalizing Resolutions:**

Professor Brennan elected not to attend this meeting, but sent an email explaining her thoughts on the tentative resolutions. Hodgins said he felt fine with all of the resolutions besides separation. He felt that every resolution was adequate for the trial, but from a personal and financial perspective, he felt separation was unwarranted. He worried that his father might

not see a reason to continue paying for his Haverford education if he were separated, and he wouldn't be able to finance his own education. He was also worried that a myriad of relationships with friends on campus would be harmed by separation.

A juror asked if Hodgins could suggest any alternatives to separation. Hodgins said that he felt the separation resolution was intended to be restorative, and that he felt there were other resolutions directed at accountability and education. He felt that the community service resolution was also restorative and that he could perhaps spend more time on that. He also mentioned that he would be willing to do everything under the separation resolution to show progress in restoring himself to the community as well. Hodgins stated that he did personally believe his innocence, but that he didn't see a way of proving himself innocent. At this point, Hodgins left the room and the meeting continued with deliberations.

Most jurors were ambivalent to the circumstantial objections Hodgins raised to separation. One juror recognized that Hodgins saw separation as punitive, but the juror did not agree that this was the case. The weight of the room was still very much in favor of separation, since they saw no concrete reason Hodgins wouldn't be able to return.

A juror expressed worry that separation may not be good for Hodgins after hearing what he had to say, and said he felt separation was more about the individual than the community. However, another juror felt that she simply wouldn't feel comfortable with Hodgins in her classes at this point, and felt he needed to go through an educational and restorative process in order to be a true member of the community again. In the end, the jury agreed to move forward with separation. They felt it was necessary to hold Hodgins accountable to the community, to give him time to think and reflect, and to allow him time to complete these resolutions without other obligations.

At this point, the trial chair read the thoughts of Professor Brennan, who had expressed some concerns with a few resolutions, particularly what the jury required Hodgins to do during separation. She felt that the resolutions, such as the reflections every two weeks, may come off as busy work, and that the community service was irrelevant to the violation at hand and should be replaced by working with the Code in some way. She also expressed sentiment that perhaps Hodgins could work with the community in a way other than attending abstract discussions. She did support the other resolutions, however. The jury discussed her concerns for quite a while, coming to the conclusion that a reflection every other week was important because it would give Hodgins a chance to get his thoughts down on paper and wasn't especially burdensome.

The jury moved on to discuss the community service resolution, with some jurors feeling that focusing it more toward assisting Honor Council or the HCO program in some way would be more beneficial. Still, the weight of the room was in favor of giving Hodgins the choice of the specific manner in which way he wanted to give back to the community. The jury moved forward with the resolutions, but changed the wording of the resolution regarding

community service. Two jurors stood outside on this resolution as they wished for it to be more focused. The jury consented to the following final resolutions.

**Final Resolutions:**

1. *The jury recommends that [Hodgins] be failed on his entire final exam (self-scheduled and take-home) in [Bone Cleaning 200]. (10 consent, 0 stand outside)*
2. *[Hodgins] will be separated from the community for the duration of one year (starting next semester), with the opportunity to return to the community after one semester if the jury agrees the following resolutions have been completed to an appropriate degree. To be readmitted after one semester, the jury must consent with a minimum of 5 members that [Hodgins] has been appropriately restored to the community, taking into account the efforts on his resolutions. The completion of these resolutions is mandatory regardless of the timeline. The following are these resolutions:*
  - a. *During separation [Hodgins] will write a reflective letter to the community, a private anonymous letter to [Daisy], and a letter to Professor [Brennan]. The letter to Professor [Brennan] will be accompanied by a in person meeting with Professor [Brennan] and another member of the jury prior to separation, at the discretion of Professor [Brennan].*
  - b. *During his separation, [Hodgins] will write periodic reflections at least every 2 weeks that are a minimum of 75 words to be submitted to Honor Council as a form of a progress check. The jury leaves [Hodgins] the option to submit a video log on this same timeline in place of any one of these reflections.*
  - c. *[Hodgins] will read a selection of abstracts chosen by the Honor Council Librarian, he will write a reflective essay on what this trial meant to him and the value of the trial process. (10 consent, 0 stand outside)*
3. *Once prior to separation and once after his separation, [Hodgins] will meet with a staff member of the OAR to discuss studying strategies and better techniques for academic success. (10 consent, 0 stand outside)*
4. *[Hodgins] will attend 2 abstract discussions of his choosing prior to separation as well as 3 abstract discussions of his choosing following his separation as a means of reflecting on the trial process and restoring his breach of trust with the community. He will begin his every other week logs prior to separation based on these 2 initial abstract discussions. (10 consent, 0 stand outside)*
5. *In hopes of fostering his restoration to the community following his separation, [Hodgins] will complete ten hours of community service. He will have the opportunity to choose a particular role in the community that he feels will best restore mutual trust. If [Hodgins] cannot find a project that fits this goal, the jury will assist him in choosing one. (8 consent, 2 stand outside)*



6. *The jury recommends that this violation be reported on applications to other institutions of higher learning should it be applicable. (10 consent, 0 stand outside)*  
*Resolutions as a whole: 10 consent, 0 stand outside*

### **Post Trial:**

Hodgins appealed the resolutions on substantive grounds following the conclusion of the trial. Hodgins objected specifically to Resolution #2 concerning separation, and instead proposed that he be allowed to remain on campus while completing all sub-sections of the second resolution. He felt separation would not be restorative for him in this case, and worried about having to tell his parents about the violation. Hodgins met with the President of the College to express these sentiments. Following this meeting, the President met with the Trial Chair and Jury Liaison. The President expressed he did not feel there were any grounds to grant this appeal, and agreed with the jury's resolution concerning separation. The President expressed specific concerns with regards to Hodgins' continued assertion he did not violate the Honor Code despite the substantial evidence that he did. With that, the appeal was denied.

It was discovered late in the following semester that Hodgins had remained on campus in violation of his separation resolution. Hodgins had also not completed any of his resolutions on time up to that point. When this was discovered, the chair of this trial confronted Hodgins in accordance with the Honor Council guidelines on 'Parties breaking or not completing resolutions.'<sup>1</sup> A subsequent social trial was held to address this breach of trust; the abstract for this second trial is forthcoming.

### **Discussion Questions:**

1. How should a jury proceed if the confronted party maintains a different narrative from the jury throughout the trial? How can a trial like this still fulfill the trial goals of accountability, restoration, and education?
2. If a jury reaches a conclusion that the confronted party was deliberately misleading them, should this be included in the statement of violation?
3. What is considered 'sufficient' proof for a jury to find a statement of violation in light of an incident where the confronted party does not admit to violating the Code?
4. Should a party be held to a higher standard in a trial as a result of having been involved in leadership positions related to the Code in the past?

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<sup>1</sup><http://honorcouncil.haverford.edu/guidelines/guidelines-for-a-party-breaking-or-not-completing-resolutions/>