Abstract discussion will be held on Wednesday, November 4th at 7 PM in the MCC (Stokes 106).

Jurassic Park:
An Honor Council Academic and Social Trial
Released Fall 2015

This abstract was not released in accordance to the timeline specified by the Students’ Association Constitution. Due to the time elapsed since this trial, neither party was able to be contacted for consensus.

Key:
Confronted Party: Lex Murphy
Confronting Party: Ellie Sattler
Suitemate of Both Parties: Ian Malcolm
Class: Paleontology 205, taught by Professor Alan Grant

Summary:
This case involves [Lex Murphy] and [Ellie Sattler], students in Professor [Alan Grant]’s [Paleontology 205] class. Ellie confronted Lex concerning Lex potentially having violated the Honor Code by getting excessive assistance from her mother on an assignment for the class. While the jury decided that no academic violation of the Code had occurred, it decided that Lex had violated the Social Code, due to her inappropriate response to the initial confrontation.

Pre-Trial:
While Honor Council consented to send the case to an academic trial, it was also concerned about a potential social violation concerning the confrontation. Because the two parties lived together, Council was worried about the situation becoming worse (especially because it was unlikely the trial would happen until the next semester). It therefore consented to have a mediation between the two parties led by two members of Council. The goal of the mediation would be to deal with the potential social violation, and to try to work out living arrangements. If the parties and mediators were no longer concerned about the academic violation following the meeting, the trial would be dropped. Council also contacted Professor Grant, who submitted a statement but chose not to participate further as he did not know any
facts about the case.

After the mediation, the Council mediators reported that the meeting had gone well, but
the academic issue had not been resolved. Thus, the trial proceeded following break. After break,
Ellie contacted Council to say that her living situation had become worse, and that [Ian Malcolm]
(her and Lex’s other suitemate) had started treating her poorly as well. In response, Council
offered an additional mediation led by a trained mediator to the parties, but they declined,
believing it would not be helpful.

Fact Finding:

By request of Ellie and Lex (due to their contentious relationship), the jury met with each
party separately for fact-finding. Ellie spoke to the jury first. She summarized her statement,
saying that Lex had mentioned talking to her mother often about the paper for Paleontology she
was writing. When talking about the paper, Lex had said that “we [Lex and her mother] spent 19
hours working together.” This statement made Ellie suspicious that inappropriate collaboration
had occurred. Additionally, Ellie stated that the confrontation with Lex had not gone well, and
that she was later confronted by an outside party for confronting Lex. Ellie felt that this was a
breach of confidentiality and that it made her life difficult.

One juror asked about the details of the confrontation. Ellie said that both she and their
suitemate Malcolm had felt that Lex had violated the Honor Code, but that Malcolm decided not
to become involved. Upon being confronted, Lex became very angry and defensive. A juror then
asked why Ellie thought Lex had violated the Code. Ellie replied that she had consulted
Professor Grant, who told her that the paper in question was meant to be hard and
research-focused. Ellie then said that Lex’s mother was a [paleontologist], and that the paper
topic was related to [dinosaur behavior]. Because of this, Ellie felt that Lex was utilizing a
resource not readily available to the rest of the Haverford community; thus her actions
constituted an unfair advantage.

A juror asked Ellie if she would feel better if Lex had cited her mom in the paper. Ellie
replied that she would, but that she would still feel that the collaboration was inappropriate. She
explained that Lex had stated her mom had helped her chapter by chapter with paleontology.
Additionally, Lex had mentioned bringing articles home in order to get help from her mom. Ellie
did say that while she felt this level of collaboration was unfair, it may not rise to the level of a
violation. However, Ellie was convinced that a social violation of the Code had occurred. She
said that her life had been miserable since the confrontation, and that Lex and their friends did
not seem to understand that confrontation was an obligation and not meant to be mean or scary.

Lex then came in to speak to the jury. She explained that while she did not feel she
inappropriately collaborated, she had lied to Ellie and Malcolm because she did not want them to
know about certain circumstances in her home life. In particular, she had overstated the amount
of time she had spent collaborating with her mother, even saying that the assignment had been
the reason for her visiting home one weekend, when in reality she had spent a significant portion
of that time dealing with a troubling home issue concerning her family’s safety. At this point it became apparent to the jury that Lex had not in fact collaborated with her mother to the extent that she had conveyed to Ellie. In particular, she had asked her mother a few questions about [velociraptor behavior] as well as about the thesis of her essay.

A juror asked if Lex felt asking her mother questions about [velociraptor behavior] constituted an unfair advantage. Lex explained that while it might be an advantage, she did not see it as unfair. She added that she thought that everybody had advantages of one sort or another. A juror then asked if Lex knew Professor Grant’s stance on the issue. Lex explained that she told Professor Grant that she asked her mother questions about [velociraptor behavior]. According to Lex, he did not seem to mind, which was consistent with Professor Grant’s statement.

Lex was asked how the confrontation went from her perspective. Lex responded that it did not go well. She felt, at the time, that it had come out of nowhere. She went on to explain that because of a difficult situation going on at home, she became immediately defensive. When asked if the confrontation affected the way Lex did her work, she said it did not but it had changed the way she interacted with other people.

Lex was then asked about telling others about the confrontation with Ellie. She responded that she was unaware that a confrontation was confidential or that there would be a trial and had told 3-5 friends. The next day she received an email from the trial chair explaining the process and the need for confidentiality. Lex went on to explain that as an outcome of the mediation she explained to her friends what had happened and requested that they be respectful to Ellie; they told Lex that they had not treated Ellie severely. Lex felt the incident had not changed how people thought of Ellie, but admitted she had made a mistake although her intentions had not been malicious. Lex went on to explain that during the confrontation she felt that Ellie wanted to take the issue to Honor Council no matter what and had no intention of talking to her, however she no longer believed that this is what Ellie had intended. A juror asked if she thought that Ellie’s reaction was reasonable. She responded that it was very much a gray area.

**Jury Deliberations 1/Statement of Non-Violation:**

The jury quickly agreed that there had not been an academic violation of the Honor Code. The jury consented to the following statement:

*Lex did not violate the honor code because her consultations with her mother did not constitute inappropriate collaboration. (10 jurors consented)*

The jury then talked about a potential social violation of the code. The general feeling of the jury was that there was a potential social violation, but many jurors felt unsure of how to proceed. Although a jury is allowed to consent to a violation of the code outside of the initial purview of the trial, one juror felt that it was necessary to inform both parties about the potential
social violation before moving forward.

The jury discussed whether they may be able to restore the potential breach of trust without proceeding with a social trial, but decided that a social trial was the best course of action. However, the jury still had remaining questions regarding the confrontation and the feelings of the two parties, and felt that it would be best that Ellie and Lex be made aware of the change in the nature of the violation. The jury decided to offer an additional fact finding meeting but not mandate it for either party. The jury consented to turn the trial into a social one, and to proceed by offering an optional fact-finding meeting focused on the social aspects of the case.

Interim:

The trial chair informed Lex and Ellie of the jury’s course of action. Both felt that an additional fact-finding meeting would not be necessary, though Lex did submit an additional statement to the jury.

Jury Deliberations 2/Statement of Violation:

Since neither party had agreed to meet in person the jury moved straight to deliberations. The trial chair began the meeting by reading Lex’s statement to the jury, then the jury focused its attention on whether or not they felt the way Lex handled the confrontation constituted a breach of the Honor Code.

The jury began by discussing the Honor Code’s suggestion that confrontations should be conversations only between the involved parties, and handled with discretion. Some jurors suggested that telling one or two people about a confrontation might be acceptable, and others added that even if talking to others about a confrontation is against the word of the Code it might not be a violation in and of itself. Others thought that since they saw confidentiality as primarily to protect the confronted party, as supposed to the confronting, Lex may have been justified in telling her suitemate about the confrontation.

The jury agreed that Ellie had followed her duty under the Honor Code in confronting, but that Lex had not upheld her duty by reacting negatively instead of engaging a dialogue. They also, however, had some discomfort in mandating how someone is supposed to respond to a confrontation. The chair also reminded the jury that Lex and Ellie had achieved some sort of mutual understanding in the pretrial mediation. Some jurors felt that this meant that the jury would be unjust in coming to a statement of violation for Lex, while others did not see evidence of mutual understanding in their conversations with Lex and Ellie.

The jury returned to the question of whether the Honor Code mandates how a confrontation has to take place. The majority of jurors felt that there was a violation of the Honor Code. Two jurors disagreed; one juror in particular felt that while the Code encouraged people to act in certain ways it was inappropriate to mandate a certain reaction. A juror stated that while he felt that there was a violation, social issues are different from academic ones. If a social issue could be worked out it did not necessarily need to come to Honor Council. The fact there was a
mediation, after which both parties stated they had come to understanding, meant that the issue was in some ways resolved. The parties don’t necessarily need to leave a mediation happy. He questioned the reasons for having a mediation if they do not mean anything.

A juror then brought up that Lex had refused to participate in a second mediation led by a trained mediator. The trial chair reminded the jury that the second mediation was optional and intended to resolve their living situation and not the confrontation. The jury spent time discussing whether they should modify standard social trial procedures were they to come to a statement of violation. Some jurors felt that a circumstantial meeting, a finalizing resolutions meeting, or even resolutions at all would not be necessary. The jury also discussed whether it was in their purview to come to a statement of violation given that Honor Council had discussed the social breach of trust but had decided that it not warrant a social trial. After some further discussion, the jury consented to the following statement of violation:

[Lex] violated the Honor Code by failing to live up to the community standards regarding confrontation. (9 jurors consent, 1 stands outside)

Regarding Ellie’s involvement in the case, the jury decided to give her the option to attend future meetings and suggest resolutions without mandating her involvement. The jury consented to this course of action (one juror stood outside feeling Ellie’s involvement should be mandated).

**Interim:**

The trial chair emailed both parties about the jury’s decision. Ellie thanked the jury for giving her the option to be involved, but decided not to attend circumstantial or propose tentative resolutions.

**Circumstantial:**

Lex began by expressing that she felt that education surrounding confidentiality of confrontation was not done well. She recalled that she had previously been unaware of the expectations of her as a confronted party in a confrontation. After the confrontation, she had told several close friends what had happened. She now realized that even though these people were not close friends of Ellie, she should not have told them given that they were Ellie’s classmates.

When asked about the confrontation itself, Lex admitted that it had not gone as a confrontation should. She recalled that she had gotten upset and said things in a way she regretted. When asked what Ellie could have done better, she responded that Ellie could have begun by asking what had happened instead of starting by saying that she believed Lex had violated the Honor Code. The jury asked Lex whether she had been worried during the confrontation that the case would go to Honor Council. She said that she had felt worried, especially because she liked to keep her academic life separate from her family life and did not
think that a jury could be understanding of her situation. A juror then asked how comfortable she would be sharing advice with future students about confrontation. Lex responded that how to confront and be confronted is an important thing that HCOs needed to talk more about. She felt that it was not something she learned. A juror asked what Lex meant by saying the way she reacted was because of her family situation. Lex responded that because she felt a responsibility for her family’s safety, she was more volatile than she would have been otherwise. A juror then asked about Lex’s relationship to Ellie. Lex responded that Ellie and her were in the same customs group freshman year, but that at the point of the confrontation, they were not close at all. Lex felt throughout the social mediation that Ellie was not really listening to her. A juror asked Lex if she thought her relationship with Ellie was salvageable. Lex stated that she had tried and did not think it was.

A juror then asked how she thought the three trial goals were relevant to the case. Lex responded that everyone needed to be educated about confrontation. However, she was not sure what to do about accountability feeling she may have already been held accountable. For restoration she was willing to do whatever the jury felt was appropriate. The jury followed up by explaining the idea of community standards. Lex responded that she felt she had already been brought back into the community. A juror asked if she would have reacted better if she had known the community standards concerning confrontation. Lex stated that most academic trial abstracts she read involved professor-student confrontations and that student-student confrontations were normally for social issues. She wished she was more aware of how to handle being confronted. The trial chair asked if Lex had any proposed resolutions. Lex stated that she would do what was asked of her. She mentioned writing a letter to the community but felt that a letter from Honor Council may be taken more seriously.

**Jury Deliberations and Tentative Resolutions:**

The jury’s discussion of resolutions focused on how to best address the lack of education about proper confrontation. The jury agreed that a letter to the community from Lex would be productive, but thought that it should be augmented by providing a resource from Honor Council. Additionally, some jurors thought that the wording of the Honor Code should be amended at a future plenary to be clearer surrounding the issue of confrontation, the jury decided that they would write a letter to Honor Council about issues that came up during the case. Because of their concerns about the confidentiality of the parties, the jury decided to ask that Honor Council wait to discuss these issues until after the abstract had been released.

After some discussion, the jury consented to the following tentative resolutions:

1. [Lex] will write a letter to the community regarding her conduct during the confrontation. She should focus on the following statement from the Honor Code: “[Confrontation] should often take the form of a constructive, engaging discussion, especially in non-academic concerns.” (Honor Code 3.03 Community Standards)
2. Honor Council will release a letter to the community outlining proper confrontation to be released with the abstract. (10 jurors consent)

3. Two jurors will write a letter to Honor Council regarding concerns brought up during the trial. (10 jurors consent)

Resolutions as a whole: 10 jurors consent

Finalizing Resolutions:

Before speaking to the parties, the jury changed resolution 2 to read: Honor Council will release a letter to the community outlining proper confrontation, with an emphasis on confidentiality, to be released with the abstract. All ten jurors consented.

Lex was generally comfortable with the resolutions. The jury discussed her concerns regarding the confidentiality of her letter, as well as what the letter should include. The trial chair mentioned that the jury would have to make a recommendation on whether or not the case should be reported to graduate schools. Lex said that she thought the violation should not be reported since confrontation and confidentiality, while important, are very specific to Haverford. On the issue of restoration, a juror explained to Lex that restoration is an ongoing process. The goal of the jury was not to completely repair friendships, but to help the parties feel comfortable living together. The same juror added that on a community level, restoration in this case would mean Lex and Ellie feeling like they could participate in confrontation.

Ellie began by stating that the resolutions were good for preventing this type of incident in the future. She went to say that this incident has personally affected her. Her grades dropped and she lost the respect of some of her classmates, so she was hoping something could be done to fix that element of the event. In response to a juror’s suggestion that they offer a second mediation, Ellie thought that another mediation would be helpful, and that the other suitemate, Malcolm should be included. The topic of the first mediation, according to Ellie, was to get people to stop confronting her and back off. It did not deal with actually living together. Ellie had felt better initially after the first mediation; however, Malcolm and Lex had bonded over break and have not talked to Ellie since. Ellie pointed out that the second mediation did not happen because Lex or Malcolm had not agreed to it.

A juror asked Ellie if she could think of a way that Honor Council may be able to help her personally. Ellie said that the mediators did not know how to deal with everything that happened in the mediation, and that it would have helped to have all three suitemates together. Further she said Lex did not understand that she (Ellie) felt obligated to confront. Since a mediation could not be mandated she simply felt that it was not going to do any good. She also admitted that her grades suffered but she can’t have her grade raised. She talked to the professors, but that’s about all that could be done.

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1 The requirement that the jury re-consent to or change the tentative resolutions at the beginning the finalizing meeting has since been removed from the Constitution.
One juror asked if there was anything that could have been done better for future mediations. Ellie stated that while the mediators were pretty good, they could have used more training. She also expressed that the second mediation should have been mandated. One juror asked it if it was too late to mandate another mediation. Ellie responded that they (herself, Lex and Malcolm) were all going abroad next semester, so a mediation focusing on how to live together might not be pertinent at this point. She also pointed out that Lex and Malcolm would be unlikely to agree to a mediation.

When asked about her thoughts on confrontation, Ellie responded that she did not regret what she did, but hoped she would never have to confront again because of how it had gone. Her faith in the system was shattered. She also expressed doubt in how she would react to the same situation in the future. The jury asked Ellie whether she would like to write a letter to be included with the abstract, which she said that she would. Ellie then asked about how the jury could potentially deal with Malcolm, since she felt that Malcolm did not understand his obligation to confront in this situation. The trial chair responded that Honor Council did not traditionally go looking for cases and that it was a gray area.

Once Ellie had left, a juror expressed concern over how the process has affected Ellie’s grades. The jury agreed to write a letter of explanation that Ellie could submit with her transcript should she ever need to. Additionally, the jury agreed that since Lex’s violation would be a non-issue at other schools, it should not be reported as a disciplinary procedure on graduate and transfer applications. The jury then consented to the following final resolutions:

1. **[Lex] will write a letter to the community regarding her conduct during the confrontation. She should focus on the following statement from the Honor Code:** “[Confrontation] should often take the form of a constructive, engaging discussion, especially in non-academic concerns.” (Honor Code 3.03 Community Standards) (10 jurors consent)

2. **The jury invites [Ellie] to write a letter to the community on her experience with confrontation to be released with the abstract. (10 jurors consent)**

3. **Honor Council will release a letter to the community outlining proper confrontation to be released with the abstract. (10 jurors consent)**

4. **Two jurors will write a letter to Honor Council regarding particular concerns brought up during the trial. (10 jurors consent)**

5. **The Deans’ Office or Honor Council will provide a letter explaining how the process affected [Ellie]’s academic performance this semester to be included in future graduate school applications, if she so chooses. (10 jurors consent)**

**Resolutions as a whole: 10 jurors consent**

*The jury does not recommend this be reported to graduate schools. (10 jurors consent)*

**Post-Trial:**
The resolutions were not appealed. Ellie expressed that she would like to have the letter mentioned in resolution 4 included in her graduate school application. The trial chair agreed to write this letter after consultation with the deans. Ellie also elected not to write the letter mentioned in resolution 2.

Lex’s Letter to the Community:
Dear Haverford Community,

I would like to apologize for my lack of composure when confronted. I now realize that my actions were wrong and that instead of raising my voice, I should have calmly had a conversation discussing what the confronting party believed occurred. The confronting matter was an academic one, a serious one, and therefore, I did not react as what was expected by the Honor Code. Students confronting students about matters regarding the social honor code are common and we significantly discuss examples of these with our HCOs and during Customs Week. However, academic-related confrontations are a more serious matter. And thinking that one’s academic future is held in the hands of a peer is a terrifying prospect. In a flash, that’s all I saw, and that is why I lost my composure during the confrontation and did not react the way I should have. All I saw were nineteen years of hard work that could mean nothing in the hands of the wrong person.

If confronted again, instead of behaving the way that I did in the past, I will try to remain as calm as possible, listen to what is being said instead of letting my thoughts run away, take whatever criticism with an open mind, and will give my reaction and opinion appropriately.

I would like to again apologize to the community and the individuals involved, and I would also like to thank the jury members for appropriately dealing with the sensitive topics brought forth during the course of these trials.

Sincerely,
[Lex]

Honor Council’s Confrontation Guide:
1. Don’t be afraid of confrontation - it is an essential component of maintaining our community. We all confront each other in informal ways every day, so there should be no stigma against being forthright with one another about any concerns.
2. Be civil, respectful, and thoughtful as a confronting or confronted party. Any hostility (perceived or real) will prevent a mutual understanding from being achieved.
3. Don’t confront someone while under the influence (them or you). Both parties should be physically and emotionally present for a dialogue to be successful.
4. Confrontations are confidential - make sure you are in a safe, private space where others will not overhear you and where you can engage in a dialogue without posing a risk for either party’s confidentiality.

5. Initiate a confrontation dialogue in person, if possible. A willingness to be open and talk face-to-face will help achieve a more successful dialogue and resolution.

6. If there has been an incident to prompt confrontation, give everyone some time to cool down before initiating a dialogue.

7. Often confrontation involves strong emotions - try your best to really listen to the other party and understand their point of view. This is the essence of a confrontation dialogue – not just to share your concerns, but to understand the other party’s perspective as well.

8. Try speaking in “I statements” to express your concerns, in order to avoid assigning blame or sounding accusatory. A confronting or confronted party may become closed off to dialogue if they feel like they are being attacked.

9. Be clear what the issue is when you are confronting someone. After the confrontation has finished, there should be no ambiguity about what the problem is and how to move forward.

10. Remember that coming to a mutual understanding does not mean that the problem is solved or that the two parties agree with one another. It simply means that both parties have had an opportunity to voice their concerns and were listened to by the other party.

11. If you are concerned that a confrontation dialogue will not be successful or that a mutual understanding will not be achieved between the two parties alone, you may bring in a third party to mediate the conversation. This should ideally be someone who knows both parties and won’t be biased towards one of them. An example might be having a CP mediate a confrontation between two freshman roommates.

12. If a confrontation over a potential violation of the social Honor Code cannot be resolved in an initial dialogue, the case may be brought to Honor Council by contacting code@haverford.edu. For potential academic violations, all cases should be brought to Honor Council regardless of the success of the confrontation, as there may be a potential breach of trust with the greater community that needs to be resolved. Remember that bringing a case to Council does not mean it will necessarily go to trial or that anyone will get in trouble. If a case is sent to Council, we will read statements from all parties and determine if a) a violation of the Honor Code may have occurred; b) if a trial, mediation, or other form of hearing would be productive in addressing the concerns raised in the statements.

Discussion Questions:

1. Should juries be allowed to come to a statement of violation for a violation different from the one originally brought to Council by the confronting party?

2. After coming to a statement of violation, should juries be able to decide that no
resolutions are warranted for the case?
3. In what case does consulting parents on an assignment constitute inappropriate collaboration?
4. Is it fair to find someone in violation of the Honor Code if the Code itself is very unclear or intentionally vague about certain topics?
5. How can HCOs better educate the community about confrontation?