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**Key:**
Confronted Party: Colonel Mustard
Confronting Party: Professor White
Thesis second reader: Professor Plum
Drafts of thesis: Preliminary draft (Fall), Final draft (Spring), Post-Revision draft (Spring)
Thesis Department: Mystery Solving

**Summary:**
This is a re-trial of the case described in the abstract Clue Part I. Colonel Mustard appealed the trial, which the President of the College granted and asked Honor Council to convene a new trial during the summer following Colonel Mustard’s graduation. The jury came to a statement of violation and resolutions that upheld a similar grade change and focused on educating Colonel Mustard about the importance of academic honesty. This trial was also appealed with the result that the jury’s recommendation that the proceeding be reported would be effaced should Colonel Mustard complete the remainder of his resolutions in a timely manner.

**Pre-Trial:**
Upon completion of his original trial, Colonel Mustard appealed the resolutions on both substantive and procedural grounds. His procedural appeal focused on the fact that he hadn’t been given access to annotated drafts of his thesis highlighting the instances of plagiarism and other documents that Professor White had given to the jury during the trial and the fact that he felt that the definition of plagiarism used by the jury was unclear. This latter point was related to perceived discrepancies between the Honor Code and the Faculty Handbook (which is referenced in the Honor Code). His substantive appeal was based on the feeling that the resolutions were too punitive for a violation that he strongly contended was an unintentional error and the fear that these resolutions would impact his admission to the graduate school program he had been
accepted to.

In response to Colonel Mustard’s procedural appeal, the President was concerned that not all of the evidence provided to the jury had been provided to Colonel Mustard upfront and about the lack of clarity regarding which definition of plagiarism was being used. As such, the chair of the original trial was asked to write a statement listing all of the instances of plagiarism discovered by the original jury, which was to be given to the new jury along with the parties’ statements. In addition, the new jury was allowed to read the original jury’s Statement of Violation during their deliberations after Fact Finding, and was allowed to read the original jury’s final resolutions while deliberating on their own tentative resolutions.

**Fact Finding Part 1:**

Colonel Mustard began by emphasizing that any citation mistakes in his thesis had been entirely unintentional. He told the jury that he had had only 24 hours between the time he received Professor White’s edits on his thesis draft and the submission deadline for the final draft, during which he had worked for 15 hours trying to make all of the specified corrections. He said that he had not had time to fix his citations because of the large number of content-related revisions that Professor White had requested. He added that had informed Professor White in person, in their meeting on the next business day, that he was still working on his citations for the post-revision submission. Colonel Mustard explained that he believed this to show integrity and to mitigate the mistakes in citation in the final draft. He reported that during this meeting, Professor White had seemed to accept his promise to fix the citations, however later he received an email from Professor White asking him to report himself to Honor Council for improper citation in both his final draft and first-semester preliminary draft.

Colonel Mustard went on to summarize the first trial and the appeal process. He expressed frustration that the original jury had never made explicit the specific definition of plagiarism which they considered in crafting the resolutions or enumerated the “counts” of plagiarism they had discovered. He added that it would have been helpful to him to have a list of instances of plagiarism like the one that original trial’s chair had submitted when he was reviewing his thesis after that trial.

Finally, Colonel Mustard described to the jury the deeply tenuous nature of his relationship with Professor White. Throughout the trial, he recounted several instances where he had felt that he was treated unfairly and was accused of having dishonest intentions. The lack of trust between Colonel Mustard and Professor White was evident to the jury in the interactions between the two throughout the meeting.

Professor White began by explaining that senior Mystery Solving majors were given explicit guidelines on the department’s expectations for citation and originality in their theses. Throughout the meeting, it was clear to the jury that Professor White saw the issue of citation as inexorably linked to the Mystery Solving department’s specific notions of originality. When reviewing Colonel Mustard’s thesis, she felt that she could not speak to whether or not it
achieved such originality since the deficits in citation made it unclear which pieces represented Colonel Mustard’s original work. She explained that she felt it was Honor Council’s role, rather than hers, to determine whether or not the thesis contained plagiarism.

Professor White then recalled that she had given Colonel Mustard the benefit of the doubt when he submitted the first draft of the preliminary draft without any citations. However, she had become concerned when he did not respond when she asked him for the source of one of his examples, which she eventually found out was from a website. When Professor White finally learned that Colonel Mustard had been relying heavily on web sources, she told him that he should only cite articles from peer reviewed journals or preprints. In response, he removed all citations to web sources. Throughout the meeting, there was contention between the parties as to what extent Colonel Mustard had actually read and understood the academic sources that he had cited. Professor White said that she had learned quite a bit from the first trial, especially that plagiarism was an issue independent of intention and the extent to which Colonel Mustard had miscited. She said that she was concerned that Colonel Mustard’s thesis had received credit even when she felt that he had not grappled with and digested the material in the sources that he had cited.

Professor White asked Colonel Mustard why he had been hesitant to respond to her in January and admit that he had been using web sources. Colonel Mustard admitted that he had felt intimidated by her. The two parties discussed several specific miscommunications throughout their thesis advising process. Colonel Mustard emphasized that he took Professor White’s criticism seriously and wanted to please her, while Professor White questioned why Colonel Mustard hadn’t done more to clearly understand her expectations. Professor White said that she would have been able to give Colonel Mustard more guidance but couldn’t tell how far behind he was since his citations were unclear. She thought he had deliberately not been upfront with her. Colonel Mustard denied that he had been dishonest and said that he had simply misunderstood her expectations. The trial chair asked Professor White whether she thought that dishonesty about sources constituted plagiarism; she did not feel that she was in a position to judge this and instead continued to talk about the lack of originality displayed by Colonel Mustard’s thesis.

A juror asked about the degree of citation in the final draft. Professor White responded that there were citations, but many were to incorrect sources. The discussion then moved back to Colonel Mustard’s difficulty with understanding the material and digesting the published literature and with the program which he was required to use to produce his thesis document.

The trial chair asked Colonel Mustard directly whether he believed that he had violated the Honor Code and he replied by saying that to his knowledge he had not. He also thought he had acted honorably by admitting that his citations still needed work. Throughout the meeting, there were several increasingly tense exchanges between Colonel Mustard and Professor White. Professor White felt that Colonel Mustard had been deliberately dishonest throughout the semester and said that she did not see how this breach of trust could be repaired.

The jury then asked to speak to Colonel Mustard alone. After Professor White left, the
trial chair first brought up to Colonel Mustard the idea that plagiarism is an issue regardless of the degree of intention behind it. They also discussed the tense tone of the meeting, which helped the jury to understand the sense of intimidation that Colonel Mustard had experienced in the thesis process. Colonel Mustard then told the jury that Professor White had never raised her concerns to him about the lack of originality in his thesis. He felt that he had received a lot of criticism from her that was not constructive throughout the year and had been nervous to meet with her each week.

The jury then asked Colonel Mustard about several specific instances of improper citation. Regarding the preliminary draft, Colonel Mustard said that he had been pressed for time because of grad school application deadlines and had not used the citation program before. He was unaware of his mistake until Professor White pointed it out to him. Regarding citation of primary sources where he had actually used secondary sources, Colonel Mustard did not think this constituted plagiarism as he had later located the relevant information in the primary sources he then cited. A juror asked Colonel Mustard whether he had cited anything that he didn’t read. He said that this had happened in a few drafts because of issues with the citation program. A juror pointed out to Colonel Mustard that he still was required to cite the material he had copied directly from the secondary sources. He said he realized this and had rectified it in the final draft.

When asked whether there was anything in the final drafts of his thesis that merited quotation marks, Colonel Mustard admitted that, in hindsight, the example he had used from the website did. He also emphasized that throughout the thesis advising process not much had been said about his citations and he felt that Professor White’s emphasis had been more focused on fixing content.

After Colonel Mustard left, the jury decided that they would like to talk to [Professor Plum], Colonel Mustard’s second reader, to gain further perspective on what had happened and on the standards of citation in the Mystery Solving department.

**Fact Finding Part 2:**

Professor Plum spoke to the jury with Colonel Mustard present. He explained that Colonel Mustard’s thesis was weak on the quantity of original work, but this was not the same as plagiarism. He felt that Colonel Mustard made mistakes in citation but no attempt to claim others’ work as his own. Throughout the meeting, Professor Plum emphasized that he, in general, saw Colonel Mustard’s standard of citation as acceptable.

However, he explained that Mystery Solving is a discipline that has been around for a long time, and he feels that it isn’t fair to say that not citing something is akin to claiming it as one’s own when the material not cited is close to common knowledge in the Mystery Solving world. He also explained that he felt that many Mystery Solving theses start out with citation issues, and that improving a student’s understanding of the information they cite is part of the learning process.

A juror brought up the question of material cited to the wrong source, which could be an
attempt to claim ownership of a secondary author’s work in analyzing a primary source. Professor Plum felt that this issue was worthy of discussion by the jury, but may have resulted from sloppiness rather than intentional academic dishonesty. He also noted that these examples may have been what pushed Professor White to go through the thesis “with a fine-tooth comb” and come up with other problems with citation that wouldn’t stand out and would be more likely to occur in the typical thesis. Professor Plum felt that the level of citation issues in the thesis was in a gray area in terms of whether Honor Council should have been involved.

After Colonel Mustard left, Professor Plum explained that the section in the middle of the thesis where the main arguments were made seemed to contain enough original work that he would pass the thesis on the basis of originality. He felt that the kind of “overcitation” in the revised draft that Colonel Mustard had been required to produce after the original trial was not good Mystery Solving writing, and hoped that it did not become the standard.

**Jury Deliberations/Statement of Violation:**

The jury quickly agreed that some form of academic dishonesty had occurred, but also agreed that coming to a more precise understanding of how Colonel Mustard had violated the code would not be a straightforward task. The jury’s discussion centered on issues such as the scope and intentionality of the violation, the effect of Colonel Mustard’s relationship with Professor White, and the specific ways in which Colonel Mustard’s thesis exhibited academic dishonesty.

Because Colonel Mustard’s appeal had focused in part on the lack of specificity in the statement of violation in his original trial\(^1\), the jury thought it best to make their statement of violation as specific as possible so that Colonel Mustard could better understand what specific issues were being discussed. The jury considered issues brought up in Fact Finding, the parties’ written statements, the original jury’s statement, and the various drafts of Colonel Mustard’s thesis to come to the following consensus on the specific nature of the lack of academic integrity of Colonel Mustard’s thesis:

*Colonel Mustard violated the Honor Code by consistently failing to correctly represent the source of material throughout his thesis process. This includes omitting in-text citations in his [preliminary draft], attributing material to incorrect sources, neglecting to format references in a traceable manner, failing to acknowledge sources used, copying verbatim without clear indication, and not properly acknowledging his advisor’s contributions despite her instructions to do so. (10 jurors consent)*

\(^1\) Statement of violation from original trial: [Colonel Mustard] violated the Honor Code by plagiarizing on three iterations of his senior thesis.
Circumstantial Portion:

Colonel Mustard began by addressing his relationship with his advisor; he explained that she gave him plenty of criticism, but much of it was not constructive. He hadn’t confided in anyone about their deteriorating relationship because he didn’t want to express anything disrespectful toward Professor White, but he had been hurt by her constant criticism of his abilities. He felt that Professor White believed him to be a very poor student, and that her attitude had affected his self-esteem and his willingness to ask her for help and feedback. He asserted that he had not been deceptive or attempted to hide his sources from Professor White out of a desire to get a better grade, but purely because she had created an environment where he felt afraid to be honest when he was struggling.

After giving some examples of how harshly Professor White had judged and criticized his work, Colonel Mustard expressed that he was still shocked and upset that he couldn’t convey his perspective to her. He reflected on how the experience had colored the end of his time at Haverford and how it decreased his pride in graduating and disappointed his family. Finally, he explained that he had been conditionally accepted to a graduate program that was waiting for him to send them a final transcript. He asked the jury: “does what I’ve done really merit me to lose a chance for further education?”

In response to juror questions, Colonel Mustard explained that the Dean of the College had told him she wouldn’t report the violation to his graduate program and that he was mostly concerned with his grade at this point as it may affect his acceptance to the graduate school program. He still didn’t know what process the school would use to consider his transcript and whether they would give him an opportunity to explain.

Colonel Mustard was then asked for suggested resolutions, and explained that in his opinion the last trial had met the goal of accountability, tried to reach restoration, and had been lacking in education because the jury had not shared all of their concerns with him. However, he noted that the original jury had included many resolutions aiming at education, including retaking the academic integrity tutorial, which had emphasized asking professors for help and clarification of instructions. In addition, he had learned that he should be more careful and organized in the future and keep better track of his sources.

In terms of specific resolutions, Colonel Mustard offered to write an additional letter to the community emphasizing the importance of communicating with professors. He felt that there should not be a grade change in the fall semester because it was a retrospective change. For the spring semester, he felt that he should lose the points based on citation in the Mystery Solving department’s rubric but not more. He also thought his grade should be positively impacted by the revisions he made as a result of his second reader’s comments (post-revision draft). The trial chair reminded Colonel Mustard that it was not the job of the jury to assign his work a grade but to decide what degree of grade reduction represented appropriate accountability for his Honor Code violation.

The trial chair then read Professor White’s suggested resolutions. For education, she
suggested that Colonel Mustard go through his post-revision draft and its reference list with highlighters and categorize the material in terms of what kind of source it came from and how he had used it. She also felt that this process would contribute to accountability, and that he should further produce a version of his thesis that was very explicit in categorizing its sources, which should replace the post-revision version in the department’s thesis archive. Finally, for restoration, she stated that she would meet with Colonel Mustard after he had done the highlighting tasks.

In response, Colonel Mustard stated that he felt that some of Professor White’s resolutions were redundant with what he had done after the original trial. A juror asked whether there was anything from the first trial that he’d wanted to see go differently this time and how he was feeling about it. He said that he felt more heard in this trial and was grateful that the jury had asked him more questions. He felt that Professor White had taken over the conversation in the original trial. In this trial, he’d felt more involved and that his input was respected more.

Jury Deliberations and Tentative Resolutions:

The jury began by reading the past trial’s final resolutions before discussing how they might address the trial goals themselves. There was a concern that despite completing many of the past trial’s resolutions, Colonel Mustard had not been properly educated or taken responsibility for his actions. The jury struggled with the issue of a grade change because there was a disparity in what the severity of the sum of the violations was. Some jurors felt that the citation issues did not constitute a major violation whereas others felt that the sum of the violations represented a severe breach of the honor code.

The jury discussed a resolution requiring Colonel Mustard to produce a new paper of some kind through an academically integrious process. For further accountability, they discussed withholding Colonel Mustard’s transcript until he produced this document, or recommending a grade change to 0.0 until he produced this document, to be raised to 1.0 if he did so. However, a juror was uncomfortable with the idea of Colonel Mustard leaving Haverford with a grade of 0.0 for his thesis. There was also discussion of how extensive of a document they could expect Colonel Mustard to produce without the guidance of an advisor from the Mystery Solving department.

Jury Deliberations Part 2:

The trial chair began by telling the jury that they had confirmed with the Dean of the College that Colonel Mustard could in theory graduate with a 0.0 for his thesis with approval from the department. The jury was split on whether or not the issues in question completely invalidated the thesis (0.0), or whether it still deserved nominal credit (grade of 1.0). Some jurors were comfortable with Colonel Mustard receiving a grade of 0.0 on the condition that he could achieve a 1.0 by completing the alternate assignment the jury had discussed, while others saw this as holding his grade hostage. The jury spent a long time discussing the nature of what this
assignment would be, with most suggestions resembling some degree of a scaled down thesis, and whether such an assignment would be productive towards the trial goals.

Briefly, the jury considered whether they wanted Colonel Mustard to write a letter to the community and decided that his original letter contained a lot of what they felt he would want to write in a new letter. They decided to give him the option to rewrite or add to this letter. They also discussed a highlighting exercise of some sort, similar to what Professor White had proposed.

**Jury Deliberations Part 3:**

Jurors discussed the concerns that they would want the proposed assignment to address, some of which contradicted each other. Jurors variously wanted Colonel Mustard to complete an assignment with academic integrity, for it to be academically rigorous enough to stand in for a thesis, for it to demonstrate the process of writing with integrity rather than being excessively long, for the assignment to interact in some way with the work Colonel Mustard had already done so as to “restore his thesis,” and ideally for Colonel Mustard to have a positive advising experience.

After much discussion, the jury came to some agreement that Colonel Mustard should write a literature review of sorts in order to demonstrate the ability to understand how the academic conversation around some topic had developed, which would guide him through acknowledging the ways in which different academics had contributed to a body of research. The jury felt that a lack of this recognition underlay many of the issues with his thesis process.

The jury laid out a series of education resolutions that included reading about academic integrity, finding instances of academic dishonesty in his previous work, and then doing a new assignment through an integrious process. For the second step, the jury proposed that Colonel Mustard read through the work he had turned in for his thesis and locate instances of each problem named in the Statement of Violation. They also wanted him to write reflectively about how these categories of academic dishonesty were harmful to the academic discourse regardless of whether they were intentional. Additionally, after discussing the meaning of the recommendation to report to institutions of higher learning, the weight of the jury felt that this trial should be considered a disciplinary proceeding.

**Jury Deliberations Part 4 and Tentative Resolutions:**

There remained much disagreement within the jury over what grade they should recommend that Colonel Mustard’s thesis receive, and after much discussion in which familiar points were reiterated, the jury compromised by contrasting their ideological and practical recommendation within the resolution. In consenting to the resolutions, one juror stood outside on the grade change resolution because he was strongly in favor of a 0.0 and needed to put more thought into whether the current resolution met his standards for accountability. Another juror stood outside on the resolutions as a whole because she needed to think more about whether she
felt there was enough accountability.

1. The weight of the jury ideologically feels that [Colonel Mustard]’s thesis should not have been considered for credit. However, acknowledging the course of events up to this point, the jury recommends that [Colonel Mustard]’s grade be maintained as a 1.0 on the written portion of his thesis. In addition, the jury supports the change of [Colonel Mustard]’s grade to a 1.0 on the [preliminary draft] resulting from the original trial. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)

2. [Colonel Mustard] will read the [Integrity Guidelines of the Mystery Solvers’ Association] as well as Maud McInerney’s essay “Plagiarism and How to Avoid It” with the goal of augmenting his understanding of the importance of proper attribution in the academic world. (9 jurors consent, 1 stands outside in absentia)

3. After completing resolution 2, [Colonel Mustard] will locate 2-4 examples of each type of academic dishonesty described in the statement of violation and write an explanation of why each type of dishonesty is harmful to the academic discourse as well as how his writing process could have been altered to avoid it. He will submit this to Honor Council before beginning resolution 4. (9 jurors consent, 1 stands outside in absentia)

4. [Colonel Mustard] will write an in depth literature review, of a minimum of 6 pages, on a [Mystery related] topic of his choice. This paper will demonstrate his understanding of the development of the academic discourse on this topic. Resolutions 2-4 will be completed by [date]. (9 jurors consent, 1 stands outside in absentia)

5. The jury recommends that Colonel Mustard engage in a mediated dialogue with Professor [White] after completing resolution 3, provided that she is willing. This discussion will be mediated by a member of this jury and a member of the original jury. (9 jurors consent, 1 stands outside in absentia)

6. The jury recommends that this proceeding be considered disciplinary for the purpose of reporting to other institutions of higher learning. (9 jurors consent, 1 stands outside in absentia)

Resolutions as a whole: 8 jurors consent, 1 stands outside, 1 stands outside in absentia

Finalizing Resolutions:

Colonel Mustard said he had been surprised by some of the education resolutions, as he felt that he had demonstrated a higher level of understanding during the trial than the jury was considering. He felt that the jury was also not considering his integrity in conduct. Colonel Mustard summarized again the circumstances around the completion of his final thesis draft, including the impact of an issue with back pain which was not diagnosed until after the violation. The jury responded by explaining that unintentional academic dishonesty was still a violation of the Honor Code. While they had appreciated Colonel Mustard’s integrity, they noted that he had had many opportunities to fix his citations throughout the spring semester.
Colonel Mustard proceeded to discuss with the jury several of the issues that had been included in the Statement of Violation. He explained that he saw these arising from specific miscommunications with his advisor and asserted that he saw the resolutions as harsh given that his mistakes had been unintentional. Colonel Mustard explained that the resolutions in general seemed to focus a lot on what he had done wrong rather than on how challenging and upsetting the year had been for him, and that something should be done to address the way Professor White had treated him during the trial. The trial chair asked for his suggestions on resolutions addressing restoration, and Colonel Mustard suggested that a dean could mediate the dialogue between him and Professor White.

Colonel Mustard also shared his concerns about the education resolutions; he thought they were redundant and worried that the time he was taking to prepare for explaining the grade change to his graduate program would make it impossible for him to complete these resolutions by the tentative deadlines. Colonel Mustard mentioned that he was comfortable with the jury’s recommendation to report to graduate schools, as he felt that he had an understanding with the Dean of the College. The trial chair asked him if he had other suggestions for resolutions, especially those targeted at restoration, to which he did not.

Colonel Mustard then asked the jury to reconsider their recommended grade change, emphasizing the problems with his back that had prevented him from working a full 24 hours straight in preparing the final thesis draft. The jury said they were comfortable discussing this in their final deliberations.

After Colonel Mustard left the room, a juror expressed that she felt there was still not enough accountability in the resolutions, but that she felt her voice had been heard throughout the trial and could not think of a feasible change. The jury consented on its set of final resolutions that were essentially identical to the tentative resolutions with some minor changes in deadlines.

1. The weight of the jury ideologically feels that [Colonel Mustard]’s thesis should not have been considered for credit. However, acknowledging the course of events up to this point, the jury recommends that [Colonel Mustard]’s grade be maintained as a 1.0 on the written portion of his thesis. In addition, the jury supports the change of [Colonel Mustard]’s grade to a 1.0 on the [preliminary draft] resulting from the original trial. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)

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writing process could have been altered to avoid it. He will submit this to Honor Council by [date]. (9 jurors consent, 1 stands outside in absentia)

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6. The jury recommends that this proceeding be considered disciplinary for the purpose of reporting to other institutions of higher learning. (9 jurors consent, 1 stands outside in absentia)

Resolutions as a whole: 8 jurors consent, 1 stands outside, 1 stands outside in absentia

Post-Trial:
Following the trial, Colonel Mustard appealed the resolutions on the grounds that the jury had not properly considered his circumstances during the second trial and that the consequences were unreasonably harsh. The appeal was heard by a different person than the President of the College who had granted the original appeal. After lengthy deliberations, he “essentially affirmed” the resolutions. He suggested that if Colonel Mustard completed his resolutions on time, the recommendation that the matter be reported to graduate schools could be “effaced,” while still leaving the Dean of the College to make her own decision.

Discussion Questions:
1. To what degree should Council’s impression of how a resolution may affect a party’s future influence their decision on that resolution?
2. How should Honor Council approach trials in which the confronted party has already graduated and received their degree from Haverford?
3. Is re-running a trial an appropriate result of a trial appeal?
4. How much does intent matter in determining whether or not a violation of the Honor Code has occurred? When should improper citation be dealt with between a student and a professor, and when should the case be taken to Honor Council?
5. What are potential benefits of a retrial? In what circumstances, if any, would a retrial be beneficial?
6. What information from the first trial should the second jury have had access to?