Abstract discussion will be held on Thursday 2/16 at 5pm in the DC Faculty Dining Room.

Name: The NeverEnding Story
An Honor Council Academic Trial
Released Spring 2017

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 parties consented to the release of the abstract.

Key:
Confronting Party: Professor Coreander
Confronted Parties: Urgl and Engywook
Class: Nothing 213

Summary/Pre-Trial:
This case was brought to Honor Council after Professor Coreander emailed Honor Council about confronting two students who had left campus for the summer. After the confrontation, both Urgl and Engywook got in touch with Honor Council, and all three submitted statements. The case was sent to trial by Summer Council, and was not able to be run over the summer due to time constraints.

Professor Coreander suspected collaboration between Urgl and Engywook on their final exam. During fact-finding, Urgl and Engywook shared accounts of their experiences that differed from the Professor’s opinion. After extensive consideration and discussion over 10 separate meetings, it was deemed that there was not definitive evidence that indicated whether or not there had been inappropriate collaboration. As a result of the conflicting statements before them and deep-set philosophical differences about the place of institutional bias and what constitutes reasonable doubt among members of the jury, the jury came to an unprecedented statement of non-decision.

Fact Finding:
All ten jurors, Bi-Co Liaison, and all three parties were present at fact-finding. Professor Coreander began by sharing his side of the story. He explained that he was teaching Nothing 213, a class of roughly 35 people, with a final exam done through the registrar. Aside from the
time limits, the only rules were no collaboration, and no electronic resources to be used for any calculations beyond arithmetic ones. While grading the exams himself, he noticed that two exams were uniquely incorrect but in the same way. He noted that it was entirely possible that some of the similarity could be due to a common set of notes or study material, but that issues with things like rounding errors, the set-up of problems, and the use of certain words went beyond those similarities. He said that they were more alike than they were different, and more alike than any other exams. He explained that it was the end of his first year at Haverford, and he wasn’t sure how to initiate the confrontation since the students had left for the summer, so he’d gotten in touch with Council.

A juror asked about how this exam compared to others. Professor Coreander explained that he had taught the class before in the fall, and that their midterms were similarly open to everything except collaboration, but were in-class. He discussed how it had affected him, saying that he was upset that he’d had to confront over the email and phone (he’d had the chance to speak to Engywook on the phone after emailing him). He liked to be able to give exams the way he did, and thinks the only thing that could disrupt it is collaboration.

Urgl then shared her story, saying that when Professor Coreander had emailed her, she was confused because at that point, she had returned to [Fantasia], and didn’t know what had happened with her exam. She felt she had understood everything about the Code and the exam rules. She explained that she and Engywook had studied together all day, putting lots of bookmarks in her textbook which she had used during her final. She wasn’t sure why exactly her exam was similar to Engywook’s so she didn’t feel like she had much to say.

Engywook then explained how he and Urgl had gone over everything the day before, and that he’d spoken on the phone with Professor Coreander after receiving his email to discuss how he’d done it.

Urgl and Engywook discussed how they had taken the exam at the same time, but not in the same room. Engywook had wanted to spread out on a table, and he had gotten to the registrar first because Urgl was still looking at a homework set.

When asked to explain their tests’ similarities, Urgl and Engywook expressed their similar approach to the questions in terms of the usage of their notes and google when taking the test. A juror asked about the professor’s thinking in the construction of one of the exam questions. He talked about the correct way to approach the question and explained that one student had answered the whole question incorrectly and the other had answered parts a-c correctly, but had come to the same incorrect conclusion as the other student in part d.

Urgl and Engywook began to look at their exams at this point. The jury then turned to the first question, which required students to look up information in the textbook. It appeared that both students had looked up the same incorrect information and proceeded to alter it in the exact same manner, when no alteration was necessary. Engywook explained that he had used google to help him find a [magical medallion] which would lead him to the information. Professor Coreander said that there was no need for a medallion, that in fact the information could not be
found with a medallion. Professor Coreander noted that most other students had answered the question correctly, and that in order to use a medallion to find the information, it would have been necessary to use a disallowed resource.

Urgl and Engywook explained that they did most of their homework together and restated that they had studied together for the final.

The students left the room and the jury spoke with Professor Coreander alone. He said that their answers made sense, but that he wrote the exam to put students in new situations, and that the similarities of their examples in their exam that went beyond studying together. He said the answers to the jury’s questions made sense, but that their answers on the exam still did not, and he didn’t understand how so much matched. He said he wasn’t surprised when they had correctly guessed independently that it was the other’s exam that was similar to theirs because they always sat and worked together. He didn’t think their answers could have been from Googling the same things; he didn’t think Google would be particularly helpful on this exam (though it was allowed).

A juror asked how the students were doing in the class. He said they’d done fine on the midterms and had both visited office hours. He noted that the final was tougher and people in general had done worse on that than the midterms. He said he felt bad for the people who had bombed the final exam while clearly trying their best and that was part of his reason for pursuing the possibility of inappropriate collaboration. A juror asked how he thought the collaboration could have happened if they had taken the exam in separate rooms, and he said that he thought they could have communicated using a messaging app that he had caught them using in class before.

A juror asked about his relationship with the students now in regards to restoration. He said he didn’t feel it was that different. He said he liked it at Haverford, especially the two-way trust between professors and students and was more concerned about his ability to continue giving this kind of exam. He felt that being able to do this was important, and was going to keep giving exams this way, but felt he would be more vigilant.

Professor Coreander left and the jury spoke to Engywook alone. A juror asked if he thought the exam was fair. He said that it was not like the material they had experienced before, and different than they’d expected. When asked about his relationship with Professor Coreander, he said it was like the relationship he’d had with him before, and that the last time he’d spoken with him was when they spoke on the phone one time after he’d emailed him over the summer.

When asked, Engywook said that he and Urgl did not communicate during the exam, and that he didn’t think Urgl had had any opportunity to look at his exam. He talked about their preparation process, saying that they had studied together intensely that day, but before had just talked at meals about how their studying was going and questions they had. He talked about how they had taken another class on Nothing together at the same time, which was not similar and had an in-class final, but had worked together on homework for both. Engywook left and the jury spoke with Urgl.
Urgl reiterated that she and Engywook had not communicated during the exam and didn’t know how to explain the similarities between their answers. A juror asked about her relationship with Professor Coreander, she said they hadn’t had much communication before other than office hours, and she wasn’t sure about his expectations now, or if she could take another class with him. She said it was hard to get information about the trial while she was in Fantasia when she couldn’t easily communicate with him. A juror asked if Engywook could have seen her exam, which she said he could not have. She said that Engywook is better at the field of Nothing, and she had asked for lots of help from him. The students had communicated a little bit over the summer about the situation but that was all.

Engywook returned to the room. One juror asked why he assumed during the confrontation that Urgl was the student whose exam was similar to his. Engywook said it was because they’d studied together.

**Jury Deliberations pt I:**

Some jurors who had looked at the exams were also impressed by how similar they were. A juror noted that they had focused a lot on how hard the exam was, but another said they seemed like fair answers given their situation. A juror talked about how she was thinking about how they would have had to construct a story if they had collaborated, and noted that their answers about the first question seemed weird. The jury discussed their errors in the first question. A juror brought up the professor’s comment that if they hadn’t got the answer by collaborating, they would probably have used the disallowed resource. The jury felt they all had a sense of the exams being suspiciously similar but also had an understanding of the student’s responses. They decided to adjourn and discuss more later.

**Jury Deliberations pt II:**

9 jurors present, 1 leaving early, Bi-Co Liaison present

The jury discussed the sentiment of the room last time. A juror expressed a fear of coming to a statement of violation because the students hadn’t admitted to one. The jury began looking at the students’ tests.

One juror stated that he felt it was not beyond a reasonable doubt that they had collaborated. He felt that this had happened because the students were close and had studied together and that explained why their tests had been similar. Other jurors felt that their uniquely wrong answers were sufficient evidence that they had collaborated, and the jury discussed various ways the scenario may have played out.

The jury then discussed question five, where the professor had noted the work was odd. A juror noted that on several questions, each student had correctly answered part of the question, and then followed this up with a nonsensical incorrect answer, and the jury discussed that collaboration probably occurred both ways if it had occurred at all. Another juror noted that this situation was difficult because either way, they were discounting the story of one of the parties.
The jury talked about potentially getting more information from an expert witness, such as the department chair.

A juror noted that if the two had studied together and hadn’t seen the questions beforehand, then it seemed unlikely that they would have independently found the same wrong answers, but another juror rebuffed this by saying that the students could have independently recognized bits and pieces that potentially led to the same incorrect answers. The jury felt far from a consensus.

A juror noted that while their close collaboration while studying had been discussed as evidence for non-violation, it could also fit within an explanation for them collaborating, in that if they had studied together, then it would make sense for them to reach out to each other. Another juror noted that even if them studying together could have yielded the same results, the opinions of the department chair and Professor Coreander should not be overlooked.

The jury did a pulse check. Some jurors felt strongly that there had been a violation based on the evidence in the exams. Some felt that they could go either way or that they recognized the extreme similarities between the exams but weren’t sure what to do with Urgl and Engywook’s conflicting stories. Some felt that they were uncomfortable with a statement of violation and would prefer a statement of non-violation with suspicion. The jury discussed the distinctions between the two types of statements and how they wanted to move forward.

Since it was clear they could not reach consensus at this point, the jury agreed to meet up again (ideally with the full jury) to see if the weight of the room had shifted. They also wanted to hear from the Nothing department head.

**Jury Deliberations pt III:**

Professor Coreander had sent a clarification about the first question. He noted that his concern that they had used a disallowed resource was a secondary concern— that he was more worried about the fact that they had multiple uniquely incorrect answers. The jury discussed again how they hadn’t written down information about medallions even though both students had mentioned using them, and that if they lied about using a medallion, they could have lied about other things. The jury decided the idea of using the other disallowed resource didn’t seem to be something that was relevant to their discussion anymore.

A juror discussed how the idea of reasonable doubt was something individual, with everyone needing to make their own call about at which point the similarities implied collaboration. This juror noted they felt there were too many similarities to be ignored.

The jury discussed a statement of non-violation that encompassed their suspicion, and how this would note that some felt there wasn’t enough evidence. A juror asked if they could come to a statement of violation that left room for them to have not violated, and the trial chair explained they could not do this. A juror stated they would be disappointed in a statement of non-violation.
One juror then stated that after looking more at the tests, they felt there were too many similarities, and that it was much easier to understand how this had happened through the idea of collaboration than through any other explanation. Another juror stated that they didn’t want to believe the two students had outright lied to them through fact-finding, and the jury discussed the ways stress and other emotions may have factored into their behavior.

The jury did another pulse check, and most jurors felt there was enough evidence for a statement of violation, but some had issues with this demonstrating a lack of trust in the parties and what that meant for their community standards. Several said they would also consent to a statement of non-violation if that were the weight of the room. Two jurors felt uncomfortable with a statement of violation. They decided to write two statements that they felt comfortable with to think about in the meantime.

The tentative statement of violation was: Urgl and Engywook violated the honor code by inappropriately collaborating on multiple questions on the exam.

The tentative statement of non-violation was: While we understand Professor Coreander’s suspicion about the exam, the jury does not believe beyond a reasonable doubt that there is sufficient evidence that Urgl and Engywook violated the Honor Code during this exam.

The jury broke to consider these two statements more deeply.

**Jury Deliberations pt IV:**

The jury did a pulse check to see where people stood on the two statements they had crafted in the previous meeting. The majority of the jurors felt they were leaning toward a statement of violation. However, two jurors still felt strongly about a statement of non-violation with suspicion being the better option, and some jurors said they would consent to this if they felt it were the weight of the room, though it was not where they personally stood.

One of the two jurors who felt uncomfortable with the statement of violation expressed a wish to see it reworded to more carefully take into account the student’s perspective on things. The jury rephrased it to be:

“After much reflection on the statements of all parties, due to an overwhelming number of unexplained similarities between the exams, the jury believes that Urgl and Engywook violated the Honor Code on the final exam by inappropriately collaborating.”

The jury discussed the possibility again that the students were telling the truth, and how they could shape their resolutions if the sentiment of the room later changed regarding this, and noted there was no formula for a statement or resolutions.

The jury turned to the email from the Nothing department chair, in which the chair indicated collaboration was highly likely, but there was a small chance the students had arrived at these answers independently and the similarities came from sharing incorrect notes. One juror felt there could not be more evidence they could look for, while another noted that Professor
Coreander had said that studying together couldn’t produce the wrong answers the way it had here. The jury, overall, felt it verified what they had been discussing and feeling.

The jury did a pulse check. Eight jurors and the Bi-Co liaison felt comfortable with a statement of violation. One juror said they felt better about the rephrased statement and would either stand outside or consent, depending on where they were at the moment. One juror indicated their doubts about the students collaborating was too strong and that they would block a statement of violation because they felt there was a moral and ethical issue surrounding whose voices we valued in a room when considering students, international students (which the parties were), and professors. The jury felt frustrated and decided to adjourn to think things over.

**Jury Deliberations pt V:**

The jury then discussed reflections from the break they had taken between meetings. One described how the Honor Code discusses how to balance evidence of a violation with trust in the community\(^1\). Another student brought up that they were struck again by the first question, and the idea that a disallowed resource had been used.

Another juror brought up how they needed to be careful crafting the statement, whichever they came to, while another said it now stuck out to them that both Urgl and Engywook’s statements mentioned the other and their notes, despite the two of them not yet having the identity of the other student. The jury discussed this and decided it ultimately didn’t seem to be a big deal.

Most jurors felt more firmly that violation had occurred, with two saying they would not consent to a statement of non-violation, and one noting they would block this decision. Many felt they would also consent to a statement of non-violation if this were the weight of the room but noted it was not. One juror said they would stand outside on a statement of violation. The juror who had previously stated they would block maintained this decision and said they still didn’t feel like a statement of violation would value the voices of the students. The jury looked at their previous statement of violation, and tried to shift their conversation to discussing that statement in particular. After a juror wanted to know about the personal definitions everyone carried about the idea of reasonable doubt, the jurors discussed what reasonable doubt meant to each of them.

The jury then returned to the conversation about the fact that the statements conflicted, and the issue that this presented for the jurors who felt like they could not consent to the statement of violation. A juror asked the juror with the moral concern to describe their position more specifically. They said it was a gut feeling that they did not feel like they could say the students had collaborated beyond a reasonable doubt.

\(^1\) In the [Students’ Constitution](#), section 7.02 c), it is stated that "[i]t is the duty of jury members to balance their trust of community members with their obligation to determine what has happened before they can arrive at any resolutions. If they are ultimately satisfied that their conclusion is correct beyond a reasonable doubt, then they may find the student in violation despite the student’s claims to the contrary.”
The jury discussed the previously discussed statement of violation, and one juror expressed discomfort saying it was beyond a reasonable doubt. The jury talked about whether or not it would be helpful to have another expert witness. One juror felt this would not really be helpful, while another juror thought a statement could help them feel more comfortable with a statement of non-violation. A different juror said they felt Professor Coreander was the ultimate expert because he had taught the class multiple times and graded all the exams.

The juror who said they would block a statement of violation was again asked to articulate why they could not stand outside, and again underlined that it was a gut feeling that they would better articulate at another time. Another juror asked if the jurors who were in a position to block a statement of violation would rather see the alternate decision go forward or if they’d rather block and let the case be dropped. The jury agreed to think about what the implications of dropping a case would be, and agreed to look at three abstracts to think about the different possibilities before them. The jury decided to ask for another expert witness opinion from a different college, and to think about using different forms of reflection to help them articulate thoughts that might be inhibiting the process.

Jury Deliberations pt VI:

Seven jurors were present for this meeting. Three jurors had sent emails with written/illustrated statements to explain their thinking processes. The meeting began by discussing these statements. The juror who had expressed a moral issue with the statement of violation had mentioned the potential issue of xenophobia as playing a role in the proceedings. They talked about the kinds of conversations they might need to have to ensure that xenophobia was not a factor. A juror expressed that the idea of translation, as noted by Engywook, could have played a role in their similar answers. Another juror said that while this might have been true, they didn’t feel that was what happened, and that coming to a statement of non-violation because the two students were international students was an issue in itself.

The jury then discussed the idea of xenophobia and the example of the fact that many of the jurors still had difficulty pronouncing the names of the confronted parties, and how this in itself wasn’t the issue, but emblematic of the way their status may not have been properly considered. A juror asked if others felt that a statement of non-violation would cause the Nothing department to lose faith in Council. Another juror responded that there were some professors who already did not report violations because they didn’t trust Honor Council. The jury discussed that they felt that dropping the case would be the worst possible outcome because it did not address any of the trial goals, but that it was something they would need to seriously consider given the positions of everyone in the room.

Jury Deliberations pt VII:

There were 8 jurors present at the beginning of this meeting, and the 9th juror came in later. The meeting began with discussing the conversation from the last meeting about dropping
the case. The jury discussed the differences between a statement of violation, non-violation, or dropping the case. They discussed how the first allowed a restoration of trust to occur, the second re-affirmed trust in the confronted parties, and how the last didn’t do either. The jury moved to discussing their statement of non-violation with suspicion that had been drafted. Several jurors felt that the statement didn’t adequately express the strength of the suspicion they felt. They discussed changing the wording and adding the idea of the evidence into the statement. The new drafted statement read:

While we share Professor Coreander’s suspicion about the exam, the jury does not believe beyond a reasonable doubt that there is sufficient evidence that Urgl + Engywook violated the Honor Code during this exam.

The jury discussed the pros and cons of this statement: it symbolically restored trust in the confronted parties, addressed some of the suspicion the jury felt, and was more productive than dropping the case entirely; however, some jurors felt the statement did not accurately reflect their level of suspicion nor did it offer the opportunity to mandate resolutions. A juror who felt that there had been a violation wanted reasoning as to why other jurors did not feel it was the case. After discussion of this, the jury determined that they had differing views of what constituted reasonable doubt.

The jury then returned to discussing xenophobia and internalized racial bias. A juror expressed worry that these would be the reasons a statement of violation would be erroneously chosen if the students had not violated the Code. The jury discussed how the nationalities of the students should be addressed in the abstract. One juror felt that the collaboration was not related to race or nationality and including those things made the case about those issues when it should not be.

Another juror mentioned that the Nothing department chair had not known anything about the races or nationalities of the students and thought a violation of the Code was likely. A different juror speculated that some work might be more influenced by cultural background, but that Nothing should not be affected by this. A different juror disagreed, discussing how subjects related to Nothing were taught differently in different countries.

Jury Deliberations pt VIII:

The jury began by reading a statement from a professor at Swamps of Sadness College who had looked over the exams. The jury felt that all of their opinions could be confirmed by varying statements in his email, and didn’t feel it could further their discussion. The jury then decided to review their options moving forward and noted the pros and cons of going forward with a statement of violation or non-violation.

They then discussed a statement of non-decision, noting the pros of such a statement were: it was an accurate representation of where the jury stood; it would be a decision that could be made; and that like in a statement of non-violation, resolutions could be suggested. The cons were: it offered no restoration; it implied that the jury could not fully trust either party; it would
not be necessarily honoring the trial process; it might upset people both involved and not involved in the case. The jury discussed the idea that the professor could re-confront the students if he desired as it was not disallowed in the Constitution and how they had varying levels of comfort with this. They also discussed how this would be the first time this was done in institutional memory. Lastly, the jury agreed that they had practical concerns regarding schoolwork, other obligations, and exhaustion continuing to affect them if they did not make a decision soon.

The meeting ended with a pulse check on the options they’d discussed, which showed a wide range of opinions. The jury seemed split on being comfortable with non-decision, as some jurors felt strongly a violation had occurred, and the juror with moral concerns still felt a statement of non-violation was the best course but felt it was too far away from the weight of the room at the moment. The jury adjourned.

Jury Deliberations pt IX:

A juror mentioned that they felt that new information could not be produced at this point so a statement of non-decision might be the only option. A different juror wanted to further discuss some of the other jurors’ thoughts before they could understand why the jury could not come to one of the two standard decisions.

A juror asked the juror with moral concerns about a statement of violation what would lead them to block as opposed to standing outside of consensus, as they felt this hadn’t been made explicit. The juror responded by talking about how they were concerned with the biases that we all may hold, and how the jury might see innocence and guilt for international students. They also discussed how they felt there were strong moral implications for trying to restore parties that were actually innocent, and how this was far worse than not restoring students who had violated the Code. They added that they did not see themselves of getting to a place where they would feel comfortable not blocking on a statement of violation in a timely fashion. (Some jurors who were late arrived at this point, making a total of 9 jurors present.)

A juror voiced that the question of whether it was worse to try and restore innocent parties or not hold accountable guilty ones was a subjective matter. A juror expressed that they felt that because of the statistical plausibility of the students having violated the Code and because of the possibility to craft resolutions that were not too harsh, they felt that a statement of violation was the best move. The juror with moral concerns expressed that they felt that saying somebody did something when they didn’t is a strong judgement call. Another juror noted that this might be a morally irreconcilable difference and that trying to change the morals of other jurors felt highly complex and also impossible time-wise. The jury read from the Constitution about finding a balance between trusting the students and the community², and noted that this trial had exposed flaws within the trial system, which in itself was valuable.

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² See footnote on page 7.
The jury then moved to discussing a statement of non-decision. A juror felt they would have to block it at this point because they did not feel that was where the room stood. Another juror felt that none of the options available at this point could restore trust to the community. The jury discussed the implications of a statement of non-decision. These were: that the professor could potentially re-confront, but that the jury would have no way of knowing that this would happen or that the new case would go to trial; that it did not address the trial goals, in particular, not restoring trust; that it opens the door of a community conversation about these issues; that it may not describe where the jury might be able to end up with more discussion; that the jury would be able to suggest but not mandate resolutions; that it did not provide closure; that it might not be viable to come to other statements. The jury also discussed how they could include their own words and feelings about the trial as appended to the abstract. Ultimately, the jury felt that as they were unable to come to consensus on either of the other two decisions, thus this was how they would have to move forward. They agreed to meet to craft the statement and then to discuss resolutions after consenting to this.

**Jury Deliberations pt X/Statement of Non Decision:**

The jury affirmed that the goal of this meeting was to write and consent to a statement of non-decision. The jury looked at their two previously crafted statements as a guide. After extended conversation and deliberation, the jury drafted a statement of non-decision. After doing so, they expressed concern that this statement might seem like it implicated the professor for having acted in a racially biased or xenophobic way when they did not feel that was the primary concern that had been addressed, as the jury had been more concerned with the jury’s biases and institutional biases. Thus, the jury removed the phrase “during the trial” (which had appeared after “structural and individual level”) and ultimately consented to the following statement of non-decision:

*After much reflection on the statements of all parties and those of two expert witnesses, the jury was unable to come to consensus on whether or not the Honor Code had been violated. While the weight of the room supported a statement of violation, there was moral opposition from two jurors due to strong concerns about the role implicit racial bias and bias against international students may have played in the trial, on both a structural and individual level. The weight of the room was that there were an overwhelming number of unexplained similarities between the exams; thus the jury was also unable to consent to a statement of non-violation. Additionally, there were irresolvable moral differences about the interpretation and effects of what constitutes reasonable doubt. For these reasons, the jury has come to a statement of non-decision. (9 Jurors consent, 1 juror stands outside, BiCo Liaison approves.)*

The juror standing outside noted that they did so on procedural grounds and because they felt it was important to have someone standing outside on a statement which didn’t address trial goals, but they personally supported this as a way to move forward.
The jury discussed that they wanted it to be included in the abstract that the concerns were also about a potential bias in the jury towards those with expertise (such as professors or “expert witnesses”), and the concerns that had been raised about language, and using English as a second language in particular.

The jury discussed potential resolutions they wanted to suggest, but agreed they would discuss the issue of whether or not they wanted to encourage the professor to re-confront and attempt to get the case sent to a different trial later. They agreed that they wanted to give the parties a chance to respond to the resolutions.

**Suggested Resolutions Pt I:**

Eight jurors and the Bi-Co Liaison were present for this meeting. The jury talked about the reactions from the parties, which had included general confusion. The trial chair had met with the professor to explain the situation and the decision.

The jury discussed tentative resolutions. They brought up the idea of allowing the community to have an anonymous Q&A with the jury so that the jury could communicate about this case and their decision without having to break confidentiality. They also discussed the idea of giving a way for the parties to anonymously communicate with any of the jurors so that they could have frank discussion without breaking individual confidentiality (particularly for jurors who had strong opinions either way) and how this could be facilitated through emails passed along through the trial chair. The jury talked about how they wanted to discourage this as an outcome for future trial since this was the first time this had occurred. They also talked about education for the confronted parties, such as seeing if Urgl and Engywook had questions about the Haverford Honor Code, having them read the Codes for both Haverford and Bryn Mawr, and potentially encouraging them to engage with an event with Honor Board. They also discussed a resolution suggesting professors more explicitly discuss the Honor Code during class to help educate students from outside Haverford who might not know as much about it. The jury also talked about wanting the parties to communicate with each other, though not necessarily through writing. They also discussed whether or not they should include a resolution addressing the issues of bias that had come up during the trial.

The jury briefly discussed whether or not to include a resolution re-affirming that Professor Coreander had final say over the grades in the class but decided against it. They agreed to send the following set of resolutions to the parties to get feedback:

1) *Any juror who wishes may write a statement to the community to be appended to the abstract.*

2) *The jury suggests there be a plenary resolution to address hung jury situations or situations where consensus is not possible.*

3) *The jury invites all parties to write a letter to the community to be appended to the abstract.*
4) The jury encourages the confronting and confronted parties to communicate with each other if they feel it would be beneficial to restore trust. A member of the jury is willing to mediate a meeting if the parties request.

5) The jury invites the parties to request a meeting with the full jury if they feel it would bring clarity or support restoration.

6) While acknowledging that Honor Council is not a precedent based body, the jury strongly emphasizes that not coming to a statement of violation or a statement of non-violation should only be used as a last resort and in extenuating circumstances.

7) The jury recommends that all parties re-read the Haverford Honor Code and engage in conversation with a member of Executive Board with any questions they might have. Additionally, the jury suggests the confronted parties re-read the Bryn Mawr Honor Code if they would find that useful.

8) The jury suggests that the confronted parties read the abstracts that the jury reflected on, in the spirit of education.

9) Members of the jury will organize an anonymous forum for jurors to answer questions from the community without breaking confidentiality upon the release of this abstract.

10) In the spirit of restoring trust, the jury welcomes all parties to communicate with individual jurors either anonymously through writing or directly face-to-face.

11) The jury encourages Honor Council to consider how racial bias and bias against international students may affect Council proceedings. The jury recommends these conversations be open to the community through events or forums, and invites all parties to attend if they wish.

Suggested Resolutions Pt II:

Eight jurors were physically present for this meeting and two were called in. The Bi-Co Liaison was absent. Because the parties had not responded with feedback on the resolutions, the jury only discussed minor wording changes and adjustments to the order. All ten jurors consented on the following resolutions and to the suggested resolutions as a whole.

1) Any juror who wishes may write a statement to the community to be appended to the abstract.

2) The jury suggests there be a plenary resolution to address hung jury situations or situations where consensus is not possible.

3) The jury invites all parties to write a letter to the community to be appended to the abstract.

4) The jury encourages the confronting and confronted parties to communicate with each other if they feel it would be beneficial to restore trust. A member of the jury is willing to mediate a meeting if the parties request.

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9) Members of the jury will organize an anonymous forum for jurors to answer questions from the community without breaking confidentiality upon the release of this abstract.

10) In the spirit of restoring trust, the jury welcomes all parties to communicate with individual jurors either anonymously through writing or directly face-to-face.

11) The jury encourages Honor Council to consider how racial bias and bias against international students may affect Council proceedings. The jury recommends these conversations be open to the community through events or forums, and invites all parties to attend if they wish.

Professor Coreander's Letter:
After a lot of thought, and some discussions with the Honor Council Co-Chair, I’m treating this unprecedented hung jury resolution as an ugly win for the consensus process, but I think that it will take some additional work to sell this outcome to the rest of the faculty. I’m happy that the jury reached consensus on an outcome, even if it was an outcome that was not presented as an option going into the trial. Being a part of the Haverford community means valuing consensus and understanding that just one member of the community can hold up the rest. I am proud of the jurors who stood up for what they perceived to be the right course of action, even against the weight of the room. I’m also proud of the other jurors who adhered so strongly to the consensus process and worked tirelessly to reach a resolution.

While I remain entirely convinced that the two students collaborated on the exam, I am not going to re-confront. One trial was already enough work for all parties involved, and I think it would be unfair to do this all over again. I am disappointed that some jurors did not feel that the obvious similarities between the exams were evidence of collaboration beyond a reasonable doubt. Out of over 400 possible pairs of exams, no two exams were as similar as the pair in question, including exams that largely got everything right. This was a completely original exam; having a common set of notes or studying together could not and would not produce these similarities. I’m going to accept the jury’s unwillingness to consent to a statement of violation despite disagreeing with it, because I delegated this decision to the Honor Council from a place of trust and respect.
I’m okay with this outcome, but many members of the faculty would not be comfortable with a jury reaching an outcome that was not presented as an option going into trial (I’m not comfortable saying how many, but perhaps we will find out after the release of this abstract). This is a bigger breach of trust that it seems at first blush. Since the initial confrontations for this case, two of my colleagues have expressed misgivings about confronting students because they don’t think it is worth the trouble of bringing cases to the Honor Council anymore. Personally, I’m not sure I would confront a student again without an even more overwhelming suspicion that a violation took place. It is very possible that the possibility of more cases like this one will dissuade faculty members from going through the Honor Council process going forward.

In light of this unprecedented outcome, and what I perceive as a growing skepticism of the Honor Council’s ability to correctly recognize and sanction academic dishonesty, the Honor Council needs to do more to restore the trust of the faculty. I am happy to be a part of this restoration going forward.

**Trial Chair’s Statement**

Dear Haverford,

This trial was exhausting. It challenged my belief in many things, including the ability of students to determine if a Honor Code violation has occurred, my capacity to successfully chair a trial, and whether or not the consensus process is ultimately how we should be making decisions. But while this trial was difficult for me, the ultimate decision made was most difficult for the parties. I apologize to them for our lack of ability to re-assert the trust the community has in all of them, and I apologize to the community for the jury's inability to live up to the expectations placed on us. This is not how the trial process is supposed to work.

But while I found myself confused and disconcerted by the process and the decision that ultimately came out of this case, I was also constantly sure that every juror was speaking for what they felt was right and was acting with the best of intentions, based on deep thought and care for the case. We had different opinions, yes, and we had different thoughts and beliefs that made us all unable to come to a decision that was within the non-violation/violation binary. But I almost always felt there was a deep respect in the room between the jurors for the beliefs they held. We finally came to the obvious conclusion that what I define as "reasonable doubt" may not be what anyone else defines as "reasonable doubt," and that can sometimes, naturally, lead to conflicts of decision.

This case raises many questions and issues about the trial process, about the nature of consensus, about the issues of bias in our community and in our proceedings, and about the subjectivity that is innate even as we share community values. Though I believe this was fundamentally a failure
of the Honor Code to address how to handle these situations, I hope that the community is able to read this abstract and come together to think and speak to each other, so that something positive can come out of this. I hope to work with the community to address the holes in our understandings so we can move forward addressing these breaches of trust and arriving at a place where the Code better addresses these issues and better serves us all.

Yours with trust, concern, and respect,
The Trial Chair

Juror Statement #1
At the start of this process, I stood at a point of indecision, along with several other members of the jury. I was puzzled by the lack of continuity in the parties’ statements, troubled by the inconclusive but suspicious evidence, and concerned about making the wrong decision about who and what to trust. For a long time, I was comfortable with the trial concluding in a statement of non-violation with suspicion, or moving forward with a statement of violation. I felt there was merit to each outcome, as well as support for each in the room. As our conversations continued, I became more comfortable with a statement of violation, and felt that it was the decision most supported by the room. Though the evidence before us was not by any means an indictment, it was sufficient to make everyone on the jury suspicious, and that was significant to me. A statement of non-violation with suspicion became something that would have left me questioning our decision, something that I felt might harm the professor’s trust in his own intuition and the process, something that did not seem to be a reasonable conclusion of our debate, and something that did not reflect the room. I do believe that this jury would never have come to a statement of non-violation, just as I believe that it became impossible for us to come to a statement of violation. It was these absolute limits that made the statement of non-decision the only way to conclude this trial. I hold great respect for every member of this jury, and I think that a statement of non-decision was the most accurate reflection of the room. Still, I think our decision ultimately places the focus of this trial on the jury, rather than the parties. Although our process shows extensive consideration of their stories and perspectives, it does not show trust. This decision does not restore the community’s trust in two students who may have violated the Honor Code, nor does it restore any trust they might have lost in the community that asked them to take part in the trial process. This decision is not a true conclusion, and I hope that it will be discussed extensively and that it will remain a rarity among Honor Council proceedings. Despite the often frustrating nature of this trial, I do want to say that I have never been more heartened by a discussion about this community and the Honor Code. Each person brought their own frame of mind to the room, but everyone showed great concern for the parties, the integrity of our decision, and the value of this process within our community.

Juror Statement #2
Dear Haverford Community,

We failed you. Honor Council convenes trials to resolve breaches of trust and potential violations of the Honor Code. The objective is to determine what happened and how to make the community whole once again. If we find a violation has not occurred we end the trial hoping everyone’s mind has been put to rest. If we find a violation has occurred we seek to remedy the violation and prevent it from happening in the future. We are not supposed to have a third option. We are not supposed to fail to come to a decision.

Last semester we failed to come to a decision. By the end of the trial, given the beliefs of the people in the room as well as the length of the trial, its distance from event, the time in the semester, and our likely inability to make further progress, we had little choice but to announce a hung jury. I stood outside of consensus in that decision to recognize that the decision to not come to a decision was a violation of both the constitution and the trust of the community.

I think it is my duty as a member of the jury to provide my explanation for how we ended up here. From my perspective the evidence pointed strongly towards a violation of the Honor Code having occurred and the only evidence against this conclusion was that the students denied it. I am probably a distrusting asshole, but I do not believe the students were telling the truth.

I think this is what happened: student A and B studied together and then took the test at the same time. After being struck by how much more difficult this test was than the earlier tests, and inadvertently wasting time on a couple early problems, B reached out to A for help electronically. Through the rest of the test they did their best to complete the exam but would reach out to each other on individual sub problems when they got stuck and every tic of the clock sounded like a lost point. When they were confronted by the professor they were afraid—Honor Council Trial sounds fearsome even if it shouldn’t—and in that first meeting with the jury they, out of fear, made another impromptu mistake caused by stress: they denied what happened hoping this would blow over.

The majority of the jury, by the end, believed some variant of this story. Yet we were unable to come to consensus in large part because one member of the jury does not believe the confronted parties lied to us. This jury member brought up a variety of interesting points that sparked important, educational, and valuable discussions. In the end, however, there was nothing that we could do to change their mind. There was no discussion that the jury could have that would convince this juror to stand outside of consensus—they felt morally bound to block consensus on a statement of violation unless the confronted parties changed their stories.

Before I continue I should say that I respect this juror as a human and an intellectual peer, but I believe that some of their positions, when taken to the extreme they held are threats to the Honor Code and its ability to function. Central to their critiques of the process was a concern that we, as a jury containing no students from the confronted party’s home country, could not ever adequately understand the confronted party’s experiences and therefore could not adequately judge them. To use a legal parlance, we were not and could not be a jury of their peers. This says to me that we must think of the Trico as segmented based upon cultural backgrounds: students
from one global cultural context cannot understand students from another global context adequately to pass a judgement upon their actions or explanations of a chain of events. This amounts to reducing the shared space and community we have to a geographical location where various cultural enclaves meet and bump into each other. It means assuming there is no unifying “Haverfordian” or “Bico” or Trico” culture of trust, concern, and respect that exists separate of the upbringings of the students of the respective colleges. It means we do not share a cultural space. For if we shared a cultural space here, on this campus, then a group of students from the US and other countries—through conversation and consideration and a healthy dose of self-criticism and doubt—can find that students from another nation violated the Honor Code. It may take more time, and there are trials where not enough energy has been spent considering cultural contexts and their interplay at Haverford, but it is possible. Had the juror provided specific ways in which the confronted party’s different cultural histories could explain what happened, or how different cultures had played out in a problematic fashion since the (probable) violation I would have had much more sympathy for this viewpoint but at the end of the day I felt the theory was obscuring the data.

This tied into another issue with the position of this juror—that we could not as a jury decide that the confronted parties were lying. In a trial the jury should take everyone’s statements with an instinct for trust but also a few grains of salt, especially when there are disagreements. For a trial to work we must be able to conclude that a party violated the Honor Code, despite their statements to the contrary. We must be willing to say “we believe you lied to us for two hours. Why?” This juror could not come to accept this standpoint and was philosophically opposed to standing outside of consensus if the rest of the room was going to conclude a violation occurred. That this juror could not trust the rest of the jury’s instincts enough to stand outside of consensus, and that they could see no path that would bring them to this place of trust and acceptance, worries me deeply.

For consensus to work in a trial a few assumptions have to be made. Everyone is discussing in good faith. Everyone believes what they say and are advocating for their values. Everyone trusts the rest of the room wants the best outcome and that the rest of the room is, on the whole, less likely to make a mistake than a single individual. Everyone has subsumed those values under process oriented values which put conversation front and center. Everyone is willing to step aside from their personal values, accepting they may be wrong, on all but the most consequential and centrally important questions when the rest of the room has reached a decision. This last point means that even when we know the decision is wrong, if it does not fly against all we hold sacred and the preponderance of the room has firmly committed to that decision we have a duty to step aside. More than anything else the Honor Code enshrines a set of process oriented values. If we do not hold those values, if we do not share those values, than a jury of students cannot judge another student.

I choose to believe that for the most Part Haverford students are committed to the values of the Honor Code. Not just the values not to cheat, but the values that say we talk and listen to
each other with an open mind. While we fail to do so on a daily basis on this campus, over four (or five) years here we improve and we take those values, those lessons, with us through the rest of our lives.

I hope I am not deluding myself.

**Juror Statement #3**

While I cultivated a deep trust for my fellow jurors and their perspectives (especially given the many hours we unexpectedly spent together), I felt that the cumulative evidence—of the exams, the suspicions of the professor, the explanations of the students, the outside experts—did not prove beyond a reasonable doubt that a violation occurred. That is, I believe that there was still reasonable gaps in the evidence that the two students did not collaborate—that the similarities on their exams could have been due to their studying together throughout semester, and especially their intensive study period before the exam itself. I also share concerns about the influence of implicit racialized societal narratives in shaping stereotypical images and power structures that all of us have inherited, unwillingly, through the kind of world we live in. This, evidently, is difficult to navigate.

In making a statement of violation, a jury forecloses the possibility that a violation did not occur. If, in fact, a violation did not occur and the jury decided that it did, I would be deeply concerned about how the Honor Code deals with questions of otherness, context, and power. It is one thing to be wrong in making a statement, given the evidence; it is another to have a decision be informed (however seemingly reasonable) by racialized narratives. This is not to say that any individual themselves is culpable, but that we are, in a small Haverfordian way, attempting to collectively work within and against paradigms of power that manifest in many ways.

I do want to thank the rest of the jury for their thoughtful deliberation and curiosity for each others’ perspectives. I respect my fellow jurors’ perspectives and the many rounds of collective deliberation we worked through (seriously, talk about respect and trust)! I trust the judgement of all of those on the jury. Reasonable doubt is, undeniably, a grey zone in the Code that the jury must interpret. For my own conscience, and to keep open possibility of our being very wrong (and thus consequences of making a statement of violation), I would have stood outside of consensus had a statement of violation been made.

Let me turn to Donna Haraway for guidance. In her essay “Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective,” Haraway (1988) writes of an “embodied objectivity,” a commitment to objectivity that also acknowledges how perspectives are always partial and emerge from a place in time. This is not to say that objective reality is merely relative and up for interpretation, but it is to say that we are tasked to keep asking about
the terms and conditions of an issue and its context. What is considered rational or reasonable “is a power-sensitive conversation. Decoding and transcoding plus translation and criticism; all are necessary” (590). Critical to this, Haraway reminds us, is a practice of positioning, which “implies responsibility for our enabling practices. It follows that politics and ethics ground struggles for and contests over what may count as rational knowledge” (587). Or, I might add, reasonable doubt. Part of a jury’s deliberation is critically attending to the structural and consequential powers that are vested in the Code. Whether we are interpreting “reasonable doubt” or making a statement of violation, I want us to remind each other to be humble about what we do not know, to be mindful of how we go about knowing and declaring, and be attentive to the structures of power that shape our seeing, listening, and speaking. Sometimes, these practices end without the seemingly neat resolution wished for.

In reflecting on this whole process, I do wish that we would have had the potential for working towards restoration that (largely) comes after making a statement of violation. I think my sentiments were shared by other members of the jury. Restoration is, to my mind, an invaluable part of the Honor Code. If trial procedures maintain that a statement of violation/nonviolation is made before a longer process of restoration, then what? What happens when there is so much grey area to affirm both the suspicion of violation and the ways we shape/are shaped by power? Are there other ways that a jury can better facilitate restoring trust—ways that are not limited to first stating violation, ways that consider our peers as not only rational individuals but also members of this community? I am not sure. But perhaps considering this trial, in all its specificity, might evoke challenging and helpful responses from others for moving forward.


**Juror Statement #4**

The trial process, in this case, was extremely frustrating and disappointing. I feel it failed in a few different aspects. One of which is that we did not have any guidelines in place for what to do when a trial goes this way. I think we failed all parties involved in this way, leaving them to sit and wait for a long time before delivering what I felt was an unsatisfying decision to all of them. The bigger failure, in my opinion, was in the consensus process of the trial. With the circumstances involved here, I don't see any reason why consensus could not have been reached in the end if the typical guidelines of consensus were followed.

**Juror Statement #5**

To the community--

As a juror with the responsibility of putting together the abstract this addendum is going to be brief. I do not want to overwhelm the process with my unique perspective. I know that as
neutral as I attempted to remain when creating the abstract, personal biases seeped into the process, much like the rest of the trial.

Had I been the entirety of the jury I would have come to a statement of violation far before the 30 hours we spent had come to completion. Had I been the entirety of the jury the process would have been much more efficient. Luckily, I was not the entirety of the jury.

I’ve been in a couple trials now and I have read tons of abstracts. The Neverending Story however was incredibly unique. When struggling with the potential presence of xenophobia in the deliberations is paralleled with the election of Donald Trump, the situation is unlike any other. The exact definition of reasonable doubt was certainly disputed and a huge part of the trial, but understanding that my opinion wasn’t the only one and that the easiest solution isn’t always the best one was an even larger message.

I want to leave with three more points:
1. A statement of non-decision should not be one that is made lightly. With that in mind, I hope that the plenary resolution passes to remedy the situation we discovered.
2. Reaching the statement of non-decision was not made lightly. Fundamental philosophical moral differences made it the only possibility after over 30 hours of deliberations.
3. I made the football analogy about the differences in definitions of reasonable doubt and it was probably my greatest addition to this trial. I’m going to explain it below if you care but no pressure.
   a. I’m pretty superstitious when it comes to football games. When the Jets start winning and I have shifted positions on the couch I assume correlation and probable causation and refuse to move. That year the Jets were really good I did my math homework in front of the game every week. When they finally lost it was because I didn’t do my homework that game. I wanted to watch it. I’m really sorry about it. At the beginning of this season the Jets were like 1-2 or something and the only game they won was the game I watched. In fact, they were losing until I started watching, Then when I left for a meeting they started losing. Luckily I made it back in time for them to pull ahead and win the game. To me, that is BEYOND REASONABLE DOUBT that I had a direct impact on the game. Other jurors disagreed: they wanted more data points, and they wanted more elements to be held constant. Maybe they were on to something, I watched the game over Fall Break and the Jets still lost. The point being, reasonable doubt is very subjective and this trial taught me that consensus is about finding The Truth not My Truth and that sometimes the gray area is all we have.

Juror Statement #6

As a member of the jury on this very unique case, I wanted to share some of my thoughts
about the decision that we made and emphasize that the decision that we came to was not easy or taken lightly at all. What seemed like a relatively straight forward case actually ended up in a decision that has never before been made because of the difference in beliefs that members of the jury had. In a way, this case really showed me how difficult the consensus process is but at the same time how valuable it is, because it’s not a process in which the majority voice wins but every voice is heard and taken into account. But at the same time, coming to a decision of no statement was not easy for any of the jury members to come to and I know that in the beginning of the process, almost jury member was firmly against coming to such a decision. The reason that we came to such a decision was because this statement was actually the most accurate description of the state that our jury in and coming to any other decision would have been a compromise on values from different jury members. I think all of us recognize that this statement is not satisfying for either of the parties involved in the trial because it does not offer a firm path moving forward but I think we did our best to try and address the uncertainty of this decision in the resolutions that we made to try and bridge the gap of trust between the two parties as well as the jury and the two parties. I think it was also commendable how each member of the jury was fully engaged with the process despite the long hours and the numerous meetings we had and never once did anyone waiver on what they thought was right to try and reach a quicker and easier conclusion. Lastly, I would like to mention the trial chair whose patience and facilitation throughout this process was extraordinary.

Discussion Questions:
1. What are the implications of a statement of non-decision for the community?
2. Does a statement of non-decision address the trial goals? If so, how?
3. How can the Honor Council work to address the issue of implicit bias and how it might be minimized in a trial process?
4. Are there identities that are left out of the multicultural juror requirement that should be included?3
5. What constitutes “beyond a reasonable doubt”?
6. How should the jury balance the weight of the stories of the confronted parties with the opinion of the confronting party?
7. How does the student-professor power dynamic affect trial processes?
8. Is it better to come to a statement of violation for someone who did not commit a violation, or to come to a statement of non-violation for someone who did commit a violation? If the former, can we ever come to a statement of violation when parties’ accounts conflict?

3 The ‘multicultural juror requirement’ refers to the requirements about the race and gender makeup of trial juries, as described in the Students’ Constitution, section 6.02 e) iv).