Drake and Josh:  
An Honor Council Social Case  
Released Fall 2018

This abstract was not released in accordance to the timeline specified by the Students’ Association Constitution. The confronting party consented to the release of the abstract. The confronted party consented to the release of the abstract.

Key:
Confronting Party: Josh  
Confronted Party: Drake  
Online Forum for Haverford Students: “Stepbrother Society”  
Other Student Involved in Stepbrother Society Comments: Megan  
Person Involved in Initial Confrontation: Steve

Summary:
This case involved Drake making offensive comments on a Stepbrother Society post directed at a particular individual. Josh confronted Drake on behalf of the community after which the case was brought to Honor Council, which sent it to trial. Honor Council was dealing with an excessive caseload at this time and, because Drake was on leave when the case was able to be run, after about six months elapsed Josh expressed a desire to drop the case.

Pre-Trial
Josh made a post to the Stepbrother Society, a social media page composed of Haverford students, a few Bryn Mawr students, and a few Haverford alumni, which sparked much debate. Initially the discussion focused on ideas, but eventually Drake made some offensive comments directed personally at Megan.

Josh was both personally disturbed by these comments and felt that they merited confrontation on behalf of the community due to their violation of the Honor Code. Josh felt that Drake’s comments showed lack of respect for his fellow students and were not in the spirit of honest open discussion. Drake felt that his comments were not unusual for the forum and shared the belief that Honor Council did not have jurisdiction over third party social media platforms. Josh confronted Drake on his own behalf and on behalf of the community, this conversation was mediated by Steve, Josh’s friend and a member of Honor Council. Drake did not believe that any violation had occurred both because the behavior in question didn’t violate the Code and because Council didn’t have jurisdiction over a third party social media platform. Josh articulated why
the comments seemed in violation of the Code. Drake left the conversation feeling that Josh had not entered the discussion with the sincere goal of reaching mutual understanding and felt uncomfortable that the mediator was a very good friend of Josh’s and therefore not an unbiased member of Honor Council. Josh articulated that while he felt the two had reached mutual understanding that the community needed to hear the case and be involved in the process of restoration for itself and Drake because multiple people in the community were offended.

**Council Deliberations**

Council was initially unsure how to handle cases of behavior that took place online. Council recalled *Rick and Morty* and *Middlemarch*, two recent cases of online behavior. The first case was sent to trial largely because the forum on which offensive comments were made was run by the institution of Haverford. The Stepbrother Society isn’t run by Haverford, but is run by Haverford students and most of its members are Haverford students. The second case, Middlemarch, involved a potentially offensive meme posted to Facebook and it was sent to a joint student administrative panel not because of the original posting but because Council found that the fashion in which the confronted party responded to the confrontation violated the Code.

Much of Council’s discussion of what to do with this case centered around whether behavior on the Stepbrother Society falls under the jurisdiction of Honor Council. Council considered how we would be thinking about this case if the conversation had occurred in person? Would it have been a violation? If Council appealed to the physical analogy, how would we feel if the conversation happened off campus? The interpretation was proposed that if the conversation happened within the bounds of the Tri-Co and Tri-Co activities but not actually on campus. For example, what if this conversation had occurred in public on Swarthmore’s campus? In the end, the analogous conception Council settled on was two people shouting at one another across Founders Green with an audience, in part because the presence of an audience felt important to the conception of this case. Therefore behavior on forums such as the Stepbrother Society should be considered to be under the jurisdiction of, and governed by, the Honor Code because they are run by Haverford students, are primarily composed of Haverford students, includes many Haverford students, and discuss primarily Haverford centric subjects.

Council then discussed whether to send this case to a social trial or a join student administrative panel. In Middlemarch, the case was sent to a joint panel in part because Council at the time wanted to be wary of potential legal issues related to free speech. In this case, Council decided this was not particularly in play. Additionally, Council felt that this was primarily a matter between students and should be dealt with by students.

Finally, Council tackled the question of whether they were suspicious of a violation. Some Council members were confused by the statements presented to them, but the analogy was raised that when academic cases come before Council it tends to send them to trial if it’s unsure and searching for more facts, as that choice open up a fact finding portion.

With 15 Council members present a maximum of two members could stand outside and
consensus still be reached. In the end, 14 members consented to send this case to a social trial and one stood outside.

Due to Council’s excessive caseload at the time and Drake being unreachable and on leave from the college, this case was delayed for a long period of time. About six months after the case was sent to trial, Josh contacted Honor Council’s executive board to indicate that he wasn’t interested in pursuing the case anymore. As has been done in the past, Honor Council chose to drop this case because the confronting party no longer wished to see it sent to trial.

**Discussion Questions:**

1. Should behavior on online forums run by Haverford students whose members are primarily Haverford students be governed by the Honor Code?
2. More broadly, what online behavior of Haverford students should and shouldn’t be governed by the Honor Code?
3. What circumstances need to be in place for you to confront on behalf of the community?
4. Is an excessive caseload an appropriate reason for Honor Council to delay a trial? When and for how long?
5. How should Honor Council approach cases in which a party is on leave or not a current student at the College?