

Kardashians: An Honor Council Social Trial Released Fall 2019

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Key:

Confronted Party: The Kardashian Family

Prominent Members of the Family: Kim, Khloe, and Kourtney Kardashian

Confronting Party: Kris Jenner

On-Campus Location associated with the Kardashian Family: Calabasas

Involved Dean: Dean Ryan Seacrest

Member of the jury: Paris Hilton

People who work with the Kardashian Family: celebrity manager, producer

Summary/Pre-Trial

The Kardashian family threw a "Hawaiian shirts" themed party at Calabasas, a location associated with the family. This party has also been traditionally held annually by the Kardashian family. Kris heard about this party on the same night, and she made a post on Facebook calling it racist and appropriative and asking that the party be cancelled and people not attend. She also included a link to an article about the history of the Hawaiian shirt, its association with colonialism, and how it harms Native Hawaiians. Despite her post, however, the party went forward. A few days later, Kris contacted a member of the Kardashian family, who put her in touch with Kim, Khloe, and Kourtney. They communicated over email and also met with Dean Seacrest, who gave both Kris and Kim, Khloe, and Kourtney several articles about the history of the Hawaiian shirt. The parties carried out these conversations digitally. After a few weeks of conversation, Kris asked that Kim, Khloe, and Kourtney report to Honor Council, since Kris felt the breach of trust was with the entire community and could only be resolved through trial. Kris and Kim, Khloe, and Kourtney all sent statements to Honor Council. After deliberations, Honor Council consented to send this case to a social trial.

At the preliminary meeting, the jury discussed questions both for the parties and about the case in general. The jury wanted to read the articles Dean Seacrest gave to Kris, Kim, Khloe, and Kourtney, as well as conduct their own research into the history of Hawaiian shirts and their status as symbols of colonialism or oppression.

The jury wanted to clarify that any breach of trust was with the community as a whole, not just with Kris. Similarly, the jury also wanted to clarify the issue of the confronted party. Although only Kim, Khloe, and Kourtney would be present during the trial meetings, the jury decided to be clear that the confronted party was the entire family as an institution, acting together to throw a party in a location traditionally associated with the family. Since it would be logistically impossible for the entire family to attend trials, the jury decided to ask Kim, Khloe, and Kourtney to represent the family in trial meetings.

The jury also questioned the history and nature of this party. In Kris's original Facebook post, she had called it a "Hawaiian" themed party, but Kim, Khloe, and Kourtney claimed that it was "Hawaiian shirts" themed. The jury wanted to know which theme the community associated with the party, although the jury was unsure as to how much that would affect their decision. Since the party has been traditionally held by the family for several years, the jury wanted to know what it looked like and the official theme had been in years past.

Finally, the jury talked about the power dynamics faced by Kris, since there would be one of her and three prominent members of the Kardashian family. They decided to be particularly cognizant of the power dynamics during meetings to keep the conversation fair and balanced.

Fact Finding and Circumstantial I

As per social trial procedure, the fact finding and circumstantial meetings were combined. At the first fact finding and circumstantial meeting, the parties recounted their sides of the story. Kim, Khloe, and Kourtney first explained the history of the Hawaiian shirts party. The party has traditionally been held by the family in Calabasas, and there hadn't been trouble with it in years past. After seeing Kris's post on Facebook and communicating with her over email, Kim, Khloe, and Kourtney reached out to their celebrity manager, their producer, and Dean Seacrest. Kim, Khloe, and Kourtney tried to educate themselves by reading the articles sent to them by Dean Seacrest and holding these conversations, as well as through their emails with Kris. Dean Seacrest recommended that Kim, Khloe, Kourtney and Kris have a mediated conversation. However, Kris felt that it was not possible to resolve the situation through a mediated conversation, so she asked for it to go to a trial.

Kris then talked about her perspective. She explained that she posted on Facebook because she had previously experienced parties that were hurtful and mocking of her own cultural heritage, and she didn't want anybody else to be hurt in that way. Although she understood that Kim, Khloe, and Kourtney wanted a mediation (as recommended by Dean Seacrest), she wanted the situation to be resolved through trial because the breach was with the entire Haverford community, not just with her. Additionally, because Kris, Kim, Khloe, and Kourtney were not members of the Native Hawaiian community, she felt that the four of them did not have the necessary understanding of the cultural dynamics to truly resolve the situation on their own. Kris also wanted education for the entire school, especially in light of the "Hawaiian dinner" held by the DC later that semester.

The jury then began asking the parties questions. First, they asked Kim, Khloe, and Kourtney to clarify the history of the Hawaiian shirts party. Kim, Khloe, and Kourtney were unsure when it first began, but they knew that it had been going on for at least their entire time at Haverford. They noted, however, that they wanted this trial to focus only on the most recent party, since that was the one Kris had confronted them about. The jury also tried to clarify some of the confusion regarding the theme — in Kris’s post, she had referred to it as a “Hawaiian” themed party, but Kim, Khloe, and Kourtney had called it a “Hawaiian shirts and miniskirts” themed party. Kim, Khloe, and Kourtney told the jury that officially, they thought of it as a “Hawaiian shirts and miniskirts” themed party, since they did not put up any decorations and only asked people to come in Hawaiian shirts (and miniskirts), not any other costume elements. However, Kris mentioned hearing people refer to it as a Hawaiian themed party and seeing people wearing leis and other items traditionally associated with Native Hawaiian culture. To add to the confusion, Kim, Khloe, and Kourtney explained that the party was completely advertised through word of mouth — they never create Facebook events or send out invitations. The jury noted that this would certainly contribute to the lack of clarity about the exact theme, and they felt that correct advertisement was Kim, Khloe, and Kourtney’s responsibility — as well as the family’s responsibility — as party hosts. The jury also asked if Kim, Khloe, and Kourtney thought about cancelling the party after seeing Kris’s post, but they said that the informal party advertisement made it impossible. (Since there was no Facebook event, they couldn’t post that the party was cancelled). The jury then asked Kris to step outside so they could ask Kim, Khloe, and Kourtney some questions alone.

The jury began by clarifying Kim, Khloe, and Kourtney’s role during the trial. They explained that Kim, Khloe, and Kourtney would represent the rest of the family, but keep confidentiality about the identities of the jury to the rest of the family. Additionally, the jury explained that they wanted any resolutions to be institutional rather than individual, since the fact that this party had also occurred in years prior to the trial made it an institutional issue. The jury also asked what resolutions might be helpful for restoration. Kim, Khloe, and Kourtney said that they didn’t feel that they should have the responsibility to educate the entire community, since they didn’t feel that they could do a good job. After finishing their discussion with Kim, Khloe, and Kourtney, the jury asked Kris to come back so they could speak with her alone.

The jury first asked Kris if there was anything she wanted to add. Kris felt that she was unsure if Kim, Khloe, and Kourtney really understood the issue; she pointed out that Kim, Khloe, and Kourtney had asked about the appropriateness of slime parties, which was not relevant for this case. She wanted to make sure that Kim, Khloe, and Kourtney, the family, and the community understood why the situation was a problem. The jury also asked Kris what she thought restoration would look like in this case. She explained that she thought restoration should include education for the entire community. Additionally, Kris wanted the family and other party hosts to reflect on what inclusion looks like in party spaces and what actual steps they would need to take to make their parties inclusive. Finally, the jury asked Kris her thoughts on

the “telephone effect” Kim, Khloe, and Kourtney had mentioned (referring to party advertisement through word of mouth). Kris felt that if the family was collectively advertising a party held in a collective family space, then the family and prominent family members were responsible for making sure the party was inclusive. Since it was getting late, the jury decided to adjourn for another fact finding and circumstantial meeting.

Fact Finding and Circumstantial II / Jury Deliberations I

The goal of the meeting was for the jury to come to a statement of violation or non-violation. All parties were present at the beginning. The jury asked some follow-up questions from the previous meeting about the responsibility of a party host. There was some confusion as to who exactly was hosting the party; Kim, Khloe, and Kourtney agreed that they were hosts, but explained that other people living in Calabasas (including other members of the family) act as hosts for Calabasas parties. Although Kim, Khloe, and Kourtney agreed that they did not completely fulfill all their responsibilities as party hosts in this situation, they didn't know exactly how they had failed their duties. Kim, Khloe, Kourtney, and the jury discussed how the entire community may have violated the Honor Code by failing to confront the family in previous years. The trial chair noted that the section on cultural insensitivity had been recently added to the Code, so it was possible that people didn't realize that hosting the party could be a violation of the Code.

The jury asked both parties whether they thought a violation had occurred. Kris said she thought that a violation had occurred. She explained that she didn't think the Kardashian family had acted maliciously — just ignorantly — but it was still insensitive and a violation of the Honor Code. Regarding the previous parties and the failure of the community to confront, she wasn't sure whether that constituted a violation. Kris talked about how it wasn't solely Kim, Khloe, and Kourtney's responsibility, but that it was difficult to pinpoint who exactly was at fault. Next, Kim, Khloe, and Kourtney explained that they were unsure as to whether a violation occurred. They said that they could see both sides, and would understand either way. Additionally, they clarified that an abstract would still be released even with a statement of non-violation, so they felt that the community could still gain some level of education that way.

After the parties left, the jury began discussing a statement of violation or non-violation. For the most part, the jury felt that there was a violation of the Honor Code. They discussed who exactly should be found at fault. Given that Kris initially spoke to a member of the family other than Kim, Khloe, and Kourtney, and the jury had talked to Kim, Khloe, and Kourtney about representing the entire family, the jury felt comfortable finding the entire family in violation of the Honor Code. However, the jury did not feel comfortable finding the entire community in violation for several reasons. First, the entire community was never confronted, so procedurally, the jury could not find them in violation. Second, the jury doubted that it was even possible for the entire community to be confronted, since it represented so many different people with different perspectives and knowledge about the event. Third, the jury felt that if they were to

focus on the most recent party, the community was not in violation because Kris had confronted a specific individual. For these reasons, the jury decided that the best way forward was to consent to a statement of violation for the entire family. At this point, Paris Hilton (a member of the jury) voiced her discomfort with a statement of violation. She expressed concern about coming to a statement of violation without hearing Native Hawaiian voices as nobody on the jury was Native Hawaiian. Additionally, she felt unsure about labeling the actions of the family as cultural appropriation, since the Hawaiian shirt is not part of traditional Hawaiian culture. The jury discussed the difference between cultural appropriation and insensitivity and decided to return later after doing more research and finding articles from Native Hawaiian authors.

Jury Deliberations II / First Statement of Violation

The jury met again to finish writing a statement of violation. They had read through the articles found by Dean Seacrest, as well as some other articles that different members of the jury found about this issue. With these in mind, they returned to several issues of wording that had been previously controversial. In regards to whether or not to label the issue as an instance of cultural insensitivity versus one of cultural appropriation, most of the jury felt comfortable labelling the family's actions as culturally insensitive for three reasons: the family had not confronted people who were culturally appropriating at the party; the family had not considered how their theme might impact Native Hawaiians on Haverford's campus; and the party theme reinforced historical power dynamics affecting Native Hawaiians. However, Paris still felt uncomfortable labeling the family's actions as insensitive since they had not intended or thought about how others might interpret the theme. Other members of the jury explained that they felt this was the definition of insensitivity; the family had not thought about how their party might affect others, and therefore, they were acting in a culturally insensitive manner. The jury also discussed how the community as a whole factored into the violation. Although the jury previously agreed not to find the community in violation for failing to confront, they did feel that some members of the community displayed cultural insensitivity or appropriation at the party and wanted the statement of violation to reflect that. Finally, the jury wanted to include their concerns about the lack of Native Hawaiian voices on the jury and their desire for more education. With these additions, the jury returned to the idea of cultural insensitivity. Although Paris did not fully agree with the jury's characterization of the family's actions as insensitive, she did agree that the family had not fulfilled their responsibilities as party hosts. Since only 8 members of the jury were present for the meeting, everyone needed to consent for the statement to go forward, so the jury worked carefully on wording a statement that everyone present could consent to. When this discussion was complete, the jury consented to the following statement of violation.

First Statement of Violation

The [family] violated the social code by not properly fulfilling their responsibilities as party

hosts. This includes theming the party “Hawaiian Shirts”, which is potentially culturally insensitive, not acting as active bystanders by enabling individuals to dress in an insensitive and potentially culturally appropriative manner, and allowing this themed party to recur for many years. Although the jury could not come to consensus on the matter, it was discussed that the party theme of “Hawaiian Shirts” may have been culturally insensitive in that it did not take into account the potential historical significance and negative association around the garment. However, some other jurors are uncomfortable labeling the “Hawaiian Shirts” theme as culturally insensitive because the voices of indigenous Hawaiians are missing in the conversation. Even though this case is specifically about the [family], we recognize that the Haverford community as a whole holds some level of responsibility themselves for not being active bystanders and allowing this party to recur for many years. There are also members of the Haverford community whose participation in the party was culturally insensitive. We therefore desire more education both for ourselves and the rest of the Haverford community. (8 jurors consent, 2 stand out in absentia)

Fact Finding and Circumstantial III

Although this meeting was intended to focus on tentative resolutions, Kim, Khloe, and Kourtney asked the jury to reconsider the statement of violation. They felt that it did not reflect the conversations they had been having with the jury and were unsure about the extent of its implications. Kim, Khloe, and Kourtney were uncomfortable with how the statement of violation called out “the family” instead of just “Kim, Khloe, and Kourtney.” They explained that the party was hosted by people who lived in Calabasas, and they felt that a statement about “the residents of Calabasas” would be better than the current statement about the family. Kim, Khloe, and Kourtney also explained that, while members of the family often live in Calabasas, not all of the residents of Calabasas are historically members of the family. The jury felt that they had been clear that the family was the confronted party and Kim, Khloe, and Kourtney were acting as representatives and questioned whether or not the Calabasas distinction mattered since, at the time of the party, all of the people who lived in Calabasas were members of the family.

Kim, Khloe, and Kourtney’s second concern was with the mention of the historical nature of the party. They felt that the jury was trying to blame them for past occurrences of the party, and they wanted this case to only focus on the party the three of them had thrown. The jury explained that this was not their intention. The jury wanted to be clear with the community that the theme was inherited, not created, by Kim, Khloe, and Kourtney, and that this was a systemic issue that culminated in this specific case.

Finally, Kim, Khloe, and Kourtney felt the statement was unclear as currently phrased. In particular, they didn’t understand the phrasing of “potentially culturally insensitive” and “potentially culturally appropriative.” The statement did not clearly say whether the party was or was not culturally insensitive, and it seemed as if the jury did not know. Kris also agreed that the statement was unclear and unhelpful, since it put into question whether or not the party was

culturally insensitive. The jury explained that they had reached this phrasing for consensus reasons, but they agreed that it needed to be revisited and made more definitive. At this point, the jury decided that they would re-open deliberations on the statement of violation and craft a new one. After further discussing Kim, Khloe, and Kourtney's concerns, the jury thanked Kim, Khloe, Kourtney, and Kris and decided to begin deliberations again at their next meeting.

Jury Deliberations III

The jury began by considering whether the focus of their statement should be Kim, Khloe, and Kourtney or the entire family, as this seemed to be the biggest concern that Kim, Khloe, and Kourtney had brought up. The jury discussed several points: how the entire family was ignorant, not just Kim, Khloe, and Kourtney; how Kris had initially talked to members of the family and tried to contact Calabasas house leadership; and how the violation was on an institutional level (because of the repetitive nature of the party). Additionally, the statement mentioned the Haverford community, which was less culpable than the family. The jury acknowledged that there were nuances and distinctions between Kim, Khloe, and Kourtney, the family, and the residents of Calabasas, and they also acknowledged that different members of the family may have different levels of culpability. Overall, however, the jury felt that it was important for their statement to reflect the institutional level of this violation and wanted to make sure their resolutions could resolve the problem in the future. Ultimately, the jury decided that their statement of violation would continue to focus on the family.

Next, the jury addressed the topic of cultural insensitivity. Most of the jury wanted to strengthen the statement to definitively say that the party was culturally insensitive. One juror articulated that insensitivity is about lack of care and lack of thought, and that's exactly what happened with Kim, Khloe, and Kourtney and the family. The jury agreed that, given the history of the shirt, this situation was probably not an instance of cultural appropriation, but that it was definitely cultural insensitivity. However, Paris was unsure about this and still did not feel comfortable calling the family culturally insensitive. She felt that it was inappropriate to make a decision without consulting Native Hawaiian voices; since nobody in the room was a Native Hawaiian, she didn't want to come to a statement of violation. One of the jurors shared an article they had found, written by a member of the Hawaiian diaspora, about the historical damage and present harm caused by the Hawaiian shirt. After reading this article, most of the jury felt even more strongly that the party was culturally insensitive. The jury also discussed how this issue was impacted by colonialism, and how they needed to be cognizant of that when crafting a statement.

However, Paris still felt uncomfortable with this. She felt she needed to read more voices from Native Hawaiians or people directly impacted by colonialism, not just members of the diaspora. The rest of the jury responded that it was not okay to nitpick for a specific voice or call the experiences of the author of the article invalid just because they weren't the exact voices Paris wanted. The jury affirmed that harm is harm, no matter the identity of the victim, and if a

Hawaiian shirt causes that harm because of its cultural history, then it is legitimate to call it insensitive. Paris clarified that she wasn't calling the author of the article illegitimate — she was just unsure if their perspective would be the same as the perspective of another Native Hawaiian. The jury talked about how diaspora experiences can differ from the experiences of people living in their homeland simply because members of a diaspora live in a culture that is not their own and thus can experience more microaggressions, outright racism or xenophobia, cultural appropriation, and cultural insensitivity. The jury also talked about how the history of the Hawaiian shirt harmed more than just Native Hawaiians. They discussed that it was Japanese tailors who were oppressed in Hawaii during the initial period of colonization who created the original shirts. Therefore, the jury determined that there are many people of many different experiences who could find the shirt insensitive due to its history, and it is important to listen to all of those voices.

At this point, the jury (except for Paris) was in agreement that this was an instance of cultural insensitivity. Paris reiterated that she felt uncomfortable speaking for a community to which she did not belong. The jury pointed out that this would be the case either way; no matter what the jury did, they would either say the party was culturally insensitive or that it was not culturally insensitive. The rest of the jury felt that, given the opinions of Native Hawaiians they had read, it was more accurate to say that the party was culturally insensitive. The jury continued to discuss the issue, but Paris was still unsure what to do. Ultimately, the jury was not able to come to a consensus. They decided to take a few days to think more about the issue and revisit it at their next meeting.

Jury Deliberations IV / Second Statement of Violation

At the beginning of the next meeting, Paris told the jury that she had come to the realization that she needed to block the statement of violation for three reasons. First, she felt that Kris' initial confrontation through the Facebook post and through her discussion with a family member was not correctly motivated. She felt that Kris had been acting out of anger, and not out of a desire for discussion, and that this had tainted the entire following procedures. Second, she was concerned that Kris's initial Facebook post was based on incorrect information — Kris initially understood the party as "Hawaiian" themed, while Kim, Khloe, and Kourtney insisted the theme was "Hawaiian shirts". Third, she felt the jury did not have a proper understanding of Hawaiian culture, was missing voices of Native Hawaiians, and could not speak on behalf of an identity they did not share. Additionally, Paris brought up the recent DC "Hawaiian dinner," and noted that the DC had not been brought to trial, which she believed made this trial an inconsistent application of the Honor Code.

After hearing Paris's statement, the rest of the jury had many questions and concerns. The jury noted that they had already discussed Kris's actions and decided that they were not relevant to whether or not the family had committed a violation. Regardless of whether the party was "Hawaiian" themed or "Hawaiian shirts" themed, the jury believed that a violation existed, and

much of their discussion had focused specifically on the shirt. Paris agreed with this, and was willing to move on from those points. Next, the jury discussed Paris's hesitancy to speak on behalf of Native Hawaiians. One juror mentioned that the statement as written discussed this exact concern, and the juror asked Paris if she felt a statement of non-violation (calling the action not culturally insensitive) was also speaking on behalf of Native Hawaiians. Paris appreciated the wording in the statement, but she felt that a statement of non-violation was more of a default position, and thus was one with which she was more comfortable. The jury also discussed the ramifications of a statement of non-violation. If they came to a statement of non-violation, then they would be sending a definitive message to the community that this was not a violation of the Honor Code. Additionally, should they come to a statement of non-violation, there would be no possibility to revisit the case, no resolutions, and no education for the community. Paris mentioned that the case could still be used as a learning experience for the community, and she felt that her other reasons for advocating a non-violation outweighed the potential loss.

The jury also discussed Paris' concern regarding the Dining Center. Since the Dining Center is not under the purview of the Honor Code, it would not be possible to bring them to a trial. However, when the Hawaiian dinner occurred, many people in the community began a dialogue with one another and the DC management to try to prevent such an event from occurring in the future. From this angle, this case was not an outlier, but rather a consistent application of community standards. Since Paris still felt uncomfortable with calling the actions of the family culturally insensitive, one juror mentioned the possibility of clearly defining cultural insensitivity in the statement, since this would leave no room for misinterpretation. Paris felt that this would be better, but still not good enough. The jury again returned to the topic of indigenous voices and the author of the article they previously had read. The jury felt that it was problematic to label voices as "not native enough." Paris clarified that this wasn't her intention, but the rest of the jury mentioned the difference between intention and impact, and how her statement implied that the author of the article was not enough of a Native Hawaiian for their voice to count. At this point, the discussion had become emotional for many members of the jury, so the jury decided to take a brief break to reflect. During the break, some jury members spoke privately with each other about their thoughts and feelings on the trial.

After returning, Paris told the jury that she had thought deeper about her position during the brief pause. She recognized many of the issues people had brought up, and she no longer felt the need to block the statement. She still disagreed with a statement of violation, but she felt her concerns had been voiced, the jury had listened and engaged with her ideas, and the conversation was now complete. Therefore, she now felt comfortable standing outside on a statement of violation. After this, the jury consented to the following statement.

Second Statement of Violation

The [family] violated the social code by acting with cultural insensitivity. This includes theming the party "Hawaiian Shirts", failing to fulfill its role as the party host by enabling individuals to

dress in culturally insensitive and appropriative ways, and allowing this themed party to recur for many years. The party theme of “Hawaiian Shirts” is culturally insensitive (and potentially culturally appropriative) in that it does not take into account the traumatic legacy and negative association around the garment. The jury believes that cultural insensitivity occurred, and included the clause “and potentially culturally appropriative” in recognition of the fact that there are no native Hawaiians present in this conversation, and that, as settler colonists, we cannot make that determination. We also recognize that the Haverford community as a whole holds some level of responsibility for not being active bystanders, for participating in this party in culturally insensitive and appropriative ways, and for allowing this party to recur for many years. We therefore desire more education both for ourselves and the rest of the Haverford community. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)

Tentative Resolutions I

The confronting and confronted parties were present for the next meeting to discuss potential resolutions. Kris, Kim, Khloe, and Kourtney discussed resolutions they thought would be helpful. Kris talked about the importance of education for the family and the entire campus. She wanted to see separate sessions, one held with the family and one open to the community, to discuss the violation and its impact. Additionally, Kris wanted the family to apologize to the community and hold themselves publicly accountable for the party. Finally, she thought it might be helpful for the family to create an anonymous feedback form so the youngest members of the family would feel more comfortable discussing potential problems with prominent members of the family. Next, Kim, Khloe, and Kourtney talked about resolutions they would like to see. They brought up hosting a ReAct discussion with the OMA, which was something they had initially discussed with Dean Seacrest. Additionally, they wanted to work with JSAAPP and the Quaker Bouncers to create guidelines for party hosts about inclusive party spaces. They wanted these guidelines to be made available for every group that might throw parties, not just for the Kardashian family or other reality television stars.

The jury then turned to the trial goal of accountability. Kris suggested a resolution regarding the use of party spaces. She discussed how it is normal for some groups to dominate and become associated with certain spaces, like the family and Calabasas, but there’s a responsibility that comes with that association. She suggested a three strikes system, possibly enforced by the administration or Honor Council, that could hold social groups accountable for their use of campus spaces, especially when they are the only group using those spaces. Kim, Khloe, and Kourtney understood the motivation for this idea, but they felt it did not address the root of the issue, which was a lack of education. After listening to the parties, the jury thanked them for their time, and began deliberating on their own.

Once the parties had left, the jury returned to the idea of accountability. It was difficult to come up with resolutions that worked for the entire family. The jury liked Kris’s three strikes idea, but they felt that was too large scale of an undertaking for the context of the trial. Although

they felt Kim, Khloe, and Kourtney’ repeated emphasis on “other social leaders” may have been another attempt to evade responsibility, the jury agreed that this training was important and wanted to see it in the set of resolutions. The jury also discussed potentially having the family take some responsibility for community education, including the possibility of having them invite a speaker and hold a discussion with the entire family. One juror mentioned that the Quaker Bouncers have had a difficult time communicating with the family in the past, and they felt that a resolution involving the Quaker Bouncers could address accountability. The jury also liked many of the other ideas proposed by the parties. Since it was getting late, the jury decided to adjourn for the night and return again to finish discussing tentative resolutions.

Tentative Resolutions II

The jury began by discussing possible measures to address the trial goal of accountability, including temporarily banning the family from hosting parties or cancelling certain parties. However, the jury felt these ideas were too punitive and not responsive to the situation. Additionally, the jury wanted all of their resolutions to benefit the broader community, and they felt these ideas would not. The jury added several resolutions about a potential open day in Calabasas, a session about bystander awareness for the family, and a speaker to be brought in by the family (through funding from the OMA, the Rufus Jones Fund, or other college sources). Ultimately, the jury felt that the violation occurred because of a variety of factors – including the relationship between the family and the rest of campus and the lack of education about Hawaiian culture – and they wanted to address as many as possible.

Finally, the jury discussed how best to communicate with the family. Throughout the trial, they had only communicated with Kim, Khloe, and Kourtney, and not the rest of the family. Since the statement of violation and many of the resolutions dealt with the entire family, the jury felt it was important for the entire family to have a chance to read them. Therefore, the jury created an anonymous form and sent it to the family members to gather feedback on resolutions and to solicit questions from the family to which they might provide answers. With this in mind, the jury consented to the following tentative resolutions.

Tentative Resolutions

- 1. The [family] will never again host the “Hawaiian Shirts and Miniskirts” themed party. (8 jurors consent, 2 stand outside in absentia)*
- 2. If the [family] is brought to another social trial, the jury for the new trial should take this case into account. (8 jurors consent, 2 stand outside in absentia)*
- 3. By the end of the [redacted] academic year, the [family] should bring a speaker to campus specifically to talk about Hawaiian culture and history. The [family] should consult Dean [Ryan Seacrest] before bringing the speaker, and apply for funding on their own. (8 jurors consent, 2 stand outside in absentia)*

4. *Starting [semester], the [family] should complete a training with JSAAPP at the beginning of each academic year on inclusive party spaces, if JSAAPP is willing.*
 - a. *We encourage other social leaders in the community to participate in this training as well, if JSAAPP is willing, and to potentially have the training be a prerequisite for receiving JSAAPP funding. The jury recommends that Honor Council open communication with JSAAPP regarding this proposal. (8 jurors consent, 2 stand outside in absentia)*
5. *The [family] as a whole should reflect on their responsibility as an institution and how they violated the code by throwing this party. After this reflection, they should write a [family]wide apology letter to the whole Haverford community, due [date]. (8 jurors consent, 2 stand outside in absentia)*
6. *The [family] should create an anonymous feedback form to address their [family] hierarchy and dynamics. This form should allow members of the [family] to provide anonymous feedback regarding [family] atmosphere, [family] parties, and power dynamics to [prominent members of the Kardashian family]. (8 jurors consent, 2 stand outside in absentia)*
7. *Starting [semester], the [family] should email the Quaker Bouncers at least one week before holding a party, notifying them of the party time and location. (8 jurors consent, 2 stand outside in absentia)*
8. *Starting in the [redacted] academic year, the [family] should host an annual “Open Day” in [Calabasas] to invite community members to a joint discussion with the [family] about inclusivity and mutual respect. The [family] should be responsible for organizing the discussion, and Dean [Ryan Seacrest] and the Community Outreach Multicultural Liaisons should facilitate this discussion. All [prominent members and the youngest members of] the [family] are required to attend.*
 - a. *The jury recommends the following topics to jumpstart their discussion: cultural appropriation, toxic masculinity, and safe party spaces. The [family] may also discuss other past abstracts such as Muppets and Charlie, Sabrina, Kelly, and Jill. The [family] may choose other topics to center their discussion. (8 jurors consent, 2 stand outside in absentia)*
9. *Recognizing that these abstracts have content warnings, the jury recommends but does not require that the [family] has a [family]wide discussion on the abstracts Muppets and Charlie, Sabrina, Kelly, and Jill. (8 jurors consent, 2 stand outside in absentia)*
10. *The jury recommends that, starting [semester], each first year hall should have a customs session in the Fall that discusses the abstract of this trial with the abstract Muppets. (8 jurors consent, 2 stand outside in absentia)*

On resolutions as a whole: (8 jurors consent, 2 stand outside in absentia)

Finalizing Resolutions I

The jury met with the parties again to discuss their set of tentative resolutions. Kim, Khloe, and Kourtney spoke first. They expressed disappointment with all of the resolutions and with the entire trial process. In particular, they still felt that it was inappropriate to aim resolutions at the entire family when the entire family had not been involved throughout the trial. The jury mentioned the form they had created after their last meeting, although they had not received any responses from members of the family. The jury asked Kim, Khloe, and Kourtney if they disagreed with the intent behind the resolutions; in particular, several of the resolutions (Resolutions 1, 4, and 6) had been suggested or agreed to by Kim, Khloe, and Kourtney at the previous tentative resolutions meeting. Although Kim, Khloe, and Kourtney liked many of the resolutions in theory, they explained that they felt this trial was not the right avenue to enforce them. Additionally, they felt that the mandatory nature of resolutions meant that real change would not occur, since it would just be something people were forced to do. Kim, Khloe, and Kourtney also believed the resolutions were not responsive to the situation.

The jury tried to address Kim, Khloe, and Kourtney's concerns. They discussed how it would be literally impossible for any real change to happen without the involvement of the family. For instance, the prevention of any future iterations of the party (something Kim, Khloe, and Kourtney had suggested) could not happen without future families knowing about this trial and that resolution. Additionally, although the jury regretted not informing the entire family about the trial earlier, they pointed out that it would be logistically impossible for the entire family to be part of the trial process. The jury also discussed their motivations behind the broader resolutions. They felt that this violation had not occurred in isolation; the family had a certain presence and reputation on campus, and they believed there was a history of people being hurt by things the family had done. The jury wanted to address how the family's reputation contributed to this violation. Since the jury believed lack of understanding about Hawaiian culture and safe party spaces contributed to this violation, they included resolutions addressing these things as well. Kim, Khloe, and Kourtney responded that they understood the intent of the resolutions, but they still didn't feel this was the appropriate way to address them. They felt that this was a point of fundamental disagreement between themselves the jury, and while both sides understood where the other was coming from, it would not be possible to reach mutual understanding.

The jury also asked Kris what she thought about the resolutions. For the most part, she thought they were appropriate and would be beneficial to the entire community. She said that part of the reason she had brought this case to Honor Council was because she thought she and Kim, Khloe, and Kourtney could not have come up with ideas to effectively resolve this situation on their own, and she felt the jury had done this. She had a few suggestions to make the resolutions more responsive to the situation, including removing Resolutions 7 and 9.

The jury also talked to Kim, Khloe, and Kourtney more about what the resolutions should address versus what they were currently addressing. Kim, Khloe, and Kourtney did feel that resolutions such as the open house could help bridge the divide between the family and the rest

of the community, but they did not feel comfortable with that type of resolution coming out of a trial. However, as they had already discussed, they felt they had a fundamental disagreement with the jury, and could not come to mutual understanding, despite trying throughout the trial process. The jury agreed and, after thanking the parties for their time, decided to return to the finalizing process later, since it was getting late.

Finalizing Resolutions II

The jury met one last time to finalize resolutions. Although they still disagreed with Kim, Khloe, and Kourtney on what would be an appropriate focus for the resolutions, they did feel that some of the resolutions were not responsive to this situation and could be removed or altered. In particular, the jury decided to change the timing of many resolutions to make them less broad in scope. Additionally, the jury changed some resolutions to recommendations. The jury did not make these changes because they felt that their previous resolutions were bad ideas; rather, they made these changes so that their resolutions were more responsive to the situation and thus more likely to be carried out by the family. With these changes complete, the jury consented to the following set of finalized resolutions.

Final Resolutions

1. *The [family] will never again host the “Hawaiian Shirts and Miniskirts” themed party. (9 jurors consent, 1 stands outside in absentia)*
2. *If the [family] is brought to another social trial, the jury for the new trial should take this case into account. (9 jurors consent, 1 stands outside in absentia)*
3. *By the end of the [redacted] academic year, the [family] should bring a speaker to campus specifically to talk about Hawaiian culture and history. The family should consult Dean [Ryan Seacrest] before bringing the speaker, and apply for funding on their own. (9 jurors consent, 1 stands outside in absentia)*
4. *In [semester], [semester], and [semester], the [family] should complete a training with JSAAPP on inclusive party spaces, if JSAAPP is willing. We recommend that they continue to complete this training in later years.*
 - a. *We encourage other social leaders in the community to participate in this training as well, if JSAAPP is willing, and to potentially have the training be a prerequisite for receiving JSAAPP funding. The jury recommends that Honor Council open communication with JSAAPP regarding this proposal. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)*
5. *The [family] as a whole should reflect on their responsibility as an institution and how they violated the code by throwing this party. After this reflection, they should write a [family]wide apology letter to the whole Haverford community, due [date].*
 - a. *The jury also recommends that [prominent members] of the [family] should*

reflect on their [family] dynamics and implement ways to address related problems, such as with an anonymous feedback form. (9 jurors consent, 1 stands outside in absentia)

6. *In each of the [redacted] and [redacted] academic years, the [family] should host an “Open Day” in [Calabasas] to invite community members to a joint discussion with the [family] about inclusivity and mutual respect. The [family] should be responsible for organizing the discussion, and Dean [Ryan Seacrest] and the Community Outreach Multicultural Liaisons should facilitate this discussion. All [prominent members and the youngest members of] the [family] are required to attend. We recommend that they continue to host this Open Day annually.*
 - a. *The jury recommends the following topics to jumpstart their discussion: cultural appropriation, toxic masculinity, and safe party spaces. The [family] may also discuss other past abstracts such as Muppets and Charlie, Sabrina, Kelly, and Jill. The [family] may choose other topics to center their discussion. (8 jurors consent, 1 stands outside, 1 stands outside in absentia)*
7. *The jury recommends that first year halls discuss this abstract in the Customs session about cultural appropriation. (9 jurors consent, 1 stands outside in absentia)*

On resolutions as a whole: 9 jurors consent, 1 stands outside in absentia

Post-Trial

The Dean of the College exercised her right to offer alternative resolutions (as outlined in Article VII Section 2 (f).vi of the Students’ Constitution). After speaking to the trial chair, the jury, and the parties involved, the Dean recommended alternate resolutions on both procedural and substantive grounds. For procedural grounds, the Dean noted that there was no procedure for confronting a large group such as the family, and the jury had not adequately informed or involved the family throughout the trial. The Dean did not fault the jury for this; this situation had never arisen in the history of Honor Council. However, this made it impossible for the jury to have a conversation with the confronted party or enforce resolutions involving the family. Additionally, the Dean felt that it would be best for the resolutions of the jury to be carried out with a more long-lasting institutional presence, since the family was not a group created to deal with this issue and was not the best group to educate the campus. Therefore, the Dean recommended that all the resolutions be replaced with the following resolution.

The Dean’s Office, Student Engagement and Leadership, Community and Residential Life and Diversity and Community Engagement [will] work with students and others in the community to develop educational offerings like some of those suggested in the resolutions, and [will] take primary responsibility for facilitating the community’s exploration of key issues involved. It would be preferable to do this in conjunction with a dedicated student group as well, perhaps

Students Council leadership or a designee, but it is clear that we are in a better position to establish mechanisms and processes that “outlive” individual students and groups. This is not to say that we find ourselves “accountable,” but that having an identifiable, deliberative structure is the only way to ensure clarity of community engagement and to responsibly address issues evoked by the jury. Such offerings would include, but not be limited to, mandatory party host training that addresses inclusive social spaces, and ReAct and/or other conversations around the concept of “cultural appropriation.”

After speaking with the trial chair, the appeals liaison, and the Dean, the President of the College decided to accept this alternate resolution.

Discussion Questions:

1. How does it affect the trial process when the jury does not include a person holding a relevant marginalized identity?
2. Should students be allowed to serve as representatives for a larger group during the trial process? How should a jury balance the logistic complications of a larger confronted party with the importance of keeping all parties fully informed?
3. If, at present, Honor Council cannot effectively or constitutionally facilitate a trial for a large group on campus, how should these violations or possible violations be handled? Should the trial process itself be reformed to accommodate potential violations of this nature? Should there be a separate pathway designated, potentially outside of the purview of Honor Council?
4. To what extent and in which circumstances are party hosts responsible for the actions of party attendees?
5. Paris believed that the trial process was “tainted” because Kris confronted “out of anger.” How can parties balance the need for fair confrontation with the emotional repercussions of individual or community harm? Reflecting on past cases like *Charlie*, *Sabrina*, *Kelly*, and *Jill*, how can the idea of a “fair confrontation” be used to undermine the credibility of the confronting party and the trial process? How should juries handle this?