Our Flag Means Death: 
An Honor Council Social Trial
Released Spring 2022

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Key:
Confronting Party: Jim (they/them)
Confronted Party: Blackbeard (he/him)

Summary/Pre-Trial:
This case concerns a series of violations of the Social Code. While living aboard the Revenge, Blackbeard microaggressed Jim after Jim came out as queer to Blackbeard. The living environment became extremely toxic and negatively affected Jim’s mental health. While they initially blamed themself for Blackbeard’s reaction, Jim grew to understand that it was Blackbeard who had behaved wrongly. Instead of going through confrontation themself, Jim had the COMLs serve as the confronting party and the COMLs remained a support system for Jim throughout the trial. While the jury grew to understand that Blackbeard did not intentionally hurt Jim, harm was done nevertheless.

Fact Finding/Circumstantial Portion:
The jury first met with Jim, who was supported by the COMLs, during their fact finding/circumstantial meeting. Jim began by articulating their memories of Blackbeard’s aggressions. Jim and Blackbeard lived together aboard the Revenge and quickly developed a close relationship, since the two had already known each other and had been part of adjacent pirate crews. Due to this connection, Jim knew that Blackbeard’s old crew had an active LGBTQ+ organization, which led them to expect Blackbeard to be an ally, and to feel more comfortable with coming out to him. However, when they did, he broke their trust. He asked Jim if they had come out to him because they liked him, which Jim later understood as a microaggression. Blackbeard also told Jim that he would not treat them differently, but that he was worried that Jim would be unable to live a normal lifestyle. Since Blackbeard was the first person to whom Jim came out, they felt stunned and disquieted, not knowing how to react. They blamed themself for oversharing and creating this uncomfortable situation. A few days later, Jim recounted this interaction to a friend from home, which led them to realize how problematic
Blackbeard’s reaction had been.

After Jim came out to Blackbeard, their relationship shifted dramatically. Jim recalled Blackbeard avoiding physical contact and becoming irrationally angry about instances that were outside Jim’s control. For example, Blackbeard would flinch when Jim was close to him; he also faulted them for a clogged toilet without reason. The residential environment became increasingly hostile and uncomfortable for Jim, which took a major toll on their mental health, particularly since other members of the Revenge crew were also insensitive about queer identities and experiences. Jim had to take a step back from their work and their communal friend group and struggled with depressive behavior, such as sleeping inconsistent and nontraditional hours and avoiding meals. Jim began seeing a therapist and tried to find other residential accommodations, which were unavailable to them; thus Jim became stuck in this toxic environment. Jim eventually moved out, but continued to avoid Blackbeard, who did not seem to realize that Jim was avoiding him.

The COMLs then explained the confrontation process that they initiated on behalf of Jim. The COMLs confronted Blackbeard over email, to which Blackbeard responded quite defensively and unapologetically. He did not acknowledge doing anything harmful and emphasized his positive perception of his relationship with Jim.

The Chair then opened the floor for questions from the jury. In answering questions, Jim explained the events in greater detail. They said that in educating them on a “normal” lifestyle, Blackbeard had told Jim that their parents, and pirate parents in general, would not consider Jim ‘normal’. In addition, Jim thought their residential cohabitants probably did not realize the tension between Jim and Blackbeard, as people had not paid attention; even if they had, Jim kept up a public facade. In part due to the lack of public recognition, Jim continued to blame themself; it took them time and significant reflection to realize that the situation was not their fault. They have since been able to connect with people and resources that have helped them feel supported.

One of the jurors asked if Jim thought that their experience was specific to Blackbeard, the residential experience, or a subculture on campus. Jim expressed that they thought there is a subculture of people who are intolerant of queer folks, but that they wanted to give them the benefit of the doubt concerning intent. However, regardless of the intent of members of this subculture, they are causing harm. While people should, ideally, come into college knowing about the LGBTQ+ community, this will not always be the case; therefore, Haverford should provide educational resources.

The Chair closed the discussion by asking if there were any resolutions that Jim wanted the jury to specifically consider. They said that their biggest concern was for Blackbeard to realize what he had done was wrong and had caused harm. They wanted to ensure that this doesn’t happen to others. They also wanted a sincere apology from Blackbeard.

The discussion of resolutions with Jim also led the jury to recognize that there were insufficient resources and structures to support Jim and that the college needed to do better to
support queer students. For example, there are insufficient CAPS therapists and a distrust of CAPS among some queer students due to negative interactions. The College ought to also augment its educational resources; GRASE (Center for Gender Resources and Sexual Education) is a wonderful place to start, but there should also be mandatory education aimed at all incoming students.

At his fact finding/circumstantial meeting, Blackbeard began by denying all wrongdoing. He said that he had never said that Jim was abnormal, that Jim never made him feel uneasy, and that he did not flinch when they got physically close. Blackbeard also did not think that he had behaved irrationally angry toward Jim at any point that they lived together and that anyone who lived with them would support his story. In interpreting Jim’s growing distance, Blackbeard said he just thought that Jim was introverted and that he was shocked when he received the confrontation. Blackbeard said that the confrontation made him depressed and that he had started therapy.

The jury then had the opportunity to ask questions; this period of questioning was approximately two hours long and what follows is only a summation. The jury asked about the events immediately connected to Jim coming out to Blackbeard. Blackbeard described how Jim was anxious about the cultural connotations of coming out in the pirate community and that Blackbeard had told them to only tell people that they trusted. Blackbeard asked Jim if they liked him because he was trying to understand why he was the first person at Haverford Jim was coming out to. This was not the first time that someone had come out to Blackbeard, but Jim was more nervous than other people had been and Blackbeard advised that they seek help from CAPS or other therapy resources. Blackbeard did not recommend that Jim get support from their family because he said there was a lot of social pressure concerning queerness in the pirate community. When Jim came out to him, Blackbeard felt sad because he saw how pressured Jim felt and told Jim to be careful about telling people so as to diminish risk. In directing Jim to resources, Blackbeard’s main concern was alleviating their anxieties about social pressure. Blackbeard did not remember if it was him or Jim who first brought up the social pressures around being queer.

Blackbeard still did not understand why he was being confronted and remained confused about how his actions had been interpreted so differently by Jim than how he understood them. While the jury tried to lead Blackbeard to a place of understanding through the questioning process, it was not working. The Chair decided a more direct approach might work better and asked Blackbeard to put himself in Jim’s shoes. The Chair asked Blackbeard to imagine that he had just revealed a part of his identity to someone else for the first time and that person had reacted with fear and reiterated the danger of having such an identity. This would probably make him feel silenced, and once the trust was broken, the remainder of their time living together would have been impacted by this fear. The Chair then concluded by saying Jim didn’t bring it up or confront Blackbeard directly because that would have opened them up to further rejection and fear.

This was a moment of realization for Blackbeard. He started to cry as he understood for
the first time that he had caused harm, that the reason that Jim spent so much time apart after they came out to Blackbeard was not because they were introverted, but because they no longer felt safe. Blackbeard repeated several times to the jury how sorry he was and how horrible he felt that he had hurt his friend. Blackbeard thanked the jury for having this conversation with him, for helping him understand that even though he had honest intentions, his actions had a very harmful impact. The jury expressed that they understood that Blackbeard did not intend harm, but harm had been done nevertheless and they were grateful Blackbeard had engaged in the process with them. With this, the fact finding/circumstantial portion of the trial came to a close.

Jury Deliberations I

The jury quickly reached agreement that Blackbeard had violated the Honor Code, though the violation was unintentional. Despite the two parties’ many disagreements on the facts of their residential experience, both parties acknowledge that Blackbeard had asked Jim if they liked him when they came out, which constituted an act of microaggression. Jim’s trust in Blackbeard as a fellow member of the Haverford community and a friend was thus broken. The jury further recognized that Blackbeard’s behavior towards Jim was devoid of respect, as he had breached Jim’s personal boundaries. Blackbeard also initially refused to reflect upon his actions, though it was suggested that he had begun reflecting at this point in the trial.

Statement of Violation:

[Blackbeard] violated the Social Honor Code by breaking community values of trust, concern, and respect. He breached [Jim’s] trust, behaved disrespectfully through acts of microaggressions, and failed to act out of concern by initially refusing to reflect on his actions. [Blackbeard] did not intentionally violate the Honor Code but harm was done nonetheless.

(8 consent, 2 jurors stand outside in absentia)

Jury Deliberations II

The process of writing resolutions was fairly seamless. Having just concluded the fact finding/circumstantial portions, the jury had a clear understanding of how to pursue the trial goals of education, restoration, and accountability. For education, the jury talked about having Blackbeard partake in further conversations about queer identities and experiences, and decided that the best avenue for such conversations was the GRASE center. The jury then considered restoration of relations between Blackbeard and Jim, and that between Blackbeard and the community. One jury member (following earlier conversation between Jim, the COMLs, and the jury) proposed a letter of sincere apology, which was supported by other jury members. The jury also wanted to offer a mechanism to hold a mediated conversation between the two parties, but only if Jim felt comfortable. The jury recognized that restoration between Blackbeard and the community was critical, as he had violated the principles of trust, concern, and respect shared by the community as a whole. Therefore, the jury agreed that a letter to the community was
appropriate.

The jury considered it imperative that it recognizes and critiques the college for the failure to provide education for incoming students about queer identities and experiences through the Customs program. Orientation, in theory, should create a baseline of collective knowledge for incoming students so as to ensure a level of understanding of diverse identities that students may not have received in their home-life or high school environment. This goal was not met in this case and the College must reexamine its orientation program to minimize possibilities of future harm.

Tentative Resolutions:
1. [Blackbeard] will meet with a representative from GRASE [redacted] to gain insight into and further educate himself on the social dynamics surrounding gender and sexuality. The frequency of these meetings will be determined by the GRASE director in consultation with the trial chair, with the initial meeting taking place within three academic weeks of [redacted]. (8 consent, 2 stand outside in absentia)
2. [Blackbeard] will write a letter of sincere apology to [Jim] reflecting on the impact of his harmful words and actions, regardless of his intent. Following the jury’s discussion with [Blackbeard], we believe that a sincere letter can be written so long as [Blackbeard] rearticulates the regret and newfound understanding that he conveyed to the jury. (8 consent, 2 stand outside in absentia)
3. [Blackbeard] will write a letter of restoration to the community, in which he reflects on the harmful impact of his words and actions, and on how he has grown as a result of the trial process and subsequent events. (8 consent, 2 stand outside in absentia)
4. If [Jim] feels at any point during their remaining time at Haverford that it would be beneficial to have a mediated conversation with [Blackbeard] for the sake of restoration, they can reach out to the Honor Council Executive Board (code@haverford.edu), who will provide someone trained in mediation with the requisite background information. (8 consent, 2 stand outside in absentia)
5. The jury recommends that Haverford College reevaluates its current first year orientation and residential education programs. We, in the strongest terms, condemn the college’s general lack of institutional education and programming surrounding gender and sexuality and how to approach and resolve interpersonal conflicts. (8 consent, 2 stand outside in absentia)

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

Statement on Reporting:
The jury recommends that this incident not be reported to institutions of higher education. (8 consent, 2 outside in absentia)
Finalizing Resolutions:
For the finalizing resolutions meeting, the jury met with Blackbeard to go over their reasoning for the resolutions. His only request was for a timeline, which the jury then provided. Jim approved over email.

Final Resolutions:

1. [Blackbeard] will meet with a representative from GRASE [redacted] to gain insight into and further educate himself on the social dynamics surrounding gender and sexuality. The frequency of these meetings will be determined by the GRASE director in consultation with the trial chair, with the initial meeting taking place within three academic weeks of [redacted time]. (8 consent, 2 outside in absentia)

2. [Blackbeard] will write a letter of sincere apology to [Jim] reflecting on the impact of his harmful words and actions, regardless of his intent. Following the jury’s discussion with [Blackbeard], we believe that a sincere letter can be written so long as [Blackbeard] rearticulates the regret and newfound understanding that he conveyed to the jury. He will send this letter to the Honor Council Staff Support Person by [redacted date]. (8 consent, 2 outside in absentia)

3. [Blackbeard] will write a letter of restoration to the community, in which he reflects on the harmful impact of his words and actions, and on how he has grown as a result of the trial process and subsequent events. He will send this letter to the Honor Council Staff Support Person by [redacted date]. (8 consent, 2 outside in absentia)

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

Post-Trial:
The resolutions were followed up upon and no one appealed.

Discussion Questions:
1. In what ways can Haverford College redesign first year orientation programs to educate students on diversity, equity, and inclusion? What role could the Honor Council have in this process?
2. When someone unintentionally violates the Honor Code and causes harm, how should the Honor Council and the community recognize and respond to the violation?
3. Could things have turned out differently if alternative housing accommodations were made explicitly available to Jim?
4. As seen in this trial, what role can support systems like COMLs play in empowering students who are otherwise uncomfortable confronting others?
5. How should cases of discrimination be approached when those involved are from cultural backgrounds in which identities are perceived and treated differently than what is expected at Haverford?

Letter to the Community
I sincerely apologize for my harmful words and actions that breached the trust of a community member due to my lack of knowledge of the appropriate way to articulate support during a particularly sensitive moment. It was the first time the member came out. They told me their concerns and showed extreme vulnerability. Instead of giving encouragements, I agreed with their concern and told them to be cautious to the potential harms they might receive after coming out. The way I was trying to protect them made them feel discouraged and hurt. It took them so long to pluck up courage to express their identity, but my reply was just depressing and inconsiderate from their point of view. Once the trust was breached, it seemed necessary for a third party to mediate because there was a lot of misunderstandings regarding my actions. I did not find out their feelings prior to the trial process, remained shocked and confused, and had to meet with the CAPS at least once a week to relieve the anxiety of going to a “trial”. Fortunately, the trial was in fact a conversation that helped both sides to find out what happened. During the process, I realized how people could be easily hurt during such vulnerable moments, as well as the importance of me giving enough support. I could not feel worse knowing that the person has been living under great stress since then. I am very grateful that the trial helped me see the conflict through the other person’s perspective, and pointed out resources that I could use to deepen my understanding of sexual identity. I will keep learning better ways to articulate my intentions to eliminate misunderstandings, and try my best to relate to others through learning their sufferings.

Sincerely,

[Blackbeard]