

Honor Council

H A V E R F O R D C O L L E G E

Public Portion Minutes from November 21, 2010

Members Present: Phil, Alex, Hilary, Charlie, Ian, Jamey, Florencia, Sam, AJ, Josh, Emily, Emma, Connor, Noah

Members Absent: Abby, Anna, Seth

Guests:

1. Moment of Silence
2. Florencia proposes Emily speak in a Texan accent for the rest of the meeting
3. We bonded over the concept of sharing our middle names
4. Committee Reports
 - a. Student Outreach
 - i. Hilary: Because confrontalogue was Garret V's idea, we had a meeting with him (AJ, Hilary, and Garret). They came up with a t-shirt design.
 - ii. AJ: Other friends were there and so they had bad puns. Ideas:
 1. Tree, lumberjack "Confront-a-log"
 2. Hilary burns Charlie for not coming to meetings. Maybe he could share his ideas if he joined the meetings.
 3. Essentially, the meetings are just Hilary and AJ's friends
 4. Hilary: AJ and Asia will work on the designs tomorrow.
 5. Emily: try to get a design design for next week
 6. Hilary: I don't think we can consent on a t-shirt design because I don't like it. No one knows what confrontalogue is.
 7. Alex is a good HCO. His freshmen know what confrontalogue means.
 - b. Trico
 - i. Sam: Trico is good.
 - ii. Emma: Bryn Mawr said they'd get back to us but not right now. Not until after thanksgiving break at least.
 - iii. Emily: Swat?
 - iv. Noah: Contacted Swat. No good communication
 - v. Emma: I think we need Bryn Mawr on board first.
 - vi. Emily: I don't think it's about intimidation
 - vii. Emma: I agree but we need to show that this is important to us and it should be important to them to.
 - viii. Emily: But you still need to talk to Swat. Did you set up a meeting with Martha?
 - ix. No. Will soon.
 - c. Faculty Outreach
 - i. Jamey: Looking at surveys soon
 - ii. Emily: PPC was great!!

These minutes reflect the opinions of Hilary "Team Confrontalogue" Schwartz and Alex "How Do You Confrontalogue Someone, Anyway?" Tonsing, the Council co-secretaries (hschwart@hc or atonsing@hc) and are neither approved nor reviewed by the rest of Council. Questions/comments? Email code@hc!

- iii. Jamey: Thanks for coming everyone (sarcastic). It was nice having the professors talk.
 - iv. Emily: They were pretty positive on the Honor Code.
 - v. Noah: Sewanee had an Honor Code too.
 - vi. Jamey: Yeah. But it can't change. It's set in stone
 - vii. Emily: Like Westpoint
 - viii. Hahaha
 - ix. Jamey: Will do talking points for the next meeting
 - d. Abstract Committee
 - i. May or may not have met
 - e. JSAAPP
 - i. Sam: Four Loco. We think they should not drink it.
 - ii. Phil: They're going to take the caffeine out.
 - iii. Jamey: They don't sell it at Bryn Mawr Liquor anymore. It's a hard knock life
 - iv. Hilary: There are instructions online for how to make it
 - v. AJ: We're going to distribute information about Four Loco and the dangers of drinking it.
 - vi. Emma: They're outlawing each drink one at a time. It's silly.
 - vii. Florencia: There was an ambulance in front of Marshall because a BMC girl fell. It was before the dance show. I think she fell down the stairs
- 5. CSSP Communication Document
 - a. Emily: We edited the document and gave it to Martha. She printed it and read it and said it looked good but she didn't want to sign off on it too quickly. She should be getting back to us about that soon
- 6. Jamey Tangent
 - a. Jamey: Someone brought up an art project that could be offensive. It's of a girl giving a lap dance to someone and it will be placed in the DC. Is that OK?
 - b. Emily: Wait, they want to put art in the DC?
 - c. Jamey: It's performance art
 - d. Emily: So it's a REAL lap dance?!
 - e. Jamey: Yeah
 - f. Hilary: They will probably get confronted.
 - g. Josh: I feel uncomfortable agreeing to it or not agreeing to it.
 - h. Emma: He'll get a lot of people angry at him on the Go! boards
 - i. Connor: What's the point of his performance art?
 - j. Jamey: What's the point of any performance art? Probably to get him upset.
 - k. Noah: Then tell him he'll be very successful
 - l. Phil: Ask him if he needs any performers
 - m. Jamey: He might be getting outside performers. That's what freaks me out.
 - n. Emma: I'd come to the DC for this.
- 7. Should Honor Council Juries find out if someone who's on trial has been involved in a previous Honor council trial of similar nature?

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- a. Emily: There were some voices who thought juries needed to know and there were others who thought it was a confidentiality breach and would become a punishment. We need to decide whether juries should ever get this information at all, under what circumstance, when in the trial, who decides, is there veto power, ect.? Also, in a meeting with the lawyers, there could be some liability on the college if someone had a whole lot of alcohol violations and then something bad happened, then the school could get in trouble for not doing something about it. It's a faulty example because we don't deal with alcohol violations but the point is clear.
- b. Emma: It's like Transformers
- c. Jamey: would we get something like this with repeated violations.
- d. Emma: Yes. We would.
- e. Emily: There seems to be a stall because we've hashed through all of the arguments but we're still not getting anywhere. Are the people who were uncomfortable with sharing information still uncomfortable with it?
- f. Jamey: Still uncomfortable.
- g. Noah: How about we all share what we're thinking.
- h. Emily: Let's rehash
- i. Noah: I think it's good because we avoid the possibility of someone breaking the Honor Code a bunch of times, and they're not that bad, but it happens a lot. If something happens a lot of times it might be the case that there's something really weird going on with this person that is not being addressed in the resolutions. Like little things, like if we try a resolution to educate them and it doesn't work and the second jury knows that the jury can be like okay try something different
- j. Emma: It's a case where if something like it comes up again the individual hasn't been restored to the community and in that case the trial isn't really even over, because it failed. It comes down to whether you'd rather protect their confidentiality or restore them to the community
- k. Connor: I agree but I'd like a system where like if something new comes to Honor Council, Martha can check if they've been involved with other stuff, and she can tell the co-Chairs, and before they bring it up, allowing the party the opportunity to discuss it with the Co-Chairs. Much more about restoring people than confidentiality.
- l. Noah: We ended on this sort of thing where I was like well we need to give juries all this information and trust them to make a good decision. But you were sort of like I don't trust juries with all that information, and with all that, they would make a punitive decision.
- m. Jamey: Comes off as very punitive and will scare people.
- n. Noah: You mean people who have broken the Honor Code more than once?
- o. Jamey: if it becomes a precedent that your past comes off it's going to become much more punitive than restorative
- p. Alex: It's not restorative at all if we just keep giving them the same resolutions, it's like a slap on the wrist, so much more punitive. If you change the resolutions, not necessarily make them more severe, but just change them, they can actually do something.

- q. Jamey: How are they not going to be more severe? “Try harder” v. “Try differently” – If I hear that someone’s plagiarized twice, I’m going to think MORE is in order. Resolutions are fairly uniform, creativity is not our strong point. It’s going to come off as tacking on more and more and I see it becoming a problem. I understand restoration but I think it’s going to become punitive.
- r. Alex: If they’re uniform then what’s the point of the second trial?
- s. Emily: My first reaction would be what can we do differently? I think harsher might come out of that but isn’t necessarily included. If your reaction is this person plagiarized once before and the resolutions didn’t work and we need to do something that more emphatically says plagiarism is bad. But if that’s your reaction and that’s the whole jury’s reaction- then obviously that’s what we should be doing
- t. Noah: You think harsher is not necessarily inappropriate?
- u. Emily: I don’t think it’s necessarily harsher. And I’m comfortable considering it harsher.
- v. Jamey: Line is already hazy between restorative and punitive. And I worry that this kind of thing pushes it towards punitive.
- w. Josh: Do you mean the perception?
- x. Jamey: Perception and our actions. Because then it’s not I’m restoring them for this one thing but for both of these things. I’m worried that not only does it seem punitive but that it is punitive.
- y. Emma: Consenting on this kind of assumes that you’re trusting the jury to make a decision that is appropriate. Which is kind of the whole idea of the Honor Code.
- z. Jamey: I trust the jury but I don’t think this is necessary.
- aa. Emma: Why we study history- so we don’t fuck up again. Not knowing that makes us liable to make the same mistakes again and in doing so makes us not able to restore the person to the community. No one wins.
- bb. Emily: Can we talk about what restorative justice is?
- cc. Hilary Emma Josh: NO
- dd. Noah: Yes
- ee. =(
- ff. Florencia: I don’t think people disagree on whether or not it’s restorative but that in doing so it might be punitive.
- gg. Connor and Ian: Yeah let’s talk about it.
- hh. Phil: In what ways do you think Honor Council’s resolutions are punitive?
- ii. Jamey: The idea that you do something but you make an action like plagiarizing and you go through various steps, a lot of people already talk see it as punishment. Community already discusses Honor Council as punishment.
- jj. Phil: I feel like construing it as punishment is just a result of how we think about these kind of processes.
- kk. Connor: Yeah like punishing criminals. Because we think of “trials” as punitive. Make sure everyone knows what is punitive and what is restorative and make sure everyone knows what is punitive and what is restorative

- ll. **Idea of community outreach to discuss restorative vs. punitive**
- mm. Emily: Anna and I really wanted to have these discussions around campus. It seems like this is something we should do. Publicity to educate the community about being restorative.
- nn. Noah: I know a speaker.
- oo. Emily: That was kind of a side note. But maybe we do want to combine a decision like this with some sort of statement about restoration.
- pp. Connor: Excellent idea.
- qq. Jamey: I think there are cases where it could be more beneficial. I'm just worried about it.
- rr. Emily: In my mind, not choosing between confidentiality and restoration
- ss. Jamey: I'd like to see something like the CSSP letter. I think we can easily say something like "We very much want to say this..."
- tt. Emma: If you're going to trust the jury to have restorative justice the first time, why don't you trust them the second time?
- uu. Florencia: It's not the same group of people
- vv. Emma: But it's the same community being drawn from
- ww. Jamey: I don't like the idea of breaking confidentiality.
- xx. Emma: So you'd be fine if it wasn't for confidentiality?
- yy. Jamey: If a student agrees to breaching their confidentiality, then sure, whatever.
- zz. Josh: Clarifying question
- aaa. Jamey: I don't know if giving them all the information is always the best choice, but if the student feels it is then it's fine
- bbb. Emily: I think we need to get the focus of this conversation back on the group weight. Go around.
- ccc. Support if they are deemed to be related but I think the student should be given the opportunity to voice their concerns about whether or not to share the information but I don't know who should have the ultimate power, I think the jury should receive information about a confronted party's prior relevant trials, I agree with Emily, I'm not okay with generalizing, I agree with AJ and Josh, I understand the benefits but I'm worried about taking away power from somebody, I don't disagree with what everyone's saying but I don't like the idea of somebody's power being taken away
- ddd. Emily: Do you support it as a concept and worried about the logistics?
- eee. Ian: I think it's too problematic. I don't want it to happen but I don't disagree with it. I can't reconcile the choice.
- fff. I'm overall agreeing with the idea of sharing information I would add that there is a possibility that there is a past trial that someone would like to keep confidential from someone that's on the jury now but they would have an issue with someone being on a past jury, I agree, I agree I think that the whole point of trial's is restoration and without all the information you can't restore I don't think it's necessarily a violation of confidentiality because if you look at it that way then bringing something to trial already is an issue of confidentiality, I agree very strongly with the idea of sharing

past cases with the jury I think confidentiality is a means to get to restoration so I guess I'm not concerned with confidentiality being broken, I'm sympathetic to the reasons why people would not want this to happen but I think that it's the right decision.

- ggg. Emily: Leaning towards the idea of juries getting the information and that the whole situation needs to be restorative. **SHE SAID WHAT ALEX SAID** => Enough significant concerns that she's not ready to consent. One idea that Anna brought up is a "letter of intent" that goes to the jury about aiding restoration.
- hhh. Charlie: One thing that should be brought up is that the preliminary meetings for juries eliminate a lot of these worries.
- iii. Phil: I think in a preliminary meeting, restorative justice isn't emphasized enough.
- jjj. Emily: What about the idea of having a specific letter that would be given to juries in the event that they find out about a past case?
- kkk. Connor: One letter at the beginning of the trial would be a good reminder.
- lll. Emily: Sam, you can see it being useful in some cases but not all?
- mmm. Sam: I think it's just a matter of application. Stems from my own confusion of what is a relevant case? Walks the line of helping the individual and harming them in very substantial ways. There will be repercussions if juries feel a pattern has been established.
- nnn. Emma: What if the confronted party has input on the decision?
- ooo. Sam: Why would a confronted party want to establish a pattern of bad decisions?
- ppp. Emily: As soon as there's any discussion, you're getting an antagonistic relationship.
- qqq. Alex: I think you can offer the confronted party an option of how to present the information. Maintains some power in the hands of the student. Gives them a lot of power of how it's portrayed and how they felt when they walked away from the past trial
- rrr. Connor: Great
- sss. Sam: Huge variable to introduce them to the trial process
- ttt. Jamey: I worry that if the student is very much not for the idea of telling the jury, they're not going to be happy with either choice. Making a choice where it's like both options feel like you're losing, psychologically, hurting yourself on your own terms vs hurting yourself elsewhere.
- uuu. Emily: We're getting into logistics.
- vvv. Hilary: Without the logistics, this conversation is never going to end.
- www. Jamey: Becomes problematic to the point of whether I wonder if it's worth it. Who determines what's relevant? How you actually say it? Does the student actually have say?
- xxx. Connor: Which is going to be more of an issue, do we have any kind of past trials of anything that we can look at to help with this?
- yyy. Emily: Hasn't been any mechanism in the past.

- zzz. Emily: I don't think this is an issue that's going to come up a lot. My impression is that people don't generally come to Honor Council a bunch of times. Just based on familiarity with Honor Council, I don't think that this happens a lot. While that doesn't take away from the fact that this is a very important decision, it matters.
- aaaa. Connor: What if we left it up to our discretion?
- bbbb. Emily: The idea is that we'd be getting this information after coming to a statement of violation...
- cccc. Emily: Would the weight of the group be in agreement that there could be a situation in which...
- dddd. Sam: Can we consent? And why would we? What does that move us towards?
- eeee. Emily: I think this is a very logistically complicated situation. Almost impossible to come to consensus on something if you don't know what those logistics will be.
- ffff. Florencia: The spirit of this idea, the general idea that it is a good idea.
- gggg. Emily: The weight of the group is that this is a good idea. I'm not sure what we can do to make those three people more comfortable with that decision and I'm not sure if it will help to say that we intend to discuss restoration in the community and have a letter. I don't know what can be done but we've ended up in the same place we are last week and I'm not sure that if we talk about it more if we can get any closer. Do you want to consent on the spirit or break?
- hhhh. Josh: I like the idea of consenting on the idea that there are situations that it would be helpful in some situations for the jury to know about past trials. At least we can move into a different conversation
- iiii. Sam: I feel like consenting to that statement is a bizarrely formalized way of saying we want to keep talking about this. If we do want to keep talking about this, we need to talk logistics
- jjjj. Noah: I think this may be a situation of saying the same things with different words. Whether having a discussion of whether or not what we're going to do this
- kkkk. Emily: Not willing to consent but we should temporarily move on under the assumption...
- llll. Sam: I would need a reason to consent. I need to understand the logistics before agreeing to that statement.
- mmmm. Jamey: Is the goal that we want this to go forward and we just don't know how? I don't feel comfortable consenting to the ends when we don't know the means...
- nnnn. Emily: Not ready to consent on anything but we're going to start our next discussion that moving forward, our next discussion will begin with the details of what would make this work?
- oooo. Sam: Given that people are interested in a framework for discussion, what about a framework of "if we could make this work, what could we do?"

pppp. Jamey: Confidentiality and who decides what are relevant are separate debates. If you nullify all of those except for one, we can come to understanding. So if we talk about one thing and try to find something everyone can agree on then we're moving towards something then just bouncing around and not getting anywhere.

qqqq. Emily: If we can make this work, what would that look like? And we can focus on different, isolated, aspects?