

Abstract Discussion: Sunday December 11th, Swarthmore Room of the DC.

Arthur

An Honor Council Social Trial¹

Released Fall 2005

Introduction:

On a summer evening, Arthur broke into the carpentry room,² causing \$1245.20 in damage to the door. He was confronted by Roger, a senior member of the Safety and Security office, and the matter was referred by Honor Council to a social trial. There was considerable discussion by Honor Council as to whether an action committed over the summer fell under its jurisdiction, and this discussion continued briefly in the trial itself, but members of Council ultimately agreed that Arthur's actions were still governed by the Honor Code even though classes were not in session. Some members of Honor Council worried about the fact that the administration does not consider students to be students over the summer. However, Honor Council felt that it was important that this case be dealt with by students, and thus the case went to trial. One member of Honor Council stood outside of the consensus to make this decision. Both parties were present for the fact-finding portion of the trial; both parties submitted statements.

Fact-Finding:

Roger's statement

Arthur contacted Safety and Security in an attempt to gain access to the carpentry room, which is located in the Ned Ludd Integrated Technology Center. He was denied access because it was the summer and he had not been properly authorized to enter the room. After refusing his request, some officers, who recognized Arthur's car from past encounters with him, saw his car parked outside the Technology Center. The two officers entered the building, where they heard the sound of carpentry equipment being used.

The officers went to the carpentry room, where they saw three men using equipment that could have belonged to the college. The door to the room was broken and the officers observed a hammer, with traces of blue paint on it. The door was also painted blue and the officers assumed that the hammer had been used to break into the room. When questioned as to how they gained access, the three explained that they did not have a key. The officers called for backup; two superior officers responded to the call. The three men told the four officers that they had not broken the door handle. Defying the request of the officers, Arthur and his friends fled the scene. The officers found evidence of the door having been broken with a hammer. The room was secured until a new door could be installed.

¹ This is the first Social Trial since the process was created at Plenary.

² The particular type of room has been contrived by the abstract authors to fit Arthur's unique situation, while still maintaining his confidentiality.

Later that night, officers saw Arthur's car, which was identified as his by its Haverford College parking sticker, parked near the school with carpentry equipment in it. The officers checked to make sure that no equipment was missing from the carpentry room, and determined that nothing had been stolen.

Roger later spoke to Arthur, who said that he had broken into the carpentry room in order to practice his woodworking. Arthur explained that he and the two non-students had left the room because security officers told them that the police had been called.

Roger clarified that the police were never called. The officers had been instructed to call the police in such a situation, as students were not technically classified as students over the summer, but had decided to call Roger instead to double-check. Roger reversed his instruction over the phone, and asked the officers to address the situation without calling the police. Roger wasn't sure whether or not the officers had ever said that the police had been called.

Arthur's Statement

Arthur explained that he and two non-student friends had driven a long way to Haverford for the sole purpose of doing some carpentry with their own equipment. They needed to practice before working professionally over the summer. (He later added that he had also wanted to pick up some of his own carpentry equipment that he had left in the carpentry room.) He explained that, in order to gain access to the carpentry room, he had called Safety and Security, who had told him he could not get in. He had walked down to the Security office to personally talk to the officer on duty, but had still been refused access. Officers told Arthur that he was not considered a student because it was summer. If he had been living on campus (which he was not), he would have been considered a tenant. Arthur stated that he was treated rudely by the officers. Moreover, he stated that he should have had access to the carpentry room, but had had trouble getting on the list of authorized persons. (Roger later clarified that over the summer, no students had access.)

With the hope that someone might be using the carpentry room, Arthur drove with his friends to the Ned Ludd Integrated Technology Center. They entered the building, but no one was using the room. Thus, Arthur and his friends broke into the carpentry room. Arthur stated that he did so by kicking down the door. According to Arthur, they had just begun to turn on the machines, when security officers entered the room and told Arthur and his friends that the police were on their way. Arthur expressed a concern about the fact that he was not considered a student. If not a tenant, and not a student, he asked the jury, what was he?

Arthur explained that he had a series of carpentry jobs lined up over the summer, and was worried about going to jail for this and other reasons, and this was why he and his friends left. He also stated that he and his two non-Haverford friends could not afford to get arrested, and thus fled when the officers indicated that the police were on their way.

Later that week, Arthur stated, he had gotten a call from a friend of his who was living on campus. The friend explained that security had put up flyers with his name and picture on them.

The flyers, his friend said, explained that Arthur had stolen equipment from the carpentry room.³ Within two weeks, Arthur responded to Roger, who had called him, and they discussed the matter. Arthur made sure to point out that he accepted full responsibility for his actions, and was willing to do whatever was necessary to repair his breach of trust with the community, but felt that Safety and Security had made the situation worse than it had to be, particularly by way of the “wanted posters”. Arthur emphasized that he had driven all the way down to the college for the express purpose of practicing using the carpentry equipment, and to reclaim his own equipment. He also emphasized that he had attempted to gain access several times by acceptable means, before he broke into the carpentry room.

Questions from the Jury:

It was clarified that Arthur had both kicked the door and used a hammer to force it open. Arthur had not mentioned this in his statement.

Roger explained that the posters Arthur described would be against college policy. Any such posters would have had to have been approved by the Dean or the President of the college, and would only be posted only under extreme circumstances. Furthermore, continued Roger, there would have been no need for such posters, as Arthur’s identity and contact information were known, and nothing had been stolen.

Discussion then moved to the interaction between Arthur and the officers. Roger explained that he had a tape of the telephone conversation, which was played with Arthur’s consent. Multiple jurors noted that, on the tape, Arthur claims to have a key to the carpentry room, and that he only needed to be let into the building. However, in Arthur’s statement, he asserts that the door to the building was open, but he lacked a key to get into the room itself. Arthur explained that he thought he could get a key once he got to campus, but this turned out not to be the case. Arthur concluded this portion of the trial by saying that breaking down the door was a mistake and that he was sorry, but that he needed his belongings, and had broken the door (as opposed to seeking more legitimate means) because he was disrespected by the officers.

The Chair dismissed the parties for the evening and the jury began deliberations.

Deliberations:

First, the jury continued the discussion, which had taken place in the confidential portion of several Honor Council meetings, as to whether or not cases that occur over the summer ought to go to trial. The jury eventually decided that the Honor Council decision to allow the case to come to trial should stand. Some jurors worried that this case might set a precedent that students are bound by the Code over the summer. They argued that the administration does not afford to “tenants” the same trust they afford to “students,” thus negating the responsibility to abide by the code. One juror stood outside of consensus because of this concern.

³ This allegation that posters had been put up was never fully addressed. After the trial concluded, the chair of the trial suggested to Arthur that he discuss the matter with appropriate members of the college’s administration.

Eventually, the jurors came to the conclusion that Arthur had violated the Honor Code, although the nature of the violation was disputed. Some jurors felt that the violation was in the act of vandalism, whereas others felt that the act constituted a breach of trust between Arthur and the Security officers. Still other jurors felt that the violation was perpetrated against the student community, whose possessions stored in the carpentry room would have been left unprotected had his actions gone unnoticed.

Eventually, the jury came to consensus on this statement of violation:

Arthur violated the Honor Code by vandalizing community property and endangering the property of others, thereby breaching the trust of the community, which, as defined by the Honor Code, includes staff. The Honor Code defines community as “the student body, faculty, staff and administration.”

One juror, Ann, stood outside of this consensus because she felt that undue emphasis was placed on Safety and Security in the wording of the statement.

Circumstantial Portion:

The jury and Arthur reconvened for the circumstantial portion of the trial; Roger could not attend due to scheduling complications. Arthur explained that he was frustrated and felt that as a result of their past interactions with him, security distrusted him, and treated him with disrespect when he asked for access to the carpentry room. He said that he couldn't consider Security to be part of the Haverford community, as they didn't trust the students. Though Roger had maintained that security would not post “wanted posters,” Arthur said that his friends saw posters in Safety and Security Office and by the Blue Bus stop. Arthur emphasized that the posters made him very upset, compromised his confidentiality, and undermined the values of the Haverford community.

Arthur also responded to an allusion that Roger had made to a past incident with security during which Arthur had snuck into an apartment during a college break: He said that Security had refused to let him in, but he had never, in fact, broken into the apartment to get anything. He suggested that the Security officers might have a grudge against him.

When asked what resolutions he felt would be reasonable, Arthur suggested a letter to the community, community service time and the opportunity to clean up and reorganize the carpentry room. He also suggested that he have lunch with Roger and discuss the role of Security on campus. When a jury member asked whether he should be responsible for the cost of the door, Arthur admitted that he was responsible, but explained that neither he nor his family was in a “good financial situation.” He suggested that getting a second job would be hard for him. He expressed an interest in finding a way to repair the breach of trust between himself and the community.

Arthur also suggested that Security publicize their policies and make them clear to the student body. He wanted students to be involved in formulating these policies.

Deliberations:

Members of the jury were skeptical about Arthur’s suggested resolution that he should clean and reorganize the carpentry room; there were concerns that he was seeking to use the authority of the Code to organize the carpentry room the way he wanted it. It was suggested that there seem to be larger communication issues surrounding the carpentry room, and that it might not be appropriate to force him to pioneer their mediation.

A letter to the community was suggested, and generally agreed upon.

The jury spent a good deal of time discussing money and debated whether or not the full cost of the door should be repaid. The jury requested an itemized bill of damages, which they received at a later meeting.⁴ Several jurors thought it would be appropriate for Arthur to do general work for Facilities Management, because they had repaired the physical damage to the door. The jury spent a lot of time discussing whether or not Arthur should be required to pay the full price, and this discussion continued over several days of deliberation.

John, a juror, suggested that Arthur be held accountable for the material costs of the repair, but repay the labor costs with his own labor. The jury generally agreed that work for Facilities should be included somewhere in the resolutions. The chair of the trial offered to contact the director of Facilities Management to see if their office would be willing to cooperate.

Jurors also requested that the chair ask Roger for a set of suggested resolutions. Feeling they needed more information, the jury adjourned. They reconvened several nights later for further discussions.

During the second day of deliberations, the Chair explained that the director of Facilities Management would be willing to work with Arthur if the jury so resolved. John reiterated his suggestion that Arthur pay outright for the cost of the lock and door, but repay the labor costs by working 15 hours for the community—the same amount of time Facilities Management workers and Security Officers had dedicated to fixing the door. Others expressed concern that Arthur’s time was not as valuable as the time of a skilled professional, and thus the community would not be fully compensated for its expenses, effectively supporting his actions at the expense of other college programs.

The jury came to tentative resolutions, which are reprinted below. However, they were blocked by another juror, Ariela, who did not feel that it was fair to expect the College to absorb the cost of the repairs. Moreover, Ariela was worried that not every voice had been heard. The tentative resolutions were:

4 Breakdown of Repair Costs:

1 new door - 44 inches by 80 inches, flush birch solid core	\$595.00
1 new Best mortise lock set	\$275.20
8 hours labor to remove and install	\$200.00
4 hours labor to prime and paint	\$100.00
3 hours labor to secure day of incident	\$ 75.00
Total cost	\$1245.20

1. Arthur will write a letter to the community to be released with the abstract.
2. By the beginning of the next school year, Arthur will complete a payment of \$870.20 to cover the cost of the door and lock.
3. Arthur will complete 15 hours of unpaid work at Facilities Management to match the hours of labor required to secure the room and replace the door.
4. Arthur will complete an additional 15 hours of community service at Facilities Management in order to repair the breach of trust with the community.
5. Arthur will meet with Roger with the intention of working to repair the breach of trust with Safety & Security. The nature of this meeting will be determined by Roger.

Ariela calculated that, if Arthur's work were worth \$9.00 an hour, working 30 hours would not fully repay the college for the cost of his actions. Another juror pointed out that the second 15 hours of community service at Facilities Management was not meant to count towards paying back the door at all. Rather, it was intended to "pay back the community." Ariela felt that she could not consent on the resolutions until Arthur was held responsible for the full cost of the door, which was a difference of \$120.50 according to her calculations. Few jury members, however, were comfortable with the idea of raising the dollar amount that Arthur owed, or with raising the number of hours he was required to work. The jury seemed unable to come to consensus at this time, and thus turned their attention towards "suggestions" on issues not able to be addressed by resolutions. The jury wanted to emphasize that these suggestions, meant to clear up miscommunication and to address Arthur's concerns, do not justify Arthur's actions.

1. The jury suggests that the Administration work with Students' Council and Honor Council to discuss students' status for both tenants and non-tenants during breaks.*
2. The jury suggests that Security and students work together to publicize official policies, rules and regulations regarding admittance into buildings both over the academic year and during breaks. The jury suggests that this information be publicized on Security's web site.
3. The jury suggests that Arthur speak with the Students' Council Appointments Committee to address the miscommunications regarding access to the carpentry room.*

* These suggestions are not meant to justify Arthur's actions.

The jury was able to consent to these suggestions, but continued to debate the resolutions. Ariela still felt that the college was absorbing too much of the cost of the door. The chair called a recess until the following week, due to insurmountable scheduling concerns.

When the jury met again, some jurors expressed concerns that the trial was too rushed, though it had already extended several weeks. Another juror pointed out that the purpose of the trial was to bring Arthur back into the community, and not to punish him.

Jurors, for the most part, maintained their previous stances on resolutions. Some, including Ariela, felt that the dollar amount was too low; others thought it was too high. Some thought that the number of hours were insufficient; others thought that the number of hours was excessive. Still others felt that to raise the number of hours to satisfy the concerns of those who wanted the full amount paid would undermine the philosophical integrity of asking Arthur to do community service.

While many jurors were flexible, none wanted to begin writing new resolutions. A juror felt that a due-date of the end of the school year for both sets of 15 hours of work at Facilities Management would be helpful. This juror thought that this would make sure that this work didn't loom over Arthur until graduation. This point was generally agreed upon by the group. Jurors explained that the first 15 hours of work at Facilities served to enhance communication and understanding between Arthur and college staff. It also allowed Arthur to see what staff members at Facilities may have had to contend with as a result of his actions. The second 15 hours would allow Arthur to give something back to the community, thus repairing the breach of trust. Some members of the jury felt that the distinction between the two sets of 15 hours was important to emphasize. Another juror thought that the distinction was artificial.

Jurors talked about further compromises but felt that the current resolutions already represented a series of compromises. The jury agreed on time limits for paying back and for the community service.

At this point, the jury consented on all of the resolutions. However, several jurors stood outside on a number of the resolutions.

Resolutions:

- 1. Arthur will write a letter to the community to be released with the abstract.⁵**
- 2. By the beginning of next school year, Arthur will complete a payment of \$870.20 to cover the cost of the door and lock.****
- 3. By the end of this school year, Arthur will complete 15 hours of unpaid work at Facilities Management to match the hours of labor required to secure the room and replace the door.***
- 4. By the end of this school year, Arthur will complete an additional 15 hours of community service at Facilities Management in order to repair the breach of trust with the community.****
- 5. Arthur will meet with Roger with the intention of working to repair the breach of trust with Safety & Security. The nature of the meeting will be determined by Roger.**

*** One juror stood outside of consensus on this resolution.**

**** Two jurors stood outside of consensus on this resolution.**

Suggestions:

- 1. The jury suggests that the Administration work with Students' Council and Honor Council to discuss students' status for both tenants and non-tenants during breaks.**
- 2. The jury suggests that Security and students work together to publicize official policies, rules and regulations regarding admittance into buildings both over the academic year and during breaks. The jury suggests that this information be publicized on Security's web site.***

⁵ The letter has not been received by Honor Council at the time of initial publication of this abstract.

3. The jury suggests that Arthur speak with the Students' Council Appointments Committee to address the miscommunications regarding access to the carpentry room.*

*** These suggestions are not meant to justify Arthur's actions.**

Ariela stood outside of the consensus on these tentative resolutions. She felt that it wasn't possible for Arthur to repair his breach of trust with the community if he was relying on the community to foot the bill for his actions. Ariela felt that the only way to repair this breach of trust was to pay for the damage he had caused. However, she acknowledged that the weight of the group was that the resolutions were enough, and thus stood outside of consensus for certain resolutions, as opposed to blocking.

At this point, the jury adjourned until it could meet with the party to discuss the resolutions. Roger was not able to attend this meeting.

Presentation of Resolutions:

Roger communicated to the jury that was satisfied with the resolutions.

Arthur expressed concern regarding the financial expectations, and felt that the trial should serve a purpose other than getting him to pay for the door. He worried that the resolutions were punitive. He also expressed concern over the number of hours he was expected to work at Facilities Management. He did not, however, have alternate suggestions for the jury.

When asked by the chair if he believed he had broken the Honor Code, Arthur responded in the affirmative, but expressed concern that he had been confronted by someone who is not himself bound by the Code. Jurors pointed out that professors, whose confrontations most frequently result in trials, are not bound by the Code either. Arthur also expressed concern that, in his opinion, the trial was being used to carry out administrative duties of the college.

The Chair dismissed Arthur, and the jury began final deliberations.

Final Deliberations:

With the exception of Ariela, who stood outside of consensus, the jury consented on allowing the tentative resolutions to become final.

Discussion Questions:

1. Should a Haverford student be considered a student during the summer? Are students bound by the Honor Code during the summer? When off campus? Studying abroad?
2. Should Honor Council deal with acts of vandalism at all?
3. Is it fair that students are usually confronted and taken to trial by individuals not bound by the Honor Code?
4. Should students have access to student spaces during the summer?