

# Fall Plenary 2013: Dan on the Run



## FALL 2013 PLENARY AGENDA

- I) Moment of Silence
- II) Welcome to Plenary!
- III) Rules of Order and Agenda
  - a. Three minutes to look over Rules of Order and examine Agenda.
  - b. Five minutes for questions concerning agenda or Rules of Order.
  - c. Call for amendments to change Agenda or Rules of Order.
  - d. A vote to accept any amendments to the agenda must have 2/3 majority vote.
- IV) Presidential Announcements
- V) Resolution #1 (Honor Code Failure Procedure) – 2/3 majority vote
  - a. Presenters have five minutes to introduce resolution.
  - b. Question and Answer session: ten minutes to be extended no more than once by 1/2.
  - c. Pro-Con presentations: fifteen minutes with motion to extend by fifteen minutes no more than twice by 1/2.
  - d. Response to Pro-Con debate by resolution presenters: three minutes.
  - e. Call for Friendly Amendments: support of all presenters and approval of chairs needed – five minutes allowed to turn in
    - i. Presentations of recognized Friendly Amendments
    - ii. Question and Answer: five minutes
    - iii. Pro-Con debate: ten minutes
    - iv. Vote on Friendly Amendment – majority vote
  - f. Call for Unfriendly Amendments: 75 signatures needed – seven minutes allowed to turn in Unfriendly Amendments with a motion to extend by seven minutes no more than once.
    - i. Presentations of recognized Unfriendly Amendments
    - ii. Question and Answer: five minutes
    - iii. Pro-Con debate: ten minutes
    - iv. Vote on Unfriendly Amendment – majority vote
  - g. Moment of Silence
  - h. Vote on Final Resolution
- VI) Resolution #2 (Revision of Honor Council Procedures) – 2/3 majority vote  
Procedures a.-g. same as above.
- VII) Alcohol Policy Ratification
  - a. JSAAPP Co-Chairs Present Alcohol Policy.
  - b. Question and Answer session: ten minutes to be extended no more than twice.
  - c. Pro-Con presentations: fifteen minutes with motion to extend by ten minutes no more than three times.
  - d. Response to Pro-Con debate by JSAAPP Co-Chairs: three minutes.
  - e. Vote on ratification of Alcohol Policy – 2/3 majority vote
- VIII) Final Moment of Silence

## **RULES OF ORDER**

1. In order for quorum to be reached, at least 50% of the students living at Haverford must be present at Plenary. If quorum is lost at any point during Plenary, the meeting will be suspended until quorum is again reached. After 30 minutes without quorum, the chairs may evaluate the situation going forward.
2. An amendment to the agenda will follow the rules for “Unfriendly Amendments” except that the final vote will pass with a 2/3 majority. Any portion of the agenda may be changed.
3. During any given pro-con debate a person will not speak for longer than two minutes at any given interval, nor shall they be recognized by the chair more than two times. Upon each extension of a pro-con debate, a person may be recognized by the chair one additional time.
4. Plenary may add “Friendly Amendments” or “Unfriendly Amendments” to a resolution by a vote of the majority. All friendly and unfriendly amendments must pertain to the current resolution as seen in the eyes of the chair. Once an amendment has been approved it may not be reversed, nor the resolution be withdrawn.
5. The chair shall call for a paper vote on all items deemed necessary by the chair. When so requested, the vote will be taken by secret ballot. Quorum (50 %) must be reached on all paper votes.
6. If the chair (or one member of the chair) wishes to speak to the content of the resolution, he or she must step down until the proposal is resolved. The Vice President(s) shall then preside for the remainder of that resolution.
7. The time limit for Plenary shall be four hours. If this time limit expires, the assembled Plenary shall vote to extend the time limit half an hour no more than one time. If the assembled Plenary fails to extend the time limit by majority vote, the pending resolution (if any) will be voted on immediately, without further discussion.
8. Once a resolution is passed by Plenary while quorum is present, the resolution is an action taken by the assembled Plenary. The passed resolution will be in effect at the close of Plenary unless it is subject to other procedural regulations. All resolutions will be presented to the President of the College within seven (7) days of the close of Plenary.

## **PLENARY PEOPLE**

Philip Drexler and Jacob Lowy	Plenary Chairs and SC Co-Presidents
Rachel Baskin and Brianna Robbins	Plenary Vice-Chairs, SC Co-Vice Presidents
Kelly Boylan and Claire Dinh	Plenary Co-Secretaries, SC Co-Secretaries
Ryan Baxter-King and Brian Guggenheimer	Honor Council Co-Chairs
Janela Harris and Jeremy Steinberg	Plenary Co-Secretaries, HC Co-Secretaries
Shelby Lyons and Ivan Sanchez	JSAAPP Co-Chairs

### **Students' Council**

Philip Drexler '14 and Jacob Lowy '14, SC Co-Presidents  
 Rachel Baskin '14 and Brianna Robbins '15, SC Co-Vice Presidents  
 Brianna Groh '15 and Jack Hasler '15, SC Co-Treasurers  
 Kelly Boylan '16 and Claire Dinh '16, SC Co-Secretaries  
 Hannah Zieve '14, Officer of Academics  
 Sarah Wingfield '15, Officer of the Arts  
 Diana Perry '15, Officer of Athletics  
 Allison Kandel '14, Officer of Campus Life  
 Maria Bojorquez-Gomez '13, Officer of Multiculturalism  
 Class Representatives:  
 2014: Catherine Schepp  
 2015: Emily Ferguson  
 2016: Gus Helbock  
 2017: Gabriel Delabra

### **Honor Council**

Ryan Baxter-King '16 and Brian Guggenheimer '16, HC Co-Chairs  
 Janela Harris '14 and Jeremy Steinberg '16, HC Co-Secretaries  
 2014: Besan Abu Radwan, Brian Brown, Zach Rosenthal  
 2015: Seema Doshi, Melissa Lee-Litowitz, Will Leiser  
 2016: Damon Motz-Storey  
 2017: Christopher Bobbe, Sergio Diaz, Michael Furey, Michaela Novakovic  
 Jon Sweitzer-Lamme, HC Librarian

### **JSAAPP**

Shelby Lyons '15 and Ivan Sanchez '15, JSAAPP Co-Chairs  
 TBD '14  
 Juliette Rando '15  
 Ali Lamacki '16  
 Marina Simon '17

### **Student Representatives to Major College Committees**

Administrative Advisory Committee: Chelsea Mitchell '14, Dawit Habtemarian '15, Brian Guggenheimer '16  
 Educational Policy Committee: Hannah Zieve '14  
 Committee on Admission: Hannah Bahn '14, Ian Gavigan '14, Ananda Coleman '16  
 Strategic Plan Steering Committee: Philip Drexler '14, Daniel Gordon '14, Jacob Lowy '14  
 Senior Class Representative to the Board of Managers: Raymond Deluca  
 Junior Class Representative to the Board of Managers: Sarah Eppler-Epstein

## Plenary Resolution #1 – Alteration of Procedure After an Honor Code Fails Ratification

Presented by: Melissa Lee-Litowitz '15

*Recognizing* the importance of a transition period following an Honor Code failing ratification, the purpose of which is adequate time for the Deans, Honor Council, Haverford professors, Students' Council, and the student body as a whole to organize Special Plenary and/or a contingency plan for the smooth functioning of the College without an Honor Code in place,

*Recognizing* the current possibility for the student body to reject or fail to show a commitment to an Honor Code which the Haverford community then continues functioning under and being held accountable to for an entire academic semester,

*Recognizing* the positive impact of the Haverford student body's ability to enact changes and improvements to the Honor Code through student governance and observe those changes in the semester in which they were resolved,

*Be it resolved* that the following paragraph from section 3.08 of the Students' Constitution, entitled Ratifying the Honor Code:

Should the Honor Code fail ratification, the Haverford Community will continue to observe the Honor Code's rules and guidelines until the end of the current semester. If no Honor Code is ratified before the semester ends, the Code will cease to be in effect. Further Plenaries may still be convened to ratify an Honor Code.

Shall be altered to be read as:

Should the Honor Code fail ratification, the Haverford Community will continue to observe the Honor Code's rules and guidelines for a transition period of 6 academic weeks after the vote. A Special Plenary can be organized at any time within that period to ratify an Honor Code. If no Honor Code is ratified within that transition period, the Code will cease to be in effect. Further Plenaries may still be convened to ratify an Honor Code.

## Plenary Resolution #2 – Revision of Honor Council Procedures

Presented by: Jon Sweitzer-Lamme '14

*Whereas* the Constitution of the Haverford College Students' Association has been written over many years and has many different authors, and

*Whereas* the clarity of that document suffers as a result, and

*Whereas* Honor Council requires a high degree of clarity to guide its actions, and

*Whereas* the following changes serve to codify the ways in which the Constitution has been read, and

*Be it resolved* that the following changes be made to the Students' Constitution:

(Key: **Bold**=new language, *italic*=language copied from elsewhere, ~~*italic struck through*~~=language copied to elsewhere, ~~struck through~~=language removed)

### **Article VI. Judicial Powers**

## Section 6.01 Composition of Honor Council

Honor Council is an elected group of 16 students (four from each class) that manages the administrative aspects of the Honor Code on behalf of the community. Council may be required to resolve difficult situations and apparent violations of the community's trust. Honor Council is charged with interpreting the sections of the Code that leave room for flexibility, are vague or have contradictory readings. Among the administrative responsibilities of Honor Council are the following: producing literature about the Code for prospective students; introducing first year students, transfers, new faculty members, administration and staff to the Code; publishing abstracts about past cases; advising faculty about specific situations they may discover; and informing the community of campus issues related to the Code.

## Section 6.02 Responsibilities of Honor Council

### (a) Responsibilities to the Community

#### (i) Abstracts

1) Abstract Release: In the interest of keeping the community informed, Honor Council will release abstracts with pertinent information about completed trials, Joint Student/Administrative Panels, SFPs, and potentially mediations. *Abstracts are detailed enough to outline the issues, but vague enough to protect the confidentiality of the people involved. No names or revealing information such as specific dates, classes, instructors, or, in social cases, any detailed information which would identify any individual, are included. ~~Abstracts must be released immediately upon Honor Council reaching consensus in approving an abstract for publication, unless one or more of the individual(s) involved in a trial, panel, or SFP requests that the abstract be delayed.~~*

**2) Abstract Writing Timeline under Normal Circumstances:** ~~(See a.i.2. Abstract Delay)~~ The **abstract** co-authors ~~will~~ **should** complete the abstract within two weeks of receiving the chair's report, unless they request an extension by the last Council meeting before the original deadline. Honor Council Co-Chairs may grant a one-week extension or assign an additional Council member who served on the jury to assist them. The chair of the trial will then cleanse the abstract of confidential information before sending the abstract to Council. Honor Council ~~may have up to~~ **should take no more than** two weeks for internal review to revise the abstract. During this time the chair may also request jury members to provide feedback on the abstract. At the completion of this revision process, the tentative abstract will be submitted to all Honor Council members for approval at the next Honor Council meeting. At this time Council will approve this abstract or consent on a ~~one-week~~ revision process if there are concerns with the abstract that cannot be resolved in a single Council meeting. After the **text of the** abstract has been approved, Honor Council will then reach consensus on whether or not to delay the publication of the abstract. This entire process ~~may~~ **should** take no longer than 9 weeks in which classes are in session. Honor Council will acknowledge its success or failure in meeting this timeline in each abstract it releases.

3) Abstract Delay: *Abstracts must be released immediately upon Honor Council reaching consensus in approving an abstract for publication, unless one or more of the individual(s) involved in a trial **or** panel requests that the abstract be delayed.* If an individual(s) involved in a trial requests that the abstract be delayed, Honor Council will weigh the importance of keeping the community informed with the effects of immediate release on the confidentiality of the involved individual(s). Honor Council will then reach consensus on whether or not to withhold the abstract. Abstracts will typically be withheld for no longer than one year. Alternate procedures are followed for Dean's Panel abstracts. *Abstracts are detailed enough to outline the issues, but vague enough to protect the confidentiality of the people involved. No names or revealing information such as specific dates, classes, instructors, or, in social cases, any detailed information which would identify any individual, are included.* In cases where essential trial details threaten the confidentiality of the participants, the jury or the parties may request an additional delay from

Honor Council. The delay will typically not exceed one semester beyond the participants' graduation or permanent departure. A decision to delay **an abstract** may not be altered by subsequent Honor Councils.

4) Additional Abstract Procedure: Abstracts may be published for mediations and discussions as well if Honor Council feels that the community could benefit from their distribution. All abstracts ~~are kept on file in binders maintained by Honor Council and~~ are left accessible to the entire community. Following the publication of the abstract, a community wide abstract discussion will be held by Honor Council so that community members can voice their questions and thoughts on the trial. Additionally, any member of the community who would like to speak to the Council about the trial can ~~notify Honor Council Co-Chairs and~~ attend the next Honor Council meeting to discuss the trial.

(ii) ~~Distribution~~ **Literature**

Honor Council is responsible for making sure that an up-to-date and complete copy of the Honor Code and its guidelines are available to the community. *It is also the responsibility of Honor Council to provide up-to-date and informative literature about the Honor Code for prospective students. The Council should keep the Admission Office informed of any changes or new developments that would be of interest to prospective students.*

~~Council is also required to address such issues as inconsistencies between written procedure and those physically enacted.~~

(iii) ~~Involvement~~ **Outreach**

Honor Council should be involved in the education of the community about social concerns such as alcohol abuse, sexual harassment, emotional stress and drug abuse. While Council members are not trained to be crisis counselors, Council can serve as a source of information where students can go for help. In addition, Council can serve as a consciousness-raising body, by holding discussions, sponsoring collections and lectures, and distributing queries about these sensitive issues.

(iv) Signage

Honor Council should post signs and otherwise remind students that the form, content, and degree of difficulty of any examinations are not to be discussed during finals week. While this rule applies for all exams, it is especially crucial to remind students of the importance of exercising discretion and of not discussing examinations during finals week.

~~(v) Up to date Literature~~

~~*It is the responsibility of Honor Council to provide up-to-date and informative literature about the Honor Code for prospective students. The Council should keep the Admission Office informed of any changes or new developments that would be of interest to prospective students.*~~

(v) Customs ~~Week~~ **Program**

During Customs Week, Honor Council Co-Chairs and Honor Code Orienteers should spend a substantial amount of time discussing the Honor Code with first-year students and transfers. There should be an introduction about the Honor Code made to the entire group of incoming students, including an introduction by Honor Council Co-Chairs, and a historical perspective of the Code given by an appropriate community figure. Each Customs group should have at least one discussion with its Honor Code Orienteer(s). Honor Code Orienteers will be members of the community who have undergone at least one training sessions with Honor Council Co-Chairs.

(vi) Honor Council Member Participations

As student leaders and representatives of the community, Honor Council members are urged to participate in community-oriented activities such as Collection, special lectures, plenary, and community celebrations.

(b) Responsibilities to the Individual

(i) ~~Confidence~~ **Confidentiality**

All matters involving individual students which are brought to Honor Council's attention must remain in strict confidence. No Council member shall discuss cases in progress with other students who are not members of Council. After an abstract has been released, Council members may discuss the case ~~in abstract~~, but should be extremely careful not to reveal the identity of anyone involved.

*All persons involved in a trial, including confronting and confronted parties, support persons, and jurors, **must maintain confidentiality** insofar as it affects all others involved in the trial.*

(ii) Consideration of **Precedent**

While precedent may be used as a guide in handling concerns, each case is still to be considered on its own merits.

(iii) ~~Removal from Jury~~ **Objectivity**

If a case must be resolved in a trial, Council members who feel that they cannot be objective should remove themselves from the jury.

(iv) Procedure

Honor Council must follow the stated procedures for handling concerns. A breach of procedure will be grounds by which the confronted student, in the hope of altering the Council's decision, may appeal to the President of the College. **Honor Council as a body is responsible for preventing** *inconsistencies between written procedure and those physically enacted.*

(c) Responsibilities Within Honor Council

(i) Interpretation

Honor Council is charged with interpreting the sections of the Code that leave room for flexibility. It is, for example, Honor Council's responsibility to decide if a situation warrants the convening of a trial or if it can be resolved on a less formal basis. It is Honor Council's responsibility to handle each case as a unique situation, yet keep in mind that it is also one of a number of similar occurrences, ~~and will therefore serve as a precedent for future cases brought to Honor Council.~~ In interpreting the Code, it is Honor Council's responsibility to consider both the community and the individual involved, and to try to find the balance between what is best for both. ~~Honor Council must never neglect following the full procedure.~~

(ii) Meetings

Honor Council meets on a weekly basis, to discuss current issues involving the Code and any individual concerns which members of the larger community have brought to the Council's attention. These meetings **have two sections, public portion and private portion. Anyone may attend the public portions of such meetings.** *In addition, minutes of public portions of meetings will be published and posted on a regular basis, to*

*keep the community at large informed of Honor Council's actions.* **Individuals bringing specific concerns to public portions of Honor Council meetings are encouraged to alert the Honor Council Co-Chairs in advance.** **Private portions of meetings** are closed to the community at large, as confidentiality must be observed. ~~However, anyone may attend the community portion of an Honor Council meeting. It is encouraged that people make prior arrangements with Honor Council Co-Chairs when planning to attend a meeting. In addition, minutes of meetings will be published and posted on a regular basis, to keep the community at large informed of Honor Council's actions.~~ Honor Council Co-Chairs can call special meetings in addition to the weekly meetings if it is necessary to do so.

(iii) Discussion

After trials, Council members who were on the jury will discuss the trial in detail with the rest of the Council, sharing their impressions, reactions, and reasons for reaching the decisions they did. This discussion is an important educational experience for both the jury members and the rest of Council. It is important that there be constructive criticism of the process and the performance of the jury so that improvements can be made. Notes shall be recorded of these discussions and made available to future Council members for educational purposes. Confidentiality will be honored when creating entries for this record.

(iv) New Council Members

New Council members are given a thorough introduction to the functioning of Honor Council. They should read ~~the filed~~ abstracts of past cases and be informed of policies and interpretations Council is ~~adopting~~ **uses**. This introduction should include, but is not limited to trainings regarding diversity, mediation and trial procedure. *In choosing jury members, there should be a healthy mixture of experienced and inexperienced Council members, so that new members can gain experience while there is still continuity and overlap in jury membership.*

(v) End of Semester Contingency

At the end of the second semester, Honor Council members may need to remain on campus for a few extra days to finish cases and hold trials, if they cannot wait until the next year.

(c) Responsibilities of Honor Council Co-Chairs

(i) Students' Council

The Co-Chairs are also a member of Students' Council and are welcome, but not required, to attend Students' Council meetings and take part in its activities as well as those of Honor Council.

(ii) Procedures

The Co-Chairs are responsible for seeing that all procedures are followed and that Honor Council's responsibilities are carried out.

(iii) Participation

It is the Co-Chairs' responsibility to see that all Honor Council members participate and share in doing the Council's work. If some members of the Council are not doing an adequate job, the Co-Chairs should talk to those members and voice his/her concern to them. If improvement is not noted, then the entire Council

should discuss the problem. A continued deficiency can result in the Council's forbidding (by consensus) a student to run for re-election to Honor Council.

(iv) **End of Term Reports**

At the end of his/her term, the Co-Chairs will submit a report to the next Co-Chairs which describes the Council's activities (in brief) over the past year, and which gives hints about what to expect and how to deal with specific problems, which may arise. A collection of these reports is to be compiled to aid in the training of the Co-Chairs ~~(regarding topics such as how to properly mediate trials)~~. The Co-Chairs ~~are required to~~ **should** read and contribute to this record ~~at the end of every term~~.

At the end of their term, Honor Council Co-Chairs will submit a written report to the President of the College, reviewing the past year's cases and Honor Council activities. The President of the College will refer to this report before he/she decides to renew the policy of student administration of the Honor Code for the coming year.

(v) ~~Dean of the College~~ **Chairs' Reports**

Honor Council Co-Chairs will keep the Dean of the College informed of cases that come to the Council's attention. After every trial, the Co-Chairs will notify the Dean of the College of the recommendation of the jury within 24 hours of the trial's completion. The Co-Chairs will subsequently have three weeks to submit a report to the Dean giving a reasonably detailed account of the trial and the resolution agreed upon by the jury. A cleansed copy of this report will also be submitted to the community member and Honor Council member in charge of writing the abstract for the trial. A file of these reports will be kept by the Dean of the College for only the Co-Chairs to review in cases of separation or the delay of releasing an abstract.

(vi) Faculty Meeting

At the first faculty meeting of every semester, Honor Council Co-Chairs will report to the faculty a summary of the past semester's Honor Council academic concerns, and social concerns if they so choose. ~~At the beginning of every year, an orientation for new faculty members will be held. All new faculty, and those who have been away for a year or more, will be expected to attend.~~

(vii) New ~~Faculty~~ **Employee Orientation**

~~At the beginning of every year, an orientation for new faculty members will be held. All new faculty, and those who have been away for a year or more, will be expected to attend.~~ In addition to an orientation for new faculty members, an orientation for the new staff and administration of the college will be held each year.

~~(viii) End of Term Report~~

~~At the end of his/her term, Honor Council Co-Chairs will submit a written report to the President of the College, reviewing the past year's cases and Honor Council activities. The President of the College will refer to this report before he/she decides to renew the policy of student administration of the Honor Code for the coming year.~~

(d) Responsibilities of Honor Council Co-Secretaries

(i) ~~Honor Council Co-Secretaries~~ **Role**

Honor Council Co-Secretaries are full members of Honor Council and participate in all discussions and mediations which occur in the Council as a whole. It is the specific duty of the Co-Secretaries to take notes and publish minutes of Honor Council meetings, and to take care of the typing and copying of Honor

Council publications. Since these tasks can be time-consuming, the Co-Secretaries can be relieved of some other Honor Council duties, at their own discretion.

#### (ii) Election

Since the Co-Secretaries and the Co-Chairs are elected on a staggered basis, it is also the responsibility of the Co-Secretaries to aid the new Co-Chairs in adjusting to their office and to inform them of cases which have been carried over from the previous Co-Chairs.

#### (iii) ~~Additional Co-Secretaries Responsibilities~~ **Jury Selection**

The Co-Secretaries is also responsible for the selection of juries in cases of trial. The Co-Secretaries will also work towards the goal of achieving a more diverse jury or panel by ensuring that several of the members of the panel or jury will be representative of Haverford's multicultural population as jury selection procedure stipulates. Keeping in mind a balance of gender and class, the Co-Secretaries will request people primarily in the order they are presented. By no means are the Co-Secretaries to prioritize calling people they know to serve on a jury. In choosing jury members, there should be a healthy mixture of experienced and inexperienced Council members, so that new members can gain experience while there is still continuity and overlap in jury membership.

If Honor Council decides that an **academic or social** trial must be held to resolve a problem, 5 of its 16 members, along with 5 randomly chosen members of the community, will be the jury. The random jurors will be chosen from a random jury list maintained by Honor Council Co-Secretaries.

#### (iv) Diversity

*Honor Council will pursue the goal of achieving a more diverse jury by ensuring that ~~at least three members of the 10 members of the jury will be representative of Haverford's multicultural population. When Honor Council~~ **the Co-Secretaries** email potential jurors, randomly selected from the Haverford student population, they will ask students to fill out a self-identification ~~portion~~ **survey**. It will ask whether or not the student in question "identifies as a student of color" and "identifies as a given gender". This information ~~will never leave the email and will not be used again in any form by Honor Council or anyone else.~~ There will be no list **maintained of which students at Haverford identify as students of color.** When selecting a jury of ten students, ~~Honor Council~~ **the Co-Secretaries** will make sure that there are at least 3 self-identified students of color on a jury and at least 3 students who do not identify as a student of color. In addition, there will be no fewer than four students who identify as male and no fewer than four who identify as female. **Proportional adjustments will be made for juries and panels of other sizes. The same proportions will be maintained for juries and panels that are not selected randomly.***

#### (v) Alternate Jurors

The Co-Secretaries should also reserve three community members beyond the number required by the proceeding as alternate jurors who can replace a community juror should the need arise. If the number of jurors required by the proceeding has been reached, the proceeding should begin while the Co-Secretaries continue to find alternate jurors until the fact-finding portion has taken place. At least one of these alternate jurors should self-identify as a student of color. At least one alternate juror should self-identify as male and at least one should self-identify as female. The Co-Secretaries should try to preserve the multicultural composition of the jury to a reasonable extent, while keeping in mind the need to begin a proceeding. An alternate juror may only replace a community juror before the fact-finding portion of a proceeding has been held. Once an alternate juror replaces a community juror, he or she will serve for the remainder of a proceeding.

## (e) Responsibilities of the Librarian

## (i) Librarian Status

The Librarian of Honor Council is not a full member of Honor Council, but appointed by Students' Council for a one-year term during the second semester of each academic year from among the student body. The librarian will not be a current-serving member of Honor Council.

## (ii) Responsibilities

The Librarian of Honor Council is responsible for maintaining an updated, documented record of all changes made to the Honor Code over the course of his or her term. This record should also include all major publications (i.e., committee findings, letters of concern to/from the administration and faculty, Spring Plenary Packets, etc.) regarding the Honor Code. This record will remain accessible to all community members so that they can view the history and changes of the Honor Code.

*The Librarian is also responsible for analyzing and interpreting previous Honor Codes, trial abstracts and all other relevant documentation to distinguish and report trends and precedents to the Co-Chairs.*

## (iii) Additional Responsibilities

~~*The Librarian is also responsible for analyzing and interpreting previous Honor Codes, trial abstracts and all other relevant documentation to distinguish and report trends and precedents to the Co-Chairs.*~~ **The Librarian may be given additional responsibilities by Honor Council.**

**Section 6.03 Honor Council Elections**

## (a) Honor Council Composition

(i) Honor Council shall be made up of sixteen (16) students, four (4) from each class. Honor Council Co-Chairs and the Co-Secretaries are elected by the entire student body, and the other representatives are elected by the members of their classes only.

(ii) All council members serve one-year terms, except all first-semester and two (2) second-semester first-year students, and seniors elected for the second semester.

## (b) Honor Council Nominations

Nominations and elections will be restricted to members of the Students' Association who intend to be enrolled at Haverford College for the duration of their term in office. Nominations for the office of Honor Council Co-Chairs will be open the second Friday of April. Those nominated for Honor Council Co-Chairs or Co-Secretaries may consist of no more than two Students' Association members.

## (c) Election Procedures

Elections shall be staggered to allow overlap in Council membership of new and experienced members. Elections will run concurrent with the Students' Council elections unless unusual circumstances arise.

## (i) Semester One Election Procedures

In the first three (3) weeks of September, four (4) first-year students and two members from every other class, or the number required to adequately fill all of the respective class positions shall be elected. The first-year students will serve for only one (1) semester.

(ii) Semester Two Election Procedures

Honor Council Co-Secretaries are to be elected in December, for a one-year term. The first-year class again will elect four (4) members in December. The two (2) with the greatest number of votes serve one-year terms. The other two (2) serve one-semester long terms. If any freshmen is currently serving as Co-Chairs or Co-Secretaries, or is elected to either position in the second semester election, then only the remaining number of representatives needed to fill four (4) freshmen positions shall be elected, with priority placed on having freshmen representatives serve a full year term. The other classes will elect two (2) members for one-year terms, except Honor Council Chair(s)'s class and the Co-Secretaries' class, which will elect as many members as needed to balance the respective class allocations.

(iii) Following Year Elections

Elections for new Honor Council Co-Chairs, to assume office the following year, shall take place in April in conjunction with Students' Council elections.

(d) Special Elections

If at any time, Honor Council needs to fill a position due to resignation, nominations shall be opened with all due haste by the Students' Council Co-Secretaries, in correspondence with Honor Council. Normal voting procedures shall apply. Honor Council has the right to appoint temporary members until a new member has been elected.

(e) Voting Procedures for Honor Council Elections

(i) Members will vote on a secret ballot. They may write in the names of members of the Students' Association in the space that will be provided, or may abstain.

(ii) The ballot will include the following choices:

- 1) The name of each nominated candidates
- 2) A space for write-in vote (if a write-in option is selected but no candidate is written in or the student is not a member of the Student's Association, the vote shall be counted as a "no vote.")
- 3) A "no vote" option (voting for this option shall count towards quorum)
- 4) An opportunity to abstain from voting in that particular election (voting for this option shall not count towards quorum)

(iii) The candidate or candidates with the greatest majority of votes shall assume office.

(iv) If "no-vote" receives more votes than any candidate in a class, the election shall be deemed invalid and nominations shall be re-opened for that class and a re-run election held for all representatives in that class. If "no-vote" does not receive the most votes, but still receives more votes than the number of representatives necessary to be elected in a class, nominations will be re-opened and the elections re-run for that remaining position and the candidates who received the most votes in the first election shall assume office.

(v) If for the election of Honor Council Co-Chairs or Co-Secretaries, fewer than forty percent (40%) of the members of the Students' Association cast valid ballots, that election shall be considered invalid and will be re-run. If for the election of class representatives, fewer than forty (40%) of the members of that class cast valid ballots, that election shall be considered invalid and will be re-run.

(vi) If any election must be re-run, the Co-Secretaries of Students' Council, in coordination with Honor Council, shall set a deadline for nominations and a forty-eight (48) hour period for elections to take place. The elections shall be re-run will all due haste.

(vii) If the re-run elections are also considered invalid, or no nominations received for the re-run for Honor Council Co-Chairs, Co-Secretaries or Class Representatives, or if at any point due to extreme circumstances there is a position open on Council, Honor Council will have the right to appoint an interim Honor Council Co-Chairs, Co-Secretaries or Representatives.

(viii) In the event of a tie-vote for any office, a run-off between the tie-vote receivers shall take place. The Co-Secretaries of Students' Council shall set a forty-eight (48) hour period for elections to take place. The elections shall be re-run will all due haste.

## Article VII. Trial Procedure

If a resolution to a conflict cannot be reached through confrontation, Honor Council will decide if the situation needs to be resolved in a trial. A trial is necessary if a student is suspected of having violated our community standards and must, therefore, answer to the community for his/her actions. One of six circumstances will take place:

### Section 7.01 Types of Trials

#### (a) Academic Trial

Honor Council ~~will~~ **may** decide **that** an academic situation needs to be resolved in a trial. A trial is necessary if a student is suspected of having violated our community academic standards and must, therefore, answer to the community for his/her actions. Almost all cases of suspected academic dishonesty are resolved in a trial. Honor Council will designate a Council member to explain to the confronted individual the alleged charges, to explicitly inform the person of his or her rights, to familiarize the individual with the trial procedure, and to describe the implications and purpose of each step of the trial process. ~~If Honor Council decides that a trial must be held to resolve a problem, 5 of its 16 members, along with 5 randomly chosen members of the community, will be the jury. The random jurors will be chosen from a random jury list maintained by Honor Council Co-Secretaries. Honor Council will pursue the goal of achieving a more diverse jury by ensuring that at least three members of the 10 members of the jury will be representative of Haverford's multicultural population. When Honor Council emails potential jurors, randomly selected from the Haverford student population, they will ask students to fill out a self-identification portion. It will ask whether or not the student in question "identifies as a student of color" and "identifies as a given gender". This information will never leave the email and will not be used again in any form by Honor Council or anyone else. There will be no list.~~

~~When selecting a jury, Honor Council will make sure that there are at least 3 self-identified students of color on a jury and at least 3 students who do not identify as a student of color. In addition, there will be no fewer than four students who identify as male and no fewer than four who identify as female.~~

In cases when dealing with highly sensitive or potentially legal issues the jury may consent to involve a dean in such matters. The choice of dean will be determined by the chair of the trial and Dean of the College based on objectivity and pertinence to the issues involved. The dean will have access to all facts of the case,

and may attend meetings if he or she chooses to gain a better understanding of the jury consents. Their role is to provide an administrative perspective as well as to inform the jury of College policies and resources. The dean will not be a consenting member of the jury, and will not be part of deliberations unless consented to by the jury.

#### (b) Social Trial

If a resolution cannot be reached through confrontation, Honor Council will decide if the social situation needs to be resolved in a trial. A trial is necessary if a student is suspected of having violated our community social standards and must, therefore, answer to the community for his/her actions. Honor Council will designate a Council member to explain to the confronted individual the alleged charges, to explicitly inform the person of his or her rights, to familiarize the individual with the trial procedure, and to describe the implications and purpose of each step of the trial process. ~~If Honor Council decides that a trial must be held to resolve a problem, 5 of its 16 members, along with 5 randomly chosen members of the community, will serve as the jury. The random jurors will be chosen from a random jury list maintained by Honor Council Co-Secretaries. Honor Council will pursue the goal of achieving a more diverse jury by ensuring that at least three members of the 10 members of the jury will be representative of Haverford's multicultural population. When Honor Council emails potential jurors, randomly selected from the Haverford student population, they will ask students to fill out a self-identification portion. It will ask whether or not the student in question "identifies as a student of color" and "identifies as a given gender". This information will never leave the email and will not be used again in any form by Honor Council or anyone else. There will be no list.~~

~~When selecting a jury, Honor Council will make sure that there are at least 3 self-identified students of color on a jury and at least 3 students who do not identify as a student of color. In addition, there will be no fewer than four students who identify as male and no fewer than four who identify as female.~~

#### (c) Student Facilitation Panel

Often the initial discussion during a confrontation or a mediation is sufficient to resolve a problem between students. In cases when it is not, or in cases when this dialogue is not possible, Honor Council may call a Student Facilitation Panel. The Panel's primary goals are facilitating respectful communication with the intent of reaching some common understanding, and encouraging individuals to take responsibility and accountability for past actions.

~~This Panel will consist of six members of the Students' Association, three of whom will be Honor Council members, including the Co-Chair, and three will be randomly selected community members. Two of the Panel members will be chosen in a manner consistent with the goal of achieving a more diverse panel by ensuring that at least two members of the six members of the jury will be representative of Haverford's multicultural population. When Honor Council emails potential panel members, randomly selected from the Haverford student population, they will ask students to fill out a self-identification portion. It will ask whether or not the student in question "identifies as a student of color" and "identifies as a given gender". This information will never leave the email and will not be used again in any form by Honor Council or anyone else. There will be no list.~~

~~When selecting panel members, Honor Council will make sure that there are at least two self-identified students of color on a panel and at least two students who do not identify as a student of color. In addition, there will be no fewer than two students who identify as male and no fewer than two who identify as female. Additionally, at least one will be a student not currently serving on Honor Council. The procedure followed by such Panels is as follows:~~

## (i) Orientation

Honor Council will designate a Council member to meet separately with each party in order to explain the purpose and implications of the Facilitation Panel process. At this time the confronted and confronting parties will be informed of who will serve on the Student Facilitation Panel and may remove up to two members each if they feel they cannot be objective. During these meetings, the Honor Council member will also help each party to articulate his/her concerns about the issue to be shared with the other party and the Panel. Each party will then prepare a comprehensive statement explaining every issue which s/he wishes to discuss. This statement will be read by each party as well as the Panel prior to any further meeting.

## (ii) Preparatory Meeting

The Panel will meet to discuss the parties' written statements. At this meeting the Panel will be given an introduction to the process and the basic principles of mediation. This introduction will emphasize impartiality and confidentiality, the format of procedure, and a reminder of the goals of this process. At this meeting the Panel will look at the following sorts of questions:

- 1) How and why did the communication breakdown occur?
- 2) What are the personal issues that the parties should address?
- 3) What are the community issues that should be addressed?
- 4) In considering these types of questions, the Panel will discuss how they envision the Facilitated Dialogue ~~to~~ **will** proceed.

## (iii) Facilitated Dialogue

After this preparatory meeting, the Panel and the disputing parties will meet. The parties will each tell their account without interruption. Following the opening narratives, the Honor Council Co-Chair will guide a discussion of the relevant issues and concerns. The discussion and the questions asked will attempt to encourage self-examination and the understanding of the opposing perspectives. This discussion will continue until one of the following occurs:

- 1) The parties have reached an agreement upon tentative resolutions to their dispute. The meeting will adjourn for at least 24 hours. During this time all parties, including members of the Panel, will reflect on whether or not the tentative resolutions are comprehensive and sufficient. The Panel and the parties will meet afterward to discuss any possible additions or revisions to the tentative resolutions, and to come to final consensus on the resolutions.
- 2) The parties and the Panel reach consensus that further dialogue will not be productive. The Panel will meet separately in order to deliberate about how the parties' concerns might be addressed despite the apparent impossibility of further constructive dialogue. They then will formulate and reach consensus upon resolutions. In either d. or e., if one party, or a Panel member, believes that a violation of the Honor Code might have occurred, this possibility will be discussed by the Panel. In order to reach a decision on whether there has been a breach of the Honor Code, the Panel may gather any additional contextual information they think is necessary. This may include contacting additional persons. At the conclusion of this portion of the process the Panel will reach consensus on any statement of violation, if they deem such a statement necessary. If the jury comes to a statement of violation, proceeding will then follow Universal Trial Procedures starting from the end of the Circumstantial portion when resolutions are proposed by the confronting and confronted parties.

## (d) Joint Student/Administrative Panel

Joint Panels are to be used for situations that do not require immediate action, but which are, legally, administrative concerns and at the same time concern students socially. Such cases will be dealt with by a joint student-administration committee, consisting of two Honor Council members (to be chosen by Council and the Dean of the College), two Deans selected by the Dean of the College, **and four** ~~two~~ members randomly selected from the community, ~~and two jurors that are selected with the goal of achieving a more diverse jury by ensuring that at least two members of the members of the panel will be representative of Haverford's multicultural population. When Honor Council emails potential panel members, randomly selected from the Haverford student population, they will ask students to fill out a self-identification portion. It will ask whether or not the student in question "identifies as a student of color" and "identifies as a given gender". This information will never leave the email and will not be used again in any form by Honor Council or anyone else. There will be no list.~~

~~When selecting a jury, Honor Council will make sure that there are at least two self-identified students of color on a panel and at least two students who do not identify as a student of color. In addition, there will be no fewer than two students who identify as male and no fewer than two who identify as female, and in the jury as a whole (including the deans), at least three jurors must self-identify as male, and at least three jurors must self-identify as female. Thus, there will be a total of eight members on the panel. Examples of situations where such a committee will be used are drug dealing and cases where legal authorities are active on campus. If either the confronting or confronted parties wish to appeal a decision made by this committee, the appeal must be made to the President of the College within five business days of the completion of the Panel. The Panel will typically be co-chaired by an Honor Council Co-Chair and a dean.~~

#### (e) Deans' Panel

A confrontation ~~regarding rape, sexual assault, serious sexual misconduct, and/or serious physical violence~~ **sexual misconduct and/or physical violence** will normally be brought directly to the Dean of the College. In the event that the confronting party instead chooses to first bring the case to Honor Council, Honor Council will request and review statements from the parties involved and will normally consent to send the case to a Dean's Panel. If it is unclear whether a confrontation brought to the Dean's Office merits a Dean's Panel, the Dean of the College may opt to forward to Honor Council Co-Chairs statements from the parties involved so that Honor Council may consent on an appropriate course of action. The Dean of the College may opt to submit statements which lack identifying information.

Around the time that a Dean's Panel is convened, the Dean of the College shall notify Honor Council Co-Chairs that such a proceeding is underway. The Dean of the College will also tell Honor Council Co-Chairs the general nature of the potential offense (e.g. a panel convened to deal with a potential case of sexual assault or physical violence). Once the panel has finished, the Dean of the College shall notify Honor Council Co-Chairs of its completion.

Because of the sensitive nature of the issues discussed in Dean's Panels, special precautions will be taken to protect the confidentiality of all parties involved, and different procedures will be followed regarding abstracts. The parties involved will have a great deal of control in the abstract process. Before an abstract may be released, the confronting party must consent to the amount of information contained in the abstract and the abstract as a whole, as well as a date for release. Input from the confronted party on these matters will also be considered. Less information may be included.

The abstract will be written by the chair of the Dean's Panel or one of the other deans serving on the panel, and will be completed and presented to the Dean of the College within six weeks of the completion of the panel. The abstract will normally include an account of the general circumstances that merited confrontation, a brief account of each phase of the trial and the direction of the discussions, and a summary of the final resolutions. It will typically be released one year after the confronted and confronting parties

have graduated or permanently left campus. If the parties involved are concerned about this release date, a mutually agreeable release date will be found.

When the Dean of the College receives this abstract, s/he will give it to the confronting and confronted parties for them to review the final version of the abstract and final release date. The Dean of the College shall also notify Honor Council Co-Chairs that the abstract has been received, and later when it has been reviewed by the confronted and confronting parties. The Dean of the College shall also inform Honor Council Co-Chairs of the final release date. However, to protect confidentiality, the Co-Chairs will not have access to the content of the abstract until the beginning of the semester specified for its release. Honor Council Co-Chairs will make note of the release date for future Co-Chairs. When Honor Council is given the abstract, it will be reviewed by Abstract Committee and Honor Council will subsequently consent to its release, as per standard abstract guidelines.

#### (f) Summer Trial

By the end of the academic year, the Co-Secretaries of Honor Council will have gathered a list of students available on campus during the summer to serve on a summer trial. If a violation is reported after the beginning of summer break, the newly-elected Co-Chairs of Honor Council will contact members of the previous semester's Honor Council and invite four of them to the College where they will decide whether a trial is necessary. If such a trial is called, five additional jurors will be selected randomly from the list of available students and join those council members.

Convening a Summer Trial is optional, for the confronting and confronted parties may refuse and instead wait until the fall to resolve the issue according to the standard trial procedure. Transportation for all off-campus jurors will be funded by the College.

#### (g) Student Panel

If Honor Council is found to be (by a community member or member of Council) or suspects itself as a body to be in violation of the Honor Code, it is the responsibility of Council to confront itself and organize the convening of a student panel that will decide whether or not Council is in suspicion of violation. One dean selected by the Dean of the College will chair this student panel. The student panel consists of 12 randomly selected members of the community, 3 from each class.

The jury is to be compiled by the Co-Secretaries of Honor Council. The first meeting convened serves to address any questions, comments or concerns regarding the Honor Code or Procedure. At this meeting the panel must decide if Council is in suspicion of violation. If they are not found in suspicion of violation, the matter is dropped and an abstract must be written and published by one of the jury members. If Council is suspected to be in violation of the Honor Code, the panel will serve as a jury to a subsequent trial. The trial will be run under the same time and procedural guidelines set forth in Section B, Universal Trial Procedure. Abstracts must be written and published within a month of the trial and must be approved by the chair of the trial prior to distribution. All decisions must be made via consensus during this process. If Council is found to be in violation of the Honor Code, it is the responsibility of the Student Panel to try to find appropriate means of dealing with this violation. If Honor Council does not agree with the resolutions set forth, they may appeal to the Dean of the College within one week of the end of the trial.

### **Section 7.02 Universal Trial Procedure**

#### (a) Pre-Trial

Before the trial, the confronted student and the confronting party will be informed by an Honor Council member about the trial procedure and their roles in the process. The confronted student must be informed

in writing of the reasons why he/she was referred to Honor Council, and Honor Council must explain to the student why a trial is being held to resolve the situation. Both the confronted and confronting parties must be informed of who will be on the jury. The confronted and confronting parties may remove a maximum of two jurors each if they feel they cannot be objective. If the confronted and confronting parties choose to, they are allowed to question the originally selected jury in the presence of the Chairs under the discretion of the Chairs, prior to their decision to remove any members.

(b) Role of Honor Council Co-Chair in a Trial:

One of the Co-Chairs of Honor Council is automatically a member of every trial or other procedure, except in extenuating circumstances, when, with the permission of the student involved and the Dean of the College, they need not be. The Honor Council Co-Chair shall act in an appropriate capacity specific to each procedure (i.e. either as chair, jury/panel member, or support person to the chair). In cases where Honor Council Co-Chairs will not be leading the procedure, Honor Council will appoint an experienced Honor Council member best suited to chair the trial, Student Facilitation Panel or Joint Student/Administration Panel. When Honor Council Co-Chairs do not chair a trial/panel, the abstract for that trial/panel will include the role the Co-Chairs played in the trial/panel, and the specific reason(s) for this decision.

(c) Role of the Jury in a Trial:

Every member selected for a jury, including Honor Council members, is expected to have thoroughly read and reviewed the current version of the Honor Code in its entirety prior to serving on a trial. It is encouraged that jury members read past abstracts to review precedence in certain cases. The jury's task is to find a resolution that balances, as fairly as possible, the interests of the community as a whole and those of the individual student involved. The goals of resolutions are to repair the breach of trust, and to achieve and address accountability and education. Although this is a community based on trust of all community members, there are times when the jury may be presented with a conflict between testimony and apparent fact, or between two testimonies. It is the duty of jury members to balance their trust of community members with their obligation to determine what has happened before they can arrive at any resolutions. If they are ultimately satisfied that their conclusion is correct beyond a reasonable doubt, then they may find the student in violation despite his/her claims to the contrary. The jury will answer three questions:

- (i) Does what happened constitute a violation of the Honor Code?
- (ii) If it does, what were the circumstances under which this occurred?
- (iii) What is an appropriate action in response to this problem?

(d) Role of the Support Person:

The role of a support person is to be available (whether attending a trial or not) for emotional support. Broadly speaking, support people are not supposed to be "witnesses" or "legal counsel," although their specific role in any particular trial is up to the chair.

(i) For the Confronted and Confronting Parties

The confronted party may bring another community member to the proceedings for support. If the confronting party is a student, s/he may bring another student to act as a support person. It is strongly recommended that a support person have no direct connection to the issue involved in the trial. At any given time during the trial, the confronted or confronting party may request time to meet with their support person. However, this opportunity is under the discretion of the chair.

(ii) ~~Regarding~~ For Faculty

If the confronting party is a member of the faculty, s/he may consult with another member of the community for advice and support (as outlined in the Faculty Handbook) although they should not reveal the identity of the confronted party. Faculty members will not attend the trial proceedings as support people.

(iii) ~~For First Year or Visiting Faculty~~

When the confronting professor is a visiting or first-year professor, he or she will be given the option of having a permanent faculty member also present during all or part of the proceeding, as permanent faculty members are more familiar with the way the Honor Code functions at Haverford and the practice of handling potential violations through Honor Council. The permanent faculty member may clarify points made by the first-year or visiting professor. It will be the role of the jury to determine and consent to appropriate times for the faculty member to speak directly to the jury.

(e) Role of **the Bi-College** Liaison

In the event that a Bryn Mawr student is suspected of violating Haverford's Honor Code, or a Haverford student is suspected of violating Bryn Mawr's Honor Code, a liaison from the student's home institution's judicial body will, whenever possible, attend the meeting(s) of the judicial proceeding at the host institution. The Bi-Co Liaison will be a non-consenting participant. The purpose of the Liaison is to keep the home institution informed and serve as a source of knowledge about the home institution. The Liaison will be responsible for attending any necessary meetings, transporting any necessary documents back to the home institution, and bringing up relevant points that the jury may have thus far neglected to consider.

The Liaison at both institutions will be governed by the same set of procedures that were consented to by both the Haverford Honor Council and the Bryn Mawr Honor Board and will be made readily available to the community on Honor Council website. Changes to these guidelines that do not conflict with what has already been stated can be made with the consent of both the Haverford Honor Council and the Bryn Mawr Honor Board.

(f) The Actual Trial:

(i) Fact Finding

At the beginning of the trial, the chair will give a brief review of the trial's purpose, answer any procedural questions, remind those assembled of the need to maintain confidentiality, and ask jury members whether they feel they can be objective. The jury is required to have fully read and reviewed the most current version of the Honor Code in its entirety prior to the trial. A discussion meeting will be held to address questions, comments and concerns about the Honor Code. The first part of the trial will focus on the facts. The confronting party will tell the jury what he/she believes the problem is, and why he/she felt it should be brought to Honor Council. The student will then give the jury his/her view of the situation.

The jury will be free to ask fact-seeking questions of all parties. Sometimes a jury receives additional statements from parties who have had some involvement in a case but are not formally acting as confronting parties. If the jury thinks that it would be useful to talk with these people in person, or the case involves discrepancies between the different parties' accounts of the incident(s), the jury may request to speak with the writers of the additional statements.

*In cases requiring particular expertise, the Co-Chairs of Honor Council, the EEOC officer, and the Dean of the College may recommend that a member of the community (faculty, staff, administrator, or friend of the College) make their expertise available by serving as a consultant to the jury or panel.* Additionally, if a jury thinks it requires greater expertise in order to evaluate a case brought before it, the jury may consent to contact an individual with such expertise who has been thus far uninvolved in the case and who can help the jury more fully understand the situation. This may include professors in the relevant departments at Haverford, Bryn Mawr, and/or Swarthmore. After the jury feels that it has no more fact-seeking questions, the two parties will leave the room.-All persons involved in the trial, including confronting and confronted parties, support persons, and jurors, ~~should consider the importance of maintaining~~ **must maintain** confidentiality insofar as it affects all others involved in the trial.

(ii) Jury Deliberation

During the next part of the trial, the jury will decide whether or not it feels that the event described transgresses the values and standards of the community, as expressed in the Honor Code. This decision must be reached through consensus. If there are significant discrepancies between the claims of the

confronted and confronting parties and the facts of the case are unclear, the jury should consider not making a decision regarding whether or not a violation occurred in a single night. Instead, the jury should continue to reflect on the situation and attempt to come to a clearer understanding of the incident. During the course of a trial, the jury may request that the confronted party return to answer more factual questions. When this occurs, the confronting party will be given the option of either returning to the proceedings or waiving his/her right to be there. If there is more than one confronted or confronting party in a trial, the jury has the right to request that an individual person be questioned out of the other's presence. For this action to take place, the confronted and confronting parties must give their consent. If the jury feels it needs to recess until the following business day, it may do so. During a recess, jury members may not discuss cases in progress with anyone, except other jurors and for support purposes. Additionally, the chair of the trial may discuss the cases in progress with Honor Council Co-Chairs and the Dean of the College at their discretion. All individual discussions will be brought to the entire jury's attention at the next jury meeting. If it is decided that the student's actions were not in violation of the Code, the matter is dropped, and both parties are so informed. However, the jury still has the option of recommending resolutions to the parties.

#### (iii) Circumstantial

If it is decided that the actions were in violation of the Code, then the confronted party will return. It is normally an option for the confronting party to be present. All points made in the confronted party's absence will be repeated to him/her by the chair. The jury will ask him/her about the circumstances surrounding the event in question. After this discussion, the student will be asked what he/she feels are fair resolutions and why. The jury will then discuss various resolutions with the confronted party. The confronting party is also given the opportunity to propose resolutions and to discuss them with the jury if they so choose.

#### (iv) Continuation of Jury Deliberation

When the chair feels it appropriate, the party(ies) will leave the room, and the jury will continue discussing resolutions and will reach consensus on the resolutions that it feels are just. Resolution(s) should address such goals as educating the confronted party and the community, repairing the breach of trust between them and the community and holding the person accountable for their actions. After this initial consensus, the jury will adjourn for at least 24 and no more than 48 hours to think privately about the issues involved in the trial, and to rest. In the event that this timeline poses scheduling difficulties, the jury may consent to only count business days toward the timeline. A juror will inform the confronted and confronting parties of the jury's tentative resolution.

At this point, jury members will not discuss cases in progress with anyone, including other jurors. However, jurors may talk with the trial chair and the trial chair may talk with Honor Council Co-Chairs and the Dean of the College regarding procedural concerns. The jury will then reconvene and either reaffirm its position or reach consensus on another action.

#### (v) Presentation of the Resolutions

The confronting and confronted parties will then be asked to return to hear the jury's resolutions and, if they disagree, ~~to with this resolution~~, present their own to the jury. The confronting party, the confronted party and the jury will discuss their reasons for making their decisions; the confronting and the confronted party will leave; the jury will decide if it wants to change its recommendation. The jury will then reach a final consensus on a recommendation which the Chair will present in writing to the parties involved and the Dean of the College. In addition the jury will be responsible for drafting and consenting to a recommendation to the Dean of the College concerning reporting the violation on Graduate School's or Transfer School's application based on the guidelines consented to by Honor Council. Before the trial is adjourned, the jury will choose one of its members to act as a liaison between the jury and the President in the event of an appeal or administrative offering of alternative resolutions. The liaison's function will be to speak with the President to explain the jury's position and answer any questions. At that point members of the jury will also be chosen to write the abstract.

#### (vi) Post-Trial

It will be the responsibility of Honor Council to make its own recommendation to the Dean of the College concerning reporting the violation on Graduate School's or Transfer School's application based on the

published guidelines. During review of the abstract, Honor Council will receive the jury's recommendation and make its own with consideration of the jury's. If Honor Council makes a decision contrary to the jury's decision or the guidelines, it must give explicit reasoning. The Dean of the College shall be notified after Honor Council consents to its recommendation. This decision will not be linked to consenting to the abstract, as they are separate decisions.

In an academic case, if the Dean of the College feels that the jury's resolution(s) is unsatisfactory, he/she may make a recommendation of his/her own to the professor, after discussing the recommendation with the jury. A student's final grade in a course is the professor's decision, as neither the jury nor the Dean can do more than recommend to a professor that a certain grade be given in a course. However, in cases where the jury and/or Dean recommend that a student be separated from the College, or any other sanction, which does not involve a grade alteration, the professor has no jurisdictional power to change that resolution(s). In such cases, and in social cases, if the Dean strongly disagrees with the jury's recommendation, s/he may offer alternative resolution(s) to the President. The Dean's recommendation will be presented only after discussion with the jury about the resolution(s), and not longer than one week after receiving the chair's report detailing the trial. Before making a decision, the President will speak with the jury or its liaison. Following their discussion, the President will have one week (while present at the College) to make his/her final decision on what will be done. The involved parties have a period of five business days from the time of the trial's completion in which to appeal to the President to change the resolution(s). The appeal must be presented orally and in writing, and may be made on either substantive or procedural grounds. Abstracts will be written for all academic trials, social trials, and summer trials, and Student Panel, Student Facilitated Panel, and Joint Panel hearings. These will be distributed to the community in accordance with current constitutional guidelines. ~~The procedures for abstracts released from Dean's Panels will follow different guidelines due to the sensitive nature of the issues covered. These guidelines are outlined in Section 7.01.e.~~

### Section 7.03 Special Concerns

#### (a) Clarification of Judicial Procedures

~~These clarifications were drafted by the Dean's Office, EEOC officer, and Honor Council in order to better inform the community about avenues for hearing cases of alleged violations of community standards. The points elaborated are not meant to supplant or replace the Constitution. Rather they are an attempt to make clear how cases may be adjudicated in the context of our current internal judicial structure.~~

#### (a) Administrative Concerns:

Matters which would tend to overburden the Code (i.e. parking violations) are not handled by Honor Council, but by the appropriate offices of the College. Also, Violent and life-threatening situations which require immediate action are handled by the administration of the College.

#### (b) **Discrimination and Harassment:**

*Cases involving issues related to sex, sexual orientation, race, color, age, religion, national origin, physical disability or handicap will normally be heard by a Joint Panel. It is the obligation of the College and of Honor Council to see that Honor Council members receive diversity training to aid them in hearing such cases.*

All cases of alleged harassment (including those ~~anti-Semitic~~, **religiously motivated**, homophobic, racist or sexist) brought before Honor Council should also be brought before the Dean of the College. After the Dean of the College and the Co-Chairs of Honor Council have discussed the matter, the case should be brought before an EEOC (Equal Employment Opportunity Commission) Officer. Should the EEOC Officer decide that EEOC grievance procedures need to be instituted, Honor Council and the deans are asked to remove themselves from any judicial capacity in the case. Should the EEOC Officer decide that

EEOC grievance procedures would not be appropriate, then the Co-Chairs of Honor Council, the Dean of the College, and the EEOC Officer will decide on an appropriate course of action. Honor Council will serve as the coordinating body for this decision making process. *When a student confronts a Staff or Faculty member for such an incident and the case comes forward for adjudication, it is heard by an EEOC Panel.*

(c) **Confidentiality and Sexual Crimes-Misconduct:**

In the event that a party separated for a ~~sexual crime~~ **sexual misconduct** returns to campus, thus violating the resolutions of their separation, the confronting party may permanently break the separated party's confidentiality without penalty, or ask someone else to do so in order to maintain their own confidentiality.

(d) Violence or Threat of Violence

In the case of violence or threat of violence, where there is a concern for the safety of the community, the Dean of the College may separate a student immediately. After such action, the Co-Chairs of Honor Council, an EEOC officer, and the Dean of the College will meet to review the case and determine if further action through internal judicial processes is indicated. This may be a Dean's Panel.

(f) ~~Special Cases~~

*Cases involving issues related to sex, sexual orientation, race, color, age, religion, national origin, physical disability or handicap will normally be heard by a Joint Panel. It is the obligation of the College and of Honor Council to see that Honor Council members receive diversity training to aid them in bearing such cases.*

(g) ~~Confrontation of Staff or Faculty~~

*When a student(s) confronts a Staff or Faculty member and the case comes forward for adjudication, it is heard by an EEOC Panel. When a student(s) confronts another student and the case comes forward for adjudication, it is heard by either Honor Council or a Joint Administration/Honor Council Panel.*

(f) ~~Situations Where Formal Adjudication Does Not Appear Necessary~~ **Mediation by Deans**

In situations where formal adjudication does not appear necessary, the Deans Office may be asked to ~~facilitate/mediate~~ a conflicts of an **unusual nature**. These ~~facilitations/mediations~~ will be separate from the judicial processes. Participation in a ~~facilitation/mediation~~ does not preclude a later decision to pursue a case through formal judicial avenues.

(g) ~~Interests of Fairness~~ **Timeliness**

In the interests of fairness to the confronted party and with respect for the needs of the community, the confronting party/ies must make a decision to take a complaint through judicial avenues in a timely fashion once the complaint is raised. Once a decision has been made to take a case through judicial avenues, this must also proceed in a timely manner.

(h) ~~Recommendations~~

*In cases requiring particular expertise, the Co-Chairs of Honor Council, the EEOC officer, and the Dean of the College may recommend that a member of the community (faculty, staff, administrator, or friend of the College) make their expertise available by serving as a consultant to the jury or panel.*

(i) Extenuating Circumstances

Under extraordinary circumstances that make normal jury selection ~~and~~ or standard trial procedures impossible, in the interest of timely resolution to a case and fairness to the parties involved, Honor Council ~~reserves the right to~~ **shall** make **the minimum** necessary modifications to move the proceedings forward. **Such modifications must preserve the substance of** ~~given substantial effort to preserve~~ universal trial procedures **and uphold the spirit of the Honor Code. At least five members of Both** Honor Council and the **involved** parties **will must** consent to the modifications in order **for them to occur. During College breaks, the greatest practical number of Honor Council members, five at a minimum, must consent to the modifications. to uphold the spirit of the Honor Code.**

# Ratification of the Alcohol Policy

Presented by: Shelby Lyons '15 and Ivan Sanchez '15

## Introduction:

There are numerous sections of the Crime Code of the Commonwealth of Pennsylvania that deal with intoxicating liquor. An increasing public concern about alcohol abuse and alcohol-related injuries has been followed by a developing body of case law that has extended the liabilities of vendors to non-commercial or "social" hosts on whose premises alcohol is served to minors or intoxicated persons of any age. The Haverford College Policy of Drug-Free Schools, adopted in compliance with federal requirements, forbids the unlawful possession, use of, or distribution of illicit drugs or alcohol.

## Goals of the Alcohol Policy:

The Alcohol Policy is designed to achieve the following goals:

1. To remind students of the laws of the Commonwealth of Pennsylvania and of the Honor Code, all of which should govern their behavior with respect to alcohol
2. To stress moderation, safety, and individual accountability for those who choose to drink;
3. To maintain a social atmosphere that is free of coercion for those who choose not to drink and a climate in which alcohol is not the center of parties or other social events;
4. To maintain a community in which alcohol abuse and its effects are minimal;
5. To provide confidential and effective guidance for those with specific needs related to alcohol use and alcoholism; and
6. To provide information and education about the effects of alcohol for all its students.

All members of the community are expected to be familiar with and abide by the Alcohol Policy. It is the duty of all students to conduct themselves in a manner consistent with the Honor Code, in addition to helping others to do the same. With regard to the consumption of alcohol, it is recognized that students are responsible for their own well-being, as well as the well-being of others. Thus, behavior that puts lives at risk, in terms of mental and physical health and legal liability, cannot be condoned.

## The Policy:

### Article I

Students have the responsibility to confront others whose behavior under the influence of alcohol is inconsistent with the welfare of themselves and others in the community. When community members lose their ability to reason and control their actions due to excessive alcohol consumption, it is threatening to them, to those around them, and ultimately to the community as a whole. Students are responsible for preventing themselves and others from ever reaching that point. Inebriation shall not be seen as an acceptable or justifiable excuse for disruptive behavior and confrontation for such behavior shall be dealt with as prescribed by the Honor Code.

### Article II

Any infractions of Article II will fall under the jurisdiction of Honor Council and JSAAPP. Students have the responsibility to preserve the natural integrity of the campus and therefore to maintain the good condition of the College by preventing any instances of destruction, defacement, littering, and other offenses that can occur as results of alcohol consumption. Events that involve the consumption of alcohol can often lead to the scattering of cups, broken glass, and other waste that affects the condition of the

grounds and the safety of the students. In addition, excessive consumption of alcohol can lead to the defacement and vandalism of campus buildings by community members. Students have the responsibility for preventing and resolving these issues in the interest of student safety and the College's ecological and aesthetic environment.

### Article III

1. **Events:** Since the majority of the students are under twenty-one, the legal drinking age in the Commonwealth of Pennsylvania, alcoholic beverages are not to be served or consumed at student events open to and/or advertised in the college, bi-college, or tri-college communities with the exemption of special events that have been approved by the Joint Student-Administration Alcohol Policy Panel (JSAAPP). In order to receive permission for an aforementioned "special event," the event coordinators must first submit in writing a proposal for the event to JSAAPP. These events must meet the following criteria in order to be considered:
  - A. The event may only take place in Lunt Basement or in James House.
  - B. The event must be aimed towards promoting the fine or performing arts.
  - C. The event organizers plan the event with the aim of promoting the goals of the Alcohol Policy in mind—stressing moderation, safety, and individual accountability for those who choose to drink and providing a positive drinking atmosphere in which alcohol is not the center of the event. Additionally, online discussions relating to the presence of alcohol at an event are highly discouraged.
  - D. Alcohol may not be served at the event if the event coincides with Prospective Student Weekend.
  - E. If the event organizers wish to organize a series of events, they can apply once at the beginning of the semester for all the events that semester, given JSAAPP approval.
2. **Private Parties:** Outside of approved special events, alcoholic beverages may be consumed only in private spaces. A private space is defined as a student residence or an outdoor area, such as a stoop, porch, or yard that is immediately adjacent to a student residence. The College recommends students not consume alcoholic beverages outdoors on College grounds, hallways or stairwells. Furthermore, alcoholic beverages may only be served in indoor private spaces or adjacent areas. Serving or consuming alcohol on athletic fields used by any College team or outside group is prohibited, in compliance with NCAA regulations.
3. Alcoholic beverages may neither be served nor consumed in public spaces such as, but not limited to, Founders Great Hall and Common Room, the Dining Center, all classroom and laboratory buildings, all libraries, any athletic fields used by any College team or outside group, and any space not defined as a private space without the express written permission of the President of the College.
4. The guidelines apply to all students, including those twenty-one years of age or older.
5. While the distribution of alcohol to all individuals under the age of 21 is illegal, the distribution of alcohol to those under the age of 18 is especially troublesome and will not be condoned.
6. If drinking, students should work to curtail behaviors that may pose a hazard to the comfort and safety of party or event guests, other occupants of the dormitory, and themselves, including, but not limited to, creating excessive noise and/or blocking corridors, stairwells, or doorways.
7. As is the case with JSAAPP approved special events, all private parties must not advertise the presence of alcohol.

### Article IV

1. Students who consume alcohol in a manner incompatible with the goals of the Alcohol Policy should be asked to refrain from the offending action by the host or other party guests. In incidents where the students feel that a violation of the Alcohol Policy has occurred and where the

confronting party and confronted individual fail to reach a resolution, they should follow the procedure of the campus on which the incident occurred. For this reason, students choosing to attend parties or events at Bryn Mawr College should first familiarize themselves with Bryn Mawr's Alcohol and Party Policies and Honor Code. At Haverford, disregard for these and other party policies should be brought to the attention of JSAAPP. This panel will address strictly procedural violations of the Policy, and will present resolutions aimed at repairing the breach of trust caused by the violation. These resolutions will be presented orally and in writing to both the confronting and confronted parties, as well as to the Dean of the College. Referrals can be made by Honor Council. A student has a period of seven days after the completion of a JSAAPP Inquiry in which to appeal to the Dean of the College or his/her designate to change the resolution(s). If the Dean in question wishes to offer alternative resolutions, he/she must consult with JSAAPP prior to the notification of the change in resolutions. The appeal must be presented orally and in writing, and may be made on either substantive or procedural grounds.

2. When confronting an individual does not or cannot lead to the satisfactory resolution of a problem, the individual whose behavior allegedly violates the Honor Code shall ultimately be brought to the attention of Honor Council. Honor Council will bring a case to the attention of the Office of the Dean if there is a threat to the life or safety of individuals or of damage to College or private property resulting from inebriation or a violation of the Alcohol Policy. Flagrant or repeated violations of the Party Guidelines could constitute such a case. Such behavior may result in separation or exclusion of the confronted person(s) from the College.
3. In some cases, Honor Council, JSAAPP, or the Office of the Dean will consult counselors with expertise in alcohol abuse and alcoholism if such expertise is deemed relevant.
4. JSAAPP is composed of two members of Students' Council and two members of Honor Council, who are appointed by their respective bodies at the beginning of each semester; one representative from each of the freshman, sophomore, junior, and senior classes, two representatives from the Office of the Dean of the College, and a chair or two co-chairs. The Chair(s) and elected positions for class representatives will be year-long positions. Honor Council or Students' Council members, if elected and then appointed for consecutive semesters, may remain on JSAAPP for the entire year if desired. The election of the JSAAPP Chair(s) will follow the procedures set forth in Section 5.08 of the Constitution of the Haverford College Students' Association (entitled "Nomination and Election of the Students' Council"). The election of JSAAPP class representatives will follow the procedures for Fall Honor Council elections, except that all positions are year-long terms. If there is ever a vacancy in any class representative position, JSAAPP will ask the Appointments Committee of Students' Council to appoint a member of the appropriate class to fill the vacancy.

## **Article V**

1. Coordinators of parties and other social events must abide by the party policy of the host campus.
2. It is expected that hosts will inform their guests of relevant provisions of the Honor Code and the Alcohol Policy. Should the provisions of the Alcohol Policy be violated by non-College members, their continued access to this campus may be restricted.
3. Faculty and staff members who entertain students should be aware of the responsibilities and risks to the College and to themselves as individual social hosts under the laws of the Commonwealth of Pennsylvania.
4. If the Party Guidelines are not followed either by guests or hosts, it is the obligation of students aware of the violation to approach those in violation and seek a resolution.

## **Article VI**

As with the Honor Code, the students of the community need to reaffirm their commitment to the Alcohol Policy to demonstrate that they accept both the freedom and privileges regarding alcohol consumption and

the responsibilities that it entails. The Policy shall be re-ratified every year, and it may be amended at any Plenary. Amendments to the Policy may be proposed by any member of the Students' Association. Amendments will be passed by a two-thirds vote of the total attendance at Plenary. A two-thirds majority vote of those at Plenary shall be necessary for final ratification of the entire Policy. The final text of the Policy shall be immediately forwarded to the President and Dean of the College for presentation to and approval by the Board of Managers.

*Last Ratified 9/30/12*

**Vote #1**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #2**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #3**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #4**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #5**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #6**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_



**Vote #7**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #8**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #9**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #10**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #11**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_

**Vote #12**

Yes \_\_\_\_\_

No \_\_\_\_\_

Abstain \_\_\_\_\_