

The Ring-tum Phi & The Trident

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Special Edition

White Book baffles students, EC

By Mehul Srivastava

Confusion about provisions in Washington and Lee's White Book, and reported threats from the Executive Committee about breaches of confidentiality forced campus newspapers Wednesday to cancel reports detailing the honor hearings involving a W&L student.

Primary sources for the story claimed they were threatened by the EC for disclosing confidential information to a reporter. The EC, including President Helen Hughes, has denied any such threats.

Subsequent interviews with EC members, the student involved, and character witnesses reveal widespread inconsistencies in their interpretations about the rules, prompting one EC member, Marie Trimble, to concede that "this is something the White Book Committee needs to take a look at."

The rule in question is the confidentiality agreement that all students accept as binding when they sign the White Card during freshman orientation.

Anne Johansen, secretary of the EC, said that as far as she understands the rules, the accused is free to speak to whomever he wants, since it is his reputation at stake.

"It really is for the safety of the student," she said in a telephone interview. "The way I see it, the confidentiality agreement is binding on the members of the EC, but as for the student, he is free to talk."

Other members of the EC contradicted her statement, most giving different readings of the White Book passages.

"I believe that the confidentiality agreement applies to the entire student body," said Lane Morgan, Class of 2007 representative. "Out of respect for the system, nobody, even the witnesses, the accused or friends of the accused should speak about the facts of the case."

Unlike Johansen, Morgan said that if campus newspapers published detailed reports about the case, they would have been in violation of the confidentiality agreement, and open to punishment. The White Book recommends social probation, academic probation and

suspension for students who break the agreement. 2006 Law School Representative Dannel Duddy expressed his frustration with the confusion about the rules.

"I am not familiar with the rule, and I don't really understand it," he said, later adding, "I think students should be informed of the confidentiality clause when they are undergoing the introduction to the Honor System."

Another member admitted to never actually reading the statement.

"During the hearings, I am usually positioned at an angle where I can't see the agreement," said Cristin Nunez, a member of the EC. "I have never actually read one."

Hughes consistently refused to answer questions about the confusion amongst EC members.

The lack of agreement, even understanding, by the EC members has left other students involved in the process unclear about their responsibilities.

"To be honest, at the time, I didn't really get what it was about," said Kevin Coppersmith, a student who appeared as a character witness for this case. "They gave me a sheet of paper, and I signed it."

EC members insist that Coppersmith was free to ask questions during the hearing, but Coppersmith says he was too emotional to understand what he was being told.

While the specifics of this case appear to show that the student involved was, in fact, guilty, the lack of clarity in the process, and the inconsistent understanding of the rules, even by EC members, raises legitimate questions about other trials at Washington and Lee.

EC representative Marie Trimble said that since students misunderstand, or willfully disobey the confidentiality agreements, every honor violation hearing leads to rumors and confusion that the EC can do little to dispel.

"Everybody is bothered that the EC always says 'no comment,'" Trimble said, "but we are not commenting because we are bound by the system."

THE HONOR SYSTEM



Washington and Lee University
2003-2004

Enough time?

Former EC vice president questions student hearing process

By Kaylee Hartung

After the recent withdrawal of a student facing an open student body hearing, confusion in regard to the Executive Committee's interpretation of the White Book and its administrative process has raised concern amongst the student body.

Administrative matters for EC hearings and student body hearings are outlined in the White Book, the Honor System's handbook.

With the last student body hearing held nine years ago, the controversy surrounding a student body hearing is relatively new to the current W&L community. EC members refrained from commenting.

The White Book requires the EC to inform the accused of the charges presented against them at least 48 hours before the scheduled EC hearing. All time frames exclude weekends and holidays. But is 48 hours enough time to prepare for an Executive Committee or student body hearing? Former EC Vice President and current honor advocate Kevin White says no.

"It is ridiculous that students are only given two days to prepare for a hearing," said White. "In actuality, the EC gives the accused more time, but the time given is still insufficient."

"I don't think the EC understands the amount of time that is required to build an effective defense," said White. He acknowledged that as a member of the EC he also took for granted the amount of time necessary to craft a solid defense.

White now sees things from a different perspective while serving as an honor advocate as opposed to an EC member. He said he believes the EC needs to increase the time allotted for stu-

dents and their defense to prepare for EC hearings. White has debated proposing an amendment to the White Book during Spring Term. Gauging the amount of time necessary to prepare a defense is a difficult task. Outside of fact-gathering and pre-trial preparation, students must also prepare themselves psychologically.

EC President-elect Marie Trimble disagrees with White's opinion. She supports the 48-hour rule.

"You don't need more than 48 hours to prepare the truth," said Trimble. "The goal of the Honor System is to find the truth. This is a fact-finding process and we are trying to find the truth. We are not out to get a student. We're going off people's honor that they want us to find the truth as badly as we do."

In the aforementioned case, an anonymous source has said the accused was formally charged by the EC on March 1. The hearing was initially scheduled for March 4, but the accused was granted a two-week extension due to extenuating circumstances. The EC hearing was eventually held on March 16. The guilty verdict was handed down in the early hours of the next day.

After a student is convicted of an honor violation in an EC hearing, the student is allowed 72 hours to submit an appeal, unless otherwise specified by the president of the EC. According to an anonymous source, the accused was again granted an extension, this time in order to allow time for a meeting with University President Thomas Burish on March 22.

After a meeting with Burish, the accused notified the EC that an appeal to reopen the case would be submitted. The appeal was officially filed on March 25 and denied later that day by the EC.

If the student then appeals for a second time to a student body hearing, the selected student chair of the case is required to announce the date of the student body hearing within five days after the appeal is made.

An anonymous source said the accused was notified on Monday that the hearing would be held less than three days later on Thursday at 8 a.m. According to the White Book, the time period between the announcement of the hearing and the hearing must be within five days; however, this time period may be extended under the discretion of the chair.

The accused withdrew from the university on Wednesday. White and Trimble could not comment on the administrative process of a student body hearing because neither student had prior experience with such a hearing.

The EC had the option to extend the time period within which to hold the student body hearing, but chose not to exercise that power. If the accused student had been declared guilty by the jury during the student body hearing, the student's winter credits would have been nullified because the original verdict was decided upon before the end of Winter Term.

Potential jurors were contacted Tuesday, the day after the accused was informed of the date of the hearing and two days before the hearing date.

There are no conditions in the White Book to specify the EC's terms upon which they must announce a student body hearing to the student body. In the recent incident, students were not officially made aware of the hearing until 11:43 a.m. on the day prior to the hearing.

EC members refused to comment on why the university community was not informed earlier of the hearing.

Accused says Security threatened confidentiality

By Tyler Archie

A preemptive investigation by Washington and Lee security may have undermined the confidentiality of the recent Executive Committee's investigation of an Honor Violation. The breach of confidentiality raises questions regarding the EC's ability to address rumors of the case circulating in the student body.

According to the accused student, who has since withdrawn, he failed to return a Traveler van on time the weekend of Jan. 9.

The incident took on greater significance when W&L security officer Steve Tomlinson, a member of the Traveler management board, took issue with the van's late arrival, and the accuser's version of that story, later that month on Jan. 27.

The student in question then con-

fided to roommates about the confrontation, before he knew that "it was in any way related to an honor violation."

Any student involved in an EC investigation is bound by confidentiality, per the White Book. Since W&L security and faculty are not bound by the Honor System, the January investigation was less than airtight. Anyone questioned during that time could have openly talked about what happened.

"Confidentiality doesn't work in practice because people talk to their friends, and from there it mushrooms," said former EC member Jeremiah McWilliams.

"I found out from my roommate, who heard from a friend that security was pursuing the matter as an HV...and had turned it in," said the accused, who was supposed to have

knowledge of the EC's investigation only in the 48 hours leading up to his closed hearing.

At this point the accused contacted the "appropriate faculty" to discuss the matter.

In the absence of confidentiality, the EC went about answering all queries by students into the matter with a unified stance of "no comment."

"The EC is very concerned with protecting the EC," said former EC member Jeremiah McWilliams. "There are ways of letting people know (about investigations) without harming the student."

However, rumors left the accused vulnerable in the forum of public opinion.

"If anything (the loss of confidentiality) hurts him, because the damage to his reputation can't be repaired," said McWilliams.

E-mail angers students

By Geoff Rogow

When a letter from the Executive Committee reached the Washington and Lee community by e-mail yesterday morning, few students were surprised to see the news. Contradicting the EC's foundation in secrecy, the rumor mill had already spread information on the case throughout the university.

What was surprising to many students was the EC prohibited a laundry list of items from entering Lee Chapel during the trial.

"My first reaction was that it was ridiculous. None of us have seen an open trial before, and students should be allowed to take notes and see how the EC handles it," said former EC Class of 2005 representative Jeremiah McWilliams.

EC President Helen Hughes said the committee receives all of their cues directly from the White Book. McWilliams, who decided not to run for reelection because he did not have enough time, said he could not find any information in the White Book stating these items should be prohibited.

One relevant clause from Section III: Administrative Matters says, "No information about the Student Body Hearing is allowed outside the Washington and Lee community."

See E-mail, page 2

Complicated jury selection process clarified

By Andrew Latimer

Despite instructions from the Executive Committee to keep jury details confidential, several students have come forward with information regarding the jury selection process that took place in anticipation of the now-aborted student body hearing slated for April 1.

Calls for jurors began in earnest at some time around noon on Tuesday after the University Registrar furnished the Executive Committee and Sergeant-at-Arms Daniel Wolf '04L with a randomized list of 75 university students and their contact information.

Those selected were told the date of the hearing but were not instructed over the phone about any aspects of confidentiality. Some chose to disclose news of their selection to friends in the period between the call and the interview.

Questioning was described as organized and curt. Most questions were pre-prepared, and neither side seemed to exhaust their supplies in the allotted time.

Central EC questions focused on definitions of the honor system and what constitutes a breach of community trust.

Interviews were conducted starting in the late afternoon in the jury room adjacent to the Moot Courtroom of the Law School. They continued until the three advocates of the EC and four of the accused settled upon and selected 12 student jurors and two alternates.

Prospective jurors were instructed at the outset of their 10-minute interviews by student body hearing Chair Evan Sauda '04L to hold details regarding questioning and any information about the case confidential. In accordance with White Book procedure, Sauda read the names of the accused and witnesses and then asked each student the standard six questions from student hearing guidelines (see fact box).

The interview then opened up to queries from both the EC advocates and those of the accused for the remainder of the 10-minute slot. Several students declined to speak about specifics of the interview. A handful who spoke

with the paper revealed the advocates' lines of questioning. Their tactics varied according to responses to the chair's questions. Advocates of the accused tended to

White Book Procedure for the Student Body Hearing, II. Selection of the Jury:
1. Do you know any of the facts of this case?
2. Do you know the accused personally?
3. Is your relationship with the accused, the advocates, any witness, or the Chair such that it may affect your ability to be impartial?
4. Do you have any opinions about the Executive Committee which would inhibit your ability to render a decision based solely on the facts?
5. Do you have any opinions about the Honor System which would inhibit your ability to render a decision based solely on the facts?
6. Do you believe in the single sanction?

stay quiet if the potential juror indicated any prior knowledge of the case, whereas in other sessions the questioning was more even-balanced.

According to the White Book, it is at the chair's discretion to strike any potential juror with knowledge of the case or the accused, or those who have serious oppo-

sition to the precepts of the Honor System or the single sanction system.

The advocates of the EC and the accused are allowed a total of three preemptory strikes each over the entire selection process. Two per side are permitted after 15 students interviewed have passed the chair's questioning, and the remaining one strike per side occurs after the process reaches 16 prospective jurors.

Students who made the final cut received phone calls at an undisclosed time. As of press time, none of the 14 selections agreed to an interview.

While it is unclear when the status of the jury was finalized, sources indicate that the process that began late Tuesday afternoon had concluded before midnight and without exhausting the entire 75-student pool. It is also unclear how many students declined to report for their scheduled interviews.

It is also unknown whether or not the final 14 received their White Books or had selected a foreman before the hearing was canceled Wednesday.

EC: Are you accountable?

By Jeremy Franklin and Jake Trotter

The recent withdrawal of a Washington and Lee student convicted by the Executive Committee of an honor violation, and the circumstances surrounding a student body hearing that was cancelled at the last moment, warrant a reappraisal of how the EC and the Honor System work.

The two weekly campus newspapers have decided that this should occur immediately, and thus you're reading a special combined edition of *The Ring-tum Phi* and *The Trident*.

Many columnists and letter writers to both newspapers have criticized the EC's practices over the past few weeks, and such a large volume of questioning should cause the entire W&L community to step back and ask, simply, "What's going on?"

Regardless of its intent, in the minds of many students the EC has painted its own portrait as a secretive organization that uses its almost unlimited power to enforce its own twisted interpretation of the Honor System. There. It's been said.

Since W&L is such a small and enclosed campus, every undergraduate or law student likely knows at least one EC member personally. We can count eight whom we've gotten to know at least reasonably well. They're not like this one-on-one; nor do they come across as such.

But the EC is a representative body, and it's not acting the part.

EC elections are nothing more than popularity contests, with no debate about issues affecting W&L. Perhaps if actual campaigns were waged, if victors felt

they had actually won something more than a mere numerical tally, then the character of the EC could begin to change.

But making elections real tests of campus democracy is not enough.

Confidentiality requirements, silence toward the press and gag orders prohibit any forum of accountability for the EC.

On what basis does the student body elect or reelect its officials when no one knows what they stand for? We hear what they say; yet the facts behind their actions are not disclosed per the White Book.

If this confuses you, as it should, we'll draw a simple analogy.

Imagine a Supreme Court that does not disclose its interpretations of justice or law, or even how individual justices voted on a particular issue. Then remember that the court is unelected and has no formal legislative function, so it is only indirectly accountable to the people. The EC, however, is directly elected, and through its budgetary powers it functions as a student senate. The EC also has the undisputed power of interpreting the Honor System.

Certain instances of "lying, cheating, and stealing" are obvious honor violations and should be dealt with as such.

But in the realm of gray areas, the student body does not know what constitutes an honor violation because prior EC rulings are neither acknowledged nor applied. Thus the definition of an honor violation fluctuates based on the composition of the EC in any given year.

The trial of this unfortunate student has raised several other issues about honor violations and how EC

prosecution works.

The news stories in this special edition should, hopefully, shed some light on confidentiality, communication, timing and the history of EC trials.

Confidentiality may be the most troubling concern.

"All information about a possible Honor Violation or an Executive Committee Hearing is highly confidential," says the White Book. "The Executive Committee may take disciplinary steps... against any student involved in an investigation, any student witness in a hearing, any advocate, any Executive Committee member, or the accused for breaking this confidentiality."

That takes care of everyone directly involved in an EC investigation. More importantly, it leaves out the remainder of the student body or W&L faculty and staff. Confidentiality among 25 people is worthless in a community of 2,500, especially when the future of a fellow is in the balance.

It seems that this confidentiality offers protection for the EC, not the accused (after all, the student nearly went public with the facts of the case until he was threatened with suspension by the EC for the retroactive breach of a confidentiality agreement). Doesn't the confidentiality agreement protect the EC from the reprisal of making a mistake or an unpopular judgment?

On Tuesday night, *Trident* news editor Tyler Archie was attempting to gather information on the student's trial, originally scheduled to begin at 8 a.m. today. The purpose of gathering this information was to address the facts of the case and quell rumors that had been floating around campus.

However, Archie's sources, who signed confiden-

tiality agreements only after disclosing information, claimed they were threatened by the EC with suspension if the story ran and pleaded with *The Trident* to kill the story, which the newspaper summarily did.

Later when *The Trident* asked to simply explain the details of the proceedings, EC president Helen Hughes declined to provide information.

"As the White Book says, 'appropriate announcements will be made.' Thank you," Hughes responded.

Which leads us to address yesterday's campus-wide e-mail. The e-mail forbade students from bringing notepads, pens or any other means of recording the proceedings to Lee Chapel. Their attempt to limit what information is disseminated is contrary to the fact that official releases on withdrawn or convicted students are printed in the *Phi* and the *Trident* and are posted on the EC's Web site.

The confidentiality clause of the White Book inhibits any student who attends the hearing from disclosing details. To draw a parallel to the U.S. justice system, prohibiting the press from reporting on an open trial would be a blatant abridgement of the press, a violation of the First Amendment and a serious infraction of the Sixth Amendment, which guarantees citizens the right to a fair trial.

We hope the EC will respond to these charges and concerns. After all, as eloquently stated by Supreme Court Justice Louis Brandeis, "The remedy for bad speech is more speech."

Only if we are allowed to express our views in the open marketplace of ideas can Washington and Lee evolve. If we are censored, silenced or ignored, we become what we dread most: dishonored.

The Ring-tum Phi & The Trident

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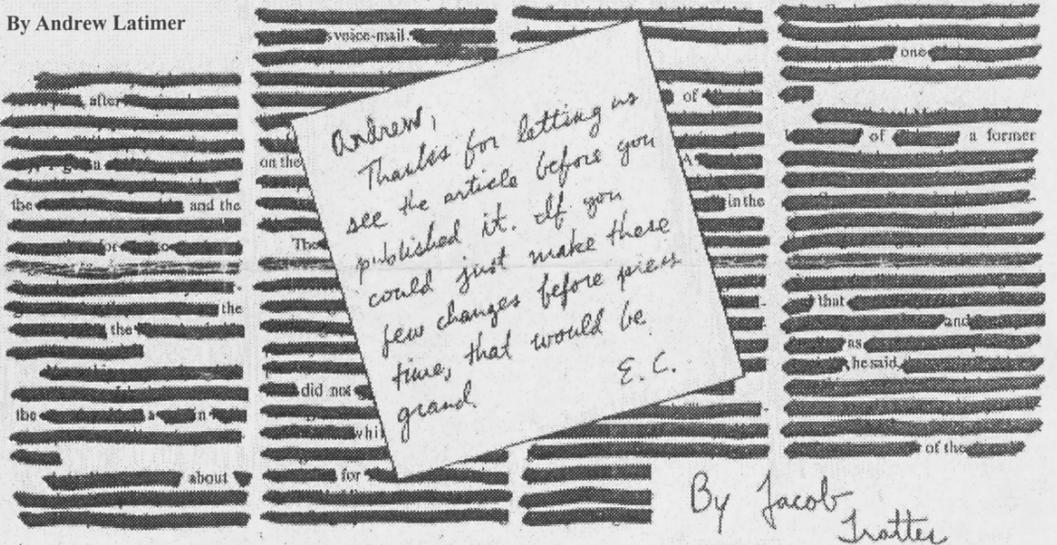
Staff was composed temporarily for combined issue.

Disclaimer

Ideas expressed in special edition combined issue are not intended as malicious toward any member of the student body. They are simply a forum to discuss the state of the Honor System and other current issues on campus. The goal is to improve life at Washington and Lee.

Full report on today's student body honor violation hearing

By Andrew Latimer



By Jacob Trotter

Modified from a March 17, 1995 Phi

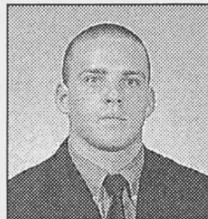
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McWilliams' criticisms stretch beyond this morning's letter, as he said the EC needed to explain the appeal process better. Even as a former EC member, he did not know many of the details without searching the White Book. He said the EC must continually weigh the charged student's right to secrecy against the campus's desire to know more.



McWilliams

McWilliams said there are ways of telling the university without harming the student, and university members should be told the reasoning of a decision.



Marino

"They've been better (at informing the student body) over the last few months, but this was a missed opportunity," McWilliams said.

Instead, the EC could have used the trial as the perfect forum for students to see how the Honor System works. For example, the EC's specific role is to find out the facts of a case and then determine the punishment by using the penalty set by the White Book.

McWilliams said the EC wants everything in a case to be confidential. It can best be done by limiting information and maintaining secrecy. If the system had worked, McWilliams said no one would have learned about the trial beforehand.

McWilliams' hope, however, did not come true. Of the 12 students contacted for this story, only one was unaware that a former student was going to appeal to the university before this morning. Many of them even knew specific facts of the case, and said they received this information from several different sources, including faculty, students and staff members of the university.

All 12 students refused to give their names in fear of EC punishment. Although it is not against EC rules to speak about a trial that never took place, or an open letter to the community, all of these students still refused to comment on the record.

"I don't know where the line is, and I don't want to guess," said one anonymous senior.

Some students closer to the case refused to comment in fear of direct messages from the Executive Committee about possible ramifications.

"Every message they sent has a threat. Their job is to make the school better but they completely twisted original intent," said Matt Marino, a friend of the accused.

Tyler Archie contributed to this report.

Ex-student tells all

Braswell, convicted by Honor System, analyzes procedure

By Phil Walotsky

At the beginning of his freshman year at Washington and Lee, Anderson Braswell attended the mandatory Honor System orientation in Lee Chapel just as every incoming freshman had for generations. While there, he gained a certain respect for the Honor System when the famously intense "Leave Now" speech was delivered. Leaving the Chapel, Braswell turned to a roommate and commented how scary, seemingly, one could be convicted for anything.

Almost one year later, the irony was overwhelming. In April of 2002, Braswell was informed that he was being investigated for an honor violation. The alleged violation was a case dealing with plagiarism. However, Braswell's case was put off until the fall.

"They first notified me about it in April. I didn't even get a chance to meet with my advocates until September or October," said Braswell. "I had it hanging over my head all Spring Term, had it hanging over my head all summer and came back to school with it still hanging over my head." Braswell also said that he "didn't know anything - they said 'You're being investigated,' and that's all they say."

But according to Braswell, the problems only started there. From early on, Braswell felt that the Executive Committee handled the case with a low degree of professionalism and a general disregard for his most basic rights.

"As soon as the professor turned my name in, they treated me like I was guilty and they were doing me a favor by listening to me," said Braswell. "I don't feel like anyone in the process seriously considered my case." As an example of inattentive questions, Braswell noted that one EC member asked him a question about his handwriting even though the entire document in

question was on a computer.

"They asked questions that were looking for answers, but most were pointed questions," said Braswell. "Anytime you'd talk to them, they'd be attacking you. The screwed-up thing is that they're supposed to look at this objectively. They are not supposed to say, 'You're guilty unless you can prove this otherwise.'"

Additionally, Braswell said confidentiality was a very large problem in his trial. He said he overheard professors discussing his case in the hallways of academic buildings. Because of this, Braswell said he felt that even if found not guilty, he would still face problems in the classroom.

"If you go in front of the EC, every single professor will know, and they will look at you with doubt from then on. You can stay technically, but you're ruined," he said.

Braswell said that after a short period of time, the pressure and aggressive questioning became psychologically damaging.

According to Braswell, the questioning can and frequently does turn hostile. "They say, 'It looks like you did this, didn't you?'"

"I don't think anyone can fathom the psychological aspects of going to trial," he said. "I'm a fairly strong person. Things don't bother me. But I was an absolute wreck going into trial."

Braswell said, not even the testimony of the accusing professor convinced the EC of his innocence. "The biggest detail of my trial was that the professor said - and this is on record - 'No, I don't think he did it. I think it was just a mistake.' They had it recorded on audiotape."

"My dad got fired from his job," said Braswell. "My parents were there and they had to have all these meetings. He got fired because he had to keep coming down for all this EC stuff."

Because of his father's unemployment, Braswell was unable to pay W&L's relatively high tuition when compared to the costs of public universities.

"When your dad gets fired, you can't afford \$30,000 a year. Had he not got fired I definitely would have taken it to an open hearing."

Overall, Braswell was troubled by the EC's lack of professionalism and hostile questioning tactics, describing the situation as a "witch hunt."

"I felt like I was being put in front of the homecoming court, not the honor council," said Braswell. "I have to say the president, Gerald Titus, did the best job he could do, but the rest of them were a joke. He did everything he could do, but he just couldn't control them."

"I think they need to read their own book and understand what it says. The only person that had a clue was the president," he said. "The idea in the book is good, but it has to be more professional."

Despite his unfortunate past circumstances, Braswell has managed to recover well. The junior currently attends James Madison University, where he plays football and is an active member of a fraternity, all while maintaining a 3.5 GPA. And through it all, he says he never has grown bitter toward Washington and Lee.

"I still love W&L, but I feel that W&L is being held hostage," said Braswell. "The student body was really supportive of me. But something needs to be done. Nobody should have to go through this."