



Former Yale Student Found Not Guilty in Rape Trial

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A New Haven, Connecticut jury recently found a former Yale University student not guilty of raping his classmate. This much-publicized case is among the small percentage of campus sexual misconduct cases that have actually made it to trial.

In 2015, Yale University student referred to as Jane Doe, accused Saifullah Khan of raping her in her dorm room. Doe testified that she attended an off-campus Halloween party with her friends, where she drank alcohol for the first time and became so intoxicated that she vomited several times, alongside Mr. Khan, an acquaintance. Later that night, Mr. Khan allegedly accompanied Doe back to her dorm room. Doe testified that she woke up naked with Mr. Khan on top of her, despite getting into bed fully clothed. The next morning, she allegedly saw used condoms on the floor and bruising on her legs. In contrast, Mr. Khan who testified in his own defense and denied the rape accusation said the sexual encounter was consensual and initiated by Doe. In the days after the alleged assault, the complainant visited Yale's sexual harassment and assault resource center, in addition to the campus hospital. A school official called the police and Mr. Khan was arrested and suspended from the university.

The trial began on February 26, 2018, and lasted about two weeks. During the trial, six-jurors heard from Jane Doe, Mr. Khan, law enforcement, and various witnesses. The jury also viewed security camera footage of the two students walking back to her dorm, where Doe appears to be leaning on Mr. Khan, with her legs dragging behind her. Mr. Khan's lawyers attempted to discredit Jane Doe's testimony by repeatedly referring to her alcohol consumption that night. Khan's lawyers also questioned Doe's Halloween costume, a black cat outfit, and asked her why she had not chosen a more modest costume, such as "Cinderella in a long flowing gown." The defense also alleged that Yale officials had compromised the investigation in an effort to demonstrate that Yale took sexual assault seriously.

After a two-week trial, the jury deliberated for three hours and found Mr. Khan to be not guilty. "We're grateful to six courageous jurors who were able to understand that campus life isn't the real world," Khan's lawyer, Norman Pattis, said in a statement. "Kids experiment with identity and sexuality. When an experiment goes awry, it's not a crime."

Laura Palumbo, a spokeswoman for the National Sexual Violence Resource Center, referred to the defense attorney's cross-examination a "victims' worst fears in coming forward." In addition, she stated "It is very intentionally working to trigger victim-blaming and stereotypes and misconceptions about sexual assault. You must be interested in sexual behavior just based on how you're dressed and drinking."

After the verdict, Mr. Khan's attorney called on Yale to reinstate Mr. Khan, accusing the university of having rushed to judgment in his suspension. Mr. Khan, a native of Afghanistan, never finished college. This case is a rare example of a campus sexual assault case going to trial. The Department of Justice estimates that between 4 percent and 20 percent of female college students who are raped report the attack to law enforcement. Of reported cases, only a small portion actually lead to arrests, let alone a trial.

This verdict comes at a time when there is a significant debate over whether campus sexual misconduct cases are best handled by institutional campus tribunals or law enforcement agencies. In the wake of the current increase in attention surrounding campus sexual assault, institutions are advised to review their sexual misconduct policies and update them, if necessary. We encourage institutions to provide regular training to students, educators and all members of the school community on how to properly recognize, prevent, respond and investigate allegations of sexual misconduct.

If you have any questions or concerns regarding employment or education-related issues, please contact James G. Ryan at jryan@CullenandDykman.com or at 516-357-3750.

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