

Former Yale Student Found Not Guilty In Rare Campus Sexual Assault Trial

Taking the stand for three days, the accuser maintained she had been too drunk to consent.

By Sara Boboltz

While sexual assault is common on college campuses nationwide, most incidents go unreported and untried.

A man accused of raping a Yale classmate on Halloween 2015 was found not guilty Wednesday by a New Haven, Connecticut, jury after a trial of less than two weeks.

A woman referred to only as Jane Doe, now 24, accused Saifullah Khan, now 25, of raping her in her dorm room after she had vomited multiple times from drinking too much alcohol. Khan said that Doe had initiated the sexual encounter, which she said she barely remembered.

Khan was found not guilty on all charges of sexual assault in the first, second, third and fourth degrees after his lawyers cast doubt on Doe's memory and called attention to her clothing. The defense also alleged that Yale officials had influenced the investigation carried out by the

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university's own police force, in an effort to prove that Yale took sexual assault seriously.

Research shows that sexual assault occurs on college campuses nationwide, yet relatively few incidents are reported to authorities and even fewer make it to trial. Just how few is unknown. According to the anti-sexual violence organization RAINN, 11.2 percent of undergraduate and graduate students experience rape or sexual assault through physical force, violence or incapacitation. Yet a whopping 89 percent of colleges reported zero incidents of rape in 2015, according to a May 2017 American Association of University Women report using data from the Department of Education.

Doe and Khan were both seniors at the time of the alleged assault. While Doe has graduated, Khan, an Afghanistan native studying cognitive science, was suspended in November 2015 and has not

returned to the school.

A jury heard testimony from Doe, Khan, law enforcement and various witnesses beginning Feb. 26.

Doe told the jurors that she became inebriated after consuming two rum-and-cokes, one shot of hard liquor and two cups of wine at a 2015 Halloween party, the Yale Daily News reported. Her friends testified that she did not typically drink very much, if at all, according to the New Haven Register.

Later in the evening, Doe accompanied friends to a Yale Symphony Orchestra concert, but said she vomited at the show and left to use the bathroom. After she was denied re-entry due to her intoxication, Doe said she went back to her dorm, accompanied by Khan. When they got to her room, Doe said Khan restrained and raped her. She also said that Khan took her phone and sent text messages to her friends to let them know she made it back safely.

Khan denied the rape accusation and characterized their sexual encounter as consensual, the Register reported. In Khan's telling, Doe did not appear too intoxicated to consent. The pair had flirted during the concert, he said. When they returned to her dorm, Khan said she did not appear to have difficulty walking.

Khan's attorney Norm Pattis offered an alternate explanation for surveillance footage showing his client supporting Doe as she appeared to stagger forward, the

Register wrote.

"How many times have you seen young lovers walk across campus in just such a pose? Does it look to you like two lovers out for a stroll?" Pattis asked the jury.

Doe testified that she went to a sexual assault counseling center following the alleged incident and then to a hospital to be tested for venereal disease. Hospital photos of bruises on Doe's legs were shown in court.

"What transformed that night from happy into a nightmare was she miscalculated her own tolerance for alcohol," Supervisory Assistant State's Attorney Michael Pepper said in his closing arguments. "She ate too little and drank too much. But that's not criminal. And it doesn't absolve the defendant," he said.

In his closing argument, Pattis drew attention to Doe's outfit that night, a "short skirt and tube top," and suggested she was "dressed to party."

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A representative for the prosecutor's office did not immediately respond to a request for comment.

Trials over alleged sexual assault on campus may become even less frequent under Education Secretary Betsy DeVos, who last year ordered

her department to roll back Obama-era rules that aimed to reform systemic mishandling of such cases under Title IX. (Title IX requires the Department of Education to protect students from gender-based discrimination, including sexual harassment and assault.)

The department's Office of Civil Rights also issued a memo last July instructing staff to scale back their investigations at public schools and universities, including in sexual assault cases. ■