

# A Jury Acquitted Him On All Charges, But Yale Still Expelled Him. Now He's Suing The School And His Accuser.

By Ashe Schow / Daily Wire

Colleges and universities have a lower standard of proof than the American legal system when it comes to allegations of sexual assault. This means that a student who is charged with sex-related crimes but found not guilty by an impartial jury can still be expelled from his school.

The difference in proof — coupled with an inherent bias in adjudicators who are trained to believe all women — makes it easy for colleges to expel students based on less evidence that is presented at trial.

This is what happened in the case of Saifullah Khan and Yale University. In March 2018, Khan was found not guilty by a jury in a court of law. While some could argue that “not guilty” does not mean “innocent,” the jurors I spoke to after the trial said that



they saw Khan as innocent.

“He’s innocent, and the facts prove it,” said Elise Wiener, an alternate juror who saw the same evidence as the other jurors. “He was acquitted because he deserved to be acquitted and the prosecutor should never have brought the case in the first place.”

Wiener and main juror Jim Gallulo said they didn’t believe Khan’s accuser. At one point, prosecutors showed a still frame from surveillance footage that appeared to show Khan holding up his accuser (her name has not been released and she is referred to as Jane Doe in court documents). Prosecutors claimed this was evidence that

the accuser was too drunk to even stand on her own and that Khan had to practically drag her to the dorms. The defense, however, played the actual video from surveillance footage, which showed Khan and his accuser walking arm in arm and appearing to be a happy couple.

That is how every moment on the evening of the alleged sexual assault played out in court. Prosecutors spun everything as evidence that Khan was forcing Jane toward sex. For example, prosecutors claimed Khan took the accuser's phone at one point. In reality, he was helping her find a ticket for a concert they were both attending. During the concert, Khan's accuser threw up. Prosecutors described the situation in a way that made jurors believe the woman must have been really ill. But when defense attorneys produced the accuser's dress from that night — which hadn't been washed — there was only a faint trace of vomit.

The sexual encounter happened hours later. Keen observers will realize that vomiting actually removes much of the alcohol from one's system.

Khan was found "not guilty," and returned to Yale, but he still faced a pseudo trial at his university. The Yale kangaroo court found Khan responsible for sexual assault and expelled him. Many of the same people involved in Khan's expulsion

have been involved in other sexual misconduct "trials" for accused students who were also found responsible based on flimsy evidence or when there was exculpatory evidence.

Khan is now suing Yale. In court documents reviewed by The Daily Wire, one of the named persons being sued by Khan is David Post. Post was the Yale administrator who convinced a student to file a formal allegation against former Yale basketball star Jack Montague after another administrator falsely told the woman that Montague had assaulted another woman on a previous occasion.

Khan was born in a refugee camp in Pakistan six months after his family fled Afghanistan to avoid potentially being killed by the Taliban. He grew up in and around the refugee camp before fleeing to the United Arab Emirates. Khan, a bright student, applied to Yale and was accepted, but suggested he attend the preparatory Hotchkiss School in nearby Lakeville, Connecticut first. Khan accepted a full scholarship to Hotchkiss and Yale. Prior to attending Hotchkiss, Khan hadn't even learned to use a knife and fork.

Khan knew his eventual accuser previously, and attended a Halloween party where he met up with her before a concert by the Yale Student Orchestra later that evening. Jane drank during

the party and became ill during the concert and threw up on her costume. Khan and Jane left early due to the illness.

The pair walked together across campus — as seen in the surveillance footage mentioned earlier — and returned to their dormitory. Khan took Jane to her room and used his key card to swipe her in. A minute later, Khan used his key card to enter his own dorm room. Khan and his attorneys say that Jane called Khan to ask him to come back to her room.

Once there, Jane asked Khan to check up on one of her friends, who had too much to drink that night. Time codes show that Khan used his key card in an area of the dorm he had no otherwise reason to be in — the area where Jane's friend was sick. Khan returned to Jane's room after checking on her friend, and Jane performed oral sex on Khan. Jane asked Khan to wear a condom, but she gagged on it and went into the bathroom to vomit.

While she was in the bathroom, Khan called his girlfriend at another university, with whom he had an open relationship. Khan did not understand how an American girl might feel about him talking to another woman just after engaging in sexual activity, as Khan and his girlfriend were both from Afghanistan.

Khan and Jane then engaged in sexual intercourse and fell asleep in Jane's bed. The next morning, Khan returned to his own room.

According to Khan's lawsuit, Jane then started telling her friends she was raped, but told a campus health care worker that she had consensual unprotected sex. Jane then publicly accused Khan of rape and went to the Yale Women's Center where she was advised to file a formal complaint against Khan. Based on her complaint, Khan was immediately suspended and police opened an investigation. Khan was charged but acquitted at trial based on the evidence laid out earlier in this article, as well as flirtatious texts she had sent to Khan and the inconsistent claims she gave to authorities about their encounter.

Khan was allowed to return to Yale after the trial, but soon after, a man who had been acting as Khan's media relations manager accused the Yale student of sexual assault. The man, who will not be named by The Daily Wire, had become taken with Khan and the two had engaged in flirtatious phone and text messages and participated in a threesome with an unnamed woman found on a dating app while in Washington, D.C. The male accuser was not associated with Yale in any way, but the accusation further served to rally activists against Khan.

Yale administrators then suspended Khan "for your physical and emotional safety and well-being and/or the safety and well-being of the university community," according to a letter from Yale dean Marvin Chun.

This suspension, like the first, left Khan homeless and threatened his status in the U.S. This second suspension also caused him to lose his university health insurance. Yale suspended Khan even though he was acquitted of the first accusation and the second accusation came from someone not affiliated with the university.

Khan's lawsuit alleges that he was suspended due to "a combination of factors including his unique history at Yale, the bitter disappointment of many Yale students and faculty that Brett Kavanaugh was expected to be confirmed as a Justice on the United States Supreme Court at or about the time of Mr. Khan's suspension, and a prevailing culture of over-heated sensibilities regarding claims of sexual assault shared by many students at Yale and expressed under the then-common hashtag #MeToo."

Khan is suing Yale for \$110 million. In a statement to The Daily Wire, Khan's attorney, Norm Pattis – who defended him during his previous trial – said:

The state charged Mr. Khan

with every applicable variant of sexual assault. Jurors acquitted him quickly of each and every charge. Jurors told us afterwards; they did not believe the accuser. The jury got it right; Yale got it wrong. We're out to correct this injustice. ■