

May 7, 2014

*The following statement was released on behalf of Daniel Kopin by his attorney Naomi Shatz.*

In the days after a rally outside Brown University's gates held by Lena Sclove and her supporters, Daniel was the target of a number of false allegations, repeated without question in online stories that also mischaracterized significant aspects of this matter.

While Daniel has no wish to engage in a public debate about the case, it is important to be clear about several points:

- Brown's student disciplinary process did not result in an adjudication of rape, and the university has stated this explicitly. Daniel was found responsible for sexual misconduct within the school's disciplinary code.
- The three-member disciplinary board that considered the complaint – composed of a faculty member, a dean and a student – used a process very different from the rigorous legal requirements followed by courts of law. There is a lesser standard of fact-finding, lesser evidentiary standards, a significantly lesser standard of proof, and an accused student's attorney is not allowed to participate in the proceedings.
- At the conclusion of the hearing, the adjudicator determined, based on the evidence presented, that a one-year suspension was appropriate. After a full review of the record by a second dean, a probationary period was added. Reports that a two-year suspension was initially recommended by the student conduct board are not supported in the record.
- While Daniel disagreed with the conclusions and outcome of the disciplinary process, he did not appeal because Brown University rules allow appeals for only two reasons: (1) newly discovered evidence or (2) substantial procedural error. Innocence is not a basis for appeal.
- There was never any allegation of sexual assault or non-consensual sex made by any other student against Daniel.

- While living off campus during the summer of 2013, Daniel was involved in a consensual sexual relationship with Ms. Sclove for several weeks. He has always maintained that their activities on the night of August 2 were also consensual, and he has consistently denied he was violent towards her in any way.
- The alleged incident occurred off-campus at a time when school was not in session. Daniel returned to Brown on September 2 and left campus on October 18 as soon as he received the university's decision. During this period, Daniel was scrupulous in following a no-contact order between him and Ms. Sclove. Reports that Ms. Sclove had to attend classes with him or that he remained on campus until just before Thanksgiving are false.
- Daniel was never the subject of criminal charges, and he has never admitted to any sexual misconduct or violent behavior.

The two conflicting versions of the events of August 2 will never be reconciled. This case is proof of only one thing: The system used by colleges and universities for handling complaints of sexual assault is badly broken. The current process serves neither the students nor the schools.

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