

# Cleared by a jury, but not by Harvard

## Former student seeks to return

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By Douglas Belkin, Globe Staff, 12/28/2003

CAMBRIDGE -- He had kissed her before. She never disputed that. He had hugged her and bought her dinner. They had talked late into the night over hot tea about their lives. He thought he was falling in love.

After winter break, when students at Harvard's Graduate School of Education returned to their dormitories, she walked to his floor and said hello. She entered his room, they kissed, and for a brief moment, Giorgi Zedginidze, a 34-year-old visiting student from Eastern Europe, considered himself a lucky man. Four hours later, he felt like his life was unraveling.

That night, Zedginidze was arrested on charges of sexual assault. He was handcuffed, strip-searched, and jailed. Nearly two years later, he was acquitted at trial, yet Harvard refuses to readmit him and has resisted scheduling a tribunal to consider it. In the school's eyes, Zedginidze said, his status is limited to one word: rapist.

"It has been a nightmare," said Zedginidze, from the Republic of Georgia. "They think I am guilty no matter what."

A Middlesex jury acquitted Zedginidze of all six counts of sexual battery, but he cannot finish his degree until the graduate school's Committee on Rights and Responsibilities clears him. The committee, however, has shown no inclination to schedule a hearing on the matter.

Zedginidze has been unable to get a hearing date from Harvard. If a hearing does take place, he has no right to a lawyer, to face his accuser, or to cross-examine witnesses.

Whatever Harvard does, there is little reason to expect Massachusetts schools to change, since the state's Supreme Judicial Court signed off on a similar system at Brandeis University in 2000. Some observers say the lack of due process is part of a

nationwide pendulum swing against the rights of students accused of disciplinary violations after failures to protect students from date rape.

Zedginidze, meanwhile, has lost a full scholarship from the US State Department, a stipend, and the right to stay in the country.

"To be accused is the virtual equivalent of being convicted," said criminal defense lawyer Harvey Silverglate, who has written a book on justice at private universities.

Margaret Pierce, a friend of Zedginidze's, sent a letter to Harvard: "I was immediately and continuously appalled by the indifference shown by University officials to the fact that this person might actually be innocent of the charges against him," she wrote. "I hate to say it because I'm a feminist, but it's a classic case of political correctness, it's a backlash."

Harvard has discouraged Zedginidze from seeking a hearing. In a letter dated Oct. 9, Nancy Nienhuis, the director of student affairs, advised Zedginidze to "consider very carefully" initiating the proceeding because he will run the risk of further damaging his academic career.

If Harvard finds Zedginidze guilty, Nienhuis wrote, his currently clean academic "transcript would bear the permanent mark 'expelled.' It is therefore critical that you carefully consider whether you want to put your current status in question by formally requesting to be reinstated."

Nienhuis wrote that she understood that Zedginidze had been acquitted of rape. But he was never charged with rape. Nienhuis referred all questions to Christine Sanni, the education school's spokeswoman, who declined to comment on a specific case.

But, Sanni said, "Having been acquitted of criminal charges does not automatically entitle a student to return to the school."

Accused students face a review in accordance with "our community standards," she said.

At 9 p.m. on Jan. 31, 2002, Zedginidze said he was thinking only of how much he had missed the woman who now stood next to him in his dormitory room. After they kissed, he said she helped him pull off her heavy winter boots, slide out of her pants, and take off her blouse. All the while, he said, she was silent.

Zedginidze took off his own clothes and lay next to her. She was 26, just 5 feet tall, and weighed less than 100 pounds. Only when he tried to have sex with her, did she say no, he said.

"What's wrong?" he said he asked. She said nothing. He stopped, he said.

Then she got dressed, he said. He begged her to stay and tell him what was wrong. She refused, he said. Four hours later, after she told her dorm supervisor that Zedginidze tried to rape her, police knocked on his room door and began asking him questions. A half hour later he was handcuffed and led in his pajamas and slippers out of Child Hall into the cold night.

"You better get yourself a good lawyer," Zedginidze said a detective told him.

Two months later, his accuser told a Middlesex grand jury that Zedginidze forced his hands down her pants while she said, "I have to go, I have to go," according to the transcript. Then, she said, he forced himself on her, trying to force her to perform oral sex on her, which she resisted.

The day after his arrest, Zedginidze was relieved to see a Harvard representative visit him at jail. But the official issued an ultimatum: Withdraw voluntarily or he would be expelled, he said. He withdrew. Unable to make bail, Zedginidze sat in jail for six weeks. He passed time playing cards with Michael "Mucko" McDermott, who later was convicted of killing eight people in a Wakefield office shooting. When Zedginidze was finally released, he was barred from walking onto Harvard's campus. No longer a student, he lost his visa and became an illegal immigrant. He waited tables in the North End while awaiting trial.

Twenty months and \$50,000 in legal fees later, the allegations were tested in court. Edward Wayland, Zedginidze's lawyer, cross-examined the accuser, finding discrepancies between the chain of events she had described the night of the alleged assault to police, and to the grand jury and the jury, Wayland said.

The woman testified that she had only the most distant of relationships with Zedginidze. Wayland produced e-mails that showed the two chatting back and forth, making plans to go out to dinner and talking about it afterwards.

A Middlesex Superior Court jury found Zedginidze not guilty.

Since the verdict, the Middlesex District Attorney's office has declined to comment on

the case, and Zedginidze's accuser, who now lives in California, did not respond to several interview requests.

"If this were a public university he'd have every right to sue them for violating his due process rights," said Silverglate.

Zedginidze, now 36, is back in the Georgia republic, hoping to return when a hearing is set.

"I did nothing wrong," he said. "It's simply a matter of honor."

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