

A Possible New Avenue Of Relief For Victims of Assault By Non-Family Members

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At Baylor University in Waco, Texas, the head football coach has recently been fired over the way he and his staff handled accusations of sexual assault and dating violence on the part of football players on his team. He and his staffers are accused of running interference for their players, going so far as to interview the women who were making complaints and obstruct legitimate investigation of the accusations in hopes of diverting the cases from criminal prosecution and therefore allowing the team's on-field success to continue.

Similar behavior has been observed at other colleges across the country-Notre Dame, Florida State, Oregon and Tennessee-where athletics are such a priority that sheltering the student athlete comes at the price of protecting the greater school community as a whole.

On the flip side, several years ago, three Duke lacrosse players were falsely accused of sexually abusing a young woman by an overzealous prosecutor. It came to light that, in fact, no abuse had occurred; unfortunately, three young men's lives were all but destroyed in the process. In that case, the University forced the lacrosse coach to resign and cancelled the lacrosse season.

There is no doubt that colleges have a difficult task protecting students from other students who engage in criminal acts while not turning its back on legitimate complaints.

Presently, in New Jersey, a bill has been introduced which provides that a person can obtain a restraining order after making an allegation of domestic violence even if there is no prior existing spousal, household or dating relationship with the offender. While this bill will not change a university's response to allegations, it does provide a victim with an avenue of relief in the court system which is accustomed to dealing with such complaints and has a track record of making determinations

on the legitimacy of such allegations.

The Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 to 33, provides that in order for a person to obtain a restraining order, the alleged abuser must be a spouse, a household member or a prior household member, have a child in common or have been in a dating relationship.

The proposed bill would expand the jurisdiction of the Act to cover relationships outside those categories and would give relief, for example, for abuse occurring to college students who may have no relationship with an abuser and for those who are attacked by casual acquaintances or co-workers. This bill, if passed, would not obviate institutional failures, but could provide another avenue of relief for victims of violence especially, sexual assault.