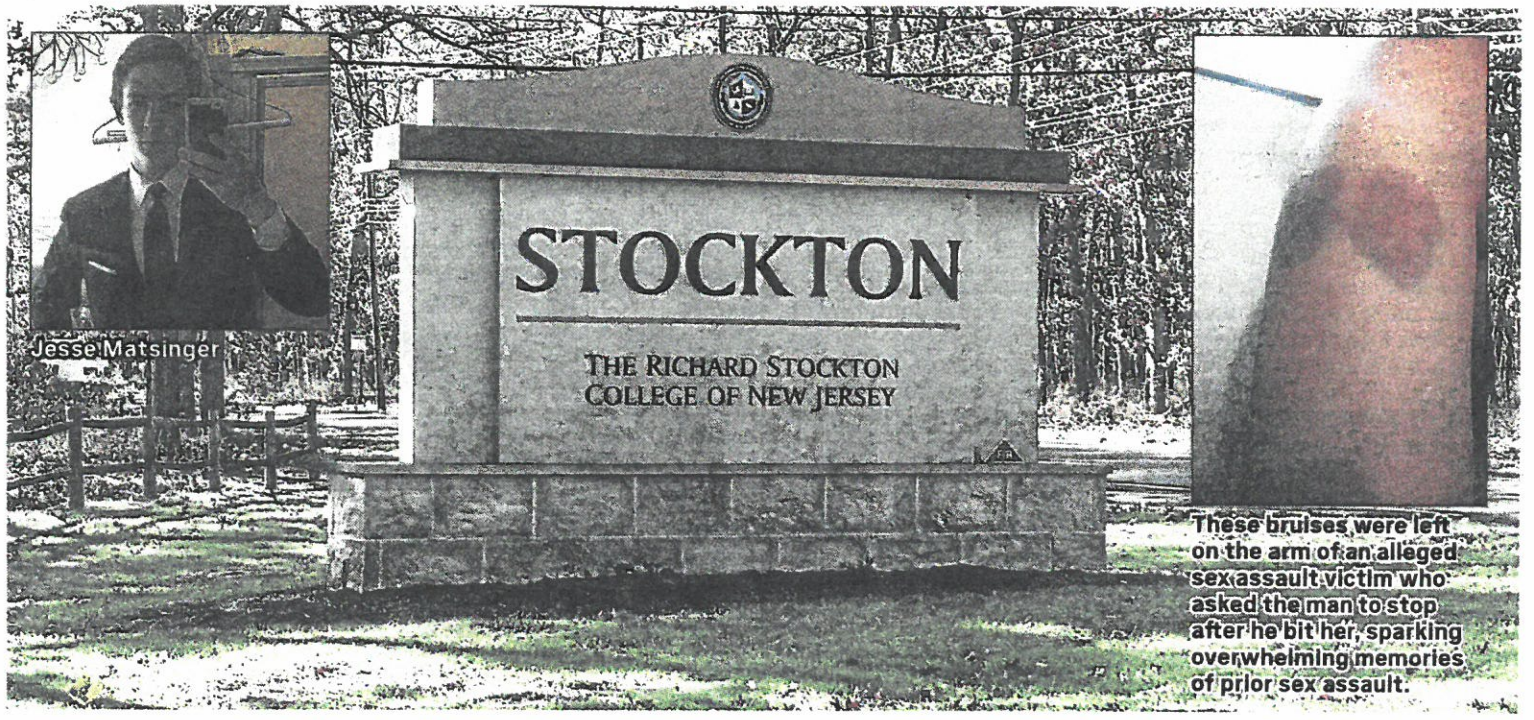


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CULTURE OF RAPE

Lawsuit: Stockton U. student was sexually assaulted by college counselor's son, school officials worked to discredit the victim » PAGE 5



These bruises were left on the arm of an alleged sex assault victim who asked the man to stop after he bit her, sparking overwhelming memories of prior sex assault.

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SEX ASSAULT

Stockton U. student raped by college counselor's son, lawsuit says

By Penny Ray

pennyray@trentonian.com
@Penny_Ray on Twitter

Stockton University employees conspired to conceal a sexual assault allegedly committed by the son of a college counselor, according to a lawsuit that says the defendants knew the victim had survived a suicide attempt stemming from a previous sexual encounter.

The bombshell civil lawsuit, submitted online Sunday afternoon, is the fifth one filed against Stockton University this summer by women who all claim their sex assault cases were not properly handled by college officials.

The latest lawsuit outlines a culture of underage drinking and drug use by university students that resulted in the victim being raped on at least two separate occasions.

Along with the college, Stockton student Jesse Matsinger Jr. and his mother Karen Matsinger — who is a counselor at the university — are both named as defendants in the lawsuit. Attempts to reach Jesse for comment were unsuccessful; a university spokesperson said the college had not been served with the new suit, but declined to comment on pending litigation.

"It's unfortunate that it took Stockton University four complex federal lawsuits to flush out the truth as to how they responded to young women's reports of rape and sexual abuse," the victim's attorney Robert Fuggi said.

According to the suit, a woman identified by the initials M.H. attempted to take her own life in April 2016, less than a year after enrolling in Stockton. The reason: a college res-

ident assistant (RA) illegally gave her alcohol after she had already abused cough syrup for the alcohol content, which led to sexual relations between the two of them.

M.H. does not accuse that RA of rape, although the lawsuit says she was incapacitated during the sexual encounter. Court documents also say a college official urged the victim not to initiate a Title IX investigation after the incident because "she wouldn't win and would be better off" only reporting the underage drinking, which would likely result in the RA being suspended of his college duties as an advisor.

The day after that suicide attempt, the lawsuit says, M.H. started seeing Karen Matsinger, a counselor at Stockton University. Karen Matsinger "identified that M.H. had a drinking problem and required sobriety," according to court documents. And with the help of counseling, the victim remained sober for a number of months following the suicide attempt.

The lawsuit says a "rampant" culture of continued sex assault and underage drinking at Stockton eventually led to M.H. being raped in March 2017. After surviving that rape, the victim called the suicide hotline and then sought comfort from Jesse Matsinger, with whom she had become acquainted after her roommate began dating one of his friends.

After M.H. told Jesse she had called the suicide hotline, the lawsuit says, he invited her to a house in Egg Harbor City to "calm down and have drinks with us."

"While at the house, M.H. and a group inclusive of six Stockton students drank alcohol and



SUBMITTED PHOTOS

Jesse Matsinger Jr.

smoked marijuana while playing 'Drunk Jenga,' the lawsuit says.

Two students eventually left the party, and M.H. fell asleep on a bed with Jesse and others playing video games in the room while she slept. The lawsuit says the victim eventually awoke and found Jesse inviting her to "cuddle," which she accepted.

The lawsuit says the cuddling led to consensual kissing and oral sex. But Jesse suddenly bit M.H. on the arm "unprovoked, resulting in significant pain and eventual bruising."

"What could be a rational reason for bite marks left on this woman after an assault?" Fuggi pondered. "That she wanted or asked for it? It's always convenient to victim blame to protect the real perpetrator."

Court documents say the bite was so violent that M.H. "began to cry due to the pain." She then explained to Jesse that memories of the trauma from the March assault were overwhelming her, and that she "needed to stop."

Jesse then asked "if there was anything he could do" for them to continue to have sex, according to the lawsuit, which says M.H. responded by saying "No."

"Unwilling to take no for an answer," Jesse then "forcibly mounted" M.H.



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without her consent, the lawsuit alleges, and committed the sex assault with "full knowledge" of her psychological state.

Due to the previous trauma, the victim remained frozen and unable to speak or resist, the suit says. She then waited until Jesse fell asleep before sneaking out of the room.

"M.H. was extremely distraught and didn't know what to do or think about the fact that her friend" had violently bit, assaulted and raped her, the lawsuit says.

Documents say the victim told several friends and college personnel about the encounter with Jesse, but requested that specific Stockton officials not be involved in the investigation because of their relationship with the Matsinger family. The lawsuit says that request was ignored.

"In violation of Title IX and Stockton's own policies, M.H. was supposed to have an advocate with her provided by Stockton

University during every part of the process," the lawsuit says. "However, no advocate was provided, forcing M.H. to handle the process by herself with no guidance or legal counsel."

One college official actually volunteered to be M.H.'s advocate, the lawsuit says, but she was later removed from the case due to a conflict of interest. The lawsuit further alleges that college officials assigned to document the victim's recollection of events wrote inaccurate notes to "paint her as unreliable."

The victim actually asked an official to clarify information wrongly portrayed to investigators, the lawsuit says, but they refused, "saying M.H. would be able to clarify these things during the hearing itself."

The lawsuit accuses the official of having an ulterior motive to protect the college and the Matsinger family.

"There are conflicts across the board," Fuggi said. "How can an institution fairly investigate the assault and rape of a woman who has clear evidence of bite marks and find her not credible? The answer is that she accused the son of an influential person."

The suit also says Jesse was given a different deadline to submit evidence for the Title IX investigation, resulting in M.H. not having the opportunity to examine that information before the hearing. Documents also say the investigation lasted 107 days, instead of the university's mandated 60-day timeframe.

"This clearly raises an appearance of impropriety due to Karen Matsinger's position at Stockton University," the lawsuit al-

leges. "This undermined the integrity of the Title IX hearing."

The Title IX investigation eventually determined M.H.'s testimony was not credible as it related to the sex assault. The investigation further found that Jesse was "not responsible" for any sexual misconduct or harm caused to M.H. However, investigators did find Jesse "responsible" for violating guidelines related to "off-campus behaviors."

"Stockton had several layers of protection built into their control group with the county prosecutor's office to not fully report and prosecute all sexual abuse cases," Fuggi said. "It should raise the question of whether not only this woman, but other previous victims of sexual abuse, were treated fairly."

Last week, the Atlantic County Prosecutor's Office issued a statement acknowledging "potential conflicts of interest," in regard to the Stockton University alleged sex assaults. The statement says the wife of a prosecutor has been employed by the college since 2013, and that he has not been involved in the investigation as a result. It also says that Dr. Harvey Kesselman, President of Stockton University, is the father of a chief assistant prosecutor who has "never participated" in matters involving Stockton University.

"These conflicts should have been disclosed earlier to all Stockton students who became victims of sexual abuse and rape," Fuggi said. "They do so now strictly for public image and damage control of a situation that has unfortunately tainted both organizations."