

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE

VIRGINIA ALPHA CHAPTER OF PHI KAPPA PSI FRATERNITY,

Plaintiff,

v.

CASE NO.: CL15-479

**ROLLING STONE LLC,
1290 Avenue of the Americas
New York, NY 10104-0295**

**Serve: Corporation Service Company
80 State Street
Albany, NY 12207-2543**

and

**WENNER MEDIA LLC,
1290 Avenue of the Americas
New York, NY 10104-0295**

**Serve: Corporation Service Company
80 State Street
Albany, NY 12207-2543**

and

**STRAIGHT ARROW PUBLISHERS LLC,
1290 Avenue of the Americas
New York, NY 10104-0295**

and

**SABRINA RUBIN ERDELY
613 S. 9th Street,
Philadelphia, PA 19147-2027**

Defendants.

FILED
11/9/15 @ 11:00a
(Date & Time)
City of Charlottesville
Circuit Court Clerk's Office
Lizelle A. Dugger, Clerk
By Williams
Deputy Clerk

COMPLAINT

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW the Virginia Alpha Chapter of Phi Kappa Psi Fraternity (“Plaintiff” or “Phi Kappa Psi”), and moves the Court for entry of judgment on its behalf against Rolling Stone LLC, Wenner Media LLC., Straight Arrow Publishers LLC, and Sabrina Rubin Erdely (collectively, “*Rolling Stone*” or “Defendants”), jointly and severally, and in support thereof respectfully states the following:

NATURE OF THE ACTION

1. This is a defamation action brought by the Virginia Alpha Chapter of the Phi Kappa Psi Fraternity against *Rolling Stone* and Sabrina Rubin Erdely, the writer and Contributing Editor of an article entitled “A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA” (the “Article”), which was featured in a *Rolling Stone* publication issued on November 19, 2014. This action is brought in direct response to the defamatory statements made in *Rolling Stone*’s Article, as well as to subsequent statements made by Erdely and *Rolling Stone* which repeated and reinforced the defamatory statements made in the original Article. The Article described in graphic detail the horrifying ordeal of a University of Virginia freshman woman identified as “Jackie.” Jackie was brought to a Phi Kappa Psi date function held on September 28, 2012, by a third-year UVA undergraduate and member of Phi Kappa Psi, identified as “Drew.” Jackie met Drew at the UVA Aquatic and Fitness Center, where they both worked. During the Phi Kappa Psi party, Jackie was given alcoholic punch to drink, and then led upstairs into a dark bedroom by Drew. As soon as she entered the bedroom,

Jackie was tackled and sent backwards onto a low glass table, which shattered and caused shards of glass to dig into her back. She was punched, pinned to the table, a hand was clamped over her mouth, and her legs were pried apart. She was then ritually raped by seven Phi Kappa Psi fraternity members for three agonizing hours. One of the rapists began the ritual by shouting “Grab its motherfucking leg.” The gang-rape was a Phi Kappa Psi initiation rite. During the ritual rape one of Jackie’s assailants chastised one of the other assailants, saying: “Don’t you want to be a brother? We all had to do it, so you do, too.” Jackie was repeatedly raped, as well as violated with a beer bottle, which was shoved into her. The Article goes on to recount Jackie describing her horrific experience to three friends on the night of the atrocity, and later to officials within UVA, all of whom were insensitive and unsupportive, acting as apologists for what the Article portrayed as UVA’s culture of rape. In the aftermath of the Article, Phi Kappa Psi and its members became the object of an avalanche of condemnation worldwide.

2. The Article, however, was entirely false and a complete fabrication. The infirmities in the Article were first exposed by other news organizations, such as *The Washington Post*, which noted fundamental flaws in Jackie’s account and raised the possibility that the entire story may have been concocted. *Rolling Stone* reacted to these reports by doubling down on its original Article, standing by its story, engaging in deception and cover-up, and issuing interviews and public statements that lied about its sourcing. Investigations by the Phi Kappa Psi Fraternity, the University of Virginia, and the Charlottesville Police Department, however, would reveal that the gang-rape never happened. There was no Phi Kappa Psi date function on September 28, 2012. The ringleader of the alleged gang-rape, “Drew,” did not exist. No member of Phi Kappa Psi worked at the Aquatic Center with Jackie. Jackie was not gang-raped, or sexually

assaulted by anyone in any manner at Phi Kappa Psi, nor was she assaulted by any Phi Kappa Psi member at any other time or place. The interactions Jackie described with her three friends on the night of the alleged event did not take place, and the quotations attributed to those friends were fabricated. The portrayal of insensitivity to Jackie's allegations by UVA officials was false, and included fabricated statements by those officials. *Rolling Stone*, caught in this colossal act of defamatory falsehood, commissioned the prestigious Columbia Graduate School of Journalism, led by the School's Dean, Steve Coll, along with Sheila Coronel and Derek Kravitz, to investigate the episode. The Columbia Journalism School issued a devastating Report, severely criticizing *Rolling Stone*, its writer and editors for failing to corroborate Jackie's story before publishing the Article. Thereafter, *Rolling Stone* retracted the Article, and admitted its falsehood.

3. This defamation action alleges that *Rolling Stone* set out in advance to find a sensational story of graphic and violent rape, searched for such a story at elite universities, and rejected other possible stories because the sexual assaults they portrayed were too "normal." *Rolling Stone* endorsed and encouraged Erdely's efforts to troll elite American college campuses in search of a sensational and graphic rape narrative, and rejected potential stories from universities such as Yale that lacked the sensational quality *Rolling Stone* sought. *Rolling Stone* and Erdely had an agenda, and they were recklessly oblivious to the harm they would cause innocent victims in their ruthless pursuit of that agenda.

4. *Rolling Stone* knew from the beginning that Jackie was an unreliable source and that her story was questionable. *Rolling Stone* intentionally and deliberately failed to verify the existence of Drew or to contact Drew, intentionally and deliberately

neglected to contact or interview any of the friends Jackie spoke to on the night of the heinous crime, intentionally and deliberately neglected to verify that a date function had taken place at the Phi Kappa Psi House on that night, intentionally and deliberately misled and manipulated the leader of Phi Kappa Psi in a last-minute request for comment so as to falsely portray Phi Kappa Psi as stonewalling *Rolling Stone*, and intentionally and deliberately neglected to obtain records and information that would have demonstrated the falsity of Jackie's story. The Article was intentionally crafted to deceive readers into believing *Rolling Stone* had identified Drew and spoken to all key witnesses, when in fact *Rolling Stone* had itself developed the idea of simply creating a fictional name for the assailant, having also intentionally decided not to identify or interview Drew or any of Jackie's three friends. These actions by *Rolling Stone* were part of an intentional and deliberate *quid pro quo* arrangement in which *Rolling Stone* intentionally avoided sourcing and corroborating the story in return for Jackie's continuing cooperation and willingness to not back down from her story. All *Rolling Stone* wanted and needed was a willing source—Jackie—who would stick to her incredible claims and provide *Rolling Stone* with a patina of journalistic cover. *Rolling Stone* knew that the publication of its story would and should result in investigations and prosecutions of Phi Kappa Psi and its individual members; that said investigations would result in long prison sentences—perhaps sentences for life; and that its Article all but assured the utter destruction of the reputations of Phi Kappa Psi and its individual members. These allegations did not concern harmless fraternity pranks. These were allegations of ritualized and criminal gang-rape that *Rolling Stone* knew were the predicates for annihilation of Phi Kappa Psi and widespread persecution of its members. Allegations of systematic gang-rape carried out in the service of institutional policy are conventionally

connected with war crimes and brutal, uncivil cultures; yet, despite knowing the severity of Jackie's allegations, *Rolling Stone* allowed the atrocious behavior described in the Article to become forever associated with Phi Kappa Psi. *Rolling Stone* knew that it was uncertain as to whether Jackie's incredible story was true or false. It knew it needed to corroborate and verify its story, yet its reporters and editors conspired not to do so. Editors and fact-checkers inside *Rolling Stone* spotted red flags that indicated the story was flawed and raised alarms, yet nothing was done. *Rolling Stone* published the Article—the story was simply too tempting, too sensational, to let facts get in the way.

5. Rape is a brutal and heinous crime, and sexual assault on American campuses must not be tolerated; however, serious public discourse about sexual assault is not served by the intentional publication of a lurid and horrific story that was intentionally and callously not corroborated, notwithstanding the publisher's serious subjective doubts that the account was true. In the most scurrilous traditions of yellow tabloid journalism, *Rolling Stone* published a devastating story it knowingly failed to verify, in reckless disregard for truth or falsity, or the essential safety, dignity, and welfare of the organization or of those lives it was willing to crush with its defamatory Article and subsequent cover-up attempts. This defamation action is brought to seek redress for the wanton destruction caused to Phi Kappa Psi by *Rolling Stone*'s intentional, reckless, and unethical behavior.

PARTIES, JURISDICTION, AND VENUE

6. Defendant Rolling Stone LLC is a Delaware limited liability company with its principal place of business in New York. Rolling Stone LLC has only one member, which is Wenner Media LLC, a Delaware limited liability company with its principal place of business in New York. The sole member of Wenner Media LLC is Straight Arrow Publishers LLC, which is a Delaware limited liability company with its principal place of business in New York. The members of Straight Arrow Publishers LLC are: (1) Straight Arrow Publishers Inc.; (2) the Jacob Eisner 2012 Trust 45; (3) the Sophie Eisner 2012 Trust 45; (4) the Robin Ruddell 2012 Trust 45; (5) the 2006 Wenner Family LLC; (6) Megan Kingsbury; (7) Jacob Eisner; (8) Sophie Eisner; (9) the Kalei Wenner Irrevocable Trust.

7. Defendant Straight Arrow Publishers LLC is a citizen of California, Delaware, Hawaii, Michigan, New Jersey, and New York. Defendants Rolling Stone LLC and Wenner Media LLC are citizens of California, Delaware, Hawaii, Michigan, New Jersey, and New York.

8. In conjunction with Defendants Wenner Media LLC and Straight Arrow Publishers LLC, Defendant Rolling Stone LLC owns and publishes *Rolling Stone* magazine. Defendants Rolling Stone LLC, Wenner Media LLC, and Straight Arrow Publishers LLC are collectively referred to herein as “*Rolling Stone*.” *Rolling Stone* published a false and defamatory article about Phi Kappa Psi on its website and in its December 2014 printed edition of its magazine. All allegations set forth herein against *Rolling Stone* magazine are also made against Defendants Rolling Stone LLC, Wenner Media LLC, and Straight Arrow Publishers LLC as owners and publishers of *Rolling Stone* magazine and its related website, www.rollingstone.com. Defendant Rolling Stone

LLC is responsible for and liable for all actions taken by its Co-Defendants alleged in this Complaint.

9. Defendant Sabrina Rubin Erdely is a journalist and magazine reporter who is employed by *Rolling Stone* as a Contributing Editor. Erdely resides in the Commonwealth of Pennsylvania. Erdely researched and wrote the defamatory Article that falsely accused the Virginia Alpha Chapter of Phi Kappa Psi Fraternity of engaging in ritualized gang-rape.

10. As a Contributing Editor at *Rolling Stone*, Erdely was an employee, agent, and servant of her Co-Defendants. In researching, writing, editing, and assisting in the publication of the Article, Erdely acted within the scope of her employment and exercised the agency granted to her by the Co-Defendants. In publishing the Article alongside Erdely's byline in its magazine, *Rolling Stone* participated in, authorized, and ratified Erdely's research, writing, editing, and assistance in the publication of the Article.

11. As the Deputy Managing Editor at *Rolling Stone*, Sean Woods was an employee, agent, and servant of *Rolling Stone*. In researching, writing, editing, and assisting in the publication of the Article, Woods acted within the scope of his employment and exercised the agency granted to him by *Rolling Stone*. In publishing the Article with Woods listed as Deputy Managing Editor, *Rolling Stone* participated in, authorized, and ratified Woods' research, writing, editing, and assistance in the publication of the Article.

12. As the Managing Editor at *Rolling Stone*, Will Dana was an employee, agent, and servant of *Rolling Stone*. In researching, writing, editing, and assisting in the publication of the Article, Dana acted within the scope of his employment and exercised the agency granted to him by *Rolling Stone*. In publishing the Article with Dana listed as

Managing Editor, *Rolling Stone* participated in, authorized, and ratified Dana's research, writing, editing, and assistance in the publication of the Article.

13. Defendants Rolling Stone LLC, Wenner Media LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely are collectively citizens of California, Delaware, Hawaii, Michigan, New Jersey, New York, and Pennsylvania.

14. The Virginia Alpha Chapter of Phi Kappa Psi Fraternity is an unincorporated association located in Charlottesville, Virginia. It is also known by the name, "Phi Kappa Psi."

15. Jahvonta A. Mason is an undergraduate member of Phi Kappa Psi and its current Chapter President. He was elected to his position as Chapter President by a vote of the undergraduate members in accordance with Phi Kappa Psi's bylaws and constitution. As Chapter President, his duties include presiding over all Chapter meetings, filling all other executive positions, overseeing the other officers in fulfillment of their duties, ensuring all Chapter policies and rules are followed, and providing leadership and direction for the Chapter membership. In consideration of all of these duties, Jahvonta A. Mason is an officer of the Chapter, has charge of the Chapter's affairs, and is legally authorized to carry out resolutions adopted by the Chapter.

16. The current undergraduate members of Phi Kappa Psi are domiciliaries and therefore citizens of the following states: Virginia (33), California (6), Pennsylvania (2), Florida (2), New York (2), New Jersey (2), Maryland (2), Missouri (1), Arizona (1), Ohio (1), North Carolina (1), and Kentucky (1). Therefore, Phi Kappa Psi is a citizen of Virginia, California, Pennsylvania, Florida, New York, New Jersey, Maryland, Missouri, Arizona, Ohio, North Carolina, and Kentucky.

17. Phi Kappa Psi was founded at the University of Virginia (“UVA”) as the Virginia Alpha chapter of the fraternity in 1853.

18. Since its founding, Phi Kappa Psi has attracted young men from diverse geographic, ethnic, and socioeconomic backgrounds.

19. Phi Kappa Psi was originally founded as a brotherhood based on the “great joy of helping others.” In recent years, the Phi Kappa Psi brothers have raised thousands of dollars for charitable causes and devoted more than one thousand volunteer hours per year to these worthy causes.

20. Phi Kappa Psi’s service tradition has produced a wide array of civic leaders, including governors, congressmen, ambassadors, generals, an admiral, and American President and Nobel Peace Prize recipient, Woodrow Wilson. Alumni from Phi Kappa Psi have become leaders in business, politics, medicine, academia, and the military.

21. Of Phi Kappa Psi’s 1600 initiates, many have contributed generously to the University of Virginia financially and through service. Several alumni have served UVA on the Board of Visitors and in other capacities of significance to the University.

22. Phi Kappa Psi has always maintained a commitment to high academic standards. Since the fall of 2007, Phi Kappa Psi has maintained an average grade point average above the school-wide men’s average in fifteen of sixteen semesters. In the past decade, Phi Kappa Psi brothers have become members of Eta Kappa Nu, the Echols Scholars program, Tau Beta Pi, the Raven Society, the Order of the Cloak and Dagger, and the Honor Committee. Individual brothers have also become Jefferson and Fulbright Scholars.

23. Phi Kappa Psi brothers have been ROTC members, varsity athletes, athletic coaches, and residents of Thomas Jefferson’s Lawn—a prestigious distinction reserved for students exhibiting special moral character and academic performance. Many brothers have served as student leaders on the Inter-Fraternity Council and within student government.

24. As a result of Phi Kappa Psi’s academic, service, and extracurricular achievements, it enjoyed a superlative reputation within the UVA and Charlottesville communities and among UVA alumni. Owing to the success of its past members, Phi Kappa Psi was also known and respected by people who had never attended UVA. In a rare moment of accuracy in the defamatory Article, Erdely noted that Phi Kappa was an “upper tier fraternity” at the University of Virginia.

25. In order to perpetuate itself, Phi Kappa Psi relies on attracting a new class of prospective brothers each spring semester. These prospective brothers, or “rushees,” are selected through a process that begins with an exchange of information about the fraternity and its members and ends with the rushees’ “pledge,” or commitment to join Phi Kappa Psi after completing the pledging process.

26. In accordance with UVA’s rules, Phi Kappa Psi keeps records of the numbers of students that attend its “Open House” rush events to gather information on the fraternity, its members, and its pledge process. These records show that Phi Kappa Psi normally hosted about eight hundred students during its two Open House events in January of each year.

27. Phi Kappa Psi relies on each incoming class of pledges to pay dues, to contribute to charitable causes through the fraternity, to justify the continued presence of

the fraternity on campus, to expand the fraternity's social network, and to attract future membership.

28. The chief assets of Phi Kappa Psi that attract new members to its pledge classes are its reputation and the experience of being a brother at Phi Kappa Psi. Both of these assets were catastrophically harmed by *Rolling Stone's* publication of the defamatory Article.

29. Phi Kappa Psi should be deemed a private figure for the purpose of establishing defamation liability. The individual brothers of Phi Kappa Psi, all of them college undergraduates at UVA, are manifestly private figures. Phi Kappa Psi as an entity is an unincorporated association, an associational service organization comprised collectively of these private figure college students. Phi Kappa Psi, as an entity, was simply a college fraternity going about its normal business prior to the publication of the *Rolling Stone* Article. In the wake of that vicious attack on its reputation, Phi Kappa Psi publicly defended itself from *Rolling Stone's* fabricated gang-rape controversy, particularly when it became obvious that people believed *Rolling Stone's* specious allegations. Phi Kappa Psi's public visibility in the aftermath of the Article's publication does not transform Phi Kappa Psi into a public figure. As a non-profit association, the fraternity's dealings with society at large were limited and routine. Phi Kappa Psi never voluntarily thrust itself into a pre-existing controversy regarding ritual gang-rape prior to publication of the Article, and is thus a private figure under Virginia common law and federal First Amendment law principles.

30. Phi Kappa Psi is an association founded to advance the service interests of its members. Membership in Phi Kappa Psi is primarily pursued for its social aspects, as well as the close-knit relationships that form between its members. Phi Kappa Psi does

not exist to turn a profit. Its fraternity house ownership and leasing responsibilities have been assumed by its housing corporation, the Montalto Corporation, since 1914. Phi Kappa Psi's reputation and brand has been primarily formed through the reputations, achievements, and comportments of its individual members.

31. The defamatory statements alleged in this suit were published in Charlottesville, Virginia. While the monumental damage suffered by Phi Kappa Psi and its member brothers resonated worldwide, a significant portion of the damage caused by the defamatory statements occurred in Charlottesville and in the UVA community. This Court has specific personal jurisdiction over Defendants under Virginia's long-arm statute, Va. Code § 8.01-328.1, as amended, as well as under the Due Process Clause of the U.S. Constitution, because, *inter alia*, the causes of action asserted in this Complaint arise from Defendants transacting business in this Commonwealth and causing tortious injury by an act or omission in this Commonwealth. *Rolling Stone* regularly solicits business in this Commonwealth and derives substantial revenue from sale of magazines and sale of advertising resulting from their directing their publications, including the Article at issue in this action, into this Commonwealth and at residents of this Commonwealth. Venue is proper in this Court under Va. Code § 8.01-262, as amended, because the causes of action asserted herein arose in this jurisdiction.

The Defamatory Statements

32. On November 19, 2014, *Rolling Stone* published "A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA." *Rolling Stone* published the Article online at <http://www.rollingstone.com/culture/features/a-rape-on-campus-20141119>. A

print edition of the same Article was published in the December 4, 2014 issue of *Rolling Stone* magazine, Issue #1223. True and correct copies of this Article are collectively attached to this complaint as Exhibits A (online version) and B (print version) and incorporated herein and made a part of this Complaint.

33. The Article's principal narrative concerned a UVA student identified as "Jackie," whom *Rolling Stone* claimed was gang-raped in the Phi Kappa Psi fraternity house at the University of Virginia. Jackie's alleged rape was selected by *Rolling Stone's* reporter, Sabrina Rubin Erdely, to be a "single, emblematic rape case," and the centerpiece of the Article.

34. The Article's account of Jackie's rape was graphic and detailed. It precisely identified the location of the rape as an upstairs bedroom in the Phi Kappa Psi Fraternity House. Upstairs bedrooms at the Phi Kappa Psi House were leased to and occupied only by Phi Kappa Psi brothers. Any reader would understand the bedroom in the Article as belonging to a Phi Kappa Psi brother who lived in the house during September 2012.

35. The Article contained the following false and defamatory account of the night of September 28, 2012, which is of and concerning Phi Kappa Psi:

Sipping from a plastic cup, Jackie grimaced, then discreetly spilled her spiked punch onto the sludgy fraternity-house floor. The University of Virginia freshman wasn't a drinker, but she didn't want to seem like a goody-goody at her very first frat party – and she especially wanted to impress her date, the handsome Phi Kappa Psi brother who'd brought her here. Jackie was sober but giddy with discovery as she looked around the room crammed with rowdy strangers guzzling beer and dancing to loud music. She smiled at her date, whom we'll call Drew, a good-looking junior – or in UVA parlance, a third-year – and he smiled enticingly back.

"Want to go upstairs, where it's quieter?" Drew shouted into her ear, and Jackie's heart quickened. She took his hand as he threaded them out of the crowded room and up a staircase.

Four weeks into UVA's 2012 school year, 18-year-old Jackie was crushing it at college. A chatty, straight-A achiever from a rural Virginia town, she'd initially been intimidated by UVA's aura of preppy success, where throngs of toned, tanned and overwhelmingly blond students fanned across a landscape of neoclassical brick buildings, hurrying to classes, clubs, sports, internships, part-time jobs, volunteer work and parties; Jackie's orientation leader had warned her that UVA students' schedules were so packed that "no one has time to date – people just hook up." But despite her reservations, Jackie had flung herself into campus life, attending events, joining clubs, making friends and, now, being asked on an actual date. She and Drew had met while working lifeguard shifts together at the university pool, and Jackie had been floored by Drew's invitation to dinner, followed by a "date function" at his fraternity, Phi Kappa Psi. The "upper tier" frat had a reputation of tremendous wealth, and its imposingly large house overlooked a vast manicured field, giving "Phi Psi" the undisputed best real estate along UVA's fraternity row known as Rugby Road.

Jackie had taken three hours getting ready, straightening her long, dark, wavy hair. She'd congratulated herself on her choice of a tasteful red dress with a high neckline. Now, climbing the frat-house stairs with Drew, Jackie felt excited. Drew ushered Jackie into a bedroom, shutting the door behind them. The room was pitch-black inside. Jackie blindly turned toward Drew, uttering his name. At that same moment, she says, she detected movement in the room – and felt someone bump into her. Jackie began to scream.

"Shut *up*," she heard a man's voice say as a body barreled into her, tripping her backward and sending them both crashing through a low glass table. There was a heavy person on top of her, spreading open her thighs, and another person kneeling on her hair, hands pinning down her arms, sharp shards digging into her back, and excited male voices rising all around her. When yet another hand clamped over her mouth, Jackie bit it, and the hand became a fist that punched her in the face. The men surrounding her began to laugh. For a hopeful moment Jackie wondered if this wasn't some collegiate prank. Perhaps at any second someone would flick on the lights and they'd return to the party.

"Grab its motherfucking leg," she heard a voice say. And that's when Jackie knew she was going to be raped.

She remembers every moment of the next three hours of agony, during which, she says, seven men took turns raping her, while two more – her date, Drew, and another man – gave instruction and encouragement. She remembers how the spectators swigged beers, and how they called each other nicknames like Armpit and Blanket. She remembers the men's heft and their sour reek of alcohol mixed with the pungency of marijuana. Most of all, Jackie remembers the pain and the pounding that went on and on.

As the last man sank onto her, Jackie was startled to recognize him: He attended her tiny anthropology discussion group. He looked like he was going to cry or puke as he told the crowd he couldn't get it up. "Pussy!" the other men jeered. "What, she's not hot enough for you?" Then they egged him on: "Don't you want to be a brother?" "We all had to do it, so you do, too." Someone handed her classmate a beer bottle. Jackie stared at the young man, silently begging him not to go through with it. And as he shoved the bottle into her, Jackie fell into a stupor, mentally untethering from the brutal tableau, her mind leaving behind the bleeding body under assault on the floor.

When Jackie came to, she was alone. It was after 3 a.m. She painfully rose from the floor and ran shoeless from the room. She emerged to discover the Phi Psi party still surreally under way, but if anyone noticed the barefoot, disheveled girl hurrying down a side staircase, face beaten, dress spattered with blood, they said nothing. Disoriented, Jackie burst out a side door, realized she was lost, and dialed a friend, screaming, "Something bad happened. I need you to come and find me!" Minutes later, her three best friends on campus – two boys and a girl (whose names are changed) – arrived to find Jackie on a nearby street corner, shaking. "What did they do to you? What did they make you do?" Jackie recalls her friend Randall demanding. Jackie shook her head and began to cry. The group looked at one another in a panic. They all knew about Jackie's date; the Phi Kappa Psi house loomed behind them. "We have to get her to the hospital," Randall said.

Their other two friends, however, weren't convinced. "Is that such a good idea?" she recalls Cindy asking. "Her reputation will be *shot* for the next four years." Andy seconded the opinion, adding that since he and Randall both planned to rush fraternities, they ought to think this through. The three friends launched into a heated discussion about the social price of reporting Jackie's rape, while Jackie stood beside them, mute in her bloody dress, wishing only to go back to her dorm room and fall into a deep, forgetful sleep. Detached, Jackie listened as Cindy prevailed over the group: "She's gonna be the girl who cried 'rape,' and we'll never be allowed into any frat party again."

36. The above account is defamatory in its entirety, and it is of and concerning Phi Kappa Psi.

37. Even though this incredible account of September 28, 2012 was sourced exclusively from Jackie, *Rolling Stone* chose to publish Jackie's false and defamatory claims, and to identify Phi Kappa Psi by name. According to an interview Erdely did with *The Washington Post*, when Jackie resisted the idea of naming the fraternity, Erdely encouraged her, saying, "If we're trying to shine light on this [issue], we have to name the fraternity."

38. The detailed and explicit statements in the Article are false and defamatory of Phi Kappa Psi. The Article also includes false and defamatory implications that arise naturally and clearly from its explicit statements. The Article is also false in its overall collective gestalt meaning, which is that Phi Kappa Psi was complicit in ritualized gang-rape.

39. The Article contains discrete false and defamatory references to Phi Kappa Psi. All of these references are defamatory insofar as they link the fraternity to the central narrative of the Article, which is that Jackie was gang-raped at the Phi Kappa Psi house as part of a fraternity initiation ritual on September 28, 2012. All page references herein are made to the print edition of the Article, attached as Exhibit B.

40. The Article defames Phi Kappa Psi by falsely referring to a "date function" at Phi Kappa Psi on page 70, col. 1 of Exhibit B: "She and Drew had met while working lifeguard shifts together at the university pool, and Jackie had been floored by Drew's invitation to dinner, followed by a 'date function' at his fraternity, Phi Kappa Psi." This passage sets up the many passages to follow, falsely conveying the meaning

that the September 28, 2012 event was a Phi Kappa Psi “date function,” sponsored and endorsed by Phi Kappa Psi, and that the subsequent gang-rape was attendant to that date function.

41. The Article defames Phi Kappa Psi by falsely quoting the non-existent gang-rapists: “Don’t you want to be a brother?” “We all had to do it, so you do, too.” Article at 70, col. 2 of Exhibit B. This passage plainly implies that in order to “be a brother,” Phi Kappa Psi members must engage in ritualized gang-rape as a pre-condition for membership. Read in context, these statements clearly communicate the false accusation that gang-rape and sexual assaults on women are condoned, approved, organized, and required by Phi Kappa Psi as part of its pledging and initiation rituals and procedures.

42. The Article defames Phi Kappa Psi by falsely stating that Jackie’s “concerns go beyond taking on her alleged assailants and their fraternity.” Article at 70, col. 3 of Exhibit B. This passage conveys that Jackie and *Rolling Stone* saw Phi Kappa Psi itself as their adversaries, not just the individual assailants, and that the publication of the Article falsely describing Phi Kappa Psi’s crimes constituted a “taking on” of both Jackie’s “alleged assailants” and “their fraternity.”

43. The Article’s prominent illustration of the Phi Kappa Psi Fraternity House on page 69 of Exhibit B constitutes a false and defamatory visual symbol to the reader that the fraternity itself, as symbolized by the house, is complicit in gang-rape, and that the individual assailants described in the Article are only a few members of an entire fraternity chapter that sponsors and encourages sexual assaults against women. The illustration depicts a woman, covered with bloody handprints, crying into her hands in front of the Phi Kappa Psi fraternity house. John Ritter, the Article’s illustrator, added a

white banner on the awning to the left of the woman on which the Phi Kappa Psi letters are clearly printed. The addition of this banner and the bloody young woman further emphasizes the Article's false and defamatory thesis, which is that Phi Kappa Psi, as an organization, is responsible for and complicit in gang-rape.

44. The Article defames Phi Kappa Psi by falsely likening it to another fraternity chapter where rape has occurred: "Studies have shown that fraternity men are three times as likely to commit rape, and a spate of recent high-profile cases illustrates the dangers that can lurk at frat parties, like a University of Wisconsin-Milwaukee frat accused of using color-coded hand stamps as a signal to roofie their guests, and this fall's suspension of Brown University's chapter of Phi Kappa Psi—of all fraternities—after a partygoer tested positive for the date-rape drug GHB." Article at 73, col. 2 of Exhibit B. The passage relating to the suspension of Brown University's Phi Kappa Psi chapter, with its parenthetical phrasing "—of all fraternities—" implies that the complicity of Phi Kappa Psi in Jackie's rape was similar and related to the complicity of other fraternities in other rapes at other universities, including the Phi Kappa Psi chapter at Brown.

45. The Article defames Phi Kappa Psi by falsely stating: "She still hadn't even managed to tell her own mother exactly what had happened at Phi Kappa Psi." Article at 74, col. 1 of Exhibit B. In the context of the Article as a whole, this statement falsely conveys to the reader that Phi Kappa Psi was complicit in and responsible for Jackie's alleged gang-rape, thereby defaming Phi Kappa Psi.

46. The Article, complaining of a lack of warning by UVA officials, falsely states that "In the meantime . . . the UVA administration took no action to warn the campus that an allegation of gang-rape had been made against an active fraternity." Article at 75, col. 1 of Exhibit B. This passage falsely defames Phi Kappa Psi, the "active

fraternity,” as the entity against whom an allegation of gang-rape had been made. The Article suggests that Jackie made allegations of gang-rape against Phi Kappa Psi in May of 2013 and that UVA should have taken action against Phi Kappa Psi in response to those allegations. Moreover, the Article falsely implies that UVA should have taken action in response to Jackie’s allegations of gang-rape because they were credible and directed specifically at Phi Kappa Psi in May of 2013, all of which is false and defames Phi Kappa Psi.

47. The Article states: “You can trace UVA’s cycle of sexual violence and institutional indifference back at least 30 years—and incredibly, the trail leads back to Phi Psi.” Article at 75, col. 1 of Exhibit B. This passage falsely accuses Phi Kappa Psi of being an entity responsible for institutionalized sexual violence on a historical level, which defames Phi Kappa Psi.

48. The Article states that “no one voiced questions about UVA’s strategy of doing nothing to warn the campus of gang-rape allegations against a fraternity that still held parties and was rushing a new pledge class.” Article at 76, col. 2 of Exhibit B. This passage falsely accuses Phi Kappa Psi of being the alleged perpetrator, describing “gang-rape allegations against a fraternity” rather than its members, all of which defames Phi Kappa Psi. The references to the fraternity “still [holding] parties” and “rushing a new pledge class” are references to Phi Kappa Psi activities that the Article falsely claimed were responsible for Jackie’s alleged gang-rape: a fraternity party atmosphere and a rushee-to-brother initiation ritual, all of which defames Phi Kappa Psi.

49. The Article defames Phi Kappa Psi by falsely stating: “Jackie had come across something deeply disturbing: two other young women who, she says, confided that they, too, had recently been Phi Kappa Psi gang-rape victims.” Article at 76, col. 3 of

Exhibit B. This statement falsely defames Phi Kappa Psi by identifying it as the perpetrator, through its members, of two additional gang-rapes.

50. The Article defames Phi Kappa Psi by falsely describing Jackie's disillusionment, stating: "there was no denying her helplessness when she thought about Phi Psi, or her own alleged assailants still walking the grounds." Article at 76, col. 3 of Exhibit B. This passage uses the disjunctive "or" and plainly indicates that Jackie's allegations, as repeated by *Rolling Stone*, were directed both at Phi Kappa Psi as an entity and at the alleged individual assailants. In accordance with the Article's central narrative, this statement suggests that Phi Kappa Psi acted in a way that made Jackie feel helpless, which is false and defames Phi Kappa Psi.

51. The Article defames Phi Kappa Psi by stating: "Given the swirl of gang-rape allegations Eramo had now heard against one of UVA's oldest and most powerful fraternities—founded in 1853, its distinguished chapter members have included President Woodrow Wilson—the school may have wondered about its responsibilities to the rest of the campus." Article at 76, col. 3, 77, col. 1 of Exhibit B. This statement falsely defames Phi Kappa Psi itself as an entity, both in its explicit phrasing, "against one of UVA's oldest and most powerful fraternities," and in its discussion of the Phi Kappa Psi Chapter's history and Woodrow Wilson, which is the history of the Phi Kappa Psi Chapter as an entity, as distinct from Jackie's alleged individual assailants and their histories.

52. In the Article, the passage quoted in Paragraph 51 is immediately followed by a statement saying that experts agreed that UVA acted wrongly in not taking action given the multiple allegations of gang-rapes by the Phi Kappa Psi fraternity. Laura Dunn is thus quoted as saying, "The fact that they already had that first victim, they

should have been taking action.” Article at 77, col. 1 of Exhibit B. This statement falsely defames Phi Kappa Psi by referring to the “allegations against Phi Kappa Psi” referenced in the sentences that preceded, and by referring to a “first victim” of Phi Kappa Psi, and the failure of UVA to take action against Phi Kappa Psi. In short, this passage, and the passages that precede it, falsely defame Phi Kappa Psi by stating that Phi Kappa Psi as an entity was complicit in a persistent pattern and practice of gang-rape. This communication amplifies the earlier false and defamatory message in the Article, discussed in Paragraph 47, which is that the trail of sexual assault goes back 30 years and “leads back to Phi Psi.” Article at 75, col. 1 of Exhibit B.

53. The Article states that “Within days of the board meeting, having learned of *Rolling Stone*’s probe into Jackie’s story, UVA at last placed Phi Kappa Psi under investigation.” Article at 77, cols. 1 and 2 of Exhibit B. This statement falsely defames Phi Kappa Psi, not just individual members of Phi Kappa Psi, as an entity “under investigation.”

54. The Article portrays Phi Kappa Psi and its members as brutal monsters. The allegation of the atrocious crime of gang-rape is self-evidently monstrous. Compounding that allegation, the Article vividly conveyed Jackie’s experience of being gang-raped on a bed of glass shards for three hours, an ordeal horrifying in its bloody brutality. Jackie is depicted as having been tackled through the glass table, cruelly punched in the face, and sexually penetrated with a beer bottle. The Phi Kappa Psi members are portrayed as laughing, joking, jeering, and bantering throughout the rape. Jackie is shown as reduced to an animal object, as one of the Phi Kappa Psi brothers is quoted as saying, “Grab its motherfucking leg.” The overall portraiture paints the Phi

Kappa Psi fraternity as the haven of members who are beyond misogynistic—the Phi Kappa Psi members are portrayed in the Article as inhuman beasts.

55. In characterizing Jackie’s gang-rape as a Phi Kappa Psi initiation ritual, the Article associated the fraternity brand and reputation even more closely with gang-rape. The concept of gang-rape as initiation inexorably leads the reader to conclude that being a brother at Phi Kappa Psi means being a gang-rapist. To the ordinary reader of the Article, a person’s membership in Phi Kappa Psi is affirmative evidence of participation and condonation of the sickening act of vicious sexual violence on an innocent victim. The ordinary reader would interpret Phi Kappa Psi’s continued existence as a sexual threat to college women, to the moral standards of the community, to basic human decency and to the rule of law. In fact, that was how the ordinary reader did interpret the Chapter’s continued existence after the publication of the Article.

56. That the many defamatory meanings alleged by Phi Kappa Psi to have been deliberately communicated by *Rolling Stone* were so understood by ordinary readers is demonstrated by the thousands and thousands of mainstream traditional media and social media reactions to the *Rolling Stone* Article. Those thousands of repetitions of the gist and sting of the *Rolling Stone* Article unmistakably attest that readers of the Article took away from it exactly what *Rolling Stone* intended: the message that Phi Kappa Psi was a brutal and violent house of ritualized gang-rape.

Post-Publication Statements by *Rolling Stone* and Sabrina Erdely

57. Weeks after publication of the original *Rolling Stone* Article, reports in *The Washington Post* and other media outlets began to speculate that the entire *Rolling*

Stone Article was fabricated. As the verisimilitude of the Article began to unravel, *Rolling Stone* doubled down, engaging in numerous statements that were defamatory and damaging in their own right, compounding the damage caused by the original Article. On December 2, 3, and 4, 2014, *Rolling Stone* issued a press release to respond to criticisms of the original Article. The following press release was circulated to the *New York Times*, among other media outlets:

The story we published was one woman's account of a sexual assault at a UVA fraternity in September 2012—and the subsequent ordeal she experienced at the hands of University administrators in her attempts to work her way through the trauma of that evening. The indifference with which her complaint was met was, we discovered, sadly consistent with the experience of many other UVA women who have tried to report such assaults. Through our extensive reporting and fact-checking, we found Jackie to be entirely credible and courageous and we are proud to have given her disturbing story the attention it deserves.

Attached as Exhibit C .

58. *Rolling Stone* continued to promote the Article well before it issued a defiant response to criticisms about the factual problems with the Article. Immediately after the Article's publication, Erdely began a media tour to drum up interest in the Article, magnifying the damage done by its defamatory lies. On November 25, 2014, Erdely was interviewed by SiriusXM radio show host Michael Smerconish. At that time, Erdely made the following false and defamatory statements about Phi Kappa Psi:

- a. I discovered a young woman named Jackie, who is now a junior, and when she was -- she told me that when she was a freshman, just a few weeks into her freshman year, she had been brutally gang-raped at a fraternity and that she had gone to the University to report this gang-rape, and that the University did nothing with this information.
- b. This is a gang-rape by, she says, seven men, while two others watched, so she was incredibly traumatized.

- c. And the other thing – I mean, everything about this attack is so shocking, including the fact that the way that she describes it makes it sound very much like it is a pre-planned attack.
- d. And she heard them say things like -- encouraging one another to take turns. She heard them say things like, “Well, don’t you want to be a brother?” Which would lead one to believe that this is some kind of initiation ritual.
- e. And, in fact, over the course of the following year, it came to Jackie’s attention, as she began to sort of, you know, meet other rape survivors and her network of rape survivors became wider, she actually wound up coming to the administration with reports to two other women who told her that they were also gang-raped at the same fraternity.
- f. That is incredibly alarming. Now that the University has three allegations of gang-rape at the same fraternity.
- g. This, by the way, being the same fraternity where there was another situation quite like this thirty years ago.
- h. So, this is a fraternity that has been on their radar screen for a while, and there are these recent allegations, and once again, the administration did absolutely nothing.
- i. Michael Smerconish asks Erdely a direct question, asking: “Does Jackie believe that Drew, that Drew totally set this up? That he invited her to the party, invited her upstairs, knowing that all these guys would be waiting and rape her?” Erdely responds by saying, “**Yes, that is her feeling.**”
- j. The two of them had actually spent weeks getting to know each other. They worked together as lifeguards at the University pool. She could never really understand why he, this handsome junior, was paying so much attention to her, this very naïve freshman, especially when -- I don’t think this is in the article, but she said that the other lifeguards that worked on their shift were like these model gorgeous blondes and looking back on the entire scenario, she was really kicking herself and thinking like, well, why would he have chosen me. Why – you know, he was paying so much attention to me, showing so much interest in everything that I had to say, and all she could think is that he was probably grooming her for something like this and testing her for something like this.
- k. She doesn’t know -- she doesn’t even know the identities of some of these boys who attacked her. She can identify them all visually, but she’s never -- she doesn’t know what some of their names are.
- l. In response to Michael Smerconish asking her, “Can she identify all seven [perpetrators],” Erdely says, “**I believe she can.**”

m. But everything about Jackie is entirely credible. I put her story through the wringer. I talked to all of her friends, all of the people she confided in along the way.

A transcript of the radio show, comprised of four parts, is attached as Exhibit D.

59. These statements by Erdely were made as *Rolling Stone*'s employee and agent. They both compounded the damage caused by the original Article, and constituted new false and defamatory allegations against Phi Kappa Psi, published with actual malice and negligence.

FALSITY

Falsity of the Original Article

60. The defamatory statements of and concerning Plaintiff alleged in this Complaint are false in the following particulars:

a. The events described in the Article never happened. Jackie was not gang-raped at Phi Kappa Psi on September 28, 2012, or at any other time.

b. Jackie was never raped or sexually assaulted in any manner by members of Phi Kappa Psi.

c. There was no date function held at Phi Kappa Psi on September 28, 2012. There was no party function of any kind held at Phi Kappa Psi on that night.

d. Phi Kappa Psi has never required, condoned, or suggested that any of its members participate in rape or sexual assault of any kind. No Phi Kappa Psi

brother or pledge has ever participated in gang-rape as a means to attain membership in Phi Kappa Psi.

e. Neither Phi Kappa Psi nor its members have ever harmed Jackie, so *Rolling Stone* and Jackie's objectives in "taking on her alleged assailants and their fraternity" were bizarre and fabricated. Neither Phi Kappa Psi nor its individual brothers had any prior interaction with Jackie, and neither invited nor deserved any retributory action by Jackie.

f. In contrast to the Article's main illustration on page 69 of the print edition, Exhibit B, Jackie did not leave Phi Kappa Psi covered in bloody handprints as a result of a gang-rape suffered there. No party was held at Phi Kappa Psi on September 28, 2012, so the illustration's depiction on page 69 of students partying with a beer bong while Jackie cried in the foreground never occurred.

g. The Article's suggestion that the chapter of Phi Kappa Psi at the University of Virginia is similar to the Brown University chapter of Phi Kappa Psi in that both have organized efforts to rape partygoers is unequivocally false.

h. Nothing happened to Jackie at Phi Kappa Psi, which explains why she hadn't "managed to tell her own mother exactly what had happened." Jackie was not traumatized by Phi Kappa Psi or its members in any way.

i. The Article falsely states that Jackie made an allegation of gang-rape against "an active fraternity" in her initial meeting with Dean Eramo in May of 2013. According to the Charlottesville Police Department's investigation, Jackie told Eramo only that she had been a victim of a sexual act at a fraternity in her initial meeting in May of 2013. Investigators also discovered that Jackie had

not disclosed the name of the fraternity in the initial meeting or in her correspondence with Eramo immediately afterward. Jackie only named Phi Kappa Psi as the fraternity where the alleged attack took place in a meeting with Dean Eramo on April 21, 2014. The Article's suggestion that UVA had received a credible threat of gang-rape against Phi Kappa Psi in May of 2013 is false.

j. The Article's implication that Jackie's alleged gang-rape was an iteration of a fraternity initiation ritual stretching back to 1984 is false.

k. The Article's statement that there were credible gang-rape allegations against Phi Kappa Psi that UVA ignored is false. Jackie only named Phi Kappa Psi as the fraternity where the alleged attack took place in a meeting with Dean Eramo on April 21, 2014. The Article's suggestion that Phi Kappa Psi parties and rush activities created a credible gang-rape threat in the UVA community is false.

l. The Article's statement that two other women besides Jackie were gang-rape victims of Phi Kappa Psi is false.

m. The Article's claim that there was a "swirl of gang-rape allegations" against Phi Kappa Psi that the University found credible and should have acted on in May of 2013 is false. According to the Charlottesville Police Department's investigation, Jackie told Dean Eramo only that she had been a victim of a sexual act at a fraternity in her initial meeting in May of 2013. Investigators also discovered that Jackie had not disclosed the name of the fraternity in the initial meeting or in her correspondence with Eramo immediately afterward. Jackie only named Phi Kappa Psi as the fraternity where the alleged attack took place in a meeting with Dean Eramo on April 21, 2014.

n. Jackie is not a victim of Phi Kappa Psi, so the claim by Laura Dunn that the school should have taken action against the fraternity to vindicate Jackie is false.

o. *Rolling Stone* adopted a pattern and practice throughout its Article of deliberately misleading readers regarding its own reporting, attributing quotes to friends of Jackie as if it had verified those quotes, when in fact it had not ever interviewed those friends. *Rolling Stone* engaged in other devices calculated to create the false impression that it had sources and evidence other than Jackie that corroborated its story, when in fact it knew it had none.

Falsity of *Rolling Stone*'s December 2, 2014 Press Release

61. *Rolling Stone*'s post-publication press release defended the Article from attacks against Jackie's credibility and the Article's reporting. The press release was defamatory because it re-asserted that the central narrative of the Article was true—that Phi Kappa Psi was guilty of encouraging and aiding and abetting gang-rape, and requiring participation in gang-rape as an initiation ritual. In addition, the statements in the press release are false in the following particulars:

a. Neither Jackie nor any other woman was sexually assaulted at Phi Kappa Psi in September of 2012.

b. *Rolling Stone* did not engage in extensive reporting and fact checking in preparing to publish the Article. In fact, basic and routine journalistic standards were knowingly violated by *Rolling Stone* in order to publish a sensational and defamatory story. In attempting to defend its own reporting on

Jackie's story, Rolling Stone deliberately implied that it knew its story was true—when in fact it did not—and even suggested that it had more evidence to support its story than it had originally disclosed.

c. Throughout its publishing process, Rolling Stone knew there were major holes and inconsistencies in Jackie's account, and that she was not reliably credible. Yet Rolling Stone deliberately hid its doubts about Jackie's credibility from its readers and from journalists who interviewed Rolling Stone employees after the Article began to unravel.

Falsity of Erdely's Statements on the Michael Smerconish SiriusXM Radio Show

62. Erdely's comments on the Michael Smerconish radio show, attached as Exhibit D, are defamatory of the Plaintiff and false in the following particulars:

- a. Jackie was never "brutally gang-raped" at Phi Kappa Psi during her freshman year in 2012.
- b. No Phi Kappa Psi member or rushee participated in Jackie's alleged gang-rape at the Phi Kappa Psi house, and no Phi Kappa Psi member or rushee "watched and encouraged" the alleged gang-rape.
- c. Jackie's alleged gang-rape was not a pre-planned attack devised by Phi Kappa Psi.
- d. No Phi Kappa Psi member or rushee asked the other alleged assailants whether they wanted to be a brother.
- e. There were never two other women who alleged they were gang-raped at Phi Kappa Psi in 2010 and 2014.

- f. On information and belief, there were never three allegations of gang-rape made against Phi Kappa Psi in 2014.
- g. There has never been a situation “quite like” Jackie’s narrative at Phi Kappa Psi, either thirty years ago or in any time since Phi Kappa Psi’s founding at the University of Virginia.
- h. Phi Kappa Psi had not been “on [the University’s] radar screen for a while” as an entity potentially responsible for promoting and committing gang-rape.
- i. Jackie did not have a reasonable belief that any member of Phi Kappa Psi “set up” Jackie’s alleged gang-rape.
- j. No Phi Kappa Psi brother ever worked with Jackie at the University Aquatic and Fitness Center, let alone “groomed” her there for an alleged gang-rape.
- k. Jackie could not correctly visually identify seven men in Phi Kappa Psi as her alleged assailants.
- l. Jackie could not correctly identify, by any other means, seven men in Phi Kappa Psi as her alleged assailants.
- m. Everything about Jackie was not credible, and Erdely has admitted she initially felt “a bit incredulous” upon hearing Jackie’s graphic account. Rolling Stone did not put Jackie’s story through the wringer, choosing deliberately and recklessly instead to use pseudonyms for Drew and Jackie’s three friends rather than track them down. Erdely did not speak to all of Jackie’s friends, namely Ryan Duffin, Alex Stock, and Kathryn Hendley, referred to as “Randall,” “Andy,” and “Cindy” in the Article. Rolling Stone also did not speak

to all of Jackie's confidantes, including, but not limited to, Jackie's mother and Dean Eramo. Rolling Stone deliberately hid these omissions from readers, intentionally generating the false impression that it had corroborated Jackie's account, when in fact it had not.

63. Phi Kappa Psi conducted its own internal investigation immediately upon learning of Jackie's claims, and concluded that there was no evidence to support the fabricated claims of gang-rape. On the same day as the Article's release, UVA President Teresa Sullivan also requested that the Charlottesville Police investigate Phi Kappa Psi for claims of gang-rape.

The Charlottesville Police Investigation Confirms Phi Kappa Psi's Innocence

64. On March 23, 2015, the Charlottesville Police Department issued a press release titled, "Charlottesville Police Department's Investigation Into an Alleged Sexual Assault as Depicted in *Rolling Stone* Magazine Article Dated November 19, 2014." The press release detailed the Charlottesville Police Department's investigation into the allegations of gang-rape at the Phi Kappa Psi Fraternity House, as graphically described by *Rolling Stone* in the Article.

65. According to the investigation, Jackie first met with Dean Eramo on May 20, 2013 to discuss her poor academic performance. During this meeting, Jackie told Eramo that she had gone to a party at an unknown fraternity on Madison Lane and was a victim of a sexual act at that party. Jackie was unable or unwilling to identify the names of the attackers or the fraternity in this meeting. The experience Jackie described to Eramo differed in key respects from the graphic account of physical abuse and gang-rape

detailed in the Article. On information and belief, Jackie told Eramo that she had been forced to perform oral sex on five men at a fraternity party. On information and belief, Jackie did not say she had been gang-raped by seven men on a bed of glass while two others observed and encouraged the rapists.

66. On April 21, 2014, Jackie had a second meeting with Dean Eramo and claimed that she suffered a physical assault on April 6, 2014, while on the University Corner near Elliewood Avenue. Jackie claimed that she was verbally abused by four men and that, after one called her name, she turned around and was struck in the face by an unknown object that was thrown at her.

67. Also in the April 21, 2014 meeting, Jackie disclosed to Detective Via and Dean Eramo that she had been sexually assaulted in the Phi Kappa Psi fraternity house in 2012. However, she declined to provide any specific details regarding the alleged sexual assault at that time.

68. On November 19, 2014, University of Virginia President Teresa Sullivan requested that the Charlottesville Police Department initiate an investigation into the allegations of gang-rape at the Phi Kappa Psi fraternity house. President Sullivan announced her decision to request an investigation by the Charlottesville Police Department on November 19, 2014, in a statement to the University of Virginia community titled, "Important Message from President Sullivan Addressing Sexual Misconduct."

69. On November 19, 2014, upon connecting the pseudonym "Jackie" with the person he had spoken to in April of 2014, Detective Via called Jackie and left a message offering police and victim/witness support and assistance. On November 20,

2014, Detective Via again contacted Jackie and arranged for her to meet with the Department after the Thanksgiving break.

70. On December 2, 2014, Jackie came to the Charlottesville Police Department headquarters accompanied by University Dean Laurie Casteen and legal counsel from the Legal Aid and Justice Center. At this meeting, Jackie declined, through her legal counsel, to provide a statement or answer any questions about the allegations contained in the Article.

71. Since the meeting on December 2, 2014, Jackie has refused to cooperate with or provide any information to police investigators. Jackie also refused to provide written consent that would enable investigators to obtain certain records kept by the Office of the Dean of Students that pertain to her allegations.

72. In the absence of Jackie's written consent, the University of Virginia was only able to provide investigators with redacted copies of documents that reflect Dean Eramo's meetings with Jackie prior to the meetings at which Charlottesville Police Department officers were present. These documents referenced Jackie's alleged sexual assault, physical assault, and an anonymous sexual assault report.

73. None of the documents made available to investigators revealed any facts similar to what was alleged in the Article.

74. Upon reviewing a membership list of Phi Kappa Psi fraternity members, the house lease agreements, and bank records dating back to 2012, investigators found no evidence that anything happened at Phi Kappa Psi similar to what was alleged in the Article.

75. Based on interviewing nine of the fourteen Phi Kappa Psi brothers who were living at the fraternity house in September of 2012, police investigators found no

evidence that any of these brothers knew Jackie, or that they were involved in a violent sexual assault as depicted in the Article. Furthermore, none of the interviewed brothers claimed to have any knowledge of a sexual assault occurring at the fraternity house at any time when they were present.

76. When a police investigator sent a questionnaire to fraternity members, nineteen brothers responded. None of the respondents claimed to know Jackie, nor did they claim any knowledge of a sexual assault having occurred at the fraternity house on September 28, 2012.

77. Investigators reviewed fraternity social calendars, inter-fraternity newsletters, and bank records for evidence of a date function held at Phi Kappa Psi on September 28, 2012. Investigators found no evidence that the party described in the Article occurred on September 28, 2012 at the Phi Kappa Psi Fraternity House.

78. Investigators received a time-stamped picture of the Phi Kappa Psi Fraternity House from 11:33 p.m. from September 28, 2012. The picture, which shows a man holding two chairs in the common area, shows no evidence of a large party or gathering of people.

79. The police investigation discovered that Phi Kappa Psi's sister sorority, Delta Gamma, held an event at their sorority house on September 28, 2012. Several of the fraternity brothers that lived at Phi Kappa Psi at the time attended this event, and police determined it was unlikely that Phi Kappa Psi would have held a competing party on the same night.

80. Upon review of the cumulative evidence, the Police Department stated it "could not find any basis of fact to conclude that there was any event at the Phi Kappa Psi fraternity house on the evening of September 28, 2012."

81. Investigators also interviewed two of Jackie’s friends. On information and belief, these friends were Ryan Duffin and Alex Stock—“Andy” and “Randall” from the Article. Both men reported that Jackie told them she had gone on a date with a person named Haven Monahan on September 28, 2012. Although neither man had met Haven Monahan, both had exchanged text messages with a person claiming to be Haven Monahan. Investigators reviewed fraternity rosters, employee records of the University Aquatic and Fitness Center, student directories, social media sites, and other sources, but were unable to discover anyone with the name Haven Monahan.

82. The phone number Jackie’s friends attributed to Haven Monahan was a Google voice number that could not be linked to a person named Haven Monahan. The photograph that supposedly depicted Haven Monahan was used to locate the person in the photograph. His name was not Haven Monahan, nor was it Drew. The person did not know Jackie, and investigators concluded that he was not in Charlottesville on the night of Jackie’s alleged assault.

83. Police found no evidence whatsoever to support Jackie’s claim that two other women had been gang-raped at the Phi Kappa Psi house in 2010 and 2014.

84. In its press release from March 4, 2015, the Charlottesville Police Department concluded that “there is no substantive basis to support the account alleged in the *Rolling Stone* article.”

FAULT

85. *Rolling Stone* published the defamatory Article even though there was “no substantive basis” to support Jackie’s story. *Rolling Stone* destroyed Phi Kappa Psi’s

reputation through false statements, explicit and implied, published with actual malice—knowledge of falsity or reckless disregard for truth or falsity—and negligence. The allegations in this Complaint dealing with fault demonstrate that *Rolling Stone* published its Article, and the post-publication statements that are also alleged by this Complaint to have defamed Phi Kappa Psi, with actual malice. All of these allegations are also pleaded to establish negligence, in effect a “lesser included offense” for fault purposes. Because Phi Kappa Psi is a private figure, it need only establish basic negligence—the failure by *Rolling Stone* to act as an ordinary reasonable publisher under the circumstances—to establish liability. In order to qualify for presumed and punitive damages, however, Phi Kappa Psi in this Complaint goes above and beyond the negligence standard required to establish liability, to additionally allege actual malice. All of the allegations of fault alleged below that meet the actual malice standard of knowledge of falsity or reckless disregard for truth or falsity thus also allege the lesser included fault level of negligence.

Rolling Stone’s Conduct in Publishing the Article

86. Once the scandal that *Rolling Stone* had published a fabricated story became evident, *Rolling Stone* requested that a review of its actions in publishing the Article be conducted by the Columbia Journalism School. The devastating Report that ensued, the Columbia Journalism School Report (“CJS Report”), is extraordinary in its detailed presentation of an Article published with actual malice and negligence. A true and correct copy of the Report is attached as Exhibit E.

87. Defendants’ stated purpose in publishing “A Rape on Campus” was to “address the problem of rape on college campuses.” Defendants told the writers of the

CJS Report that they “had hoped [the Article] would sound an alarm about campus sexual assault and would challenge Virginia and other universities to do better.”

88. According to the CJS Report, Erdely began researching the University of Virginia as a potential setting for the Article in July of 2014. On July 8, Erdely telephoned Emily Renda, a UVA employee working on sexual assault issues. Erdely said she was looking for a “single, emblematic rape case” that would show “what it’s like to be on campus now...where not only is rape so prevalent but also there’s this pervasive culture of sexual harassment/rape culture.”

89. During that phone call, Renda told Erdely about Jackie, a girl she worked with who had “alleged she was gang-raped in the fall, before rush, and the men who perpetrated it were young guys who were not yet members of the fraternity.” When Emily Renda mentioned Jackie to Erdely, she did so with the caveat that “[Jackie’s] memory of [the alleged gang-rape] isn’t perfect,” according to the CJS Report. Erdely replied by telling Renda that Jackie’s story was “totally plausible.”

90. Erdely’s belief that Jackie’s story was “totally plausible” was formed prior to any investigation or personal contact with Jackie. It was also formed in the presence of explicit cautionary evidence from Renda that Jackie was unreliable because her memory of the event was imperfect. A reasonable jury could conclude that Erdely’s claim that Jackie’s story was “totally plausible” was nothing more than a “Eureka moment” in which Erdely celebrated that she had found the sensational narrative she was looking for, leading to the *quid pro quo* arrangement in which Erdely and *Rolling Stone* would intentionally avoid the pursuit of any leads that might undercut the verisimilitude of Jackie’s sensational account.

91. Renda put Erdely in touch with Jackie shortly after their initial conversation on July 8. In an email conversation, Jackie informed Erdely that she would “definitely be interested in sharing [her] story.” On July 14, Erdely telephoned Jackie. During their phone call, Jackie related to Erdely the allegations of gang-rape that would eventually form the centerpiece of the Article. Erdely told CJS investigators that, at the conclusion of her call with Jackie, she recalled feeling “a bit incredulous” about the vividness of some of the details Jackie offered.

92. In Emily Renda’s testimony to a United States Senate Committee investigating campus sexual assault on June 26, 2014, she told a version of Jackie’s story that was different from the narrative that Jackie would eventually relate to Erdely. In reference to Jackie, Renda testified that:

One of the student survivors I worked with, Jenna, was gang-raped by five fraternity men early in her freshman year. Despite the severity of the assault and injuries she sustained, Jenna still experienced a feeling of personal responsibility. Looking for affirmation, she sought out peers and told her story. Sadly, each and every one of the friends she reached out to responded with varying denials of her experience; these responses worsened her feelings of self-blame—that she must be confused because that fraternity “is full of great guys”; that she must have made them think she was “down for that”; questioning how no one else at the party could have heard what was going on if she was telling the truth; or discouraging her from seeking help because “you don’t want to be one of those girls who has a reputation” for reporting “that kind of thing.” These statements haunted Jenna. She told me that they made her feel crazy, and made her question whether her own understanding of the rape was legitimate.

93. The Senate testimony also makes it clear that Jackie was greeted with “varying denials of her experience” by “each and every one of the friends she reached out to” about her alleged rape.

94. Renda's testimony includes Jackie's admission that her friends' denials made her feel "crazy," and that she "question[ed] whether her own understanding of the rape was legitimate."

95. Erdely had read, watched, and/or listened to Renda's Senate testimony prior to the Article's publication.

96. Erdely interviewed Jackie seven more times between July and October 2014. During this period, Jackie frequently failed to respond to Erdely's calls, texts, and emails. At least twice, Erdely was concerned that Jackie might withdraw her cooperation, thereby scuttling the story. According to the CJS Report, Jackie became more responsive and cooperated fully with Erdely after the reporter capitulated to Jackie's request not to name the "lifeguard" who had orchestrated the alleged gang-rape, i.e., Drew.

97. In addition to alleging that Phi Kappa Psi brothers were initiated by gang-rape, the Article references two more gang-rapes that supposedly occurred in the Phi Kappa Psi house. A 2013 UVA graduate was allegedly gang-raped in the Phi Kappa Psi house when she was a first-year student. The Article also described another woman who was allegedly gang-raped during her first year at UVA in 2014. According to the Article, the second woman was assaulted in the Phi Kappa Psi bathroom by four men while a fifth watched. These false accounts were sourced solely through Jackie, and never corroborated by any credible person. These false accounts supported and were supported by Erdely's pre-conceived narrative about the prevalence of campus rape and rape culture.

98. *Rolling Stone* failed to provide representatives of Phi Kappa Psi a meaningful opportunity to respond to the Article's vicious allegations. Erdely's e-mails to Phi Kappa Psi President Stephen Scipione were deliberately and calculatingly

manipulative, intentionally providing insufficient information for him to respond as a responsible leader and deny the allegations of gang-rape. Capitalizing on her ambush technique, Erdely later deliberately painted Mr. Scipione's inability to comment as stonewalling without disclosing to readers the deceptive manner in which she contacted and engaged Mr. Scipione.

99. *Rolling Stone* intentionally avoided contacting any corroborating sources, instead relying on Jackie as a single-source for her incredible narrative. *Rolling Stone* avoided contacting Duffin, Stock, or Hendley, three friends who would have disproven key aspects of Jackie's story and required the Article to be scuttled. *Rolling Stone* also failed to successfully contact Jackie's mother, who would have also called into question key facts in Jackie's story. *Rolling Stone* cited no information provided by any person in a position of authority or credibility that corroborated Jackie's incredible account of the events of September 28, 2012.

100. *Rolling Stone* deliberately and intentionally avoided attempting to contact or even confirm the actual existence of Drew, the supposed mastermind and ringleader responsible for Jackie's gang-rape. *Rolling Stone* avoided discovering that no member of Phi Kappa Psi worked as a lifeguard at the Aquatic Center, and that no one fitting the description of Drew worked as a lifeguard at the Center, thereby deliberately avoiding discovery of critical facts that would have necessitated that the story be abandoned. *Rolling Stone* deliberately avoided this verification despite the fact that even Jackie suggested that *Rolling Stone* pursue it.

101. Prior to the publication of the Articles attached as Exhibits A and B, Phi Kappa Psi, a private figure, enjoyed an excellent reputation in the Charlottesville and UVA communities. Contrary to *Rolling Stone*'s suggestion and implication, the fraternity

had never been publicly identified as an institution with a culture of rape, gang-rape, or sexual assault. After the publication of the Article, Phi Kappa Psi's reputation changed overnight, as the University administration and community responded in shock and revulsion to Jackie's fabrications, presented by *Rolling Stone* as truth.

102. The statements made by Defendants about Phi Kappa Psi regarding its alleged involvement and participation in three gang-rapes, as set forth in Exhibits A, B, C, and D, are false, defamatory, and libelous per se. The end result of Defendants' publication of "A Rape on Campus," and their attempt to bolster and lend credibility to those claims by obscuring key insights into the reporter's and publisher's investigatory process, defamed Phi Kappa Psi, both directly and by implication, and accused it directly and by implication of crimes of moral turpitude, namely, conspiring, aiding, abetting, requiring and participating in the felonious and heinous gang-rape of Jackie and two other women.

103. Between November 22 and December 4, 2014, numerous journalists, including Richard Bradley, Paul Farhi, T. Rees Shapiro, and Robby Soave, questioned the integrity of the Article. Instead of pursuing the lines of inquiry raised by these reporters, *Rolling Stone* chose instead to ignore or dismiss their concerns and stubbornly champion their false narrative. The magazine's defiance towards well-founded criticism of the Article cynically and callously delayed the work of reporters attempting to report the truth.

104. By early December 2014, investigations by Phi Kappa Psi had produced clear proof that Jackie's claims were fabricated. When *Rolling Stone* finally retracted the Article, it did so in a half-hearted and insincere way that disclaimed responsibility for its failure. In fact, *Rolling Stone* did not apologize to Phi Kappa Psi for the harm its

defamatory story caused until six months later, when the CJS Report was released on April 5, 2015. Sabrina Erdely has never apologized to Phi Kappa Psi for her reckless and dishonest reporting.

105. According to an article published in the October 2015 issue of *Vanity Fair* magazine, Erdely once lamented that the exposure of her shoddy reporting meant that she was “going to lose [her] job.” To the surprise of Erdely and most major journalism sources, Erdely, Sean Woods, and Will Dana were not disciplined or fired over the Article that the *Columbia Journalism Review* included in its selection of the “Worst Journalism of 2014” and the Poynter Institute called the journalism “Error of the Year.”

Rolling Stone Published the Article with Actual Malice

106. *Rolling Stone* published the Article and its defamatory statements with actual malice. *Rolling Stone* either knew its statements were false or published them with a reckless disregard for whether they were true or false. *Rolling Stone* acted so recklessly as to engage in a willful disregard for the truth. *Rolling Stone* published the Article with a high degree of awareness that its statements were probably false. *Rolling Stone*'s actual malice was demonstrated in multiple aspects of its researching, writing, and publishing of the Article, as well as by its deliberately misleading defense of the Article after it had realized that the falsehood of the Article and its own journalistic failures in publishing it were exposed. *Rolling Stone*'s actions must be considered in their totality and in their cumulative weight. When so considered, *Rolling Stone*'s actions are a textbook example of publication with actual malice.

107. The existence of a pre-conceived story line is evidence probative of actual malice. *Rolling Stone*'s Article was the quintessential example of a publication emanating from such a pre-conceived story line. *Rolling Stone* and Erdely had an agenda, and they were recklessly oblivious to the destruction they might cause innocent victims in their ruthless pursuit of that agenda. Erdely was actively seeking a campus rape story at a prestigious American university that would be shocking and headline-grabbing. *Rolling Stone* adopted this agenda as its own, endorsing and encouraging Erdely's efforts to troll American college campuses in search of a sensational rape narrative. At the time Erdely began researching universities to decide where to focus her investigative journalism piece on campus rape, she told the CJS investigators that she was searching for a single, emblematic college rape case that would show "what it's like to be on campus now ... where not only is rape so prevalent but also that there's this pervasive culture of sexual harassment/rape culture." This statement, describing Erdely's beliefs prior to any interviews or investigation into the truth of Jackie's claims, encapsulates the thesis of the Article: that college campuses are hotbeds of rape, sexual harassment, and rape culture, and that the Phi Kappa Psi fraternity at elite UVA is the poster-child for this arrogant and brutal culture.

108. Erdely's agenda-driven journalism became obvious to the campus sexual assault survivors she interviewed at UVA. Alex Pinkleton, a rape survivor and UVA student, told Brian Stelter of CNN that Erdely "did have an agenda and part of that agenda was showing how monstrous fraternities are and blaming the administration for a lot of these sexual assaults." Pinkleton added that Erdely seemed to be focused on attacking fraternities specifically: "I didn't like that it seemed like [Erdely] was looking for a story that had to be at a fraternity." Erdely expressed her bias against fraternities to

Hanna Rosin on the *DoubleX Gabfest* podcast on November 26, 2014, when she said that Phi Kappa Psi was “emblematic in a lot of ways of sort of like elitist fraternity culture.” A transcript of the podcast is attached as Exhibit F. In her comments on *The Brian Lehrer Show* on November 26, 2014, attached as Exhibit G, Erdely observed that, “Fraternities have become, for some reason, a place where there’s a lot of misogyny and a lot of really bad behavior towards women tends to be tolerated as normal, and that has real world impact on their behavior.” Erdely also said that she doesn’t think “fraternities have to be places that are drenched in misogyny and rape tolerance” and that fraternity culture can change. Erdely assumed that Phi Kappa Psi was a place “drenched in misogyny and rape tolerance,” and authored the Article to punish Phi Kappa Psi for her mistaken assumption.

109. Erdely told CJS investigators that if she had discovered that Jackie had fabricated the conversation in which Ryan Duffin declined to be interviewed, she would have “changed course immediately, to research other UVA rape cases free of such contradictions.” This statement is telling because it suggests that Erdely was unwilling or unable to accept evidence that the central thesis of the Article was flawed. If Erdely had learned that Jackie’s story was fake, rather than questioning the validity of the Article’s pre-conceived narrative, Erdely admitted that she would simply look harder for confirming evidence.

110. In an interview with *C-VILLE* magazine, Erdely explained the depth of her belief in the agenda she wove into the Article. She told the magazine that “...the degradation of women is intrinsically woven into the campus, and on every campus, and frankly in our culture. If people are getting confused by that, I’m sorry to hear that. It’s another aspect of their denialism.” Erdely’s statement explains why she willfully ignored

so many warning signs through the process of writing Jackie's story: the reporter began from the premise that her narrative was correct, then discounted any conflicting evidence as the product of denialist rationalization. Erdely's willful ignorance of evidence tending to disprove her narrative and its defamatory claims was a deliberate and reckless avoidance of the truth.

111. Erdely's search for an "emblematic rape case" pushed her to find the most shocking and graphic rape case possible: a fraternity gang-rape and physical assault committed on a bed of broken glass. In a panel interview on sexual assault, a Yale student who Erdely had interviewed said that she "put Erdely in touch with a couple of students who had . . . normal rape stories, and none of them were good enough for her." When Erdely met rape survivors who recounted less gut-wrenching experiences than Jackie's, she discarded their authentic stories.

112. Once she decided to focus on the University of Virginia in the Article, Erdely began interviewing sexual assault survivors in the community. One UVA student whom Erdely interviewed said that she and several other students "felt really uncomfortable" after being interviewed by Erdely because they concluded that Erdely was not objective and perceived that the reporter brought a personal agenda to the Article.

113. Erdely's personal agenda and pre-conceived biases led her to begin a journalistic relationship with Jackie that was predicated on treating Jackie as Erdely's star witness, whether or not the claims related by her witness were true. What mattered to Erdely was that Jackie would say she had suffered a fraternity gang-rape, not that her story would hold up to scrutiny. Erdely and *Rolling Stone* deliberately avoided holding Jackie's account up to scrutiny, knowing that if efforts were made to verify Jackie's

incredible story, it would likely unravel. Upon first hearing an account of Jackie's alleged gang-rape during a telephone call with Emily Renda on July 8, 2014, Erdely commented that Jackie's story seemed "totally plausible." Erdely concluded that Jackie's story was "totally plausible" prior to ever speaking to her directly, or assessing her credibility, or corroborating the story with evidence or other consistent accounts. Moreover, she accepted Jackie's narrative as "totally plausible" even though Renda told her that Jackie was an inherently unreliable source: Renda told Erdely that "obviously, maybe [Jackie's] memory of [the alleged assault] isn't perfect." Erdely's statement that Jackie's statement was "totally plausible" was thus evidence of an utterly cynical and deplorable calculation: Erdely had hit the jackpot she was looking for, a sensational story that in her view *could* be true, given her worldview and the worldview to which she would play, and as long as Jackie could be coddled and nurtured and not challenged in any manner that would rattle her or get her to back off her story, Erdely and *Rolling Stone* had exactly what they were looking for.

114. Reliance on an obviously biased or unreliable sources is probative of actual malice. *Rolling Stone* knew that Jackie was a biased and unreliable source, but made the calculated decision to rely exclusively on her account. *Rolling Stone* deliberately ignored evidence that Jackie was unreliable in order to avoid toppling its sensational narrative about rape, fraternities, and rape culture at the University of Virginia. Alex Pinkleton said that she "did encounter skepticism with Sabrina because it seemed like she was unwilling to listen to anyone besides Jackie." Unlike the other victims whose "normal rape stories" she ignored, Jackie had a story that would force readers of *Rolling Stone* to engage with Erdely's biased narratives about rape culture. When Erdely heard things from Jackie's friends and fellow activists that threatened the

reliability of her “single, emblematic rape case,” she intentionally ignored their statements, deliberately turning a blind eye to the truth.

115. Erdely intentionally and knowingly ignored multiple signs that Jackie was not a credible source about her alleged rape. In addition to Emily Renda’s early warning about Jackie’s inconsistent memory, Erdely also ignored her own gut instinct about the believability of Jackie’s account. Erdely told the CJS investigators that she was “incredulous” after hearing Jackie describe the alleged rape, and especially incredulous about the broken glass on which the gang-rape supposedly occurred. It is no wonder that Erdely was incredulous: the story Jackie told to Erdely during that first phone call differed in substantial respects from the story that Erdely knew Jackie had told Emily Renda, and the story that Emily Renda had testified about in her Senate committee meeting on June 26, 2014. Erdely suppressed her feelings of incredulity, however, choosing instead to suspend disbelief and treat Jackie’s “new” account as true so she could pursue her personal agenda.

116. Erdely ignored subjective doubts regarding Jackie’s reliability. Erdely knew that Jackie’s irregular, inconsistent, and delayed communications were a major warning sign that Jackie was not reliable. There were often long delays between Jackie’s replies to emails, calls, and texts. Often these delays corresponded to disagreements arising when Erdely dared ask Jackie for the bare modicum of evidence to substantiate her story, as in the case of an interview with Jackie’s mother that Jackie promised would confirm key details of the story. Jackie’s mother never returned Erdely’s calls, and Erdely never pressed the issue because doing so would have meant scrapping the shocking rape case that would advance her biased narrative. Jackie also failed to provide promised pieces of evidence, including the bloodied dress from the night of the rape and her

personal health records. The failure to follow through on these promises and remain in regular contact with Erdely throughout the research process was ample evidence that Jackie was not a credible source. *Rolling Stone* did not press these points because *Rolling Stone* did not want to derail the story. If Jackie was willing to stick to her story, then *Rolling Stone* had its “journalistic cover,” its source, and that was good enough for *Rolling Stone*’s agenda. Erdely harbored subjective doubt about Jackie, but published Jackie’s sensational account nonetheless. This was knowing and reckless avoidance of the truth.

117. The CJS Report concluded that one of *Rolling Stone*’s three violations of “basic, even routine journalistic practice” was failing to find or confirm the existence of Drew, the supposed ringleader of the gang-rape. Erdely should have begun the search for Drew much earlier in her investigation. According to the CJS Report, Erdely only raised the subject of confirming Drew’s existence on September 20, 2014, over two months after she made initial contact with Jackie. *Rolling Stone*’s intentional decision to publish the Article without verifying the existence of Drew was an egregious and callous exercise in the deliberate avoidance of the truth. If *Rolling Stone* had attempted to find Drew earlier in the process and thereby discovered that he did not exist, *Rolling Stone* would have abandoned the Article long before it had invested so much in its publication. Having never attempted to identify or verify the existence of Drew, *Rolling Stone* made a rushed, last-minute decision to use a pseudonym approximately two weeks prior to the Article’s publication. *Rolling Stone* then covered its tracks by crafting the Article in a manner that created the false impression that *Rolling Stone* knew Drew’s identity. Tellingly, once *Rolling Stone* made its decision to create a fictional name for Drew (who, it turns out, was in fact a fictional person), and once *Rolling Stone* informed Jackie of this decision,

Jackie conveniently became cooperative once again, as *Rolling Stone* wanted. *Rolling Stone* and Jackie thus engaged in an illicit *quid pro quo*. In exchange for Jackie cooperating with *Rolling Stone* and sticking with her story, *Rolling Stone* would not seek to find or verify the existence of Drew, and would instead substitute a pseudonym for his real identity. *Rolling Stone* knew it did not know if Drew even existed, let alone if Jackie's sensational account of what Drew had done was true, yet it published the Article anyway because it had Jackie, never pressed or pressured to verify anything, to vouch for it. Similarly, *Rolling Stone's* deliberate decision to avoid any investigation into the Aquatic and Fitness Center's employment records to verify that a person fitting Drew's description existed, and then to track him down to pursue his version of events, was a cruel and callous exercise in deliberate avoidance of the truth, following the pattern characteristic of all of *Rolling Stone's* behavior in the production and publication of the Article.

118. *Rolling Stone* and Erdely knew exactly what they were doing in not verifying the existence of Drew and not attempting to hear his version of events. On October 20, 2014, Erdely flatly told Jackie that she needed to obtain Drew's real name. Erdely emphatically told Jackie that searching for Drew was "something she needed to do" as part of her "due diligence" process in writing the Article. *Rolling Stone's* Editor Sean Woods also knew that finding Drew was necessary. According to the CJS Report, Woods discussed the plan to find Drew with Erdely three times because he realized that "[we] need to verify him." The failure of *Rolling Stone* to locate Drew was not merely grossly unethical, immoral, and negligent, it was actual malice as a matter of law. *Rolling Stone* was on the verge of making accusations that it knew could result in life imprisonment for individual Phi Kappa Psi members and the end of Phi Kappa Psi as an

entity. It knew it was imperative to contact the alleged ringleader and perpetrator, “Drew.” In the face of these stakes and with that knowledge, to make the calculated decision that it would not verify the existence of Drew or obtain his side of the story but simply make up a name for him, in exchange for Jackie’s ongoing cooperation, was to deliberately and knowingly engage in a conspiracy with Jackie to publish a fabricated story. *Rolling Stone* made this subjective calculation: “We understand that we cannot know whether or not Jackie’s story is true, and that tracking down key actors in the story, such as Drew, is a step we must make to resolve that core question of truth or falsity. But rather than take that step, we will publish without verifying Drew’s existence, and just make up a name for him, creating the impression that we know his name but will not reveal it, relying simply on the cover of what Jackie has told us, though we know we have not verified it.” A reasonable jury could find this behavior to constitute actual malice.

119. Erdely failed to confirm the existence of any of the other eight men who were alleged to have participated in the gang-rape. In a SiriusXM radio interview with Michael Smerconish on November 25, 2014, Erdely told Smerconish that Jackie could identify all seven of the alleged gang-rapists. This statement by Erdely was without any factual basis, for if it were true, and if Erdely knew it to be true, then Erdely would have been able to obtain those names from Jackie herself. *Rolling Stone* thus intentionally misled the public and reinforced the intentional deception of the original Article by conveying the impression that it had the evidence that Jackie’s story was true, that it knew the identities of the perpetrators, when in fact it had no evidence, knew no identities, and could not even be sure the alleged perpetrators existed. *Rolling Stone*’s knowledge that subjective doubts as to the truth of Jackie’s account could not be resolved without

these verifications, its cynical decision to publish without resolving that subjective doubt, and its subsequent efforts on talk shows and in its public statements to cover up its failings and act as if it knew more than it actually did, could all be found by a reasonable jury as clear and convincing evidence of actual malice.

120. *Rolling Stone* also failed to contact any of the fourteen men who actually lived in the Phi Kappa Psi house in September of 2012. One of these men would have lived in the bedroom that was allegedly used for gang-rape. In her communications with Shawn Collinsworth, the national Phi Kappa Psi Executive Director, and Stephen Scipione, Erdely never even asked for the list of men who lived in the house in September 2012. *Rolling Stone*'s deliberate failure to contact these men was yet another example of deliberate avoidance of the truth, which a reasonable jury could conclude was clear and convincing evidence of actual malice.

121. *Rolling Stone* intentionally failed to contact or pursue Jackie's three friends, Duffin, Stock, and Hendley, who came to meet her on the night of the alleged rape. From her conversations with Jackie, Erdely knew the real first names of each of these friends. Erdely did ask Alex Pinkleton for help in finding them, but Pinkleton told the journalist that she needed Jackie's permission to help her. Erdely never followed up with Pinkleton after this initial and cursory effort to locate the three friends.

122. The CJS Report rightly observes that Erdely could have found Duffin, Stock, and Hendley through Facebook friend listings if Erdely had been motivated to do so. Erdely did not bother to ask any of Jackie's other friends for assistance in locating the trio. Although Erdely did ask Jackie for help in contacting Duffin, Jackie ignored those efforts until September 11, 2014, when she told Erdely that Duffin had declined to be interviewed. Erdely accepted Jackie's story without question, and concluded that Duffin

was “obviously out.” Erdely never tried to contact either of the other two friends. Duffin, Stock, and Hendley each had information that contradicted Jackie’s story as printed in the Article, which they would have shared with Erdely had she interviewed them. *Rolling Stone*’s failure to contact these three known sources was a shocking example of actual malice. In this instance, *Rolling Stone* had the real first names of each witness. The full identities, as the CSJ Report noted, were readily at *Rolling Stone*’s avail. Jackie’s account of what these witnesses allegedly told her the night of the rape was itself “over the top” and manifestly difficult to believe. Moreover, the statements attributed to the witnesses made those three witnesses look insensitive and complicit in UVA’s alleged rape culture. *Rolling Stone* knew that contacting these three witnesses was critical on two levels. First, they would provide corroboration from witnesses who were with Jackie on the night of the alleged gang-rape at Phi Kappa Psi that the gang-rape had occurred. Second, they would provide corroboration that the statements attributed to them by Jackie were accurate. To deliberately fail to contact these easily available and obviously critical witnesses was not simply negligent or unethical journalism, it was a deliberate avoidance of the truth. A reasonable jury could find these actions clear and convincing evidence of actual malice.

123. Contacting Duffin, Stock, or Hendley would have provided Erdely with information that directly contradicted Jackie’s account of her alleged rape. Any of these friends would have told Erdely that Jackie’s story on the night in question was different in several important ways from what Erdely was prepared to report. According to the three friends’ subsequent statements about the night of Jackie’s alleged attack, Jackie did not show any signs of the forcible gang-rape she described to Erdely: her dress was not covered in blood, her face was not beaten and bruised, and she did not seem to have

sustained any injuries from glass shards. In fact, the three friends would have told Erdely that Jackie had no visible cuts or wounds at all. The friends would have also told Erdely that they actually received a call from Jackie at around 1:00 am on September 28, 2012, not, as Erdely reported, after 3:00 am. The friends would have also corrected the location of the meeting reported in the Article. Although Erdely reported that Jackie met her three friends right next to the Phi Kappa Psi house, all three later told T. Rees Shapiro that they met Jackie approximately a mile away from the fraternities.

124. Any of the three friends would have told Erdely that Jackie claimed to have gone on a date with a UVA student named Haven Monahan on September 28, 2012. Duffin would also have denied the conversation Jackie related to Erdely, in which he allegedly refused to be interviewed by *Rolling Stone*. There were numerous inconsistencies in Jackie's story that the three friends would have brought to Erdely's attention, if the reporter was not single-mindedly pursuing a story to verify her biases about southern college campuses, fraternities, rape, and rape culture. All three friends have subsequently confirmed that they would have willingly spoken to Erdely if she had contacted them.

125. The CJS Report found that, "In hindsight, the most consequential decision *Rolling Stone* made was to accept that Erdely had not contacted the three friends who spoke with Jackie on the night she said she was raped." If Erdely had contacted the three friends, the Report concluded that the magazine's editors would have likely decided not to publish Jackie's story.

126. *Rolling Stone* deliberately failed to request from Jackie a waiver of her rights under the Family Educational Rights and Privacy Act ("FERPA"), which would have allowed *Rolling Stone* access to the records arising from Jackie's meetings with

UVA administrators and Dean Eramo. *Rolling Stone* knew that these records would either confirm or deny the allegations of gang-rape to be published in the Article, but chose not to pursue them. *Rolling Stone* also knew that FERPA laws significantly limited what UVA, Dean Eramo, and President Sullivan could say to confirm or deny Jackie's allegations.

127. *Rolling Stone* chose not to pursue a FERPA waiver because the documents provided by the school would contradict the version of Jackie's story they planned to print in the Article. If documented evidence emerged that Jackie had told a different story to Dean Eramo, it would be difficult if not impossible for *Rolling Stone* to print the story in its contemplated form. *Rolling Stone* already knew there were fundamental inconsistencies between Jackie's first account, told to Emily Renda and recounted in her Senate testimony, and Jackie's second account, told to Erdely. Yet knowing that Jackie had already told two different versions of what happened, and knowing that a review of the records of Jackie's meetings with UVA administrators would have forced Erdely and her editors to reconsider publishing the Article, *Rolling Stone* deliberately chose not to pursue those records. A reasonable jury could find that *Rolling Stone*'s actions constituted clear and convincing evidence of actual malice.

128. *Rolling Stone* deliberately avoided pursuing Jackie's records so that there was no direct evidence contradicting its allegation that the UVA administration was an uncaring and dishonest bureaucracy that valued the school's reputation over protecting its students from gang-rape. *Rolling Stone* viciously attacked the UVA Dean of Students Office, and Dean Nicole Eramo in particular, for not doing more to "warn the campus" about Phi Kappa Psi. Specifically, the Article alleges that the school should have questioned its responsibilities to the rest of campus once it heard the "swirl of gang-rape

allegations” against Phi Kappa Psi. To represent UVA’s denialism about sexual assault, *Rolling Stone* printed an unverified and flippant quotation from Dean Eramo justifying the school’s lack of response to Jackie’s story: “Because nobody wants to send their daughter to the rape school.” In fact, neither UVA nor Dean Eramo could have “warned” the campus about Phi Kappa Psi after Jackie’s first meeting with Eramo because Jackie told an entirely different story on May 20, 2013, and did not name a particular fraternity as the perpetrator of her attack. UVA never received a “swirl” of credible gang-rape allegations against Phi Kappa Psi, and Dean Eramo never uttered the quotation that was attributed to her. All of these facts would have been discovered by *Rolling Stone* if it had pursued a FERPA waiver from Jackie and gained access to her records at the Dean’s Office. *Rolling Stone* denigrated UVA for participating in a cover-up before it ever confirmed that a crime was committed. *Rolling Stone*’s efforts to portray UVA and its administration as protecting Phi Kappa Psi added to the overall sting of the Article, which was that Phi Kappa Psi was guilty of encouraging and aiding and abetting gang-rape, and requiring participation in gang-rape as an initiation ritual.

129. *Rolling Stone* decided not to verify these claims because doing so would require closer and more detailed engagement with the UVA administration. The story of institutional indifference to gang-rape at UVA played better if Erdely was able to claim that the University had stonewalled her and limited her access to key administrators. Just as she had done with Mr. Scipione, Erdely shared limited information about Jackie’s story with President Teresa Sullivan in their telephone interview so as not to disturb the fragile network of lies, half-truths, obfuscations, unverified quotations, and uncorroborated claims that would comprise the Article. The pattern of behavior *Rolling Stone* exhibited in manipulating its communication with President Teresa Sullivan and

Mr. Scipione is proof that a reasonable jury could find clear and convincing evidence of actual malice.

130. *Rolling Stone* made only a cursory attempt to contact Phi Kappa Psi for comment on the heinous allegations contained in the Article. In blatant violation of what the CJS Report called “journalistic practice” and “basic fairness,” Erdely did not reach out to Phi Kappa Psi in a meaningful way to provide Phi Kappa Psi an opportunity to refute Jackie’s accusations. Erdely’s initial email to President Scipione said only that she had “become aware of allegations of gang-rape against the UVA Chapter of Phi Kappa Psi.” The CJS Report described Erdely’s e-mail to Mr. Scipione as containing a “decidedly truncated version of the facts,” which falls well short of calling Erdely’s communication what it actually was: an intentionally duplicitous email, scrubbed clean of any information Phi Kappa Psi could use to investigate the truth of Jackie’s claims and protect itself from the damage the defamatory Article caused. Erdely intentionally omitted absolutely critical information she had in her possession, such as the date of the alleged crime, its occurrence at a Phi Kappa Psi date function, the number of men involved, information about the victim, identifying information about Drew, the allegation that the rape was part of a Phi Kappa Psi initiation ritual, information about Drew’s dinner date with Jackie earlier that evening, the location of the alleged crime, or any mention of the destruction of the glass table and resulting debris. This was shocking and intentional deception and manipulation. After engaging in this deception, *Rolling Stone* deliberately portrayed Phi Kappa Psi as stonewalling and hiding the truth, when in fact it was *Rolling Stone* itself that had engaged in deception.

131. Erdely made her minimal and contrived effort to request a comment from Phi Kappa Psi in October 2014, just as she was finishing the story she had worked on in

collaboration with Jackie for over four months. Erdely's guarded email to Mr. Scipione avoided the unwelcome possibility of scrapping the nearly-completed story two weeks before its planned publication date. Erdely's choice protected a personal and professional investment of hers at the expense of Phi Kappa Psi.

132. A more detailed description of the alleged assault in Erdely's requests for comment would have unearthed factual discrepancies that should have led Erdely and her editors to abandon the Article. In fact, Phi Kappa Psi quickly determined that no such gang-rape occurred once it received the information that Erdely deliberately omitted from her emails to Mr. Scipione. Phi Kappa Psi leadership disproved the allegations by confirming that they hosted no date function on the night in question, that no brothers in September 2012 worked as lifeguards at the Aquatic and Fitness Center, that the Article's fall pledging timeline at UVA was completely wrong, and that there was no evidence of any physical struggle or broken glass in any upstairs bedroom.

133. When Mr. Scipione replied that the scant information Erdely supplied made it impossible for him to comment, Erdely resolved again not to provide that information to him. Erdely knew that she could recast Mr. Scipione's inability to comment as the fraternity closing ranks. Erdely's request for comment was not designed to gather additional information on the alleged assault, which she had already decided was real. Instead, she sent an intentionally opaque e-mail that would only give the appearance of due diligence. A reasonable jury could find that *Rolling Stone's* deliberately deceptive and manipulative behavior towards Phi Kappa Psi was clear and convincing evidence of actual malice.

134. *Rolling Stone* engaged in a series of journalistic and editorial deceptions in crafting the Article that were deliberately calculated to fool readers and cover up the

reality that the story came from a single source who was not credible. *Rolling Stone* invented pseudonyms for the three friends that it had deliberately avoided locating and interviewing. *Rolling Stone* adopted a first-person voice from Jackie's perspective to conceal the fact that Erdely had never actually spoken to Duffin, ignored warnings from its own fact-checkers that the story had sourcing problems, printed unverified quotations from Duffin, Stock, and Hendley without a disclosure as to their source, and adopted a pseudonym for Drew to disguise the fact that he was not confirmed to exist and Erdely had not contacted him.

135. When Sean Woods approved the use of pseudonyms in Erdely's first draft, he said the choice was "temporary, pending further reporting and review." Erdely told the CJS investigators that the three friends "were always on [her] list of people to track down." According to the CJS Report, Erdely and Woods have different recollections about their subsequent conversations over the use of pseudonyms for these three friends. Woods insists that he only capitulated on the use of pseudonyms after Erdely convinced him that she had exhausted all possible avenues for finding the three friends. Based on Erdely's extremely limited efforts to contact the three friends, any such statement was a blatant lie.

136. Regardless of whether there were three more conversations over the pseudonyms, as Woods recalled, or whether there was no further discussion, as Erdely recalled, the friends were not contacted and the quotations attributed to them were not verified. Erdely has since claimed that she decided not to contact Jackie's friends because she worried it would drive Jackie away from the journalistic process. If Erdely lost access to Jackie, her sensational story would have to be refocused on another college, and one of the "normal" rape stories she had previously discarded as not sensational enough.

137. *Rolling Stone* published the Article in a form that was intended to give the impression that Erdely had spoken to Duffin. The Article says that Duffin, “citing his loyalty to his own frat, declined to be interviewed,” and also includes a one-word quotation from him describing the likely outcome of the Article’s publication: a “shitshow.” The formal language of the Article (“declined an interview”), the use of a “quotation” from Duffin, and the mention of Duffin’s reason for declining the interview all imply that Erdely actually spoke to him. A *Rolling Stone* fact checker questioned Erdely and her editors about the lack of clarity with regard to Duffin. Ultimately, her efforts to draw attention to the Article’s flaws were ignored. This was a critical decision made within *Rolling Stone*, because when a journalist within a news organization, such as the fact-checker, raises subjective doubts about the truth of a story, and the decision is made to publish without resolving that subjective doubt, that decision may as a matter of law constitute evidence of actual malice. These editorial choices were deliberately made to hide the fact that Erdely never did speak to Duffin, and that Erdely had relied entirely on Jackie’s falsified account of a conversation with Duffin about a potential interview. *Rolling Stone* hid from its readers the fact that Erdely had never spoken to Duffin, which discouraged scrutiny of the Article and its central narrative. A reasonable jury could find that these journalistic and editorial choices constitute clear and convincing evidence of actual malice.

138. In what is the single most damning “smoking gun” direct evidence of actual malice, Erdely has admitted that she was surprised that she was never forced by her editors at *Rolling Stone* to contact Duffin, Stock, and Hendley, and that she was pleasantly relieved when she was told the Article could proceed to publication without contacting them. She told CJS investigators that she was “surprised that no one asked

[her] to talk to them.” She also said, “I wish someone had pushed me harder.” These statements are a direct concession that *Rolling Stone* deliberately published its Article in the face of unresolved subjective doubt. A reasonable jury could find that Erdely’s statement was clear and convincing evidence of actual malice.

139. *Rolling Stone* misled the reader by using a pseudonym for “Drew.” The use of a pseudonym hid the fact that Erdely did not know “Drew’s” real name, had not spoken to him, and did not confirm that he existed. Defendants deliberately removed a disclosure statement included in one draft of the Article in which Erdely confessed that Jackie “refuses to divulge Drew’s full name to RS.” *Rolling Stone* published the Article without such a disclosure to hide *Rolling Stone*’s illicit *quid pro quo* with Jackie, whereby it would publish Jackie’s incredible story without verification of any of the critical facts or engagement with any of the alleged perpetrators, instead simply manufacturing an identity for the ringleader, and deliberately hiding from readers any disclosure of these facts, though it had previously included that disclosure in an earlier draft. A reasonable jury could find these acts of fabrication, obfuscation, and cover-up to be clear and convincing evidence of actual malice.

140. *Rolling Stone*’s actions following the Article’s publication, once the story began to unravel as other news organizations revealed its fundamental flaws, are also probative of actual malice. As the pressure built on *Rolling Stone* and Erdely to explain the flaws in the story, *Rolling Stone* and Erdely effectively went underground, retreating into a cone of silence. This silence was deliberate and intended to deflect scrutiny regarding the Article’s falsity and the journalistic failings that produced it. On November 26, 2014, Hanna Rosin asked Erdely three times if she had tried to interview the alleged perpetrators of the gang-rape as part of her podcast program, the *DoubleX Gabfest*. Each

time, Erdely deflected Rosin's question or avoided answering. Erdely also avoided answering Rosin's questions about whether Erdely knew who Drew was, whether she had spoken to Duffin, Stock, and Hendley, and whether the friends had corroborated Jackie's story and observed her injuries immediately after the alleged gang-rape. If Erdely had answered these questions truthfully, her own intentional avoidance of the truth and unethical journalism would have been discovered. Consequently, she deliberately avoided answering the questions in hopes that scrutiny over the Article's sourcing and reporting would fade. Erdely also defended her journalistic process directly by claiming that she "found [Jackie's] story to be very, I found her very credible. I put her story through the wringer, to the extent that I could." This was a deliberate and knowing falsehood. Erdely put Jackie's story through no wringer whatsoever. At the time Erdely defended Jackie's credibility, she knew that she had not asked the necessary questions to verify Jackie's story as reported in the Article. A reasonable jury could find that these deceptions constitute clear and convincing evidence of actual malice.

141. Later that night on November 26, 2014, Erdely had another telephone conversation with Jackie. As she told CJS investigators, in this conversation Jackie was not even able to spell the last name of Drew. Erdely now knew that the ruse was up. Erdely now knew that the rest of the journalistic world would likely soon discover the falsity of the Article and the flawed journalism that produced it. This caused Erdely great alarm and distress, and generated a frantic post-hoc effort to corroborate a story *Rolling Stone* knew it had failed to corroborate prior to publication.

142. By December 1, 2014, other news outlets were beginning to discover the gaps in the Article's reporting. As part of a *Washington Post* article published on December 1, Erdely was interviewed by Paul Farhi. During that interview, Erdely again

refused to answer when Farhi asked her directly whether she knew the names of the alleged perpetrators, including the supposed ringleader “Drew.” Instead of answering, Erdely cited a “secret pact” with Jackie, saying “I can’t answer that. That was a topic that made Jackie extremely uncomfortable.”

143. When Erdely refused to answer Farhi’s question, she knew that Jackie was not a credible source and that her story was fatally compromised. The CJS Report found no evidence at all to support Erdely’s claim that Jackie required her to remain silent about the identity of the attackers. By refusing to answer Farhi’s questions and referring to a fabricated “secret pact” with Jackie, Erdely perpetuated the belief that the Article’s defamatory claims were true. Erdely’s efforts to conceal her mistakes and defend the Article in these post-publication interviews with Farhi constitutes proof that a reasonable jury could find clear and convincing evidence of actual malice.

144. Erdely initially claimed to some media outlets that she chose not to speak to the alleged gang-rapists in Phi Kappa Psi because she was “concerned about Jackie’s safety and the potential that the fraternity members would seek retribution,” according to an article written by Lloyd Grove at the *Daily Beast* on December 5, 2014. However, as Grove rightly observed, the alleged gang-rapists would surely find out that Jackie had told her story once the Article was published. Erdely’s explanation is self-serving, nonsensical, and demonstrative of the reporter’s willingness to go to any lengths to cover her egregious misconduct in the reporting process. Erdely deliberately used her alleged rape victim as a human shield to deflect well-founded criticisms of her work and perpetuate the fabricated story of gang-rape in the Article. A reasonable jury could find these deliberate falsehoods in defense of her story to be clear and convincing evidence probative of actual malice.

145. *Rolling Stone* originally published the Article with actual malice in the form of reckless disregard for truth or falsity. Once other journalistic outlets were able to definitively identify the extraordinary flaws in the story, *Rolling Stone* took actions that escalated to actual malice with actual knowledge of falsity. *Rolling Stone* knowingly stood by and expressed ongoing confidence in the Article it knew to be false until December 5, 2014, when it was finally retracted. As the CSJ Report establishes, Erdely and *Rolling Stone* knew the Article was fatally flawed by November 26, 2014, if not before.

146. After *Rolling Stone* developed doubts about the accuracy of its reporting, the magazine and its employees continued to defend and support the defamatory claims of the original Article. On November 30, 2014, Erdely tweeted a link to a profile article about her published on November 28 by *The Washington Post*, titled “Sabrina Rubin Erdely, woman behind *Rolling Stone*’s explosive U-Va. alleged rape story.” The *Washington Post* article quoted Erdely as saying, “I find [Jackie] completely credible.” On information and belief, Erdely knew at the time she gave the interview for this article that she did not find Jackie completely credible. Certainly by the time Erdely tweeted the link to the profile article on November 30, 2014, she knew that her statements in the interview were false, and that they would bolster the Article, which she knew was being sharply criticized by *The Washington Post* and other major media outlets. Erdely knowingly promoted the Article and its defamatory statements despite her subjective belief that the Article’s foundation was unreliable. Erdely recklessly promoted and defended the Article’s central narrative despite her subjective judgment that the Article was false, which a reasonable jury could find to be clear and convincing evidence of actual malice.

147. On December 2, 3, and 4, *Rolling Stone* circulated a press statement in response to media inquiries about the Article. The statement read:

The story we published was one woman's account of a sexual assault at a UVA fraternity in October 2012 – and the subsequent ordeal she experienced at the hands of University administrators in her attempts to work her way through the trauma of that evening. The indifference with which her complaint was met was, we discovered, sadly consistent with the experience of many other UVA women who have tried to report such assaults. Through our extensive reporting and fact-checking, we found Jackie to be entirely credible and courageous and we are proud to have given her disturbing story the attention it deserves.

148. *Rolling Stone* made these statements despite knowing that they were false. *Rolling Stone* knew that Jackie had exhibited behaviors throughout the entire reporting process that were suspicious and damaging to her credibility.

149. The press release was a brazen cover-up. The press release cynically doubled down on and republished the Article's original defamation, intentionally misleading readers. At the time the press release was issued, *Rolling Stone* had already reached the judgment that it had indeed published a false story. In an arrogant act of hubris and doublespeak, the press release expressed *Rolling Stone's* pride in bringing public attention to a story that it knew was false. A reasonable jury could find this press release to be clear and convincing evidence of actual malice.

150. *Rolling Stone* lied about its reporting in order to hide or delay the exposure of the mistakes that led to the publication of the defamatory Article.

151. Erdely and/or Sean Woods lied to CJS investigators about conversations concerning Jackie's three friends and whether Erdely made adequate efforts to contact them and verify Jackie's story. Erdely told CJS investigators that she did not remember having a distinct conversation with Sean Woods about contacting the three friends.

Woods, on the other hand, does recall having several conversations with Erdely about the issue of contacting the three friends. According to Woods, when Erdely told him that she had exhausted all avenues for finding the three friends and could not do so, he agreed to assign them pseudonyms and publish the story without verifying their quotations or their meeting with Jackie after her alleged gang-rape.

152. One or both of Erdely and Woods are lying about the conversations they had prior to the publication of the Article. A memory lapse cannot account for such a significant disparity between their two accounts of a key editorial decision in the Article, which both employees worked on for months. The simple fact is that any journalist or editor in any news organization—for that matter a journalism student in his or her first journalism class—knows that a story alleging institutionally mandated, violent and ritualized gang-rape requires confronting all alleged perpetrators and verifying key stories. It is impossible that this was not at the very front of the consciousness of both Erdely and Woods, as evidenced by Erdely’s smoking gun confession in the CJS Report that she was surprised and relieved when she was not pressed to properly source and corroborate the story. Regardless of who is telling the truth, the CJS Report makes it clear that *Rolling Stone* as an entity intentionally acted with reckless disregard for truth or falsity. Erdely and Wood may now run, pointing fingers at each other over who should take the fall and be hung out to dry, but *Rolling Stone* is responsible for both, and *Rolling Stone* cannot run or hide.

153. On November 25, 2014, Sabrina Erdely was interviewed by Michael Smerconish on his radio show on SiriusXM. The transcript of the radio program is attached as Exhibit D. Over the course of this radio program, which lasts approximately fifteen minutes, Erdely told a number of falsehoods intended to boost the credibility of

the Article and Jackie's narrative. Erdely knowingly told these lies to perpetuate the public's mistaken belief that the Article was reliable and that Phi Kappa Psi participated in ritualized gang-rape. A reasonable jury could find that the deliberate and defamatory falsehoods told in the Smerconish interview are clear and convincing evidence of actual malice.

154. During the interview, Michael Smerconish directly asked Erdely what happened to the tangible, physical evidence of the alleged gang-rape. When Erdely admitted that, "It still is just [Jackie's] word against other people's," Smerconish interrupted her to ask: "No forensic evidence? No, no bloody dress? You make reference to her, her bleeding." Erdely responded by lying about what she knew about the dress: "Uh, it's not clear to me whether she, whether she's held onto those things."

155. This statement is a lie, knowingly told by Erdely to hide the fact that Smerconish had just detected one of the clear signals that Jackie was unreliable. In fact, Erdely had asked Jackie for the bloodied red dress as proof of the alleged gang-rape. Erdely told the CJS investigators that Jackie deflected her requests for the dress for a time, then abruptly told Erdely that her mother had thrown it away. Erdely knowingly lied on Smerconish's radio show to hide the fact that the physical evidence one would expect to find from Jackie's ordeal was missing. Erdely knowingly avoided Smerconish's question by claiming ignorance of a fact she later admitted she knew at the time of the radio interview. Erdely's statements to Smerconish on this issue are damning on multiple levels. First, when Erdely herself had asked Jackie about the dress and been met by dissembling and falsehood, Erdely must have experienced subjective doubt about Jackie's credibility. Second, haunted by the fact that Smerconish was now asking of Erdely the very questions Erdely had previously asked Jackie, Erdely covered up,

creating the impression that the bloodied dress was a non-issue, when in fact Erdely knew it was a major issue.

156. In response to Smerconish admitting that he was skeptical of Jackie's narrative, Erdely lied again. Specifically, she stated:

Everything about Jackie is entirely credible. I put her story through the wringer. I talked to all of her friends—all of the people she confided in along the way.

157. This was the ultimate lie. In fact, Erdely knew that Jackie had exhibited numerous signs that she was not a credible source, including refusing to communicate with Erdely, failing to provide corroborating interviews and physical evidence, threatening to withdraw her cooperation when Erdely made efforts to verify the alleged gang-rape, refusing to provide key details about her alleged attackers, and asking to fact-check her own story. The sheer brutality of Jackie's narrative led Erdely to admit that she felt a "bit incredulous" after hearing it for the first time. Erdely knowingly lied by glossing over her source's deficiencies and stating that "everything" about Jackie was "entirely credible."

158. Even more cynically and corruptly, Erdely knowingly lied by stating that she had put Jackie's story "through the wringer." She and *Rolling Stone* had in fact put Jackie's story through the anti-wringer by intentionally choosing to verify nothing. At the time Erdely made that statement on November 25, she knew that *Rolling Stone* deliberately failed to contact Jackie's three friends, deliberately failed to obtain investigative records from UVA, deliberately failed to locate or confirm the existence of Drew, and deliberately failed to provide a meaningful opportunity for comment to Phi Kappa Psi by intentionally withholding information from Phi Kappa Psi and

manipulating its interactions with Phi Kappa Psi. Erdely knew her statement about putting Jackie's story "through the wringer" was false in letter and spirit. A reasonable jury could find that this knowing falsehood is clear and convincing evidence that *Rolling Stone* knew its original Article was published with reckless disregard for truth or falsity, and for that reason sought to cover its tracks, and could also find that in doubling down on its expressed conviction that the Article was sound well after it knew it was utterly unsound, *Rolling Stone* republished the defamations alleged herein with knowledge of falsity, thereby constituting clear and convincing evidence of actual malice.

159. Erdely lied by claiming that she had spoken to "all of [Jackie's] friends—all of the people she confided in along the way." At the time she made this statement, Erdely knew that there were key people in Jackie's life to whom she had never spoken. Erdely knew that she had never confirmed Jackie's story with her mother, or even spoken to this woman that Erdely knew Jackie had confided in. Erdely knew she had never spoken about the case to Dean Eramo, who had probably the most information about Jackie's alleged gang-rape. Erdely knew that she had never spoken to Duffin, Stock, and Hendley, who were not only Jackie's friends and confidantes but the people most capable of verifying Jackie's claims. Implicit in Erdely's statement is the implication that the friends that she did speak to confirmed Jackie's story. In fact, that implication is also false. On information and belief, several of Jackie's friends and fellow sexual assault advocates were unable or unwilling to confirm key aspects of Jackie's story as printed in the Article. A reasonable jury could find that *Rolling Stone's* false bravado about vetting Jackie's story with all her friends and finding the story credible constitutes clear and convincing evidence of actual malice.

160. When Erdely addressed Smerconish’s skepticism about Jackie’s story, she also said that “Jackie’s story is very consistent.” In fact, Jackie’s story had been inconsistent, and Erdely knew that at the time of the radio show. Erdely knew that the story Jackie had told Emily Renda was different in key respects from the story that Jackie told her over the phone on July 14, 2014. Erdely also knew that the story Jackie recounted to her on July 14, 2014, was different from the story Renda had recounted in her Senate testimony the previous summer. Erdely knew that Renda described Jackie’s memory as imperfect regarding the alleged gang-rape, which suggested that Jackie’s story had changed over time. On information and belief, Erdely also knew that Jackie had told several friends and fellow student advocates a different version of her story than *Rolling Stone* printed in the Article. Erdely knew that her claim about Jackie’s story being “very consistent” was false at the time she made it, which amounts to actual malice.

161. Deputy Editor Sean Woods knowingly lied about *Rolling Stone*’s efforts to reach the alleged assailants and the magazine’s knowledge of their identities. In an interview with Paul Farhi of *The Washington Post*, Woods said that *Rolling Stone* had verified the existence of the alleged perpetrators:

We did not talk to them. We could not reach them. We verified their existence. I’m satisfied that these guys exist and are real. We knew who they were.

162. Woods knowingly lied about whether *Rolling Stone* attempted to reach Phi Kappa Psi members who were not real and who did not exist. Woods stated that *Rolling Stone* verified the existence of the alleged assailants, when in fact, *Rolling Stone* never knew the names of Jackie’s alleged assailants, and made only a cursory effort to confirm

the existence of “Drew.” Given that it is now clearly established that none of these assailants existed, and the assault itself did not happen, the statement by Woods was utterly false and reprehensible. Woods also stated that *Rolling Stone* knew the identities of the alleged assailants, although he knew that statement was false. The CJS Report found no indication that *Rolling Stone* ever possessed first or last names for any of Jackie’s assailants besides Drew. Woods made a knowingly false statement to hide *Rolling Stone*’s reckless reporting. A reasonable jury could find that these knowing and callous falsehoods constitute clear and convincing evidence of actual malice.

163. *Rolling Stone* intentionally attempted to bolster the credibility of Jackie’s false and defamatory claims by deliberately hiding the fact that Erdely had never actually identified or contacted the accused rapists. According to the CJS Report, the use of pseudonyms “glossed over gaps in the magazine’s reporting.” *Rolling Stone* covered one such gap by suggesting that *Rolling Stone* knew the identity of Drew at the time of publication. As Erdely admitted to CJS investigators, however, she never learned the “real name” of Drew until the night of December 4, 2014, well after the Article’s publication.

164. Upon information and belief, Jackie resisted providing the “real name” of Drew to Erdely, although she suggested other resources that Erdely could use to locate the man the magazine would later call “Drew.” One of Jackie’s suggestions was that Erdely contact the fraternity and ask for a list of its members as of September 2012. A Phi Kappa Psi membership list was freely available on the internet at the time the Article was published. However, Erdely neither asked the fraternity for the list nor endeavored to find the list online. Instead, she and her editors resolved to use a pseudonym for Drew and thereby avoided contacting the accused directly.

165. *Rolling Stone* repeatedly represented in the Article and in interviews with other publications that it knew the actual names of the alleged gang-rapists, including “Drew.” In an interview with *Slate*’s Hanna Rosin, Erdely said that she “reached out to [the accused] in multiple ways,” but that the men were “hard to get in touch with because [the fraternity’s] contact page was pretty outdated.” By blaming an outdated contact page for her failure to contact the accused, Erdely suggested that she knew the names of the men who allegedly gang-raped Jackie. In truth, Erdely never knew the names of these non-existent perpetrators. In print interviews with *Slate* and *The Washington Post* during the week of November 24-28, Erdely “declined to answer repeated questions about [the accused’s] response to an allegation by a female student named Jackie that they had sexually assaulted her,” according to a December 1, 2014 report by Paul Farhi. In that same interview with Paul Farhi, Sean Woods said that “we verified [the accused gang-rapists’] existence,” and that *Rolling Stone* “knew who they were.”

166. In fact, neither Erdely nor anyone else at *Rolling Stone* ever learned the full names of any of Jackie’s alleged attackers prior to publication of the Article. Notably, Erdely and Woods’ interviews with *Slate* and *The Washington Post* took place during the week of November 24-28, well after criticisms of the story had arisen from reporters at *The Washington Post* and elsewhere. Even as *Rolling Stone*’s story was unraveling, Erdely continued to defend it by refusing to answer or deflecting questions intended to uncover the fact that she had never contacted the accused fraternity brothers. Woods’ statement that *Rolling Stone* knew who the alleged assailants were is patently false and designed to hide the fact that *Rolling Stone* had never confirmed the existence of the accused gang-rapists, much less contacted them directly. When Erdely wrote a disclosure statement saying that Jackie never revealed the full name of her attacker to *Rolling Stone*,

editor Sean Woods cut it from the final version of the Article. The removal of this disclosure statement disguised the Article's weaknesses, and allowed *Rolling Stone* to avoid or deflect questions about whether they knew the identities of Jackie's alleged assailants.

DAMAGES

"A Rape on Campus" Becomes One of *Rolling Stone*'s Most Successful Stories Ever

167. The reputation that Phi Kappa Psi and its alumni spent decades building was destroyed overnight by the Defendants. The formerly respected fraternity is now known colloquially in the University of Virginia community as "the rape frat." Pictures of the Phi Kappa Psi house have been licensed by independent photographers to over 100 media outlets that produced thousands of news stories covering the event, both before and after the allegations of gang-rape were disproven. As one Phi Kappa Psi brother observed, "the image of our fraternity house has become the symbol for rape on college campuses." Most often, pictures of the house also prominently feature angry protestors holding signs about rape or rape culture. Pictures of the house and the protestors are attached as Exhibit H. The Phi Kappa Psi house pictures have been shared thousands of times through unlicensed use on social media and elsewhere.

168. The wide media footprint of the initial Article has magnified the damage caused by its defamatory lies. In addition to the almost 3 million unique visitors the original story drew to the RollingStone.com website, the story produced approximately 718 print news stories between its publication and December 31, 2014. The original story

was also shared by Facebook users an additional 170,000 times per *Rolling Stone's* website. For a time, "A Rape on Campus" was undoubtedly the biggest news story in America.

169. The scope of the video journalism coverage of "A Rape on Campus" was equally staggering. In the last two weeks of November alone, news networks published 2100 video clips about the story, totaling almost 55 hours of coverage. The coverage increased in December as more networks sought to take advantage of the public's interest in the story. Through the month of December, news networks aired 4031 new clips that represented 100 additional hours of coverage. By the end of December, the world had consumed over six days of continuous video footage regarding a gang-rape that never happened at the Phi Kappa Psi house in Charlottesville, Virginia.

**Phi Kappa Psi is the Victim of Persistent Physical and Verbal Attacks by the
Misinformed and Outraged Public**

170. Immediately following the Article's publication, the Phi Kappa Psi house became a symbol against which irate members of the public, driven to outrage by *Rolling Stone*, expressed their outrage. On the same night the Article was published, a group of students vandalized the Phi Kappa Psi Fraternity House where fourteen brothers lived. Slogans like, "UVA Center for Rape Studies" and "Suspend Us!" were spray-painted on the retaining wall of the house. The fraternity members awoke when the vandals used chunks of cinder block and glass bottles to smash the windows of a Phi Kappa Psi brother's bedroom. Pictures of the damage to the house are included as Exhibit I. Three

of the brothers who parked next to the house had their cars vandalized. Other anti-rape related vandalism was observed elsewhere on campus.

171. Beginning the next day, news trucks crowded the area and reporters badgered brothers with questions and took pictures. The house continued to serve as a focal point for public disapproval of Phi Kappa Psi. On the afternoon of November 22, a group of professional protestors arrived from Washington, D.C. At a protest initiated by this group, one man used a bullhorn to demand that the protestors “burn the frat houses down.” A smaller group advanced onto the porch of the house and refused to move until the Charlottesville Police Department arrested four of their number and forcibly removed them from the property. Some of the protestors used cameras and cell phones to capture images of the inside of the house and the Phi Kappa Psi brothers who lived there. A media member used a telephoto lens to snap pictures of composite photographs through the windows and published that information online. On the night of November 23, 2014, two men attempted to break into the house through a side door.

172. Many of the Phi Kappa Psi brothers reasonably feared for their safety after enduring the vandalism of November 19, 2014. Some of the brothers who lived in the house moved into hotel rooms while the public vented its misplaced anger. Others chose to stay in the house, but took extraordinary precautions for their personal safety. A media circus awaited Phi Kappa Psi members who visited the house for any reason in the days following the publication of the Article.

173. Phi Kappa Psi was required to hire a security service to protect its property and members after the initial incident of vandalism. Although effective, it was untenable to maintain a live security force on the property indefinitely. The risk of another vandalism incident required Phi Kappa Psi to install a video surveillance system as a

continuing security measure. New locks were also required because unauthorized members of the public attempted to enter the house at night. As Thanksgiving break approached, parents were extremely concerned for the safety of their sons. Phi Kappa Psi's housing corporation was compelled to write a letter to parents of the student members explaining some of the safety measures that they had implemented to protect the members from the Article's backlash.

174. The fallout from the Article was felt almost as strongly by brothers who did not live in the house. In UVA classrooms, Phi Kappa Psi members endured extemporaneous lectures from their academic professors about the “absolutely disgusting” behavior of the Phi Kappa Psi members. In one class, a teacher interrupted a discussion about the Article to request that any Phi Kappa Psi members in the class identify themselves. In a graduate school in Washington, D.C., a Phi Kappa Psi alumnus listened in disbelief as his professor addressed the class shortly after the release of the Article: “If you were to remove our brain, we would still be able to carry out normal daily function. If you don't believe me, just ask those fraternity brothers at UVA. You get them together, you remove their cortex, and they function perfectly—they can breathe, they can eat, they can do all kinds of things.” Another brother was playing in a collegiate sports tournament when the news broke, and he was taunted and called a rapist throughout the ensuing game.

175. The Article's impacts extended far beyond the United States. One Phi Kappa Psi brother chose to conceal his fraternity membership from classmates who read and believed the story in Scotland, where he was studying abroad. News networks in other countries ran stories based on the belief that the accusations of gang-rape were true. *Rolling Stone's* Article destroyed Phi Kappa Psi's reputation on a worldwide scale.

The Article Devastates Phi Kappa Psi's 2014-2015 Spring Rush Process

176. The cloud the Article cast over Phi Kappa Psi persisted through the Thanksgiving and winter breaks and well into the spring semester. Immediately following the story's release in November, Phi Kappa Psi national representatives suspended the fraternity's charter, and the UVA Chapter followed by voluntarily suspending its Fraternal Operating Agreement with the University. Several days later, University President Teresa Sullivan suspended all Greek activities on campus until January 9, 2015.

177. Long after the fraternity's internal investigation had revealed that Jackie's story as reported to *Rolling Stone* was a lie, President Sullivan's suspension of Greek activities prevented the fraternity from acting in an official capacity to assuage the concerns of the first-year students who had planned to join the fraternity through the spring pledge process. The fraternity was unable to repair its relationships with potential new members in the same way it had formed them: face-to-face in social functions at the Phi Kappa Psi house. Phi Kappa Psi's efforts to repair those relationships were limited to sterile press releases that most students never read. Many of those relationships never recovered.

178. The journalism that challenged "A Rape on Campus" throughout December and January was diffused, and much of it appeared during the winter break when students were disconnected from campus life and spending time with their families. Although Richard Bradley openly expressed his skepticism about the truthfulness of the story as early as November 24, 2014, his personal blog enjoys a far smaller readership than *Rolling Stone* magazine. The *Washington Post* described the story as "unraveling" in the first week of December, which is also when academic courses end at UVA. The UVA 2014 Academic Calendar lists the exam period for undergraduates as extending from

December 8 to December 16. With exams looming in the early part of December, it is unsurprising that many of the students who read “A Rape on Campus” failed to follow the news stories that exposed it as “the shoddiest piece of journalism in recent memory,” according to Eric Wemple at *The Washington Post*.

179. Over three months passed before the Charlottesville Police Department publicly announced on March 23, 2015 that they had found no evidence substantiating the gang-rape alleged in the story. At that time, Chief of Police Timothy Longo explained that the Department would merely suspend, rather than close the case, because their investigation was unable to conclude that “something terrible did not happen to Jackie.” Phi Kappa Psi’s reputation will carry a black mark as long as the Charlottesville Police Department’s investigation is ongoing; the inherent difficulty of proving a negative means that the investigation could linger for years.

180. The devastating impact of the Article on the fraternity’s reputation is reflected on Greekrank.com, an online discussion forum and ranking system for fraternities and sororities at the nation’s top colleges. Prior to November 19, 2014, Phi Kappa Psi enjoyed a reputation on Greekrank.com as a top-tier fraternity at UVA. Its ranking as of October 8, 2014, was 68.61%, which placed it solidly within the top tier of fraternities ranging from 67% to 71%. This ranking was based on 49 ratings and comments accumulated over approximately three years.

181. Almost immediately after the release of the Article, angry readers attacked Phi Kappa Psi’s reputation on Greekrank.com. Of the 46 rankings posted between November 19 and December 3, 2014, 29 of them gave the lowest rating permitted by the website. The average rating during this two-week period was 42.73%, which would have qualified Phi Kappa Psi as by far the worst-ranked fraternity on UVA’s campus.

182. This 42.73% rating is inflated by obviously sarcastic high ratings with accompanying comments like, “their classiness is that of serial killers,” “brothel-like atmosphere,” and “the model fraternity. No means yes.” The lowest ratings offer commentary like, “Shame on these nasty excuses for human beings,” “Shame on you pigs,” and “the most disgusting, worthless human beings on the planet.” Some of these comments explicitly reference the Article as the source of their information about Phi Kappa Psi. In the two weeks that followed the Article, Phi Kappa Psi’s Greekrank.com rating fell by 12.5 percentage points into the lower third of the fraternity rankings. Although based on erroneous information, these ratings and vitriolic comments will continue to influence future UVA first-years who must decide which fraternities to rush.

183. During the 2014-2015 academic year, prospective Greek students at UVA relied on *Rolling Stone*’s story and its resulting coverage. For 2014-2015, the Inter-Fraternity Council compressed the rush process into two weeks stretching from the first open house event on January 15, 2015 to January 31, 2015, when bids were distributed. Notably, the rush process occurred well before the CPD held a press conference on March 23, 2015 to announce that they had found no evidence at all to implicate Phi Kappa Psi in the alleged gang-rape. The rush process also concluded months before the release of the CJS Report, *Rolling Stone*’s retraction, and *Rolling Stone*’s apology on April 5, 2015. Even the news outlets defending Phi Kappa Psi expected the police investigation and the CJS Report to reveal what “actually happened.” Students deciding which fraternity to rush in January 2015 did not have the option of waiting to see the exculpatory evidence contained in those reports.

184. The timing of the initial Article and its retraction, the vile nature of the Article’s accusations, the suspension of the fraternity’s charter, the lingering CPD

investigation—these factors combined to devastate Phi Kappa Psi’s 2014-2015 rush process. As part of Phi Kappa Psi’s risk management policy, it tracks the number of rush participants hosted each year. Over the past few years, Phi Kappa Psi has hosted approximately eight hundred students at its initial open house events in the spring semester. In 2015, the Article cut that number by more than half, to about three hundred rush participants. As one fraternity member noted, this group included “a number of rushees with no intention of pledging, but who rather were attending rush out of a curiosity to walk into the ‘rape house.’”

185. The rush process was impeded by the media presence immediately outside the house, some of which gained access during rush events and took pictures of the inside of the house and its upper rooms. The brothers also contended with journalists and members of the public who impersonated UVA students in order to enter the house and question its members about the Article. In contrast, other fraternities on campus experienced record numbers of rushees for the 2014-2015 academic year.

The Article Disrupts the Careers of Phi Kappa Psi Members and Graduates

186. The Article interrupted the job search and recruitment process for summer internships and permanent employment for fourth-year Phi Kappa Psi brothers. Most of the brothers chose to remove their affiliation with Phi Kappa Psi from their resumes out of fear that their interview would turn towards the topic of the alleged gang-rape. Fraternity leadership positions and charitable efforts were deleted from resumes in an effort to avoid raising questions about a brutal crime that was never committed. The

brothers' involvement with Phi Kappa Psi and the broader Greek life community was previously a topic they were proud to discuss in any context.

187. Of those brothers who chose to leave their affiliation on their resume, several reported that their interviews focused more on the Article than on the quality of their job application. One interviewer asked so many questions about the Article that the business case interview—the portion of the interview meant to assess the candidate's ability—was cut short. In another interview in the spring, the recruiter had read the Article and asked the brother about the story. The Phi Kappa Psi brother was surprised to learn that the recruiter had never read any of the stories that debunked the Article over the past several months. Discussing an emotionally charged issue like gang-rape made the brothers nervous, and it naturally hurt their confidence in job and internship interviews. Many of the brothers have not yet begun the fourth-year job search process, and dread the possibility that the Article will come up in future interviews.

188. The graphic claims of the Article have arisen in professional contexts for graduates of the fraternity, especially those who were members in September of 2012. Coworkers questioned Phi Kappa Psi graduates about Jackie's rape, Phi Kappa Psi parties, and its initiation ritual of gang-rape. When one graduate shared with an employer that he attended UVA, the man replied by asking, "Oh, were you in the fraternity that raped girls?" The graduate replied that he was in that fraternity, then tried to defend his brotherhood to a superior who had only read and believed the original Article.

189. An employer asked another graduate whether he knew anything about "those rapist frat boys." Other graduates deal with repeated harassment and jokes at work. At a social event after work hours, one graduate overheard a colleague jokingly warn people not to let the graduate near their drink because he might "drop GHB in it." A

different graduate has been nicknamed after the alleged leader of the gang-rapists. The defamatory story has invaded the careers and professional relationships of Phi Kappa Psi graduates of all ages.

The Article Creates Threatening and Violent Backlash on Social Media Platforms

190. The worst reactions to the defamatory story came through social media networks. On platforms like Facebook and Twitter, commenters denounced all Phi Kappa Psi brothers as rapists, pigs, and less than human. One Phi Kappa Psi brother received a direct message on Twitter saying that the messenger hoped “he and his ilk would rot in hell.” The message continued, “May the despair of all those women you raped be blood on your hands that will cause you to fail at everything and kill yourselves. Go ahead do it, kill yourselves, do the world a favor assholes.”

191. Another commenter messaged, “I hope you die and get raped.” This “eye-for-an-eye” sense of justice was mirrored on Facebook, where a commenter wrote that he wished the “over privileged useless human beings” the “worst when they get to prison. I hope seven of the worst inmates take their time with each one.” A Twitter user wrote: “I can’t wait to see you fuckers burn to the ground.” His threat was seconded by an irate father on Facebook, who wrote that “Its[sic] just a matter of time before a father like me will go in and shoot the balls off those bastards and burn down their fu**ing historic house.” A sampling of the vicious social media backlash against Phi Kappa Psi is attached as Exhibit J.

192. The Executive Office of Phi Kappa Psi also received threatening and deranged communications. One woman left a voicemail promising that, “We’re going to

come back one day and burn your fucking organization to the ground, you fucking asshole.”

193. A Facebook group called “Shut Down Phi Psi at UVA” was created on November 20, 2014, and quickly gathered about five hundred ‘likes.’ The profile photograph is an image of the Phi Kappa Psi letters with a large red “no” symbol overlaying it. A description of the community reads, “It’s time to shut down the rape house.”

194. The stated purpose of this group was to permanently suspend the charter of Phi Kappa Psi at UVA. The group was used to organize protests, rallies, petition signings, and lobbying efforts to kick Phi Kappa Psi off the UVA campus. It also served as a community center for men and women to vent about what one commenter called the “animals” of the Virginia Alpha Chapter of Phi Kappa Psi Fraternity. This group continues to lobby against Phi Kappa Psi’s presence on UVA’s campus, among other causes.

195. Another Facebook group called “Alliance for Social Change at UVA” was formed on November 20, 2014. This group became even more popular and boasts over two thousand likes. Its members used the board as a tool to organize the protests that disrupted the lives of the brothers residing in the house. Commenters frequently refer to the brothers as “criminals” who should “finish their degree in jail.” In comments about *Rolling Stone*’s eventual retraction, commenters expressed solidarity with Jackie through the use of the hashtag #istandwithjackie. Another commenter reiterated that they “believe she was raped, even if there are ‘inconsistencies.’” The retraction did little to clear Phi Kappa Psi’s reputation among this group of vocal advocates for Jackie and sexual assault victims. See Exhibit K.

196. “Shut Down Phi Kappa Psi at UVA” and other groups like it entreated visitors to sign petitions at Change.org, which presently hosts three petitions calling for the removal of Phi Kappa Psi from the UVA campus. These petitions, entitled “UVA against Sexual Violence,” “Abolish the Greek System,” and “End the Culture of Rape at UVA,” have garnered almost eleven thousand signatures together. Each of the petitions targets the Virginia Alpha Chapter of Phi Kappa Psi Fraternity. UVA Against Sexual Violence features the Phi Kappa Psi logo covered by a large “no” symbol as its chief image. The petition calls for a permanent suspension of the fraternity from the UVA campus. Abolish the Greek System uses *Rolling Stone*’s illustration of a young woman covered with bloody handprints, and aims to end all Greek culture on campus, which would include Phi Kappa Psi. End the Culture of Rape at UVA expressly requests that the Phi Kappa Psi house be “permanently shuttered.” Each of these groups also explicitly references the Article as its motivation to take action against PKP. Screen captures of the groups’ Change.org pages are attached as Exhibit L.

197. On websites and apps that permitted anonymous posts, like Yik Yak and Sneek, the invective reached more disturbing intensity. A user on Yik Yak suggested, “Let’s storm Phi Psi and tar and feather those bastards.” This post was endorsed by fourteen others in the first fifteen minutes of posting. On another app, Sneek, a user posted a picture of the Phi Kappa Psi house with this caption: “Phi Kappa Psi – where girls go to get ganged[sic] raped free of charge.” On an online discussion board, users started to “doxx,” or post the private information of all Phi Kappa Psi brothers, even those who had not yet joined the fraternity by the fall of 2012. One user posted the name, hometown, high school, and Facebook profiles of all sixty current members of Phi Kappa

Psi. The personal contact information he or she posted was used to threaten and insult the Phi Kappa Psi brothers.

198. The release of the brothers' private information led to the brothers and their families receiving phone calls and voice messages from incensed readers of the Article. The mother of the president of the fraternity received a number of calls from restricted and blocked numbers immediately following the story's release. One such caller told Ms. Scipione that her son was a disgusting, repulsive person, and that she would guarantee that he would never work anywhere in the state of California. Another brother answered a call from an unknown number, only to be accused of directly participating in the alleged gang-rape.

199. Mr. Scipione himself received many disturbing and hurtful emails such as:

a. Being President of the UVa chapter of Rape Central must make you and your parents very proud. Were you there? How many girls have you raped? Please rest assured that as you enter the world, your tenure as president will guarantee you will never be hired, or even considered for a job. It is my fervent hope your maggot-infested frat is closed down, and every last one of you is prosecuted.

b. A documented legacy of gang rape that goes back to 1984, what a proud institution. Fuck you and every complicit member of your frat. Welcome to the brave new world of internet instant fame, Stephen.

c. I have read the recent Rolling Stone article about the rape culture in your fraternity. Rape used to be a crime, now it seems to be an enjoyable evening for the boys.

d. Shame on you. I went to school in the US in a southern school and was safe there in spite of being across the globe from my family in an alien country. Shame on you for raping your co-students and encouraging this rape through misogynistic poetry.

e. I read the Rolling Stone article. As an alumna of The University, I am beyond outraged. May all you Dickless Wonders rot in hell.

f. Thanks to your University's limp policy and the cowardly greek system, your campus keeps stocking the rapists, the murderers, and the criminals that terrorize this world.

g. your a piece of shit.. hope you get raped and tortured...fuck you.

200. The most alarming of the reactions to the Article were the death threats made against Phi Kappa Psi members and their families. A commenter on the *Rolling Stone* online version of the Article wrote, “Give me the names of the rapists. I will kill them. Not joking, I will straight up kill them. And while I’m at it, I’ll kill their families for failing to raise them.” See Exhibit M.

201. In a Facebook comment on the initial Article, a man wrote that he wanted to put a bomb inside the Phi Kappa Psi house and shoot the brothers with his rifle as they ran outside to escape the ensuing explosion. Any lunatic with access to the internet could find the brothers’ private information posted online by outraged readers of the Article. Many of the brothers feared for the lives of themselves and their families for weeks after the Article’s publication.

202. As recently as June 2, 2015, a Phi Kappa Psi brother and his mother were confronted on UVA Grounds by a misinformed Charlottesville resident. As the two packed the brother’s car for his return home for the summer, an unfamiliar man approached them and screamed, “Which one of you bitch ass ni**as raped that girl,” and attempted to start a fight with the brother. The threat of violence and confrontation will persist for as long as the brothers are associated in any capacity with Phi Kappa Psi.

203. While no organization, for-profit or non-profit, may suffer internal emotional anguish or distress as the result of defamation, both for-profit and non-profit organizations may suffer external general harm to their reputations, harm that may be awarded in the absence of any evidence of proven pecuniary loss (“special damages”).

204. In the case of non-profit organizations that exist largely to advance associational and altruistic interests, this “general damage to reputation” extends broadly to the organization’s brand and public image, which need not be connected to economic concerns at all. The law is clear that in this sense the general reputational damage that may be recompensed in a defamation action brought by an associational organization such as Phi Kappa Psi is the same as the general reputational damage that may be recovered by a natural individual. Phi Kappa Psi, in short, is entitled to the same degree of recovery for its general reputational damage as a natural individual would be, if that individual were accused of complicity in encouraging and condoning ritualized gang-rape.

205. Phi Kappa Psi can recover for the anguish and internal distress visited upon individual fraternity brothers and alumni as a result of the *Rolling Stone* Article to the extent that the attacks endured by individual brothers demonstrate the damage to the brand and good will of the fraternity—a non-profit entity that is dependent upon the maintenance of its good name for its ongoing prosperity and efficacy. Phi Kappa Psi is not a giant publically traded corporation like Apple or Exxon. It is a small associational group in which the reputation of individual members is inextricably intertwined with the reputation of the organization. The heinous and disgusting crime that Phi Kappa Psi was accused of perpetrating, the stuff of life prison sentences and war crimes in many contexts, is a defamation that may well be more extreme and outrageous than any defamation ever visited upon any organization in the history of the Commonwealth of Virginia.

206. The defamatory statements alleged herein pose a substantial danger of injury to Phi Kappa Psi’s reputation. The statements suggest that Phi Kappa Psi, as an

entity, was engaged in a conspiracy to commit the crime of rape and other crimes related thereto. These statements would tend to lower the reputation of Phi Kappa Psi in the community or to deter third persons from associating or dealing with Phi Kappa Psi.

207. By publishing these statements, *Rolling Stone* and Erdely did cause harm to Phi Kappa Psi's reputation.

208. Defendants' publication of the statements attached as Exhibits A and B of this Complaint was negligent and/or made with actual malice, as was the republication, expansion and defense of the same by Defendants, attached as Exhibits C and D. As a result of Defendants' publication of these statements, as well as their attempts to bolster and lend credence to Jackie's claims by the use of pseudonyms, refusing to answer questions, deflecting concerns about their reporting, and lying about facts arising from their reporting, Defendants defamed Phi Kappa Psi directly and by implication, and did so with actual malice and negligence. Defendants either knew all these statements were false or published them with a reckless disregard for whether they were true or false, such that they acted so recklessly as to amount to a willful disregard for the truth, and demonstrated a high degree of awareness that the statements were probably false.

209. Defendants' actions were malicious, willful, and wanton, and evidence a conscious disregard for Phi Kappa Psi's rights. Accordingly, an award of punitive damages is appropriate under the facts alleged in this Complaint.

210. Defendants' statements concerning Phi Kappa Psi are defamatory per se because they accuse Phi Kappa Psi of the commission of criminal offenses involving moral turpitude, for which Phi Kappa Psi, if the charge is true, may be indicted and punished. Conspiracy to commit rape and rape are crimes of moral turpitude in Virginia. Therefore, Phi Kappa Psi is entitled to presumed damages.

211. Defendants' statements concerning Phi Kappa Psi are defamatory per se because they attribute to Phi Kappa Psi activities that would hurt Phi Kappa Psi in its profession or trade. The trade of Phi Kappa Psi, as an unincorporated association and associational service organization, is to gather like-minded young men into fraternal brotherhood to help them improve themselves academically, physically, and socially. The accusation of raping or causing the rape of Jackie and two other young women, as well as requiring and conducting gang-rape initiation rituals, have hurt Phi Kappa Psi in its trade of gathering and improving young men. Therefore, Phi Kappa Psi is entitled to presumed damages.

212. The heinous nature of Defendants' published statements about Phi Kappa Psi made substantial danger to Phi Kappa Psi's reputation apparent to the Defendants. Defendants' conduct in publishing the Article was highly unreasonable and constituted an extreme departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers. Therefore, Phi Kappa Psi is entitled to compensatory and punitive damages for Defendants' defamatory falsehoods even if Phi Kappa Psi were deemed to be a public figure.

213. As a direct and proximate result of *Rolling Stone's* false and defamatory statements, Phi Kappa Psi has suffered damages, including injury to its reputation.

COUNT ONE: DEFAMATION FOR STATEMENTS IN THE NOVEMBER 19, 2014 ONLINE EDITION OF THE *ROLLING STONE* ARTICLE “A RAPE ON CAMPUS”

(Against Defendants Wenner Media LLC, Rolling Stone LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely)

214. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

215. The defamatory statements which comprise Count I include, but are not limited to, the statements identified in Paragraphs 35 through 56 of this Complaint.

216. *Rolling Stone* published “A Rape on Campus” on November 19, 2014. The Article was published to a worldwide audience on *Rolling Stone*’s website. A true and correct copy of the online edition of the Article is attached hereto as Exhibit A.

COUNT TWO: DEFAMATION FOR STATEMENTS IN THE DECEMBER 4, 2014 PRINT EDITION OF THE *ROLLING STONE* ARTICLE “A RAPE ON CAMPUS”

(Against Defendants Wenner Media LLC, Rolling Stone LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely)

217. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

218. The defamatory statements which comprise Count II include, but are not limited to, the statements identified in Paragraphs 35 through 56 of this Complaint.

219. *Rolling Stone* published “A Rape on Campus” in the December 4, 2014 hardcopy edition of *Rolling Stone* magazine, which *Rolling Stone* distributes to a national and international audience. A true and correct copy of the print edition of the Article is attached hereto as Exhibit B.

COUNT THREE: DEFAMATION FOR STATEMENTS MADE BY *ROLLING STONE* IN ITS PRESS RELEASE OF DECEMBER 2, 2014 TO THE *NEW YORK TIMES* AND OTHER MAJOR MEDIA OUTLETS

(Against Defendants Wenner Media LLC, Rolling Stone LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely)

220. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

221. The defamatory statements which comprise Count III include, but are not limited to, the statements identified in Paragraph 57 of this Complaint.

222. As part of *Rolling Stone*'s effort to prop up and defend the Article as it was being debunked in late November and early December 2014, *Rolling Stone* released a press release and professed its confidence in a story that it subjectively doubted. *Rolling Stone*'s re-avertment and republication of the Article's defamatory lies magnified the damage caused to Phi Kappa Psi. A true and correct copy of the press release is attached hereto as Exhibit C.

**COUNT FOUR: DEFAMATION FOR STATEMENTS MADE BY SABRINA
ERDELY ON SIRIUSXM WITH RADIO SHOW HOST MICHAEL
SMERCONISH ON NOVEMBER 25, 2014**

(Against Defendants Wenner Media LLC, Rolling Stone LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely)

223. Plaintiff repeats and re-alleges each of the foregoing paragraphs as if set forth fully herein.

224. The defamatory statements which comprise Count IV include, but are not limited to, the statements identified in Paragraph 58 of this Complaint.

225. As part of *Rolling Stone*'s effort to prop up and defend the Article as it was being debunked in late November 2014, Erdely agreed to appear on the Michael Smerconish talk radio show on SiriusXM on November 25, 2014. During that show, Erdely lied to Smerconish in a doomed effort to support her false and defamatory statements regarding Phi Kappa Psi. A true and correct transcription of the radio interview is attached hereto as Exhibit D.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the Virginia Alpha Chapter of Phi Kappa Psi Fraternity, respectfully moves this Court for judgment in its favor against the Defendants Rolling Stone LLC, Wenner Media LLC, Straight Arrow Publishers LLC, and Sabrina Rubin Erdely, jointly and severally, in the following sums:

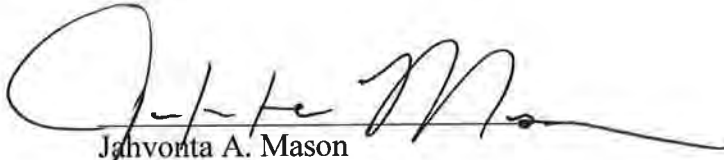
- (1) Twenty-five million dollars (\$25,000,000.00) for presumed damages, compensatory damages, and actual damages for harm and injury to its reputation,

- for loss or injury to its business, for special damages for economic and pecuniary losses, and for all damages alleged in this Complaint; and
- (2) Three hundred fifty thousand dollars (\$350,000.00) for punitive damages against each Defendant; and
 - (3) Prejudgment interest pursuant to Va. Code Ann. § 8.01-382 on all sums awarded to Plaintiff, commencing on November 19, 2014, until paid; and
 - (4) Plaintiff's attorneys' fees and costs recoverable at law in an amount to be proved at trial; and
 - (5) Such other and further relief as the Court deems just and appropriate.

TRIAL BY JURY IS DEMANDED.

Respectfully Submitted,

Virginia Alpha Chapter of Phi Kappa Psi Fraternity



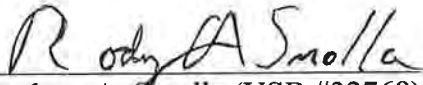
Jahvonta A. Mason
President

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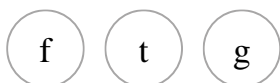
EXHIBIT A

(Online version of the Article)



390 captures
19 Nov 14 - 5 Oct 15

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 2013 19 2014 2015
 Close X Help ?



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MUSIC POLITICS TV MOVIES CULTURE LISTS PS COUNTRY

A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA

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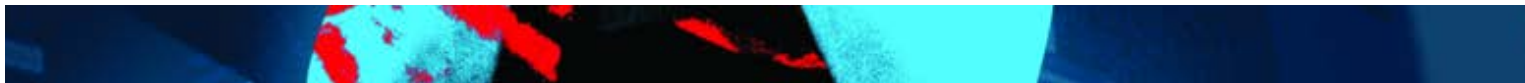


Photo: Illustration by John Ritter

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Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began

■ By Sabrina Rubin Erdely | November 19, 2014

From Rugby Road to Vinegar Hill, we're gonna get drunk tonight

The faculty's afraid of us, they know we're in the right

So fill up your cups, your loving cups, as full as full can be

As long as love and liquor last, we'll drink to the U of V

—"Rugby Road," traditional University of Virginia fight song

Sipping from a plastic cup, Jackie grimaced, then discreetly spilled her spiked punch onto the sludgy fraternity-house floor. The University of Virginia freshman wasn't a drinker, but she didn't want to seem like a goody-goody at her very first frat party – and she especially wanted to impress her date, the handsome Phi Kappa Psi brother who'd brought her here. Jackie was sober but giddy with discovery as she looked around the room crammed with rowdy strangers guzzling beer and dancing to loud music. She smiled at her date, whom we'll call Drew, a good-looking junior – or in UVA parlance, a third-year – and he smiled enticingly back.



■ RELATED



Selling the Bro Dream: Are Frat Boys Peddling Vemma Suckers?



The Most Out-of-Control Fraternities in America

■ AROUND THE WEB

..... RELATED "Want to



The Campus Rape Epidemic

Drew shouted into her ear, and Jackie's heart quickened. She took his hand as he threaded them out of the crowded room and up a staircase.

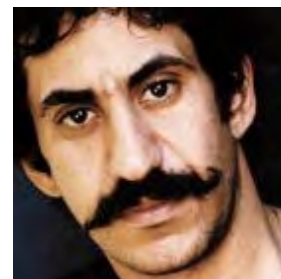
Four weeks into UVA's 2012 school year, 18-year-old Jackie was crushing it at college. A chatty, straight-A achiever from a rural Virginia town, she'd initially been intimidated by UVA's aura of preppy success, where throngs of toned, tanned and overwhelmingly blond students fanned across a landscape of neoclassical brick buildings, hurrying to classes, clubs, sports, internships, part-time jobs, volunteer work and parties; Jackie's orientation leader had warned her that UVA students' schedules were so packed that "no one has time to date – people just hook up." But despite her reservations, Jackie had flung herself into campus life, attending events, joining clubs, making friends and, now, being asked on an actual date. She and Drew had met while working lifeguard shifts together at the university pool, and Jackie had been floored by Drew's invitation to dinner, followed by a "date function" at his fraternity, Phi Kappa Psi. The "upper tier" frat had a reputation of tremendous wealth, and its imposingly large house overlooked a vast manicured field, giving "Phi Psi" the undisputed best real estate along UVA's fraternity row known as Rugby Road.

Jackie had taken three

go upstairs, where it's quieter?"



10 Best Album Closing Tracks Ever Recorded



7 Most Tragic Band Deaths in Rock History



How One of the Most Popular Rock Bands Became So Loathed



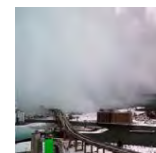
Justin Theroux is Furious Over Brad Pitt's Wedding Gift

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FEATURED NEWS FROM



WATCH: Snowstorm Batters Buffalo



Kutcher Wants Uber Spying on Journalists



'Orange Is the New Black' Star Arrested





Phi Kappa Psi House

hours getting ready, straightening her long, dark, wavy hair. She'd congratulated

herself on her choice of a tasteful red dress with a high neckline. Now, climbing the frat-house stairs with Drew, Jackie felt excited. Drew ushered Jackie into a bedroom, shutting the door behind them. The room was pitch-black inside. Jackie blindly turned toward Drew, uttering his name. At that same moment, she says, she detected movement in the room – and felt someone bump into her. Jackie began to scream.

"Shut *up*," she heard a man's voice say as a body barreled into her, tripping her backward and sending them both crashing through a low glass table. There was a heavy person on top of her, spreading open her thighs, and another person kneeling on her hair, hands pinning down her arms, sharp shards digging into her back, and excited male voices rising all around her. When yet another hand clamped over her mouth, Jackie bit it, and the hand became a fist that punched her in the face. The men surrounding her began to laugh. For a hopeful moment Jackie wondered if this wasn't some collegiate prank. Perhaps at any second someone would flick on the lights and they'd return to the party.

"Grab its motherfucking leg," she heard a voice say. And that's when Jackie knew she was going to be raped.

Bono Gets 18 Screws for Bike Injury



Inside *Interstellar*'s Big Celeb Spoiler



She remembers every moment of the next three hours of agony, during which, she says, seven men took turns raping her, while two more – her date, Drew, and another man – gave instruction and encouragement. She remembers how the spectators swigged beers, and how they called each other nicknames like Armpit and Blanket. She remembers the men's heft and their sour reek of alcohol mixed with the pungency of marijuana. Most of all, Jackie remembers the pain and the pounding that went on and on.

As the last man sank onto her, Jackie was startled to recognize him: He attended her tiny anthropology discussion group. He looked like he was going to cry or puke as he told the crowd he couldn't get it up. "Pussy!" the other men jeered. "What, she's not hot enough for you?" Then they egged him on: "Don't you want to be a brother?" "We all had to do it, so you do, too." Someone handed her classmate a beer bottle. Jackie stared at the young man, silently begging him not to go through with it. And as he shoved the bottle into her, Jackie fell into a stupor, mentally untethering from the brutal tableau, her mind leaving behind the bleeding body under assault on the floor.

When Jackie came to, she was alone. It was after 3 a.m. She painfully rose from the floor and ran shoeless from the room. She emerged to discover the Phi Psi party still surreally under way, but if anyone noticed the barefoot, disheveled girl hurrying down a side staircase, face beaten, dress spattered with blood, they said nothing. Disoriented, Jackie burst out a side door, realized she was lost, and dialed a friend, screaming, "Something bad happened. I

need you to come and find me!" Minutes later, her three best friends on campus – two boys and a girl (whose names are changed) – arrived to find Jackie on a nearby street corner, shaking. "What did they do to you? What did they make you do?" Jackie recalls her friend Randall demanding. Jackie shook her head and began to cry. The group looked at one another in a panic. They all knew about Jackie's date; the Phi Kappa Psi house loomed behind them. "We have to get her to the hospital," Randall said.

Their other two friends, however, weren't convinced. "Is that such a good idea?" she recalls Cindy asking. "Her reputation will be *shot* for the next four years." Andy seconded the opinion, adding that since he and Randall both planned to rush fraternities, they ought to think this through. The three friends launched into a heated discussion about the social price of reporting Jackie's rape, while Jackie stood beside them, mute in her bloody dress, wishing only to go back to her dorm room and fall into a deep, forgetful sleep. Detached, Jackie listened as Cindy prevailed over the group: "She's gonna be the girl who cried 'rape,' and we'll never be allowed into any frat party again."

Two years later, Jackie, now a third-year, is worried about what might happen to her once this article comes out. Greek life is huge at UVA, with nearly one-third of undergrads belonging to a fraternity or sorority, so Jackie fears the backlash could be big – a "shitshow" predicted by her now-former friend Randall, who, citing his loyalty to his own frat, declined to be interviewed. But her concerns go beyond taking on her alleged assailants and their fraternity.

Lots of people have discouraged her from sharing her story, Jackie tells me with a pained look, including the trusted UVA dean to whom Jackie reported her gang-rape allegations more than a year ago. On this deeply loyal campus, even some of Jackie's closest friends see her going public as tantamount to betrayal.

..... RELATED

"One of my



[Confessions of an Ivy League Frat Boy: Inside Dartmouth's Hazing Abuses](#)

.....
roommates said, 'Do you want to be responsible for something that's gonna paint UVA in a bad light?' " says Jackie, poking at a vegan burger at a restaurant on the Corner, UVA's popular retail strip. "But I said, 'UVA has flown under the radar for so long, *someone* has to say something about it, or else it's gonna be this system that keeps perpetuating!' " Jackie frowns. "My friend just said, 'You have to remember where your loyalty lies.'"

From reading headlines today, one might think colleges have suddenly become hotbeds of protest by celebrated anti-rape activists. But like most colleges across America, genteel University of Virginia has no radical feminist culture seeking to upend the patriarchy. There are no red-tape-wearing protests like at Harvard, no "sex-positive" clubs promoting the female orgasm like at Yale, no mattress-hauling performance artists like at Columbia, and certainly no SlutWalks. UVA isn't an edgy or progressive campus by any stretch. The pinnacle of its polite activism is its annual Take Back the

Night vigil, which on this campus of 21,000 students attracts an audience of less than 500 souls. But the dearth of attention isn't because rape doesn't happen in Charlottesville. It's because at UVA, rapes are kept quiet, both by students – who brush off sexual assaults as regrettable but inevitable casualties of their cherished party culture – and by an administration that critics say is less concerned with protecting students than it is with protecting its own reputation from scandal. Some UVA women, so sickened by the university's culture of hidden sexual violence, have taken to calling it "UVrApe."

"University of Virginia thinks they're above the law," says UVA grad and victims-rights advocate Liz Seccuro. "They go to such lengths to protect themselves. There's a national conversation about sexual assault, but nothing at UVA is changing."



Liz Seccuro with her husband, Mike in front of the Charlottesville District Court in Charlottesville, Va., Thursday, March 15th, 2007. (Photo: Steve Helber/AP)

S. Daniel Carter, who as former director of public policy for the advocacy group Clery Center for

Security on Campus is a national expert on college safety, points out that UVA's sexual assault problems are not much worse than other schools; if anything, he says, the depressing reality is that UVA's situation is likely the norm. Decades of awareness programming haven't budged the prevalence of campus rape: One in five women is sexually assaulted in college, though only about 12 percent report it to police. Spurred by a wave of activism, the Obama administration has stepped up pressure on colleges, announcing Title IX investigations of 86 schools suspected of denying students their equal right to education by inadequately handling sexual-violence complaints; if found in violation, each school runs the risk of financial penalties, including the nuclear option (which has never been deployed) of having its federal funding revoked.

The University of Virginia is one of the 86 schools now under federal investigation, but it has more reason to worry than most of its peers. Because, unlike most schools under scrutiny, where complaints are at issue, UVA is one of only 12 schools under a sweeping investigation known as "compliance review": a proactive probe launched by the Department of Education's Office of Civil Rights itself, triggered by concerns about deep-rooted issues. "They are targeted efforts to go after very serious concerns," says Office of Civil Rights assistant secretary Catherine Lhamon. "We don't open compliance reviews unless we have something that we think merits it."

UVA says it has been complying fully with the investigation. But Carter notes that UVA and other elite schools tend not to respond well to

criticism and sanctify tradition above all else.

"That's common to more prestigious institutions," Carter says.

Prestige is at the core of UVA's identity. Although a public school, its grounds of red-brick, white-columned buildings designed by founder Thomas Jefferson radiate old-money privilege, footnoted by the graffiti of UVA's many secret societies, whose insignias are neatly painted everywhere. At \$10,000 a year, in-state tuition is a quarter the cost of the Ivies, but UVA tends to attract affluent students, and through aggressive fundraising boasts an endowment of \$5 billion, on par with Cornell. "Wealthy parents are the norm," says former UVA dean John Foubert. On top of all that, UVA enjoys a reputation as one of the best schools in the country, not to mention a campus so brimming with fun that in 2012 – the year of Jackie's rape – *Playboy* crowned it the nation's number-one party school. Students hold themselves up to that standard: studious by day, wild by night. "The most impressive person at UVA is the person who gets straight A's *and* goes to all the parties," explains fourth-year student Brian Head. Partying traditions fuse the decorum of the Southern aristocracy with binge drinking: At Cavalier football tailgates, the dress code is "girls in pearls, guys in ties" while students guzzle handles of vodka. Not for nothing is a UVA student nicknamed a Wahoo, as undergrads like to explain; though derived from a long-ago yell from Cavalier fans, a wahoo is also a fish that can drink twice its own body weight.



University of Virginia campus (Photo: Lance King/Getty)

Wahoos are enthralled to be at UVA and can't wait to tell you the reasons why, beginning, surprisingly, with Thomas Jefferson, whose lore is so powerfully woven into everyday UVA life that you practically expect to glimpse the man still walking the grounds in his waistcoat and pantaloons. Nearly every student I interviewed found a way to mention "TJ," speaking with zeal about their founding father's vision for an "academical village" in the idyllic setting of the Blue Ridge Mountains. They burble about UVA's honor code, a solemn pledge not to lie, cheat or steal; students are expected to snitch on violators, who are expelled. UVA's emphasis on honor is so pronounced that since 1998, 183 people have been expelled for honor-code violations such as cheating on exams. And yet paradoxically, not a single student at UVA has ever been expelled for sexual assault.

"Think about it," says Susan Russell, whose UVA daughter's sexual-assault report helped trigger a previous federal investigation. "In what world do you get kicked out for cheating, but if you rape someone, you can stay?"

Attorney Wendy Murphy, who has filed Title IX

complaints and lawsuits against schools including UVA, argues that in matters of sexual violence, Ivy League and Division I schools' fixation with prestige is their downfall. "These schools love to pretend they protect the children as if they were their own, but that's not true: They're interested in money," Murphy says. "In these situations, the one who gets the most protection is either a wealthy kid, a legacy kid or an athlete. The more privileged he is, the more likely the woman has to die before he's held accountable." Indeed, UVA is the same campus where the volatile relationship of lacrosse star George Huguey V and his girlfriend Yeardeley Love was seen as unremarkable – his jealous rages, fanned by over-the-top drinking – until the 2010 day he kicked open her door and beat her to death.

UVA president Teresa Sullivan denies the administration sweeps sexual assault under the rug. "If we're trying to hide the issue, we're not doing a very good job of it," she says, noting that this past February UVA hosted the first-ever sexual-assault summit for college administrators. It's true that recently, while under close government scrutiny, the school has made some encouraging changes, including designating most UVA authority figures as mandatory reporters of sexual assault and teaming up with student activists to create a bystander-intervention campaign. Students praise UVA's deans as caring folks who answer late-night calls from victims and even make emergency-room visits.



University of Virginia President Teresa Sullivan (Photo: AP)

And yet the UVA public-relations team seemed unenthused about this article, canceling my interview with the head of UVA's Sexual Misconduct Board, and forbidding other administrators from cooperating; even students seemed infected by their anxiety about how members of the administration might appear. And when President Sullivan was at last made available for an interview, her most frequently invoked answer to my specific questions about sexual-assault handling at UVA – while two other UVA staffers sat in on the recorded call – was "I don't know."

*All you girls from Mary Washington
and RMWC, never let a Cavalier an inch above
your knee.*

*He'll take you to his fraternity house and fill you
full of beer.*

*And soon you'll be the mother of a bastard
Cavalier!*

"Rugby Road"

Two weeks after Jackie's rape, she ran into Drew during her lifeguard shift at the UVA pool. "Hey, Jackie," Drew said, startling her. "Are you ignoring

T

me?" She'd switched her shift in the hopes of never seeing him again. Since the Phi Kappa Psi party, she'd barely left her dorm room, fearful of glimpsing one of her attackers. Jackie stared at Drew, unable to speak. "I wanted to thank you for the other night," Drew said. "I had a great time."

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Jackie left her shift early, saying she wasn't feeling

well. Then she walked back to her dorm and crawled under the covers. She didn't go to classes for the rest of the week, and soon quit her lifeguarding job – the first time she could remember quitting anything. She would never again return to the Anthropology course she shared with one of her assailants. She was constantly on the edge of panic, plagued by flashbacks – and disgusted by her own naiveté. She obsessed over what easy prey she'd been, as the attention-starved freshman who for weeks drank up Drew's flirtations. "I still grapple with 'Did I do something that could have been construed as that's what I wanted?' " she says.

Before Jackie left for college, her parents – a Vietnam vet and retired military contractor, and a stay-at-home mom – had lectured her about avoiding the perils of the social scene, stressing the importance of her studies, since Jackie

hoped to get into medical school. Jackie had a strained relationship with her father, in whose eyes she'd never felt good enough, and always responded by exceeding expectations – honor roll, swim team, first-chair violin – becoming the role model for her two younger brothers. Jackie had been looking forward to college as an escape – a place to, even, defy her parents' wishes and go to a frat party. "And I guess they were right," she says bitterly.

She was having an especially difficult time figuring out how to process that awful night, because her small social circle seemed so underwhelmed. For the first month of school, Jackie had latched onto a crew of lighthearted social strivers, and her pals were now impatient for Jackie to rejoin the merriment. "You're still upset about that?" Andy asked one Friday night when Jackie was crying. Cindy, a self-declared hookup queen, said she didn't see why Jackie was so bent out of shape. "Why didn't you have fun with it?" Cindy asked. "A bunch of hot Phi Psi guys?" One of Jackie's friends told her, unconcerned, "Andy said you had a bad experience at a frat, and you've been a baby ever since."

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"SOME OF MY
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SAYS ONE
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RAPE. "THEY
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DOUBT
MYSELF."



That reaction of dismissal, downgrading and doubt is a common theme UVA rape survivors hear, including from women. "Some of my hallmates were skeptical," recalls recent grad Emily Renda, who says that weeks into her first year she was raped after a party. "They were silent and avoided me afterwards. It made me doubt myself." Other students encounter more overt hostility, as when a first-year student confided her assault to a friend. "She said she thought I was just looking for attention," says

the undergrad. Shrugging off a rape or pointing fingers at the victim can be a self-protective maneuver for women, a form of wishful thinking to reassure themselves *they* could never be so vulnerable to violence. For men, skepticism is a form of self-protection too. For much of their lives, they've looked forward to the hedonistic fun of college, bearing every expectation of booze and no-strings sex. A rape heralds the uncomfortable idea that all that harmless mayhem may not be so harmless after all. Easier, then, to assume the girl is lying, even though studies indicate that false rape reports account for, at most, eight percent of reports.



Emily Renda (Photo: Courtesy of Emily Renda)

And so at UVA, where social status is paramount, outing oneself as a rape victim can be a form of social suicide. "I don't know many people who are engrossed in the party scene and have spoken out about their sexual assaults," says third-year student Sara Surface. After all, no one climbs the social ladder only to cast themselves back down. Emily Renda, for one, quickly figured out that few classmates were sympathetic to her plight, and instead channeled

her despair into hard partying. "My drinking didn't stand out," says Renda, who often ended her nights passed out on a bathroom floor. "It does make you wonder how many others are doing what I did: drinking to self-medicate."

By the middle of her first semester, Jackie's alarm would ring and ring in her dorm room until one of her five suitemates would pad down the hall to turn it off. Jackie would barely stir in her bed. "That was when we realized she was even there," remembers suitemate Rachel Soltis. "At the beginning of the year, she seemed like a normal, happy girl, always with friends. Then her door was closed all the time. We just figured she was out." Long since abandoned by her original crew, Jackie had slept through half a semester's worth of classes and had bought a length of rope with which to hang herself. Instead, as the semester crawled to an end, she called her mother. "Come and get me," Jackie told her, crying. "I need your help."

The first weeks of freshman year are when students are most vulnerable to sexual assault. Spend a Friday night in mid-September walking along Rugby Road at UVA, and you can begin to see why. Hundreds of women in crop tops and men in khaki shorts stagger between handsome fraternity houses, against a call-and-response soundtrack of "Whoo!" and breaking glass. "Do you know where Delta Sig is?" a girl slurs, sloshed. Behind her, one of her dozen or so friends stumbles into the street, sending a beer bottle shattering. ("Whoo!" calls a far-away voice.)

"These are all first-years," narrates one of my

small group of upperclasswomen guides. We walk the curving length of tree-lined Rugby Road as they explain the scene. The women rattle off which one is known as the "roofie frat," where supposedly four girls have been drugged and raped, and at which house a friend had a recent "bad experience," the Wahoo euphemism for sexual assault. Studies have shown that fraternity men are three times as likely to commit rape, and a spate of recent high-profile cases illustrates the dangers that can lurk at frat parties, like a University of Wisconsin-Milwaukee frat accused of using color-coded hand stamps as a signal to roofie their guests, and this fall's suspension of Brown University's chapter of Phi Kappa Psi – of all fraternities – after a partygoer tested positive for the date-rape drug GHB. Presumably, the UVA freshmen wobbling around us are oblivious to any specific hazards along Rugby Road; having just arrived on campus, they can hardly tell one fraternity from another. As we pass another frat house, one of my guides offers, "I know a girl who got assaulted there."



Phi Kappa Psi House

"I do too!" says her friend in mock-excitement.

"That makes two! Yay!"

Frats are often the sole option for an underage drinker looking to party, since bars are off-limits, sororities are dry and first-year students don't get many invites to apartment soirees. Instead, the kids crowd the walkways of the big, anonymous frat houses, vying for entry. "Hot girls who are drunk always get in – it's a good idea to act drunker than you really are," says third-year Alexandria Pinkleton, expertly clad in the UVA-after-dark uniform of a midriff-baring sleeveless top and shorts. "Also? You have to seem very innocent and vulnerable. That's why they love first-year girls."

Once successfully inside the frat house, women play the role of grateful guests in unfamiliar territory where men control the variables. In dark, loud basements, girls accept drinks, are pulled onto dance floors to be ground and groped and, later, often having lost sight of their friends, led into bathrooms or up the stairs for privacy. Most of that hooking up is consensual. But against that backdrop, as psychologist David Lisak discovered, lurk undetected predators. Lisak's 2002 groundbreaking study of more than 1,800 college men found that roughly nine out of 10 rapes are committed by serial offenders, who are responsible for an astonishing average of six rapes each. None of the offenders in Lisak's study had ever been reported. Lisak's findings upended general presumptions about campus sexual assault: It implied that most incidents are not bumbling, he-said-she-said miscommunications, but rather deliberate crimes by serial sex offenders.

In his study, Lisak's subjects described the ways

in which they used the camouflage of college as fruitful rape-hunting grounds. They told Lisak they target freshmen for being the most naïve and the least-experienced drinkers. One offender described how his party-hearty friends would help incapacitate his victims: "We always had some kind of punch. . . . We'd make it with a real sweet juice. It was really powerful stuff. The girls wouldn't know what hit them." Presumably, the friends mixing the drinks did so without realizing the offender's plot, just as when they probably high-fived him the next morning, they didn't realize the behavior they'd just endorsed. That's because the serial rapist's behavior can look ordinary at college. "They're not acting in a vacuum," observes Lisak of predators. "They're echoing that message and that culture that's around them: the objectification and degradation of women."

One need only glance around at some recent college hijinks to see spectacular examples of the way the abasement of women has broken through to no-holds-barred misogyny: a Dartmouth student's how-to-rape guide posted online this past January; Yale pledges chanting "No means yes! Yes means anal!" And despite its air of mannered civility, UVA has been in on the naughty fun for at least 70 years with its jolly fight song "Rugby Road," which celebrates the sexual triumphs of UVA fraternity men, named for the very same street where my guides and I are now enveloped in a thickening crowd of wasted first-years. Through the decades, the song has expanded to 35 verses, with the more recent, student-penned stanzas shedding the song's winking tone in favor of something more jarringly explicit:

*A hundred Delta Gammas, a thousand AZDs
Ten thousand Pi Phi bitches who get down on
their knees
But the ones that we hold true, the ones that we
hold dear
Are the ones who stay up late at night, and take
it in the rear.*

In 2010, "Rugby Road" was banned from football games – despite a petition calling it "an integral part" of UVA culture. But Wahoos fearing the loss of tradition can take heart that "Rugby Road" verses are still performed on campus by UVA's oldest a cappella group, the Virginia Gentlemen.

At the end of her freshman year, Jackie found herself in the Peabody Hall office of Dean Nicole Eramo, head of UVA's Sexual Misconduct Board. This was a big step for Jackie. She still hadn't even managed to tell her own mother exactly what had happened at Phi Kappa Psi. Upon returning to school for her second semester, Jackie had tried to put on a brave face and simply move forward, but instead continued falling apart. Though a psychiatrist had put Jackie on Wellbutrin, she had remained depressed, couldn't concentrate, and spent the semester so frightened and withdrawn that her academic dean finally called her in to discuss why she'd failed three classes. In his office, with her mother beside her, she'd burst into tears, and her mother explained she'd had a "bad experience" at a party. He'd blanched and given Jackie the e-mail for Dean Eramo.

If Dean Eramo was surprised at Jackie's story of gang rape, it didn't show. A short woman with

curly dark hair and a no-nonsense demeanor, Eramo surely has among the most difficult jobs at UVA. As the intake person on behalf of the university for all sexual-assault complaints since 2006, it's her job to deal with a parade of sobbing students trekking in and out of her office. (UVA declined to make Eramo available for comment.) A UVA alum herself, Eramo is beloved by survivors, who consider her a friend and confidante – even though, as only a few students are aware, her office isn't a confidential space at all. Each time a new complaint comes through Eramo's office, it activates a review by UVA's Title IX officer, is included in UVA's tally of federally mandated Clery Act crime statistics, and Eramo may, at her discretion, reveal details of her conversation with the student to other administrators. (Jackie was mortified to learn later that Eramo had shared her identity with another UVA administrator.) After all, a dean's foremost priority is the overall safety of the campus.

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JACKIE SAYS
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DEAN SAID,
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SCHOOL."



When Jackie finished talking, Eramo comforted her, then calmly laid out her options. If Jackie wished, she could file a criminal complaint with police. Or, if Jackie preferred to keep the matter within the university, she had two choices. She could file a complaint with the school's Sexual Misconduct Board, to be decided in a "formal resolution" with a jury of students and faculty, and a dean as judge. Or Jackie could choose an "informal resolution," in which Jackie could simply face her attackers in Eramo's presence and tell them how she felt; Eramo could then issue a directive to the men, such as suggesting

counseling. Eramo presented each option to Jackie neutrally, giving each equal weight. She assured Jackie there was no pressure – whatever happened next was entirely her choice.

Like many schools, UVA has taken to emphasizing that in matters of sexual assault, it caters to victim choice. "If students feel that we are forcing them into a criminal or disciplinary process that they don't want to be part of, frankly, we'd be concerned that we would get fewer reports," says associate VP for student affairs Susan Davis. Which in theory makes sense: Being forced into an unwanted choice is a sensitive point for the victims. But in practice, that utter lack of guidance can be counterproductive to a 19-year-old so traumatized as Jackie was that she was contemplating suicide. Setting aside for a moment the absurdity of a school offering to handle the investigation and adjudication of a felony sex crime – something Title IX requires, but which *no* university on Earth is equipped to do – the sheer menu of choices, paired with the reassurance that any choice is the right one, often has the end result of coddling the victim into doing nothing.

"This is an alarming trend that I'm seeing on campuses," says Laura Dunn of the advocacy group SurvJustice. "Schools are assigning people to victims who are pretending, or even thinking, they're on the victim's side, when they're actually discouraging and silencing them. Advocates who survivors *love* are part of the system that is failing to address sexual violence."



Phi Kappa Psi House (Photo: Illustration by John Ritter)

Absent much guidance, Jackie would eventually wonder how other student victims handled her situation. But when she clicked around on UVA's website, she found no answers. All she found were the UVA police's crime logs, which the university makes available online, but are mostly a list of bike theft, vandalism and public-drunkenness complaints. That's because only a fraction of UVA students who report sex crimes turn to campus police. The rest go to Dean Eramo's office, to Charlottesville police or the county sheriff's office. Yet when RS asked UVA for its statistics, the press office repeatedly referred us to the UVA police crime logs. UVA parent Susan Russell believes that misdirection is deliberate. "When a parent goes to the campus crime log, and they don't see sexual assault, they think the school is safe," Russell says, adding that her daughter's 2004 sexual assault once appeared in the log mislabeled "Suspicious Circumstances."

Eventually, UVA furnished *Rolling Stone* with some of its most recent tally: In the last academic year, 38 students went to Eramo about

a sexual assault, up from about 20 students three years ago. However, of those 38, only nine resulted in "complaints"; the other 29 students evaporated. Of those nine complaints, four resulted in Sexual Misconduct Board hearings. UVA wasn't willing to disclose their outcomes, citing privacy. Like most colleges, sexual-assault proceedings at UVA unfold in total secrecy. Asked why UVA doesn't publish all its data, President Sullivan explains that it might not be in keeping with "best practices" and thus may inadvertently discourage reporting. Jackie got a different explanation when she'd eventually asked Dean Eramo the same question. She says Eramo answered wryly, "Because nobody wants to send their daughter to the rape school."

For now, however, Jackie left her first meeting with Eramo feeling better for having unburdened herself, and with the dean's assurance that nothing would be done without her say-so. Eramo e-mailed a follow-up note thanking Jackie for sharing, saying, "I could tell that was very difficult for you," and restating that while she respected Jackie's wish not to file a report, she'd be happy to assist "if you decide that you would like to hold these men accountable." In the meantime, having presumably judged there to be no threat to public safety, the UVA administration took no action to warn the campus that an allegation of gang rape had been made against an active fraternity.

*All the first-year women are morally uptight.
They'll never do a single thing unless they know
it's right.
But then they come to Rugby Road and soon
they've seen the light.*

*And you never know how many men they'll
bring home every night.*

"Rugby Road"

You can trace UVA's cycle of sexual violence and institutional indifference back at least 30 years – and incredibly, the trail leads back to Phi Psi. In October 1984, Liz Seccuro was a 17-year-old virgin when she went to a party at the frat and was handed a mixed drink. "They called it the house special," she remembers. Things became spotty after Seccuro had a few sips. But etched in pain was a clear memory of a stranger raping her on a bed. She woke up wrapped in a bloody sheet; by rifling through the boy's mail before fleeing, she discovered his name was Will Beebe. Incredibly, 21 years later, Beebe wrote Seccuro a letter, saying he wanted to make amends as part of his 12-step program. Seccuro took the correspondence to Charlottesville police. And in the midst of the 2006 prosecution that followed, where Beebe would eventually plead guilty to aggravated sexual battery, investigators made a startling discovery: That while at Phi Psi that night, Seccuro had been assaulted not by one man, but by three. "I had been gang-raped," says Seccuro, who detailed her ordeal in a 2011 memoir.



William N. Beebe out of the Charlottesville, Va. Juvenile and Domestic Relations Court on Tuesday, Jan. 17th, 2006. (Photo: Brady Wolfe/Daily Progress/AP)

That it took two decades for Securo to achieve some justice is even more disgraceful, since she reported her rape to the UVA administration after leaving the Phi Psi house on that 1984 morning. "I went to the dean covered in scabs and with broken ribs," she remembers. "And he said, 'Do you think it was just regrettable sex?' " Securo wanted to call police, but she was incorrectly told Charlottesville police lacked jurisdiction over fraternity houses.

If Securo's story of administrative cover-up and apathy sounds outrageous, it's actually in keeping with the stories told by other UVA survivors. After one alumna was abducted from a dark, wooded section of campus and raped in 1993, she says she asked a UVA administrator for better lighting. "They told me it would ruin Jefferson's vision of what the university was supposed to look like," the alum says. "As if Thomas Jefferson even knew about electric lights!" In 2002 and 2004, two female students, including Susan Russell's daughter, were unhappy with their sexual-misconduct hearings, which each felt didn't hold their alleged

perpetrators accountable – and each was admonished by UVA administrators to never speak publicly about the proceedings or else they could face expulsion for violating the honor code. For issuing that directive, in 2008 UVA was found in violation of the Clery Act.

"UVA is more egregious than most," says John Foubert, a UVA dean from 1998 to 2002, and founder of the national male sex-assault peer education group One in Four. "I've worked for five or six colleges, and the stuff I saw happen during my time there definitely stands out." For example, Foubert recalls, in one rare case in which the university applied a harsh penalty, an undergrad was suspended after stalking five students. Heated discussion ensued over whether the boy should be allowed back after his suspension. Though the counseling center wanted him to stay gone, Foubert says, the then-dean of students argued in favor of his return, saying, "We can pick our lawsuit from a potential sixth victim, or from him, for denying him access to an education."

The few stories leaking out of UVA's present-day justice system aren't much better. One student, whose Title IX complaint against UVA is currently under investigation by the Office of Civil Rights, said that in December 2011, another student raped her while she was blackout drunk, possibly drugged. As she wrote in a student publication, evidence emerged that the man had previously been accused of drugging others, but the information was rejected as "prejudicial." The Sexual Misconduct Board told the young woman it found her "compelling and believable," but found the man not guilty. "I had never felt so betrayed and let

down in my life," wrote the woman. "They said that they believed me. They said that UVA was my home and that it loved me. Yet, how could they believe me and let him go completely unpunished?"

Rolling Stone has discovered that this past spring a UVA first-year student, whom we'll call Stacy, filed a report stating that while vomiting up too much whiskey into a male friend's toilet one night, he groped her, plunged his hands down her sweatpants and then, after carrying her semi-conscious to his bed, digitally penetrated her. When the Charlottesville DA's office declined to file charges, she says, Stacy asked for a hearing with the Sexual Misconduct Board, and was surprised when UVA authority figures tried to talk her out of it. "My counselors, members of the Dean of Students office, everyone said the trial process would be way too hard on me," says Stacy. "They were like, 'You need to focus on your healing.' " Stacy insisted upon moving forward anyway, even when the wealthy family of the accused kicked up a fuss. "They threatened to sue deans individually, they threatened to sue me," she recalls. But Stacy remained stalwart, because she had additional motivation: She'd been shaken to discover two other women with stories of assault by the same man. "One was *days* after mine, at a rush function at his frat house," says Stacy. "So I was like, 'I have to do something before someone else is hurt.' " Her determination redoubled after the Dean of Students office informed her that multiple assaults by a student would be grounds for his expulsion – a mantra that Eramo repeated at a Take Back the Night event in April.

“
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Bearing her deans' words in mind, at her nine-hour formal hearing in June, Stacy took pains to

present not only her own case, but also the other two allegations, submitting witness statements that were allowed in as "pattern evidence." The board pronounced the man guilty for sexual misconduct against Stacy, making him only the 14th guilty person in UVA's history. Stacy was relieved at the verdict. "I was like, 'He's gone!' 'Cause he's a multiple assailant, I'd been told so many times that that was grounds for expulsion!" So she was stunned when she learned his actual penalty: a one-year suspension. (Citing privacy laws, UVA would not comment on this or any case.)

Turns out, when UVA personnel speak of expulsion for "multiple assaults," they mean multiple complaints that are filed with the Sexual Misconduct Board, and then adjudicated guilty. Under that more precise definition, the two other cases introduced in Stacy's case didn't count toward his penalty. Stacy feels offended by the outcome and misled by the deans. "After two rapes and an assault, to let him back on grounds is an insult to the honor system that UVA brags about," she says. "UVA doesn't want to expel. They were too afraid of getting negative publicity or the pants sued off them."

She's a helluva twat from Agnes Scott, she'll fuck for 50 cents.

She'll lay her ass upon the grass, her panties on the fence.

You supply the liquor, and she'll supply the lay.

And if you can't get it up, you sunuva bitch, you're not from UVA.

"Rugby Road"

hen did it happen to you?" Emily

W

Renda asked Jackie as they sat for coffee at the outdoor Downtown Mall in the fall of 2013.

"September 28th," Jackie whispered.

"October 7th, 2010," Emily responded, not breaking her gaze, and Jackie knew she'd found a friend. As Jackie had begun her second year at UVA, she'd continued struggling. Dean Eramo had connected her with Emily, a fourth-year who'd become active in One Less, a student-run sexual-assault education organization that doubles as a support group. Sitting with Emily, Jackie poured out her story, wiping her eyes with napkins as she confided to Emily that she felt like a broken person. "You're not broken," Emily told her. "*They're* the ones who are fucked up, and what happened to you wasn't your fault." Jackie was flooded with gratitude, desperate to hear those words at last – and from someone who knew. Emily invited her to a meeting of One Less, thus introducing her to UVA's true secret society.



Photo: Illustration by John Ritter: Photo of Nicole Eramo in
Illustration by Jenna Truong/Cavalier Daily

In its weekly meetings, the 45-member group would discuss how to foster dialogue on campus. Afterward they'd splinter off and share stories of sexual assault, each tale different and yet very much the same. Many took place on tipsy nights with men who refused to stop; some were of sex while blackout drunk; rarer stories involved violence, though none so extreme as Jackie's. But no matter the circumstances, their peers' reactions were largely the same: Assaults were brushed off, with attackers defended ("He'd never do anything like that"), the victim questioned ("Are you sure?"). After feeling isolated for more than a year, Jackie was astonished at how much she and this sisterhood had in common, including the fact that a surprising number hadn't pursued any form of complaint. Although many had contacted Dean Eramo, whom they laud as their best advocate and den mother – Jackie repeatedly calls her "an asset to the community" – few ever filed reports with UVA or with police. Instead, basking in the safety of one another's company, the members of One Less applauded the brave few who chose to take action, but mostly affirmed each other's choices not to report, in an echo of their university's approach. So profound was the students' faith in its administration that although they were appalled by Jackie's story, no one voiced questions about UVA's strategy of doing nothing to warn the campus of gang-rape allegations against a fraternity that still held parties and was rushing a new pledge class.

Some of these women are disturbed by the

contradiction. "It's easy to cover up a rape at a university if no one is reporting," admits Jackie's friend Alex Pinkleton. And privately, some of Jackie's confidantes were outraged. "The university ignores the problem to make itself look better," says recent grad Rachel Soltis, Jackie's former roommate. "They should have done something in Jackie's case. Me and several other people know exactly who did this to her. But they want to protect even the people who are doing these horrible things."

But no such doubts shadowed the meetings of One Less, which was fine by Jackie. One Less held seminars for student groups on bystander intervention and how to be supportive of survivors. Jackie dove into her new roles as peer adviser and Take Back the Night committee member and began to discover just how wide her secret UVA survivor network was – because the more she shared her story, the more girls sought her out, waylaying her after presentations or after classes, even calling in the middle of the night with a crisis. Jackie has been approached by so many survivors that she wonders whether the one-in-five statistic may not apply in Charlottesville. "I feel like it's one in three at UVA," she says.

But payback for being so public on a campus accustomed to silence was swift. This past spring, in separate incidents, both Emily Renda and Jackie were harassed outside bars on the Corner by men who recognized them from presentations and called them "cunt" and "feminazi bitch." One flung a bottle at Jackie that broke on the side of her face, leaving a blood-red bruise around her eye.

She e-mailed Eramo so they could discuss the attack – and discuss another matter, too, which was troubling Jackie a great deal. Through her ever expanding network, Jackie had come across something deeply disturbing: two other young women who, she says, confided that they, too, had recently been Phi Kappa Psi gang-rape victims.

A bruise still mottling her face, Jackie sat in Eramo's office in May 2014 and told her about the two others. One, she says, is a 2013 graduate, who'd told Jackie that she'd been gang-raped as a freshman at the Phi Psi house. The other was a first-year whose worried friends had called Jackie after the girl had come home wearing no pants. Jackie said the girl told her she'd been assaulted by four men in a Phi Psi bathroom while a fifth watched. (Neither woman was willing to talk to RS.)

As Jackie wrapped up her story, she was disappointed by Eramo's nonreaction. She'd expected shock, disgust, horror. For months, Jackie had been assuaging her despair by throwing herself into peer education, but there was no denying her helplessness when she thought about Phi Psi, or about her own alleged assailants still walking the grounds. She'd recently been aghast to bump into Drew, who greeted her with friendly nonchalance. "For a whole year, I thought about how he had ruined my life, and how he is the worst human being ever," Jackie says. "And then I saw him and I couldn't say anything."

"You look different," Drew told Jackie while she stared back at him in fear, and he was right:

Since arriving at UVA, Jackie had gained 25 pounds from antidepressants and lack of exercise. That interaction would render her too depressed to leave her room for days. Of all her assailants, Drew was the one she wanted to see held accountable – but with Drew about to graduate, he was going to get away with it. Because, as she miserably reminded Eramo in her office, she didn't feel ready to file a complaint. Eramo, as always, understood.

Given the swirl of gang-rape allegations Eramo had now heard against one of UVA's oldest and most powerful fraternities – founded in 1853, its distinguished chapter members have included President Woodrow Wilson – the school may have wondered about its responsibilities to the rest of the campus. Experts apprised of the situation by RS agreed that despite the absence of an official report, Jackie's passing along two other allegations should compel the school to take action out of regard for campus safety. "The fact that they already had that first victim, they should have been taking action," says SurvJustice's Laura Dunn. "That school could really be sued."

If the UVA administration was roiled by such concerns, however, it wasn't apparent this past September, as it hosted a trustees meeting. Two full hours had been set aside to discuss campus sexual assault, an amount of time that, as many around the conference table pointed out, underscored the depth of UVA's commitment. Those two hours, however, were devoted entirely to upbeat explanations of UVA's new prevention and response strategies, and to self-congratulations to UVA for being a "model" among schools in this arena. Only once did the

room darken with concern, when a trustee in UVA colors – blue sport coat, orange bow tie – interrupted to ask, "Are we under any federal investigation with regard to sexual assault?"

Dean of students Allen Groves, in a blue suit and orange necktie of his own, swooped in with a smooth answer. He affirmed that while like many of its peers UVA was under investigation, it was merely a "standard compliance review." He mentioned that a student's complaint from the 2010-11 academic year had been folded into that "routine compliance review." Having downplayed the significance of a Title IX compliance review – which is neither routine nor standard – he then elaborated upon the lengths to which UVA has cooperated with the Office of Civil Rights' investigation, his tone and manner so reassuring that the room relaxed.

Told of the meeting, Office of Civil Rights' Catherine Lhamon calls Groves' mischaracterization "deliberate and irresponsible." "Nothing annoys me more than a school not taking seriously their review from the federal government about their civil rights obligations," she says.

Within days of the board meeting, having learned of Rolling Stone's probe into Jackie's story, UVA at last placed Phi Kappa Psi under investigation. Or rather, as President Sullivan carefully answered my question about allegations of gang rape at Phi Psi, "We do have a fraternity under investigation." Phi Kappa Psi national executive director Shawn Collinsworth says that UVA indeed notified him of sexual assault allegations; he immediately dispatched a representative to meet with the chapter. UVA

chapter president Stephen Scipione recalls being only told of a vague, anonymous "fourth-hand" allegation of a sexual assault during a party. "We were not told that it was rape, but rather that something of a sexual nature took place," he wrote to RS in an e-mail. Either way, Collinsworth says, given the paucity of information, "we have no evidence to substantiate the alleged assaults."

"*Under investigation*," President Sullivan insists when I ask her to elaborate on how the university is handling the case. "I don't know how else to spell that out for you." But Jackie may have gotten a glimpse into the extent of the investigation when, in the days following my visit to campus, she was called into Eramo's office, bringing along her friend Alex for moral support. According to both women, Eramo revealed that she'd learned "through the grapevine" that "all the boys involved have graduated." Both girls were mystified. Not only had Jackie just seen one of the boys riding his bike on grounds but, as Alex pointed out, "Doesn't that mean they're admitting something happened?" No warning has yet been issued to the campus.

With a pocketknife and pepper spray tucked into her handbag, and a rape whistle hanging from her key chain, Jackie is prepared for a Friday night at UVA. In a restaurant on the Corner, Jackie sips water through a straw as the first of the night's "Whoo!"s reverberate from the sidewalk outside. "It makes me really depressed, almost," says Jackie with a sad chuckle. "There's always gonna be another Friday night, and another fraternity party, and

another girl."

Across the table, Alex sighs. "I know," she says. Bartenders and bouncers all along the Corner are wearing T-shirts advertising the new "Hoos Got Your Back" bystander-intervention campaign, which all seems very hopeful. But this week, the third week of September, has been a difficult one. Charlottesville police received their first sexual-assault report of the academic year; Jackie and Alex were also each approached by someone seeking help about an assault. And as this weekend progresses, things will get far worse at UVA: Two more sexual assaults will be reported to police, and, in every parent's worst fears come true, an 18-year-old student on her way to a party will vanish; her body will be discovered five weeks later.

Suspect Jesse Matthew Jr., a 32-year-old UVA hospital worker, will be charged with Hannah Graham's "abduction with intent to defile," and a chilling portrait will emerge of an alleged predator who got his start, a decade ago, as a campus rapist. Back in 2002, and again in 2003, Matthew was accused of sexual assault at two different Virginia colleges where he was enrolled, but was never prosecuted. In 2005, according to the new police indictment, Matthew sexually assaulted a 26-year-old and tried to kill her. DNA has also reportedly linked Matthew to the 2009 death of Virginia Tech student Morgan Harrington, who disappeared after a Metallica concert in Charlottesville. The grisly dossier of which Matthew has been accused underscores the premise that campus rape should be seen not through the schema of a dubious party foul, but as a violent crime – and that victims should be encouraged to come

forward as an act of civic good that could potentially spare future victims.

Jackie is hoping she will get there someday. She badly wants to muster the courage to file criminal charges or even a civil case. But she's paralyzed. "It's like I'm in my own personal prison," she says. "I'm so terrified this is going to be the rest of my life." She still cries a lot, and she has been more frightened than usual to be alone or to walk in the dark. When Jackie talks about her assault, she fixates on the moment before Drew picked her up for their date: "I remember looking at the mirror and putting on mascara and being like, 'I feel really pretty,' " Jackie recalls. "I didn't know it would be the last time I wouldn't see an empty shell of a person."

Jackie tells me of a recurring nightmare she's been having, in which she's watching herself climb those Phi Kappa Psi stairs. She frantically calls to herself to stop, but knows it's too late: That in real life, she's already gone up those stairs and into that terrible room, and things will never be the same. It bothers Jackie to know that Drew and the rest get to walk away as if nothing happened, but that she still walks toward that room every night – and blames herself for it during the day.

"Everything bad in my life now is built around that one bad decision that I made," she says. "All because I went to that stupid party."

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Rolling Stone

Issue 1223
December 4, 2014

THE HOT LIST 2014

SPECIAL REPORT

**SEXUAL
ASSAULT
ON CAMPUS**

**In the Studio
KID ROCK**

**AC/DC
Brutal Year,
Big Comeback**

**The
Passion of
DAVE
GROHL**



A

Jackie was just starting her freshman year at the University of Virginia when she was brutally assaulted by seven men at a frat party. When she tried to hold them accountable, a whole new kind of abuse began

RAPPE

ON

*From Rugby Road to Vinegar Hill, we're gonna get drunk tonight
The faculty's afraid of us, they know we're in the right
So fill up your cups, your loving cups, as full as full can be
As long as love and liquor last, we'll drink to the U of V*
—"RUGBY ROAD," TRADITIONAL UNIVERSITY OF VIRGINIA FIGHT SONG

SIPPING FROM A PLASTIC CUP, JACKIE GRIMACED, THEN discreetly spilled her spiked punch onto the sludgy fraternity-house floor. The University of Virginia freshman wasn't a drinker, but she didn't want to seem like a goody-goody at her very first frat party - and she especially wanted to impress her date, the handsome Phi Kappa Psi brother who'd brought her here. Jackie was sober but giddy with discovery as she looked around the room crammed with rowdy strangers guzzling beer and dancing to

CAMPUS

BY SABRINA RUBIN ERDELY ILLUSTRATIONS
BY JOHN RITTER



loud music. She smiled at her date, whom we'll call Drew, a good-looking junior – or in UVA parlance, a third-year – and he smiled enticingly back.

"Want to go upstairs, where it's quieter?" Drew shouted into her ear, and Jackie's heart quickened. She took his hand as he threaded them out of the crowded room and up a staircase.

Four weeks into UVA's 2012 school year, 18-year-old Jackie was crushing it at college. A chatty, straight-A achiever from a rural Virginia town, she'd initially been intimidated by UVA's aura of preppy success, where throngs of toned, tanned and overwhelmingly blond students fanned across a landscape of neoclassical brick buildings, hurrying to classes, clubs, sports, internships, part-time jobs, volunteer work and parties; Jackie's orientation leader had warned her that UVA students' schedules were so packed that "no one has time to date – people just hook up." But despite her reservations, Jackie had flung herself into campus life, attending events, joining clubs, making friends and, now, being asked on an actual date. She and Drew had met while working lifeguard shifts together at the university pool, and Jackie had been floored by Drew's invitation to dinner, followed by a "date function" at his fraternity, Phi Kappa Psi. The "upper tier" frat had a reputation of tremendous wealth, and its imposingly large house overlooked a vast manicured field, giving "Phi Psi" the undisputed best real estate along UVA's fraternity row known as Rugby Road.

Jackie had taken three hours getting ready, straightening her long, dark, wavy hair. She'd congratulated herself on her choice of a tasteful red dress with a high neckline. Now, climbing the frat-house stairs with Drew, Jackie felt excited. Drew ushered Jackie into a bedroom, shutting the door behind them. The room was pitch-black inside. Jackie blindly turned toward Drew, uttering his name. At that same moment, she says, she detected movement in the room – and felt someone bump into her. Jackie began to scream.

"Shut up," she heard a man's voice say as a body barreled into her, tripping her backward and sending them both crashing through a low glass table. There was a heavy person on top of her, spreading open her thighs, and another person kneeling on her hair, hands pinning down her arms, sharp shards digging into her back, and excited male voices rising all around her. When yet another hand clamped over her mouth, Jackie bit it, and the hand became a fist that punched her in the face. The men surrounding her began to laugh. For a hopeful moment Jackie wondered if this wasn't some collegiate prank. Perhaps

Contributing editor **SABRINA RUBIN ERDELY** wrote about transgender activist *CeCe McDonald* this summer.

at any second someone would flick on the lights and they'd return to the party.

"Grab its motherfucking leg," she heard a voice say. And that's when Jackie knew she was going to be raped.

She remembers every moment of the next three hours of agony, during which, she says, seven men took turns raping her, while two more – her date, Drew, and another man – gave instruction and encouragement. She remembers how the spectators swigged beers, and how they called each other nicknames like Armpit and Blanket. She remembers the men's heft and their sour reek of alcohol mixed with the pungency of marijuana. Most of all, Jackie remembers the pain and the pounding that went on and on.

As the last man sank onto her, Jackie was startled to recognize him: He attended her tiny anthropology discussion group. He looked like he was going to cry or puke as he told the crowd he couldn't get it up. "Pussy!" the other men jeered. "What, she's not hot enough for you?" Then they egged him on: "Don't you want to be a brother?" "We all had to do it, so you do, too." Someone handed her class-

house loomed behind them. "We have to get her to the hospital," Randall said.

Their other two friends, however, weren't convinced. "Is that such a good idea?" she recalls Cindy asking. "Her reputation will be *shot* for the next four years." Andy seconded the opinion, adding that since he and Randall both planned to rush fraternities, they ought to think this through. The three friends launched into a heated discussion about the social price of reporting Jackie's rape, while Jackie stood beside them, mute in her bloody dress, wishing only to go back to her dorm room and fall into a deep, forgetful sleep. Detached, Jackie listened as Cindy prevailed over the group: "She's gonna be the girl who cried 'rape,' and we'll never be allowed into any frat party again."

TWO YEARS LATER, JACKIE, NOW a third-year, is worried about what might happen to her once this article comes out. Greek life is huge at UVA, with nearly one-third of undergrads belonging to a fraternity or sorority, so Jackie fears the backlash could be big – a "shitshow" predicted by her

Jackie recalls how her attackers swigged beers. She remembers their heft, and the reek of alcohol and pot. Most of all, Jackie remembers the pain.

mate a beer bottle. Jackie stared at the young man, silently begging him not to go through with it. And as he shoved the bottle into her, Jackie fell into a stupor, mentally untethering from the brutal tableau, her mind leaving behind the bleeding body under assault on the floor.

When Jackie came to, she was alone. It was after 3 a.m. She painfully rose from the floor and ran shoeless from the room. She emerged to discover the Phi Psi party still surreally under way, but if anyone noticed the barefoot, disheveled girl hurrying down a side staircase, face beaten, dress spattered with blood, they said nothing. Disoriented, Jackie burst out a side door, realized she was lost, and dialed a friend, screaming, "Something bad happened. I need you to come and find me!" Minutes later, her three best friends on campus – two boys and a girl (whose names are changed) – arrived to find Jackie on a nearby street corner, shaking. "What did they do to you? What did they make you do?" Jackie recalls her friend Randall demanding. Jackie shook her head and began to cry. The group looked at one another in a panic. They all knew about Jackie's date; the Phi Kappa Psi

now-former friend Randall, who, citing his loyalty to his own frat, declined to be interviewed. But her concerns go beyond taking on her alleged assailants and their fraternity. Lots of people have discouraged her from sharing her story, Jackie tells me with a pained look, including the trusted UVA dean to whom Jackie reported her gang-rape allegations more than a year ago. On this deeply loyal campus, even some of Jackie's closest friends see her going public as tantamount to betrayal.

"One of my roommates said, 'Do you want to be responsible for something that's gonna paint UVA in a bad light?'" says Jackie, poking at a vegan burger at a restaurant on the Corner, UVA's popular retail strip. "But I said, 'UVA has flown under the radar for so long, *someone* has to say something about it, or else it's gonna be this system that keeps perpetuating!'" Jackie frowns. "My friend just said, 'You have to remember where your loyalty lies.'"

From reading headlines today, one might think colleges have suddenly become hotbeds of protest by celebrated anti-rape activists. But like most colleges across America, genteel University of Virginia has no radical feminist culture seek-



Partying With the 'Hoos

UVA students call themselves Wahoos, after a fish that can drink twice its own body weight. In 2012, the year of Jackie's rape, UVA was rated the nation's top party school.

ing to upend the patriarchy. There are no red-tape-wearing protests like at Harvard, no "sex-positive" clubs promoting the female orgasm like at Yale, no mattress-hauling performance artists like at Columbia, and certainly no SlutWalks. UVA isn't an edgy or progressive campus by any stretch. The pinnacle of its polite activism is its annual Take Back the Night vigil, which on this campus of 21,000 students attracts an audience of less than 500 souls. But the dearth of attention isn't because rape doesn't happen in Charlottesville. It's because at UVA, rapes are kept quiet, both by students — who brush off sexual assaults as regrettable but inevitable casualties of their cherished party culture — and by an administration that critics say is less concerned with protecting students than it is with protecting its own reputation from scandal. Some UVA women, so sickened by the university's culture of hidden sexual violence, have taken to calling it "UVrApe."

"University of Virginia thinks they're above the law," says UVA grad and victims-rights advocate Liz Seccuro. "They go to such lengths to protect themselves. There's a national conversation about sexual assault, but nothing at UVA is changing."

S. Daniel Carter, who as former director of public policy for the advocacy group Clery Center for Security on Campus is a national expert on college safety, points out that UVA's sexual assault problems are not much worse than other schools; if anything, he says, the depressing reality is that UVA's situation is likely the norm. Decades of awareness programming haven't budged the prevalence of campus rape: One in five women is sexually assaulted in college, though only about 12 percent report it to police. Spurred by a wave of activism, the Obama administration has stepped up pressure on colleges, announcing Title IX investigations of 86 schools suspected of denying students their equal right to education by inadequately handling sexual-violence complaints; if found in violation, each school runs the risk of financial penalties, including the nuclear option (which has never been deployed) of having its federal funding revoked.

The University of Virginia is one of the 86 schools now under federal investigation, but it has more reason to worry than most of its peers. Because, unlike most schools under scrutiny, where complaints are at issue, UVA is one of only 12 schools under a sweeping investigation known as "compliance review": a proactive probe launched by the Department of Education's Office of Civil Rights itself, triggered by concerns about deep-rooted issues. "They are targeted efforts to go after very serious concerns," says Office of Civil Rights assistant secretary Catherine Lhamon. "We don't open compliance reviews unless we have something that we think merits it."

UVA says it has been complying fully with the investigation. But Carter notes that UVA and other elite schools tend not to respond well to criticism and sanctify tradition above all else. "That's common to more prestigious institutions," Carter says.

Prestige is at the core of UVA's identity. Although a public school, its grounds of red-brick, white-columned buildings designed by founder Thomas Jefferson radiate old-money privilege, footnoted by the graffiti of UVA's many secret societies, whose insignias are neatly painted ev-

erywhere. At \$10,000 a year, in-state tuition is a quarter the cost of the Ivies, but UVA tends to attract affluent students, and through aggressive fundraising boasts an endowment of \$5 billion, on par with Cornell. "Wealthy parents are the norm," says former UVA dean John Foubert. On top of all that, UVA enjoys a reputation as one of the best schools in the country, not to mention a campus so brimming with fun that in 2012 – the year of Jackie's rape – *Playboy* crowned it the nation's number-one party school. Students hold themselves up to that standard: studious by day, wild by night. "The most impressive person at UVA is the person who gets straight A's and goes to all the parties," explains fourth-year student Brian Head. Partying traditions fuse the decorum of the Southern aristocracy with binge drinking: At Cavalier football tailgates, the dress code is "girls in pearls, guys in ties" while students guzzle handles of vodka. Not for nothing is a UVA student nicknamed a Wahoo, as undergrads like to explain; though derived from a long-ago yell from Cavalier fans, a wahoo is also a fish that can drink twice its own body weight.

Wahoos are enthralled to be at UVA and can't wait to tell you the reasons why, beginning, surprisingly, with Thomas Jefferson, whose lore is so powerfully woven into everyday UVA life that you practically expect to glimpse the man still walking the grounds in his waistcoat and pantaloons. Nearly every student I interviewed found a way to mention "TJ," speaking with zeal about their founding father's vision for an "academical village" in the idyllic setting of the Blue Ridge Mountains. They burble about UVA's honor code, a solemn pledge not to lie, cheat or steal; students are expected to snitch on violators, who are expelled. UVA's emphasis on honor is so pronounced that since 1998, 183 people have been expelled for honor-code violations such as cheating on exams. And yet paradoxically, not a single student at UVA has ever been expelled for sexual assault.

"Think about it," says Susan Russell, whose UVA daughter's sexual-assault report helped trigger a previous federal investigation. "In what world do you get kicked out for cheating, but if you rape someone, you can stay?"

Attorney Wendy Murphy, who has filed Title IX complaints and lawsuits against schools including UVA, argues that in matters of sexual violence, Ivy League and Division I schools' fixation with prestige is their downfall. "These schools love to pretend they protect the children as if they were their own, but that's not true: They're interested in money," Murphy says. "In these situations, the one who gets the most protection is either a wealthy kid, a legacy kid or an athlete. The more privileged he is, the more likely the woman has to die before he's held accountable." Indeed, UVA

is the same campus where the volatile relationship of lacrosse star George Hugueley V and his girlfriend Yeardeley Love was seen as unremarkable – his jealous rages, fanned by over-the-top drinking – until the 2010 day he kicked open her door and beat her to death.

UVA president Teresa Sullivan denies the administration sweeps sexual assault under the rug. "If we're trying to hide the issue, we're not doing a very good job of it," she says, noting that this past February UVA hosted the first-ever sexual-assault summit for college administrators. It's true that recently, while under close government scrutiny, the school has made some encouraging changes, including designating most UVA authority figures as mandatory reporters of sexual assault and teaming up with student activists to create a bystander-intervention campaign. Students praise UVA's deans as caring folks who answer late-night calls from victims and even make emergency-room visits.

And yet the UVA public-relations team seemed unenthused about this article, canceling my interview with the head of UVA's Sexual Misconduct Board, and forbidding other administrators from cooperating; even students seemed infected by their anxiety about how members of the administration might appear. And when President Sullivan was at last made available for an interview, her most frequently invoked answer to my specific questions about sexual-assault handling at UVA – while two other UVA staffers sat in on the recorded call – was "I don't know."

*All you girls from Mary
Washington*

*and RMWC, never let a Cavalier
an inch above your knee.*

*He'll take you to his fraternity
house and fill you full of beer.*

*And soon you'll be the mother
of a bastard Cavalier!*

"RUGBY ROAD"

TWO WEEKS AFTER JACKIE'S rape, she ran into Drew during her lifeguard shift at the UVA pool. "Hey, Jackie," Drew said, startling her. "Are you ignoring me?" She'd switched her shift in the hopes of never seeing him again. Since the Phi Kappa Psi party, she'd barely left her dorm room, fearful of glimpsing one of her attackers. Jackie stared at Drew, unable to speak. "I wanted to thank you for the other night," Drew said. "I had a great time."

Jackie left her shift early, saying she wasn't feeling well. Then she walked back to her dorm and crawled under the covers. She didn't go to classes for the rest of the week, and soon quit her lifeguarding job – the first time she could remember quitting anything. She would never again return to

the anthropology course she shared with one of her assailants. She was constantly on the edge of panic, plagued by flashbacks – and disgusted by her own naïveté. She obsessed over what easy prey she'd been, as the attention-starved freshman who for weeks drank up Drew's flirtations. "I still grapple with 'Did I do something that could have been construed as that's what I wanted?'" she says.

Before Jackie left for college, her parents – a Vietnam vet and retired military contractor, and a stay-at-home mom – had lectured her about avoiding the perils of the social scene, stressing the importance of her studies, since Jackie hoped to get into medical school. Jackie had a strained relationship with her father, in whose eyes she'd never felt good enough, and always responded by exceeding expectations – honor roll, swim team, first-chair violin – becoming the role model for her two younger brothers. Jackie had been looking forward to college as an escape – a place to, even, defy her parents' wishes and go to a frat party. "And I guess they were right," she says bitterly.

She was having an especially difficult time figuring out how to process that awful night, because her small social circle seemed so overwhelmed. For the first month of school, Jackie had latched onto a crew of lighthearted social strivers, and her pals were now impatient for Jackie to rejoin the merriment. "You're still upset about that?" Andy asked one Friday night when Jackie was crying. Cindy, a self-declared hookup queen, said she didn't see why Jackie was so bent out of shape. "Why didn't you have fun with it?" Cindy asked. "A bunch of hot Phi Psi guys?" One of Jackie's friends told her, unconcerned, "Andy said you had a bad experience at a frat, and you've been a baby ever since."

That reaction of dismissal, downgrading and doubt is a common theme UVA rape survivors hear, including from women. "Some of my hallmates were skeptical," recalls recent grad Emily Renda, who says that weeks into her first year she was raped after a party. "They were silent and avoided me afterwards. It made me doubt myself." Other students encounter more overt hostility, as when a first-year student confided her assault to a friend. "She said she thought I was just looking for attention," says the undergrad. Shrugging off a rape or pointing fingers at the victim can be a self-protective maneuver for women, a form of wishful thinking to reassure themselves they could never be so vulnerable to violence. For men, skepticism is a form of self-protection too. For much of their lives, they've looked forward to the hedonistic fun of college, bearing every expectation of booze and no-strings sex. A rape heralds the uncomfortable idea that all that harmless mayhem may not be so harmless after all. Easier, then,

to assume the girl is lying, even though studies indicate that false rape reports account for, at most, eight percent of reports.

And so at UVA, where social status is paramount, outing oneself as a rape victim can be a form of social suicide. "I don't know many people who are engrossed in the party scene and have spoken out about their sexual assaults," says third-year student Sara Surface. After all, no one climbs the social ladder only to cast themselves back down. Emily Renda, for one, quickly figured out that few classmates were sympathetic to her plight, and instead channeled her despair into hard partying. "My drinking didn't stand out," says Renda, who often ended her nights passed out on a bathroom floor. "It does make you wonder how many others are doing what I did: drinking to self-medicate."

By the middle of her first semester, Jackie's alarm would ring and ring in her dorm room until one of her five suitemates would pad down the hall to turn it off. Jackie would barely stir in her bed. "That was when we realized she was even there," remembers suitemate Rachel Soltis. "At the

of tree-lined Rugby Road as they explain the scene. The women rattle off which one is known as the "roofie frat," where supposedly four girls have been drugged and raped, and at which house a friend had a recent "bad experience," the Wahoo euphemism for sexual assault. Studies have shown that fraternity men are three times as likely to commit rape, and a spate of recent high-profile cases illustrates the dangers that can lurk at frat parties, like a University of Wisconsin-Milwaukee frat accused of using color-coded hand stamps as a signal to roofie their guests, and this fall's suspension of Brown University's chapter of Phi Kappa Psi - of all fraternities - after a partygoer tested positive for the date-rape drug GHB. Presumably, the UVA freshmen wobbling around us are oblivious to any specific hazards along Rugby Road; having just arrived on campus, they can hardly tell one fraternity from another. As we pass another frat house, one of my guides offers, "I know a girl who got assaulted there."

"I do too!" says her friend in mock-excitement. "That makes two! Yay!"

"Some of my hallmates were skeptical," says one survivor of rape. "They were silent and avoided me afterwards. It made me doubt myself."

beginning of the year, she seemed like a normal, happy girl, always with friends. Then her door was closed all the time. We just figured she was out." Long since abandoned by her original crew, Jackie had slept through half a semester's worth of classes and had bought a length of rope with which to hang herself. Instead, as the semester crawled to an end, she called her mother. "Come and get me," Jackie told her, crying. "I need your help."

THE FIRST WEEKS OF FRESHMAN year are when students are most vulnerable to sexual assault. Spend a Friday night in mid-September walking along Rugby Road at UVA, and you can begin to see why. Hundreds of women in crop tops and men in khaki shorts stagger between handsome fraternity houses, against a call-and-response soundtrack of "Who!" and breaking glass. "Do you know where Delta Sig is?" a girl slurs, sloshed. Behind her, one of her dozen or so friends stumbles into the street, sending a beer bottle shattering. ("Who!" calls a far-away voice.)

"These are all first-years," narrates one of my small group of upperclasswomen guides. We walk the curving length

of Frats are often the sole option for an underage drinker looking to party, since bars are off-limits, sororities are dry and first-year students don't get many invites to apartment soirees. Instead, the kids crowd the walkways of the big, anonymous frat houses, vying for entry. "Hot girls who are drunk always get in - it's a good idea to act drunker than you really are," says third-year Alexandria Pinkleton, expertly clad in the UVA-after-dark uniform of a midriff-baring sleeveless top and shorts. "Also? You have to seem very innocent and vulnerable. That's why they love first-year girls."

Once successfully inside the frat house, women play the role of grateful guests in unfamiliar territory where men control the variables. In dark, loud basements, girls accept drinks, are pulled onto dance floors to be ground and groped and, later, often having lost sight of their friends, led into bathrooms or up the stairs for privacy. Most of that hooking up is consensual. But against that backdrop, as psychologist David Lisak discovered, lurk undetected predators. Lisak's 2002 groundbreaking study of more than 1,800 college men found that roughly nine out of 10 rapes are committed by serial offenders,

who are responsible for an astonishing average of six rapes each. None of the offenders in Lisak's study had ever been reported. Lisak's findings upended general presumptions about campus sexual assault: It implied that most incidents are not bumbling, he-said-she-said miscommunications, but rather deliberate crimes by serial sex offenders.

In his study, Lisak's subjects described the ways in which they used the camouflage of college as fruitful rape-hunting grounds. They told Lisak they target freshmen for being the most naïve and the least-experienced drinkers. One offender described how his party-hearty friends would help incapacitate his victims: "We always had some kind of punch... We'd make it with a real sweet juice. It was really powerful stuff. The girls wouldn't know what hit them." Presumably, the friends mixing the drinks did so without realizing the offender's plot, just as when they probably high-fived him the next morning, they didn't realize the behavior they'd just endorsed. That's because the serial rapist's behavior can look ordinary at college. "They're not acting in a vacuum," observes Lisak of predators. "They're echoing that message and that culture that's around them: the objectification and degradation of women."

One need only glance around at some recent college hijinks to see spectacular examples of the way the abasement of women has broken through to no-holds-barred misogyny: a Dartmouth student's how-to-rape guide posted online this past January; Yale pledges chanting "No means yes! Yes means anal!" And despite its air of mannered civility, UVA has been in on the naughty fun for at least 70 years with its jolly fight song "Rugby Road," which celebrates the sexual triumphs of UVA fraternity men, named for the very same street where my guides and I are now enveloped in a thickening crowd of wasted first-years. Through the decades, the song has expanded to 35 verses, with the more recent, student-penned stanzas shedding the song's winking tone in favor of something more jarringly explicit:

*A hundred Delta Gammas,
a thousand AZDs*

*Ten thousand Pi Phi bitches who get
down on their knees*

*But the ones that we hold true,
the ones that we hold dear*

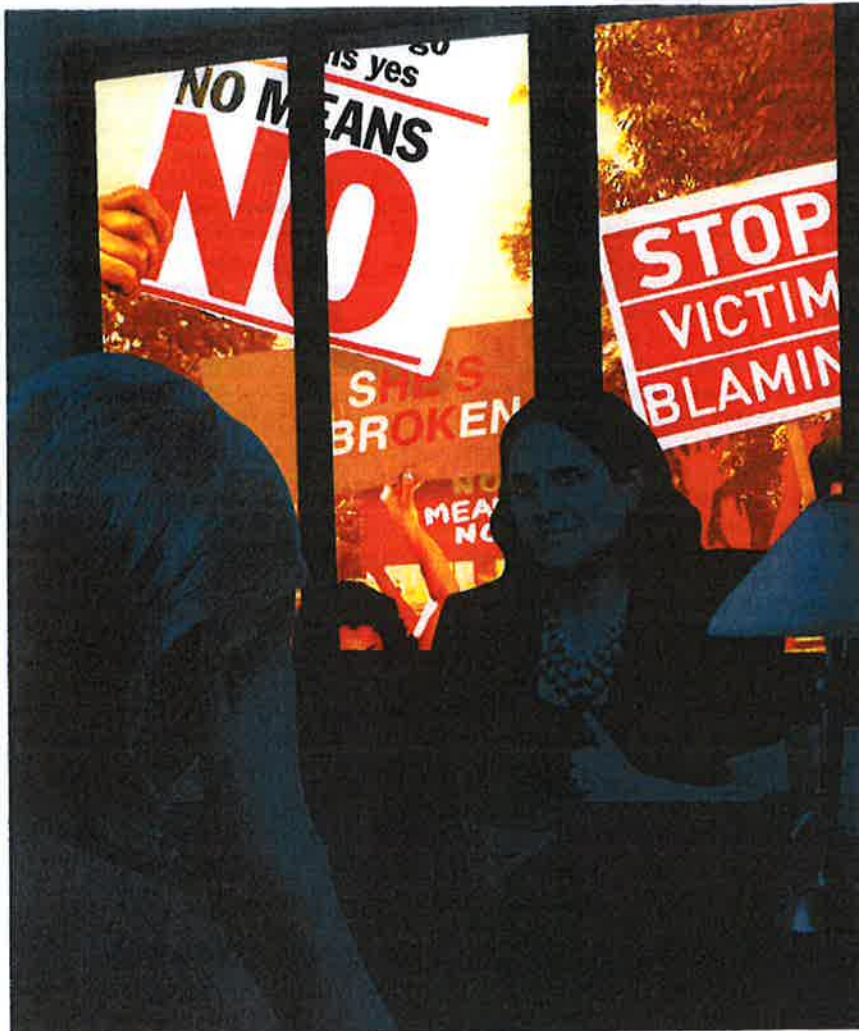
*Are the ones who stay up late at night,
and take it in the rear.*

In 2010, "Rugby Road" was banned from football games - despite a petition calling it "an integral part" of UVA culture. But Wahos fearing the loss of tradition can take heart that "Rugby Road" verses are still performed on campus by UVA's oldest a cappella group, the Virginia Gentlemen.

AT THE END OF HER FRESHMAN year, Jackie found herself in the Peabody Hall office of Dean Nicole Eramo, head of UVA's Sexual Misconduct Board. This was a big step for Jackie. She still hadn't even managed to tell her own mother exactly what had happened at Phi Kappa Psi. Upon returning to school for her second semester, Jackie had tried to put on a brave face and simply move forward, but instead continued falling apart. Though a psychiatrist had put Jackie on Wellbutrin, she had remained depressed, couldn't concentrate, and spent the semester so frightened and withdrawn that her academic dean finally called her in to discuss why she'd failed three classes. In his office, with her mother beside her, she'd burst into tears, and her mother explained she'd had a "bad experience" at a party. He'd blanched and given Jackie the e-mail for Dean Eramo.

If Dean Eramo was surprised at Jackie's story of gang rape, it didn't show. A short woman with curly dark hair and a no-nonsense demeanor, Eramo surely has among the most difficult jobs at UVA. As the intake person on behalf of the university for all sexual-assault complaints since 2006, it's her job to deal with a parade of sobbing students trekking in and out of her office. (UVA declined to make Eramo available for comment.) A UVA alum herself, Eramo is beloved by survivors, who consider her a friend and confidante – even though, as only a few students are aware, her office isn't a confidential space at all. Each time a new complaint comes through Eramo's office, it activates a review by UVA's Title IX officer, is included in UVA's tally of federally mandated Clery Act crime statistics, and Eramo may, at her discretion, reveal details of her conversation with the student to other administrators. (Jackie was mortified to learn later that Eramo had shared her identity with another UVA administrator.) After all, a dean's foremost priority is the overall safety of the campus.

When Jackie finished talking, Eramo comforted her, then calmly laid out her options. If Jackie wished, she could file a criminal complaint with police. Or, if Jackie preferred to keep the matter within the university, she had two choices. She could file a complaint with the school's Sexual Misconduct Board, to be decided in a "formal resolution" with a jury of students and faculty, and a dean as judge. Or Jackie could choose an "informal resolution," in which Jackie could simply face her attackers in Eramo's presence and tell them how she felt; Eramo could then issue a directive to the men, such as suggesting counseling. Eramo presented each option to Jackie neutrally, giving each equal weight. She assured Jackie there was no pressure – whatever happened next was entirely her choice.



Where's the Justice?

Dean Eramo is the head of UVA's Sexual Misconduct Board and beloved by students, but in the history of the school, no one has ever been expelled for sexual assault.

Like many schools, UVA has taken to emphasizing that in matters of sexual assault, it caters to victim choice. "If students feel that we are forcing them into a criminal or disciplinary process that they don't want to be part of, frankly, we'd be concerned that we would get fewer reports," says associate VP for student affairs Susan Davis. Which in theory makes sense: Being forced into an unwanted choice is a sensitive point for the victims. But in practice, that utter lack of guidance can be counterproductive to a 19-year-old so traumatized as Jackie was that she was contemplating suicide. Setting aside for a moment the absurdity of a school offering to handle the investigation and adjudication of a felony sex crime – something Title IX requires, but which *no* university on Earth is equipped to do – the sheer menu of choices, paired with the reassurance that any choice is the right one, often has the end result of coddling the victim into doing nothing.

"This is an alarming trend that I'm seeing on campuses," says Laura Dunn of the advocacy group SurvJustice. "Schools are assigning people to victims who are pretending, or even thinking, they're on the victim's side, when they're actually discouraging and silencing them. Advocates who survivors *love* are part of the system that is failing to address sexual violence."

Absent much guidance, Jackie would eventually wonder how other student victims handled her situation. But when she clicked around on UVA's website, she found no answers. All she found were the UVA police's crime logs, which the university makes available online, but are mostly a list of bike theft, vandalism and public-drunkennes complaints. That's because only a fraction of UVA students who report sex crimes turn to campus police. The rest go to Dean Eramo's office, to Charlottesville police or the county sheriff's office. Yet when RS asked UVA for its statistics, the press office repeatedly referred us to the UVA police crime logs. UVA parent Susan Russell believes that misdirection is deliberate. "When a parent goes to the campus crime log, and they don't see sexual assault, they think the school is safe," Russell says, adding that her daughter's 2004 sexual as-

PHOTOGRAPH OF NICOLE ERAMO IN ILLUSTRATION BY JENNA TRUONG/"CAVALIER DAILY"

sault once appeared in the log mislabeled "Suspicious Circumstances."

Eventually, UVA furnished **ROLLING STONE** with some of its most recent tally: In the last academic year, 38 students went to Eramo about a sexual assault, up from about 20 students three years ago. However, of those 38, only nine resulted in "complaints"; the other 29 students evaporated. Of those nine complaints, four resulted in Sexual Misconduct Board hearings. UVA wasn't willing to disclose their outcomes, citing privacy. Like most colleges, sexual-assault proceedings at UVA unfold in total secrecy. Asked why UVA doesn't publish all its data, President Sullivan explains that it might not be in keeping with "best practices" and thus may inadvertently discourage reporting. Jackie got a different explanation when she'd eventually asked Dean Eramo the same question. She says Eramo answered wryly, "Because nobody wants to send their daughter to the rape school."

For now, however, Jackie left her first meeting with Eramo feeling better for having unburdened herself, and with the dean's assurance that nothing would be done without her say-so. Eramo e-mailed a follow-up note thanking Jackie for sharing, saying, "I could tell that was very difficult for you," and restating that while she respected Jackie's wish not to file a report, she'd be happy to assist "if you decide that you would like to hold these men accountable." In the meantime, having presumably judged there to be no threat to public safety, the UVA administration took no action to warn the campus that an allegation of gang rape had been made against an active fraternity.

All the first-year women are morally uptight.

They'll never do a single thing unless they know it's right.

But then they come to Rugby Road and soon they've seen the light.

And you never know how many men they'll bring home every night.

"RUGBY ROAD"

YOU CAN TRACE UVA'S CYCLE OF sexual violence and institutional indifference back at least 30 years — and incredibly, the trail leads back to Phi Psi. In October 1984, Liz Seccuro was a 17-year-old virgin when she went to a party at the frat and was handed a mixed drink. "They called it the house special," she remembers. Things became spotty after Seccuro had a few sips. But etched in pain was a clear memory of a stranger raping her on a bed. She woke up wrapped in a bloody sheet; by rifling through the boy's mail before fleeing, she discovered his name was Will Beebe. Incredibly, 21 years later, Beebe wrote Seccuro a letter, saying he wanted

to make amends as part of his 12-step program. Seccuro took the correspondence to Charlottesville police. And in the midst of the 2006 prosecution that followed, where Beebe would eventually plead guilty to aggravated sexual battery, investigators made a startling discovery: That while at Phi Psi that night, Seccuro had been assaulted not by one man, but by three. "I had been gang-raped," says Seccuro, who detailed her ordeal in a 2011 memoir.

That it took two decades for Seccuro to achieve some justice is even more disgraceful, since she reported her rape to the UVA administration after leaving the Phi Psi house on that 1984 morning. "I went to the dean covered in scabs and with broken ribs," she remembers. "And he said, 'Do you think it was just regrettable sex?'" Seccuro wanted to call police, but she was incorrectly told Charlottesville police lacked jurisdiction over fraternity houses.

If Seccuro's story of administrative cover-up and apathy sounds outrageous, it's actually in keeping with the stories told by other UVA survivors. After one alumna was abducted from a dark, wooded sec-

the counseling center wanted him to stay gone, Foubert says, the then-dean of students argued in favor of his return, saying, "We can pick our lawsuit from a potential sixth victim, or from him, for denying him access to an education."

The few stories leaking out of UVA's present-day justice system aren't much better. One student, whose Title IX complaint against UVA is currently under investigation by the Office of Civil Rights, said that in December 2011, another student raped her while she was blackout drunk, possibly drugged. As she wrote in a student publication, evidence emerged that the man had previously been accused of drugging others, but the information was rejected as "prejudicial." The Sexual Misconduct Board told the young woman it found her "compelling and believable," but found the man not guilty. "I had never felt so betrayed and let down in my life," wrote the woman. "They said that they believed me. They said that UVA was my home and that it loved me. Yet, how could they believe me and let him go completely unpunished?"

Jackie says when she asked why UVA's rape stats were hard to find, the dean said, "Because nobody wants to send their daughter to the rape school."

tion of campus and raped in 1993, she says she asked a UVA administrator for better lighting. "They told me it would ruin Jefferson's vision of what the university was supposed to look like," the alum says. "As if Thomas Jefferson even knew about electric lights!" In 2002 and 2004, two female students, including Susan Russell's daughter, were unhappy with their sexual-misconduct hearings, which each felt didn't hold their alleged perpetrators accountable — and each was admonished by UVA administrators to never speak publicly about the proceedings or else they could face expulsion for violating the honor code. For issuing that directive, in 2008 UVA was found in violation of the Clery Act.

"UVA is more egregious than most," says John Foubert, a UVA dean from 1998 to 2002, and founder of the national male sex-assault peer education group One in Four. "I've worked for five or six colleges, and the stuff I saw happen during my time there definitely stands out." For example, Foubert recalls, in one rare case in which the university applied a harsh penalty, an undergrad was suspended after stalking five students. Heated discussion ensued over whether the boy should be allowed back after his suspension. Though

ROLLING STONE has discovered that this past spring a UVA first-year student, whom we'll call Stacy, filed a report stating that while vomiting up too much whiskey into a male friend's toilet one night, he groped her, plunged his hands down her sweatpants and then, after carrying her semi-conscious to his bed, digitally penetrated her. When the Charlottesville DA's office declined to file charges, she says, Stacy asked for a hearing with the Sexual Misconduct Board, and was surprised when UVA authority figures tried to talk her out of it. "My counselors, members of the Dean of Students office, everyone said the trial process would be way too hard on me," says Stacy. "They were like, 'You need to focus on your healing.'" Stacy insisted upon moving forward anyway, even when the wealthy family of the accused kicked up a fuss. "They threatened to sue deans individually, they threatened to sue me," she recalls. But Stacy remained stalwart, because she had additional motivation: She'd been shaken to discover two other women with stories of assault by the same man. "One was *days* after mine, at a rush function at his frat house," says Stacy. "So I was like, 'I have to do something before someone else is hurt.'" Her determination

redoubled after the Dean of Students of-
fice informed her that multiple assaults by
a student would be grounds for his expulsion
— a mantra that Eramo repeated at a
Take Back the Night event in April.

Bearing her deans' words in mind, at
her nine-hour formal hearing in June, Stacy
took pains to present not only her
own case, but also the other two allega-
tions, submitting witness statements that
were allowed in as "pattern evidence." The
board pronounced the man guilty for sexual
misconduct against Stacy, making him
only the 14th guilty person in UVA's history.
Stacy was relieved at the verdict. "I was
like, 'He's gone!' 'Cause he's a multiple as-
sailant, I'd been told so many times that
that was grounds for expulsion!" So she
was stunned when she learned his actual
penalty: a one-year suspension. (Citing
privacy laws, UVA would not comment on
this or any case.)

Turns out, when UVA personnel speak of
expulsion for "multiple assaults," they mean
multiple complaints that are filed with the
Sexual Misconduct Board, and then ad-
judicated guilty. Under that more precise
definition, the two other cases introduced
in Stacy's case didn't count toward his pen-
alty. Stacy feels offended by the outcome
and misled by the deans. "After two rapes
and an assault, to let him back on grounds
is an insult to the honor system that UVA
brags about," she says. "UVA doesn't want
to expel. They were too afraid of get-
ting negative publicity or the pants sued
off them."

*She's a helluva twat from Agnes
Scott, she'll fuck for 50 cents.*

*She'll lay her ass upon the grass,
her panties on the fence.*

*You supply the liquor,
and she'll supply the lay.*

*And if you can't get it up,
you sunuva bitch,
you're not from UVA.*

"RUGBY ROAD"

WHEN DID IT HAPPEN TO
you?" Emily Renda asked
Jackie as they sat for
coffee at the outdoor
Downtown Mall in the fall
of 2013.

"September 28th," Jackie whispered.

"October 7th, 2010," Emily responded,
not breaking her gaze, and Jackie knew
she'd found a friend. As Jackie had begun
her second year at UVA, she'd continued
struggling. Dean Eramo had connected
her with Emily, a fourth-year who'd be-
come active in One Less, a student-run
sexual-assault education organization
that doubles as a support group. Sitting
with Emily, Jackie poured out her story,
wiping her eyes with napkins as she con-
fided to Emily that she felt like a broken

person. "You're not broken," Emily told
her. "They're the ones who are fucked up,
and what happened to you wasn't your
fault." Jackie was flooded with gratitude,
desperate to hear those words at last —
and from someone who knew. Emily in-
vited her to a meeting of One Less, thus in-
troducing her to UVA's true secret society.

In its weekly meetings, the 45-
member group would discuss how to fos-
ter dialogue on campus. Afterward they'd
splinter off and share stories of sexual as-
sault, each tale different and yet very much
the same. Many took place on tipsy nights
with men who refused to stop; some were
of sex while blackout drunk; rarer stories
involved violence, though none so extreme
as Jackie's. But no matter the circumstanc-
es, their peers' reactions were largely the
same: Assaults were brushed off, with at-
tackers defended ("He'd never do anything
like that"), the victim questioned ("Are
you sure?"). After feeling isolated for more
than a year, Jackie was astonished at how
much she and this sisterhood had in com-
mon, including the fact that a surpris-
ing number hadn't pursued any form of
complaint. Although many had contact-
ed Dean Eramo, whom they laud as their
best advocate and den mother — Jackie
repeatedly calls her "an asset to the commu-
nity" — few ever filed reports with UVA or
with police. Instead, basking in the safe-
ty of one another's company, the members
of One Less applauded the brave few who
chose to take action, but mostly affirmed
each other's choices not to report, in an
echo of their university's approach. So pro-
found was the students' faith in its admin-
istration that although they were appalled
by Jackie's story, no one voiced questions
about UVA's strategy of doing nothing to
warn the campus of gang-rape allegations
against a fraternity that still held parties
and was rushing a new pledge class.

Some of these women are disturbed by
the contradiction. "It's easy to cover up a
rape at a university if no one is reporting,"
admits Jackie's friend Alex Pinkleton. And
privately, some of Jackie's confidantes were
outraged. "The university ignores the prob-
lem to make itself look better," says recent
grad Rachel Soltis, Jackie's former room-
mate. "They should have done something
in Jackie's case. Me and several other peo-
ple know exactly who did this to her. But
they want to protect even the people who
are doing these horrible things."

But no such doubts shadowed the meet-
ings of One Less, which was fine by Jackie.
One Less held seminars for student groups
on bystander intervention and how to be
supportive of survivors. Jackie dove into
her new roles as peer adviser and Take
Back the Night committee member and
began to discover just how wide her secret
UVA survivor network was — because the
more she shared her story, the more girls
sought her out, waylaying her after presen-

tations or after classes, even calling in the
middle of the night with a crisis. Jackie has
been approached by so many survivors that
she wonders whether the one-in-five stat-
istic may not apply in Charlottesville. "I
feel like it's one in three at UVA," she says.

But payback for being so public on a
campus accustomed to silence was swift.
This past spring, in separate incidents,
both Emily Renda and Jackie were har-
assed outside bars on the Corner by men
who recognized them from presenta-
tions and called them "cunt" and "fem-
inazi bitch." One flung a bottle at Jackie
that broke on the side of her face, leaving a
blood-red bruise around her eye.

She e-mailed Eramo so they could
discuss the attack — and discuss an-
other matter, too, which was troubling
Jackie a great deal. Through her ever-
expanding network, Jackie had come
across something deeply disturbing: two
other young women who, she says, con-
fided that they, too, had recently been Phi
Kappa Psi gang-rape victims.

ABRUISE STILL MOTTLING HER
face, Jackie sat in Eramo's office in
May 2014 and told her about the
two others. One, she says, is a 2013
graduate, who'd told Jackie that
she'd been gang-raped as a fresh-
man at the Phi Psi house. The other was a
first-year whose worried friends had called
Jackie after the girl had come home wear-
ing no pants. Jackie said the girl told her
she'd been assaulted by four men in a Phi
Psi bathroom while a fifth watched. (Nei-
ther woman was willing to talk to RS.)

As Jackie wrapped up her story, she was
disappointed by Eramo's nonreaction.
She'd expected shock, disgust, horror. For
months, Jackie had been assuaging her
despair by throwing herself into peer edu-
cation, but there was no denying her help-
lessness when she thought about Phi Psi,
or about her own alleged assailants still
walking the grounds. She'd recently been
aghast to bump into Drew, who greet-
ed her with friendly nonchalance. "For a
whole year, I thought about how he had
ruined my life, and how he is the worst
human being ever," Jackie says. "And then
I saw him and I couldn't say anything."

"You look different," Drew told Jackie
while she stared back at him in fear, and
he was right: Since arriving at UVA, Jack-
ie had gained 25 pounds from antidepres-
sants and lack of exercise. That interaction
would render her too depressed to leave her
room for days. Of all her assailants, Drew
was the one she wanted to see held ac-
countable — but with Drew about to grad-
uate, he was going to get away with it. Be-
cause, as she miserably reminded Eramo
in her office, she didn't feel ready to file a
complaint. Eramo, as always, understood.

Given the swirl of gang-rape allegations
Eramo had now heard against one of UVA's

oldest and most powerful fraternities – founded in 1853, its distinguished chapter members have included President Woodrow Wilson – the school may have wondered about its responsibilities to the rest of the campus. Experts apprised of the situation by RS agreed that despite the absence of an official report, Jackie's passing along two other allegations should compel the school to take action out of regard for campus safety. "The fact that they already had that first victim, they should have been taking action," says SurvJustice's Laura Dunn. "That school could really be sued."

If the UVA administration was roiled by such concerns, however, it wasn't apparent this past September, as it hosted a trustees meeting. Two full hours had been set aside to discuss campus sexual assault, an amount of time that, as many around the conference table pointed out, underscored the depth of UVA's commitment. Those two hours, however, were devoted entirely to upbeat explanations of UVA's new prevention and response strategies, and to self-congratulations to UVA for being a "model" among schools in this arena. Only

into Jackie's story, UVA at last placed Phi Kappa Psi under investigation. Or rather, as President Sullivan carefully answered my question about allegations of gang rape at Phi Psi, "We do have a fraternity under investigation." Phi Kappa Psi national executive director Shawn Collinsworth says that UVA indeed notified him of sexual assault allegations; he immediately dispatched a representative to meet with the chapter. UVA chapter president Stephen Scipione recalls being only told of a vague, anonymous "fourth-hand" allegation of a sexual assault during a party. "We were not told that it was rape, but rather that something of a sexual nature took place," he wrote to RS in an e-mail. Either way, Collinsworth says, given the paucity of information, "we have no evidence to substantiate the alleged assaults."

"Under investigation," President Sullivan insists when I ask her to elaborate on how the university is handling the case. "I don't know how else to spell that out for you." But Jackie may have gotten a glimpse into the extent of the investigation when, in the days following my visit to campus,

all seems very hopeful. But this week, the third week of September, has been a difficult one. Charlottesville police received their first sexual-assault report of the academic year; Jackie and Alex were also each approached by someone seeking help about an assault. And as this weekend progresses, things will get far worse at UVA: Two more sexual assaults will be reported to police, and, in every parent's worst fears come true, an 18-year-old student on her way to a party will vanish; her body will be discovered five weeks later.

Suspect Jesse Matthew Jr., a 32-year-old UVA hospital worker, will be charged with Hannah Graham's "abduction with intent to defile," and a chilling portrait will emerge of an alleged predator who got his start, a decade ago, as a campus rapist. Back in 2002, and again in 2003, Matthew was accused of sexual assault at two different Virginia colleges where he was enrolled, but was never prosecuted. In 2005, according to the new police indictment, Matthew sexually assaulted a 26-year-old and tried to kill her. DNA has also reportedly linked Matthew to the 2009 death of Virginia Tech student Morgan Harrington, who disappeared after a Metallica concert in Charlottesville. The grisly dossier of which Matthew has been accused underscores the premise that campus rape should be seen not through the schema of a dubious party foul, but as a violent crime – and that victims should be encouraged to come forward as an act of civic good that could potentially spare future victims.

Jackie is hoping she will get there someday. She badly wants to muster the courage to file criminal charges or even a civil case. But she's paralyzed. "It's like I'm in my own personal prison," she says. "I'm so terrified this is going to be the rest of my life." She still cries a lot, and she has been more frightened than usual to be alone or to walk in the dark. When Jackie talks about her assault, she fixates on the moment before Drew picked her up for their date: "I remember looking at the mirror and putting on mascara and being like, 'I feel really pretty,'" Jackie recalls. "I didn't know it would be the last time I wouldn't see an empty shell of a person."

Jackie tells me of a recurring nightmare she's been having, in which she's watching herself climb those Phi Kappa Psi stairs. She frantically calls to herself to stop, but knows it's too late: That in real life, she's already gone up those stairs and into that terrible room, and things will never be the same. It bothers Jackie to know that Drew and the rest get to walk away as if nothing happened, but that she still walks toward that room every night – and blames herself for it during the day.

"Everything bad in my life now is built around that one bad decision that I made," she says. "All because I went to that stupid party." 25

Jackie came across something disturbing: Two other young women confided that they, too, had been victims of Phi Kappa Psi gang rapes.

once did the room darken with concern, when a trustee in UVA colors – blue sport coat, orange bow tie – interrupted to ask, "Are we under any federal investigation with regard to sexual assault?"

Dean of students Allen Groves, in a blue suit and orange necktie of his own, swooped in with a smooth answer. He affirmed that while like many of its peers UVA was under investigation, it was merely a "standard compliance review." He mentioned that a student's complaint from the 2010-11 academic year had been folded into that "routine compliance review." Having downplayed the significance of a Title IX compliance review – which is neither routine nor standard – he then elaborated upon the lengths to which UVA has cooperated with the Office of Civil Rights' investigation, his tone and manner so reassuring that the room relaxed.

Told of the meeting, Office of Civil Rights' Catherine Lhamon calls Groves' mischaracterization "deliberate and irresponsible." "Nothing annoys me more than a school not taking seriously their review from the federal government about their civil rights obligations," she says.

Within days of the board meeting, having learned of ROLLING STONE's probe

she was called into Eramo's office, bringing along her friend Alex for moral support. According to both women, Eramo revealed that she'd learned "through the grapevine" that "all the boys involved have graduated." Both girls were mystified. Not only had Jackie just seen one of the boys riding his bike on grounds but, as Alex pointed out, "Doesn't that mean they're admitting something happened?" No warning has yet been issued to the campus.

WITH A POCKETKNIFE AND pepper spray tucked into her handbag, and a rape whistle hanging from her key chain, Jackie is prepared for a Friday night at UVA. In a restaurant on the Corner, Jackie sips water through a straw as the first of the night's "Who!"s reverberate from the sidewalk outside. "It makes me really depressed, almost," says Jackie with a sad chuckle. "There's always gonna be another Friday night, and another fraternity party, and another girl."

Across the table, Alex sighs. "I know," she says. Bartenders and bouncers all along the Corner are wearing T-shirts advertising the new "Hoos Got Your Back" bystander-intervention campaign, which

EXHIBIT C

(Rolling Stone's December 2-4, 2014 press release)

Rolling Stone's Dec 2-4, 2014 Statement

The story we published was one woman's account of a sexual assault at a UVA fraternity in September 2012 – and the subsequent ordeal she experienced at the hands of University administrators in her attempts to work her way through the trauma of that evening. The indifference with which her complaint was met was, we discovered, sadly consistent with the experience of many other UVA women who have tried to report such assaults. Through our extensive reporting and fact-checking, we found Jackie to be entirely credible and courageous and we are proud to have given her disturbing story the attention it deserves.

EXHIBIT D

(Transcript of Erdely's statements on the Nov. 24, 2014 Michael Smerconish SiriusXM radio show)

TRANSCRIPTION

OF

THE MICHAEL SMERCONISH PROGRAM

AUDIO FILE NAME:

DETAILS OF THE ALLEGED UVA RAPE 179769940

PARTICIPANTS:

Michael Smerconish

Sabrina Erdely

Job No. 28693

TRANSCRIBED BY: LORI A. BOEDING, CCR

1 (Program introduction)

2

3 MR. SMERCONISH: Sabrina, let's go back
4 to the incident itself. So it's the fall of 2012,
5 and Jackie, who is a freshman, comes from
6 Virginia, not a big drinker, you say knocking them
7 dead academically at the outset when she gets to
8 UVA, gets invited to go to this fraternity party
9 by a third year, a good looking junior, or in UVA
10 parlance, you say a third year. He smiled
11 enticingly back at her when they were together at
12 the party. She's got -- I can picture the scene.
13 She's got one of those plastic cups.

14 MS. ERDELY: Mm-hmm.

15 MR. SMERCONISH: One of those -- a Solo
16 cup, that's what I'm, I'm thinking of. He invites
17 her to go upstairs where quote-unquote it's
18 quieter, and she accepts that invitation. And
19 when they get upstairs, the door opens. He's
20 behind her. She's now in a darkened room, and
21 inside that room are all of the individuals that
22 she claims then proceed to violate, to physically
23 rape her. I mean, there's no hint of anything
24 consensual in the way that she explains this to
25 you. This is not a woman who is feeling loopy

1 because she's been drinking grain alcohol. This
2 is a brutal, violent rape.

3 MS. ERDELY: It is.

4 And the other thing -- I mean,
5 everything about this attack is so shocking,
6 including the fact that the way that she describes
7 it makes it sound very much like it is a
8 pre-planned attack. And she heard them say things
9 like -- encouraging one another to take turns.
10 She heard them say things like, well, don't you
11 want to be a brother? Which would lead one to
12 believe that this is some kind of initiation
13 ritual.

14 And, in fact, over the course of the
15 following year, it came to Jackie's attention, as
16 she began to sort of, you know, meet other rape
17 survivors and her network of rape survivors became
18 wider, she actually wound up coming to the
19 administration with reports to two other women who
20 told her that they were also gang raped at the
21 same fraternity, so that was -- that is incredibly
22 alarming, now that the University has three
23 allegations of gang rape at the same fraternity.

24 This, by the way, being the same
25 fraternity where there was another situation quite

1 like this 30 years ago, so this is a fraternity
2 that's been on the radar screen for a while, and
3 there are these recent allegations, and once
4 again, the administration did absolutely nothing.

5 MR. SMERCONISH: Let me read, if I
6 might, the crux of the incident as you've
7 reconstructed it in Rolling Stone. By the way,
8 this is Sabrina Rubin Erdely, and the piece is
9 titled, A Rape on Campus: A Brutal Assault and a
10 Struggle for Justice at UVA.

11 I should point out, I know you didn't
12 write the headline, but there's no alleged in
13 there. It's offered in the headline like, hey,
14 this happened.

15 MS. ERDELY: Um, yeah, I don't write the
16 headline.

17 MR. SMERCONISH: I know. Okay.

18 MS. ERDELY: But I think that we do -- I
19 mean, this is Jackie's perspective, you know, um,
20 you know, on, on her, you know, her assault. We
21 do, we do wedge a lot of alleges in there, in
22 there, so I think that there's a lot of implied
23 alleges.

24 MR. SMERCONISH: Okay. Here's the crux
25 of it. Jackie had taken three hours getting

1 ready, straightening her long dark, wavy hair.
2 She congratulated herself on her choice of a
3 tasteful red dress with a high neckline. Now
4 climbing the frat house stairs with Drew, Jackie
5 felt excited. Drew ushered Jackie into a bedroom,
6 shutting the door behind them. The room was
7 pitch-black inside. Jackie blindly turned toward
8 Drew uttering his name; at that same moment, she
9 says she detected movement in the room and felt
10 someone bump into her. Jackie began to scream.

11 "Shut up," she heard a man's voice say,
12 as a body barreled into her, tripping her backward
13 and sending them both crashing through a low glass
14 table. There was a heavy person on top of her
15 spreading her open thighs and another person
16 kneeling on her hair, hands pinned down her arms,
17 sharp shards digging into her back, and excited
18 male voices rising all around her. When yet
19 another hand clamped over her mouth, Jackie bit
20 it, and the hand became a fist that punched her in
21 the face. The men surrounding her began to laugh.
22 For a hopeful moment, Jackie wondered if this
23 wasn't some collegiate prank. Perhaps at any
24 second someone would flick on the lights, and they
25 would return to the party.

1 "Grab its mother-fucking leg," she heard
2 a voice say, and that's when Jackie knew she was
3 going to be raped. She remembers every moment of
4 the next three hours of agony, during which she
5 says seven men took turns raping her while two
6 more, her date, Drew, and another man, gave
7 instruction and encouragement.

8 Among my many questions, does Jackie
9 believe Drew -- that Drew totally set this up;
10 that he invited her to the party, invited her
11 upstairs knowing that all these guys would be
12 waiting and rape her?

13 MS. ERDELY: Yes, that is her feeling,
14 and it's part of the reason why she actually,
15 believe it or not, is plagued by self blame.
16 Because she feels -- you know, the two of them had
17 actually spent weeks getting to know each other.
18 They worked together as life guards at the
19 University pool. And she could never really
20 understand why he, this handsome junior, was
21 paying so much attention to her, this very naive
22 freshman, especially when -- I don't think this is
23 in the article, but she said that the other life
24 guards who worked on their shift were like these
25 model gorgeous blonds, and looking back on the

1 entire scenario, she was really kicking herself
2 and thinking like, well, why would he have chosen
3 me. Why -- you know, he was paying so much
4 attention to me, showing so much interest in
5 everything that I had to say, and all she could
6 think is that he was probably grooming her for
7 something like this and testing her for something
8 like this.

9 When he asked her out on this date, she
10 could not have been more thrilled. At University
11 of Virginia, she had already been told that, you
12 know, this is a very elite and very competitive
13 school where the kids are just so busy that she
14 had already been told that the kids there, they
15 tend not to date; they just hookup because they
16 don't have the time. So she had really thrown
17 herself into UVA life, and the idea that she had
18 been invited on this date just seemed like she was
19 just winning. You know, she was just crushing it
20 at college. Her first four weeks of college, she
21 said, were like -- it as like the best month of
22 her life.

23 MR. SMERCONISH: And no hint, no hint
24 when they are downstairs at the party, no hint in
25 any of the preamble to that particular night that,

1 I mean, that, that there could be multiple
2 partners? There's never any discussion of, of
3 anything that comes close to what transpired?

4 MS. ERDELY: None. You know something,
5 Drew actually took her -- he picked her up from
6 her dorm room like a gentleman. He took her to
7 dinner before taking her to the fraternity
8 party --

9 MR. SMERCONISH: And, and two weeks, and
10 two weeks later, this was stunning to me, two
11 weeks later they see each other at the UVA pool,
12 and he says, Hey, I want to thank you for the
13 other night. I had, I had a great time.

14 MS. ERDELY: Isn't that shocking?

15

16 (Program remarks)

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TRANSCRIPTION

OF

THE MICHAEL SMERCONISH PROGRAM

AUDIO FILE NAME :

ROLLING STONE WRITER - EVERYTHING ABOUT JACKIE
IS ENTIRELY CREDIBLE - 179606891

PARTICIPANTS :

Michael Smerconish

Sabrina Erdely

Job No. 28693

TRANSCRIBED BY: LORI A. BOEDING, CCR

1 (Program introduction)

2

3

MS. ERDELY: This may not be a great
4 criminal case, believe it or not. I mean, it
5 still is her word against other people's. And
6 so the idea -- she's very, she's very
7 (unintelligible) --

8

MR. SMERCONISH: No forensic evidence?
9 No, no bloody dress? You make reference to her
10 bleeding.

11

MS. ERDELY: It's not clear to me whether
12 she's held on to those things. There were no
13 pictures afterwards. There is a lot of sort of
14 circumstantial evidence. She told a lot of
15 people immediately afterwards and --

16

MR. SMERCONISH: Can she identify all
17 seven?

18

MS. ERDELY: I believe she can.

19

MR. SMERCONISH: And, and, finally,
20 because I have a healthy dose of cynicism about
21 all matters, so I bring it to a case like this
22 and everything else, as you were interviewing
23 her and interviewing all the people that you
24 did for the story, you, Sabrina, had to be
25 saying, hey, you know, does it pass the smell

1 test? I'm gleaning from you wrote and the
2 intonation of your voice that you buy it, you
3 believe it.

4 MS. ERDELY: Yes. I, I mean, at the end
5 of the day, you know, it's -- it is -- you
6 know, I wasn't in that room, you know, so I
7 can't, I can't really know what happened. But
8 everything about Jackie is entirely credible.
9 I put her story through the wringer. I talked
10 to all of her friends, all the people that she
11 confided in along the way. Her story is very
12 consistent. She has clearly been through a
13 tremendous trauma, and I don't doubt that
14 something happened to her that night.

15
16 (Programming remarks)

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TRANSCRIPTION

OF

THE MICHAEL SMERCONISH PROGRAM

AUDIO FILE NAME:

SHOCKING RESPONSE OF UVA STUDENT JACKIE
FRIENDS FOLLOWING ALLEGED 7-MEN GANG RAPE -
179769497

PARTICIPANTS:

Michael Smerconish

Sabrina Erdely

Job No. 28693

1 (Program introduction)

2

3 MR. SMERCONISH: I've been talking
4 extensively about that which you wrote, but, but I
5 don't want to take for granted that everybody
6 who's listening to us knows the story, so
7 hopefully we can just review a couple of the basic
8 outline points. Okay?

9 MS. ERDELY: Sure. Absolutely.

10 MR. SMERCONISH: You tell the story of
11 Jackie two years ago this fall -- I presume that
12 she's now a junior and still on the UVA campus.
13 Actually, I should ask that question. Is she
14 still there, as we speak?

15 MS. ERDELY: She is. She is.

16 I discovered a young woman named Jackie,
17 who is now a junior, and when she was -- she told
18 me that when she was a freshman, just a few weeks
19 into her freshman year, she had been brutally gang
20 raped at a fraternity, and that she had gone to
21 the University to report this gang rape and that
22 the University did nothing with this information.

23 MR. SMERCONISH: Is it fair to say she
24 didn't go and report it to the University until
25 the end of her freshman year where this happened

1 four weeks into her freshman year?

2 MS. ERDELY: That's right. It took her
3 some time -- it took her a long time to even tell
4 her own mother. And, in part, it was because of
5 the reaction -- I mean, not only was she
6 incredibly traumatized -- this is a gang rape by,
7 she says, seven men while two others watched, so
8 she was incredibly traumatized. But what was
9 really shocking was the reaction that Jackie got
10 from her fellow students when she confided in
11 them. She called some friends for help
12 immediately after the attack, and their reaction
13 was -- they told her not to report her rape,
14 because they told her that she was going to be
15 blackballed from the social scene for the next
16 four years. They told her, you're going to be the
17 girl who cried rape, and we're not going to get to
18 any other fraternity parties.

19 MR. SMERCONISH: And her friend Cindy
20 said quote-unquote, Why didn't you just have fun
21 with it, a bunch of hot Phi Psi guys?

22 MS. ERDELY: And, I mean, believe it or
23 not, that was the way she was treated. She was
24 told not to be such a baby. A couple of weeks
25 after the incident, she was being chastised for

1 still crying about it, and like you said, you
2 know, her friend, who I call Cindy said, you know,
3 why didn't you just enjoy it? Which is pretty
4 sick. You know, they were sort of making fun of
5 her about it.

6 What I came to discover is that that
7 story is actually very consistent with that of
8 other rape survivors at UVA, you know, who suffer
9 far less extreme, you know, rape situations, far
10 more typical rape. But no matter what the
11 situation, the students find themselves brushed
12 off. They are, you know, sort of dismissed and
13 told to just kind of get back to the party
14 culture, get back to their scene and just move on.

15 MR. SMERCONISH: Are those still her
16 friends now that she's a junior?

17 MS. ERDELY: No. They actually parted
18 ways fairly quickly because Jackie fell very
19 quickly into a depression that first semester and,
20 basically, barely left her dorm room. And so her
21 friends went on their merry way, that particular
22 group of friends.

23 You know how when you first go to
24 college and you become very tight with a group of
25 people at first, you know, and then sometimes,

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TRANSCRIPTION

OF

THE MICHAEL SMERCONISH PROGRAM

AUDIO FILE NAME:

SURPRISING RESPONSE FROM UVA DEAN TO
JACKIE'S SEXUAL ASSAULT CLAIM - 179770397

PARTICIPANTS:

Michael Smerconish

Sabrina Erdely

Job No. 28693

TRANSCRIBED BY: LORI A. BOEDING, CCR

1 (Program introduction)

2

3

4 MR. SMERCONISH: The Dean who handles
5 these sexual assaults has told Jackie,
6 quote-unquote, All the boys involved have
7 graduated.

8 But Jackie has seen at least one of them
9 on campus recently, true?

10 MS. ERDELY: Yes, that's right. She saw
11 him riding his bike through the campus, and, and
12 it was a, it was a strange thing for the Dean to
13 have said to Jackie, because as Jackie's friend
14 noted, she said, well, doesn't that mean that
15 Phi Psi is making some kind of admission that
16 something happened, you know, that -- because
17 Jackie has actually never, um, um -- you know, she
18 doesn't know -- she doesn't even know the
19 identities of some of these boys who attacked her.
20 She can identify them all visually, but she's
21 never -- she doesn't know what some of their names
22 are, so how would, how would the Dean even know --
23 I don't know. The whole, the whole response was
24 very strange, and it's all kind of, I think, very
25 consistent with the way that UVA has handled this

1 whole case, which is to try to keep it as quiet as
2 possible and to just sort of, you know, cover it
3 up and move on.

4 I mean, really, this is, this is an
5 attitude that radiates throughout the University
6 from the administration on down. It's almost not
7 surprising that the students have this kind of
8 attitude, because this is, this is just the way
9 everybody treats it. Not as a, not as a violent
10 crime, but as a, you know, misunderstanding, bad
11 behavior, party foul, you know, and something
12 that's best just to forget about it and move on.

13

14 (Programming remarks)

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EXHIBIT E

(Rolling Stone and UVA: The Columbia University Graduate School of Journalism Report: An anatomy of a journalistic failure)

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Rolling Stone and UVA: The Columbia University Graduate School of Journalism Report

An anatomy of a journalistic failure

■ BY SHEILA CORONEL, STEVE COLL, DEREK KRAVITZ | April 5, 2015



'A Rape on Campus'

What Went Wrong?

AROUND THE WEB



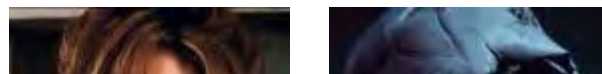
10 Greatest Banned TV Posters Of All Time



The 15 Most Utterly Reviled Bands Of The Last 30 Years

A NOTE FROM THE EDITOR: Last November, we

Some stories are just better to watch.
Follow us on YouTube.



when The Washington Post *uncovered details suggesting that the assault could not have taken place the way we described it, the truth of the story became a subject of national controversy.*

As we asked ourselves how we could have gotten the story wrong, we decided the only responsible and credible thing to do was to ask someone from outside the magazine to investigate any lapses in reporting, editing and fact-checking behind the story. We reached out to Steve Coll, dean of the Columbia School of Journalism, and a Pulitzer Prize-winning reporter himself, who accepted our offer. We agreed that we would cooperate fully, that he and his team could take as much time as they needed and write whatever they wanted. They would receive no payment, and we promised to publish their report in full. (A condensed version of the report will appear in the next issue of the magazine, out April 8th.)

This report was painful reading, to me personally and to all of us at Rolling Stone. It is also, in its own way, a fascinating document — a piece of journalism, as Coll describes it, about a failure of journalism. With its publication, we are officially retracting 'A Rape on Campus.' We are also committing ourselves to a series of recommendations about journalistic practices that are spelled out in the report. We would like to

...rs and Movies
...ney regret Making
Why Disney Thinks The
New 'Star Wars' Might
Bomb

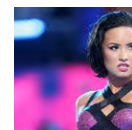
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FEATURED NEWS



FROM

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Real



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apologize to our readers and to all of those who were damaged by our story and the ensuing fallout, including members of the Phi Kappa Psi fraternity and UVA administrators and students. Sexual assault is a serious problem on college campuses, and it is important that rape victims feel comfortable stepping forward. It saddens us to think that their willingness to do so might be diminished by our failings.

Will Dana, Managing Editor

Last July 8, Sabrina Rubin Erdely, a writer for *Rolling Stone*, telephoned Emily Renda, a rape survivor working on sexual assault issues as a staff member at the University of Virginia. Erdely said she was searching for a single, emblematic college rape case that would show "what it's like to be on campus now ... where not only is rape so prevalent but also that there's this pervasive culture of sexual harassment/rape culture," according to Erdely's notes of the conversation.¹

Renda told Erdely that many assaults take place during parties where "the goal is to get everyone blackout drunk." She continued, "There may be a much darker side of this" at some fraternities. "One girl I worked with closely alleged she was gang-raped in the fall, before rush, and the men who perpetrated it were young guys who were not yet members of the fraternity, and she remembers one of them saying to another ... 'C'mon man, don't you want to be a brother?'"

Renda added, "And obviously, maybe her memory of it

People Think This Norwegian
Rapper Sounds JUST Like
Eminem



isn't perfect."

Erdely's notes set down her reply: "I tell her that it's totally plausible."

Renda put the writer in touch with a rising junior at UVA who would soon be known to millions of *Rolling Stone* readers as "Jackie," a shortened version of her true first name. Erdely said later that when she first encountered Jackie, she felt the student "had this stamp of credibility" because a university employee had connected them. Earlier that summer, Renda had even appeared before a Senate committee and had made reference to Jackie's allegations during **her testimony** – another apparent sign of the case's seriousness.

"I'd definitely be interested in sharing my story," Jackie wrote in an email a few days later.

On July 14, Erdely phoned her. Jackie launched into a vivid account of a monstrous crime. She said, according to Erdely's notes, that in September 2012, early in her freshman year, a third-year student she knew as a fellow lifeguard at the university's aquatic center had invited her to "my first fraternity party ever." After midnight, her date took her upstairs to a darkened bedroom. "I remember looking at the clock and it was 12:52 when we got into the room," she told Erdely. Her date shut the door behind them. Jackie continued, according to the writer's notes:

My eyes were adjusting to the dark. And I said his name and turned around. ... I heard voices and I started to scream and someone pummeled into me and

told me to shut up. And that's when I tripped and fell against the coffee table and it smashed underneath me and this other boy, who was throwing his weight on top of me. Then one of them grabbed my shoulders. ... One of them put his hand over my mouth and I bit him – and he straight-up punched me in the face. ... One of them said, 'Grab its motherfucking leg.' As soon as they said it, I knew they were going to rape me.

The rest of Jackie's account was equally precise and horrifying. The lifeguard coached seven boys as they raped her one by one. Erdely hung up the phone "sickened and shaken," she said. She remembered being "a bit incredulous" about the vividness of some of the details Jackie offered, such as the broken glass from the smashed table. Yet Jackie had been "confident, she was consistent." (Jackie declined to respond to questions for this report. Her lawyer said it "is in her best interest to remain silent at this time." The quotations attributed to Jackie here come from notes Erdely said she typed contemporaneously or from recorded interviews.)²

Between July and October 2014, Erdely said, she interviewed Jackie seven more times. The writer was based in Philadelphia and had been reporting for *Rolling Stone* since 2008. She specialized in true-crime stories like "**The Gangster Princess of Beverly Hills**," about a high-living Korean model and self-styled Samsung heiress accused of transporting 7,000 pounds of marijuana. She had written about pedophile priests and sexual assault in the military. Will Dana, the magazine's managing editor, considered her "a very thorough and persnickety reporter who's able to

navigate extremely difficult stories with a lot of different points of view."

Jackie proved to be a challenging source. At times, she did not respond to Erdely's calls, texts and emails. At two points, the reporter feared Jackie might withdraw her cooperation. Also, Jackie refused to provide Erdely the name of the lifeguard who had organized the attack on her. She said she was still afraid of him. That led to tense exchanges between Erdely and Jackie, but the confrontation ended when *Rolling Stone's* editors decided to go ahead without knowing the lifeguard's name or verifying his existence. After that concession, Jackie cooperated fully until publication.

Erdely believed firmly that Jackie's account was reliable. So did her editors and the story's fact-checker, who spent more than four hours on the telephone with Jackie, reviewing every detail of her experience. "She wasn't just answering, 'Yes, yes, yes,' she was correcting me," the checker said. "She was describing the scene for me in a very vivid way. ... I did not have doubt." (*Rolling Stone* requested that the checker not be named because she did not have decision-making authority.)

Rolling Stone published "A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA" on Nov. 19, 2014. It caused a great sensation. "I was shocked to have a story that was going to go viral in this way," Erdely said. "My phone was ringing off the hook." The online story ultimately attracted more than 2.7 million views, more than any other feature not about a celebrity that the magazine had ever published.

A week after publication, on the day before Thanksgiving, Erdely spoke with Jackie by phone. "She thanked me many times," Erdely said. Jackie seemed "adrenaline-charged ... feeling really good."

Erdely chose this moment to revisit the mystery of the lifeguard who had lured Jackie and overseen her assault. Jackie's unwillingness to name him continued to bother Erdely. Apparently, the man was still dangerous and at large. "This is not going to be published," the writer said, as she recalled. "Can you just tell me?"

Jackie gave Erdely a name. But as the reporter typed, her fingers stopped. Jackie was unsure how to spell the lifeguard's last name. Jackie speculated aloud about possible variations.

"An alarm bell went off in my head," Erdely said. How could Jackie not know the exact name of someone she said had carried out such a terrible crime against her – a man she professed to fear deeply?

Over the next few days, worried about the integrity of her story, the reporter investigated the name Jackie had provided, but she was unable to confirm that he worked at the pool, was a member of the fraternity Jackie had identified or had other connections to Jackie or her description of her assault. She discussed her concerns with her editors. Her work faced new pressures. The writer Richard Bradley had published early if speculative doubts about the plausibility of Jackie's account. Writers at Slate had challenged Erdely's reporting during a podcast interview. She also learned

that T. Rees Shapiro, a Washington Post reporter, was preparing a story based on interviews at the University of Virginia that would raise serious doubts about *Rolling Stone's* reporting.

Late on Dec. 4, Jackie texted Erdely, and the writer called back. It was by now after midnight. "We proceeded to have a conversation that led me to have serious doubts," Erdely said.

She telephoned her principal editor on the story, Sean Woods, and said she had now lost confidence in the accuracy of her published description of Jackie's assault. Woods, who had been an editor at *Rolling Stone* since 2004, "was just stunned," he said. He "raced into the office" to help decide what to do next. Later that day, the magazine published an editor's note that effectively retracted *Rolling Stone's* reporting on Jackie's allegations of gang rape at the University of Virginia. "It was the worst day of my professional life," Woods said.

Failure and Its Consequences

Rolling Stone's repudiation of the main narrative in "A Rape on Campus" is a story of journalistic failure that was avoidable. The failure encompassed reporting, editing, editorial supervision and fact-checking. The magazine set aside or rationalized as unnecessary essential practices of reporting that, if pursued, would likely have led the magazine's editors to reconsider publishing Jackie's narrative so prominently, if at all.

The published story glossed over the gaps in the magazine's reporting by using pseudonyms and by failing to state where important information had come from.

In late March, after a four-month investigation, the Charlottesville, Va., police department said that it had "exhausted all investigative leads" and had concluded, "There is no substantive basis to support the account alleged in the *Rolling Stone* article."³

The story's blowup comes as another shock to journalism's credibility amid head-swiveling change in the media industry. The particulars of *Rolling Stone's* failure make clear the need for a revitalized consensus in newsrooms old and new about what best journalistic practices entail, at an operating-manual-level of detail.

As at other once-robust print magazines and newspapers, *Rolling Stone's* editorial staff has shrunk in recent years as print advertising revenue has fallen and shifted online. The magazine's full-time editorial ranks, not including art or photo staff, have contracted by about 25 percent since 2008. Yet *Rolling Stone* continues to invest in professional fact-checkers and to fund time-consuming investigations like Erdely's. The magazine's records and interviews with participants show that the failure of "A Rape on Campus" was not due to a lack of resources. The problem was methodology, compounded by an environment where several journalists with decades of collective experience failed to surface and debate problems about their reporting or to heed the questions they did receive from a fact-checking colleague.

Erdely and her editors had hoped their investigation would sound an alarm about campus sexual assault and would challenge Virginia and other universities to do better. Instead, the magazine's failure may have spread the idea that many women invent rape allegations.

(Social scientists analyzing crime records report that **the rate of false rape allegations** is 2 to 8 percent.) At the University of Virginia, "It's going to be more difficult now to engage some people ... because they have a preconceived notion that women lie about sexual assault," said Alex Pinkleton, a UVA student and rape survivor who was one of Erdely's sources.

There has been other collateral damage. "It's completely tarnished our reputation," said Stephen Scipione, the chapter president of Phi Kappa Psi, the fraternity Jackie named as the site of her alleged assault. "It's completely destroyed a semester of our lives, specifically mine. It's put us in the worst position possible in our community here, in front of our peers and in the classroom."

The university has also suffered. *Rolling Stone's* account linked UVA's fraternity culture to a horrendous crime and portrayed the administration as neglectful. Some UVA administrators whose actions in and around Jackie's case were described in the story were depicted unflatteringly and, they say, falsely. Allen W. Groves, the University dean of students, and Nicole Eramo, an assistant dean of students, separately wrote to the authors of this report that the story's account of their actions was inaccurate.⁴

In retrospect, Dana, the managing editor, who has

worked at *Rolling Stone* since 1996, said the story's breakdown reflected both an "individual failure" and "procedural failure, an institutional failure. ... Every single person at every level of this thing had opportunities to pull the strings a little harder, to question things a little more deeply, and that was not done."

Yet the editors and Erdely have concluded that their main fault was to be too accommodating of Jackie because she described herself as the survivor of a terrible sexual assault. Social scientists, psychologists and trauma specialists who support rape survivors have impressed upon journalists the need to respect the autonomy of victims, to avoid re-traumatizing them and to understand that rape survivors are as reliable in their testimony as other crime victims. These insights clearly influenced Erdely, Woods and Dana.

"Ultimately, we were too deferential to our rape victim; we honored too many of her requests in our reporting," Woods said. "We should have been much tougher, and in not doing that, we maybe did her a disservice."

Erdely added: "If this story was going to be about Jackie, I can't think of many things that we would have been able to do differently. ... Maybe the discussion should not have been so much about how to accommodate her but should have been about whether she would be in this story at all." Erdely's reporting led her to other, adjudicated cases of rape at the university that could have illustrated her narrative, although none was as shocking and dramatic as Jackie's.

Yet the explanation that *Rolling Stone* failed because it

deferred to a victim cannot adequately account for what went wrong. Erdely's reporting records and interviews with participants make clear that the magazine did not pursue important reporting paths even when Jackie had made no request that they refrain. The editors made judgments about attribution, fact-checking and verification that greatly increased their risks of error but had little or nothing to do with protecting Jackie's position.

It would be unfortunate if *Rolling Stone's* failure were to deter journalists from taking on high-risk investigations of rape in which powerful individuals or institutions may wish to avoid scrutiny but where the facts may be underdeveloped. There is clearly a need for a more considered understanding and debate among journalists and others about the best practices for reporting on rape survivors, as well as on sexual assault allegations that have not been adjudicated. This report will suggest ways forward. It will also seek to clarify, however, why *Rolling Stone's* failure with "A Rape on Campus" need not have happened, even accounting for the magazine's sensitivity to Jackie's position. That is mainly a story about reporting and editing.

'How Else Do You Suggest I Find It Out?'

By the time *Rolling Stone's* editors assigned an article on campus sexual assault to Erdely in the spring of 2014, high-profile rape cases at **Yale, Harvard, Columbia, Vanderbilt** and **Florida State** had been in the headlines for months. The Office of Civil Rights at the

federal Department of Education was leaning on colleges to reassess and improve their policies. Across the country, college administrators had to adjust to stricter federal oversight as well as to a new generation of student activists, including women who declared openly that they had been raped at school and had not received justice.

There were numerous reports of campus assault that had been mishandled by universities. At Columbia, an aggrieved student dragged a mattress around campus to call attention to her account of assault and injustice. The facts in these cases were sometimes disputed, but they had generated a wave of campus activism. "My original idea," Dana said, was "to look at one of these cases and have the story be more about the process of what happens when an assault is reported and the sort of issues it brings up."

Jackie's story seemed a powerful candidate for such a narrative. Yet once she heard the story, Erdely struggled to decide how much she could independently verify the details Jackie provided without jeopardizing Jackie's cooperation. In the end, the reporter relied heavily on Jackie for help in getting access to corroborating evidence and interviews. Erdely asked Jackie for introductions to friends and family. She asked for text messages to confirm parts of Jackie's account, for records from Jackie's employment at the aquatic center and for health records. She even asked to examine the bloodstained red dress Jackie said she had worn on the night she said she was attacked.

Jackie gave the reporter some help. She provided emails

from a pool supervisor as evidence of her employment there. She introduced Erdely to Rachel Soltis, a freshman-year suitemate. Soltis confirmed that in January 2013, four months after the alleged attack, Jackie had told her that she had been gang-raped.

Yet Jackie could also be hard to pin down. Other interviews Jackie said she would facilitate never materialized. "I felt frustrated, but I didn't think she didn't want to produce" corroboration, Erdely said. Eventually, Jackie told Erdely that her mother had thrown away the red dress. She also said that her mother would be willing to talk to Erdely, but the reporter said that when she called and left messages several times, the mother did not respond.

There were a number of ways that Erdely might have reported further, on her own, to verify what Jackie had told her. Jackie told the writer that one of her rapists had been part of a small discussion group in her anthropology class. Erdely might have tried to verify independently that there was such a group and to identify the young man Jackie described. She might have examined Phi Kappa Psi's social media for members she could interview and for evidence of a party on the night Jackie described. Erdely might have looked for students who worked at the aquatic center and sought out clues about the lifeguard Jackie had described. Any one of these and other similar reporting paths might have led to discoveries that would have caused *Rolling Stone* to reconsider its plans. But three failures of reporting effort stand out. They involve basic, even routine journalistic practice – not special investigative effort. And if these reporting pathways

had been followed, *Rolling Stone* very likely would have avoided trouble.

Three friends and a 'shit show'

During their first interview, Jackie told Erdely that after she escaped the fraternity where seven men, egged on by her date, had raped her, she called three friends for help.

She described the two young men and one woman – now former friends, she told Erdely – as Ryan, Alex and Kathryn. She gave first names only, according to Erdely's notes. She said they met her in the early hours of Sept. 29, 2012, on the campus grounds. Jackie said she was "crying and crying" at first and that all she could communicate was that "something bad" had happened. She said her friends understood that she had been sexually assaulted. (In interviews for this report, Ryan and Alex said that Jackie told them that she had been forced to perform oral sex on multiple men.) In Jackie's account to Erdely, Ryan urged her to go to the university women's center or a hospital for treatment. But Alex and Kathryn worried that if she reported a rape, their social lives would be affected. "She's going to be the girl who cried 'rape' and we'll never be allowed into any frat party again," Jackie recalled Kathryn saying.

Jackie spoke of Ryan sympathetically, but the scene she painted for *Rolling Stone's* writer was unflattering to all three former friends. Journalistic practice – and basic fairness – require that if a reporter intends to publish derogatory information about anyone, he or she should

seek that person's side of the story.

Erdely said that while visiting UVA, she did ask Alex Pinkleton, a student and assault survivor, for help in identifying or contacting the three. (Pinkleton was not the "Alex" to whom Jackie referred in her account.) But Pinkleton said she would need to ask Jackie for permission to assist the writer. Erdely did not follow up with her. It should have been possible for Erdely to identify the trio independently. Facebook friend listings might have shown the names. Or, Erdely could have asked other current students, besides Pinkleton, to help.

Instead, Erdely relied on Jackie. On July 29, she asked Jackie for help in speaking to Ryan, "about corroborating that night, just a second voice?" Jackie answered, according to the writer's notes, that while "Ryan may be awkward, I don't understand why he wouldn't." But Jackie did not respond to follow-up messages Erdely left.

On Sept. 11, Erdely traveled to Charlottesville and met Jackie in person for the first time, at a restaurant near the UVA campus. With her digital recorder running, the reporter again asked about speaking to Ryan. "I did talk to Ryan," Jackie disclosed. She said she had bumped into him and had asked if he would be interested in talking to *Rolling Stone*. Jackie went on to quote Ryan's incredulous reaction: "No! ... I'm in a fraternity here, Jackie, I don't want the Greek system to go down, and it seems like that's what you want to happen. ... I don't want to be a part of whatever little shit show you're running."

"Ryan is obviously out," Erdely told Jackie a little later.

Yet Jackie never requested – then or later – that *Rolling Stone* refrain from contacting Ryan, Kathryn or Alex independently. "I wouldn't say it was an obligation" to Jackie, Erdely said later. She worried, instead, that if "I work round Jackie, am I going to drive her from the process?" Jackie could be hard to get hold of, which made Erdely worry that her cooperation remained tentative. Yet Jackie never said that she would withdraw if Erdely sought out Ryan or conducted other independent reporting.

"They were always on my list of people" to track down, Erdely said of the three. However, she grew busy reporting on UVA's response to Jackie's case, she said. She doesn't remember having a distinct conversation about this issue with Woods, her editor. "We just kind of agreed. ... We just gotta leave it alone." Woods, however, recalled more than one conversation with Erdely about this. When Erdely said she had exhausted all the avenues for finding the friends, he said he agreed to let it go.

If Erdely had reached Ryan Duffin – his true name – he would have said that he had never told Jackie that he would not participate in *Rolling Stone's* "shit show," Duffin said in an interview for this report. The entire conversation with Ryan that Jackie described to Erdely "never happened," he said. Jackie had never tried to contact him about cooperating with *Rolling Stone*. He hadn't seen Jackie or communicated with her since the previous April, he said.

If Erdely had learned Ryan's account that Jackie had fabricated their conversation, she would have changed course immediately, to research other UVA rape cases free of such contradictions, she said later.

If Erdely had called Kathryn Hendley and Alex Stock – their true names – to check their sides of Jackie's account of Sept. 28 and 29, they would have denied saying any of the words Jackie attributed to them (as Ryan would have as well). They would have described for Erdely a history of communications with Jackie that would have left the reporter with many new questions. For example, the friends said that Jackie told them that her date on Sept. 28 was not a lifeguard but a student in her chemistry class named Haven Monahan. (The Charlottesville police said in March they could not identify a UVA student or any other person named Haven Monahan.) All three friends would have spoken to Erdely, they said, if they had been contacted.

The episode reaffirms a truism of reporting: Checking derogatory information with subjects is a matter of fairness, but it can also produce surprising new facts.

'Can you comment?'

Throughout her reporting, Erdely told Jackie and others that she wanted to publish the name of the fraternity where Jackie said she had been raped. Erdely felt Jackie "was secure" about the name of the fraternity: Phi Kappa Psi.

Last October, as she was finishing her story, Erdely emailed Stephen Scipione, Phi Kappa Psi's local

chapter president. "I've become aware of allegations of gang rape that have been made against the UVA chapter of Phi Kappa Psi," Erdely wrote. "Can you comment on those allegations?"

It was a decidedly truncated version of the facts that Erdely believed she had in hand. She did not reveal Jackie's account of the date of the attack. She did not reveal that Jackie said Phi Kappa Psi had hosted a "date function" that night, that prospective pledges were present or that the man who allegedly orchestrated the attack was a Phi Kappa Psi member who was also a lifeguard at the university aquatic center. Jackie had made no request that she refrain from providing such details to the fraternity.

The university's administration had recently informed Phi Kappa Psi that it had received an account of a sexual assault at the fraternity that had reportedly taken place in September 2012. Erdely knew that the fraternity had received a briefing from UVA but did not know its specific contents. In fact, in this briefing, Scipione said in a recent interview, UVA provided a mid-September date as the night of the assault – not Sept. 28. And the briefing did not contain the details that Jackie had provided Erdely. The university said only that according to the account it had received, a freshman woman had been drinking at a party, had gone upstairs and had been forced to have oral sex with multiple men.

On Oct. 15, Scipione replied to Erdely's request for comment. He had learned, he wrote to her by email, "that an individual who remains unidentified had

supposedly reported to someone who supposedly reported to the University that during a party there was a sexual assault." He added, "Even though this allegation is fourth hand and there are no details and no named accuser, the leadership and fraternity as a whole have taken this very seriously."

Erdely next telephoned Shawn Collinsworth, then Phi Kappa Psi's national executive director. Collinsworth volunteered a summary of what UVA had passed on to the fraternity's leaders: that there were allegations of "gang rape during Phi Psi parties" and that one assault "took place in September 2012."

Erdely asked him, according to her notes, "Can you comment?"

If Erdely had provided Scipione and Collinsworth the full details she possessed instead of asking simply for "comment," the fraternity might have investigated the facts she presented. After *Rolling Stone* published, Phi Kappa Psi said it did just that. Scipione said in an interview that a review of the fraternity's social media archives and bank records showed that the fraternity had held no date function or other party on the night Jackie said she was raped. A comparison of fraternity membership rolls with aquatic center employment records showed that it had no members who worked as lifeguards, Scipione added.

Erdely said Scipione had seemed "really vague," so she focused on getting a reply from Collinsworth. "I felt that I gave him a full opportunity to respond," she said. "I felt very strongly that he already knew what the

allegations were because they'd been told by UVA." As it turned out, however, the version of the attack provided to Phi Kappa Psi was quite different from and less detailed than the one Jackie had provided to Erdely.

Scipione said that *Rolling Stone* did not provide the detailed information the fraternity required to respond properly to the allegations. "It was complete bullshit," he said. "They weren't telling me what they were going to write about. They weren't telling me any dates or details." Collinsworth said that he was also not provided the details of the attack that ultimately appeared in *Rolling Stone*.

There are cases where reporters may choose to withhold some details of what they plan to write while seeking verification for fear that the subject might "front run" by rushing out a favorably spun version pre-emptively. There are sophisticated journalistic subjects in politics and business that sometimes burn reporters in this way. Even so, it is risky for a journalist to withhold detailed derogatory information from any subject before publication. Here, there was no apparent need to fear "front-running" by Phi Kappa Psi.

Even if *Rolling Stone* did not trust Phi Kappa Psi's motivations, if it had given the fraternity a chance to review the allegations in detail, the factual discrepancies the fraternity would likely have reported might have led Erdely and her editors to try to verify Jackie's account more thoroughly.

The mystery of "Drew"

In her interviews, Jackie freely used a first name – but no last name – of the lifeguard she said had orchestrated her rape. On Sept. 16, for the first time, Erdely raised the possibility of tracking this man down.

"Any idea what he's up to now?" Erdely asked, according to her notes.

"No, I just know he's graduated. I've blocked him on Facebook," Jackie replied. "One of my friends looked him up – she wanted to see him so she could recognize and kill him," Jackie said, laughing. "I couldn't even look at his Facebook page."

"How would you feel if I reached out to him for a comment?" Erdely asked, the notes record.

"I'm not sure I would be comfortable with that."

That exchange inaugurated a six-week struggle between Erdely and Jackie. For a while, it seemed to Erdely as if the stalemate might lead Jackie to withdraw from cooperation altogether.

On Oct. 20, Erdely asked again for the man's last name.

"I'm not going to use his name in the article, but I have to do my due diligence anyway," Erdely told Jackie, according to the writer's notes. "I imagine he's going to say nothing, but it's something I need to do."

"I don't want to give his last name," Jackie replied. "I don't even want to get him involved in this. ... He completely terrifies me. I've never been so scared of a

person in my entire life, and I've never wanted to tell anybody his last name. ... I guess part of me was thinking that he'd never even know about the article."

"Of course he's going to know about the article," Erdely said. "He's going to read it. He probably knows about the article already."

Jackie sounded shocked, according to Erdely's notes. "I don't want to be the one to give you the name," Jackie said.

"How else do you suggest I find it out?"

"I guess you could ask Phi Psi for their list," Jackie suggested.

After this conversation, Jackie stopped responding to Erdely's calls and messages. "There was a point in which she disappeared for about two weeks," Erdely said, "and we became very concerned" about Jackie's well-being. "Her behavior seemed consistent with a victim of trauma."

Yet Jackie made no demand that *Rolling Stone* not try to identify the lifeguard independently. She even suggested a way to do so – by checking the fraternity's roster. Nor did she condition her participation in the story on Erdely agreeing not to try to identify the lifeguard.

Erdely did try to identify the man on her own. She asked Jackie's friends if they could help. They demurred. She searched online to see if the clues she

had would produce a full name. This turned up nothing definitive. "She was very aggressive about contacting" the lifeguard, said Pinkleton, one of the students Erdely asked for assistance.

With the benefit of hindsight, to succeed, Erdely probably would have had to persuade students to access the aquatic center's employment records, to find possible name matches. That might have taken time and luck.

By October's end, with the story scheduled for closing in just two weeks, Jackie was still refusing to answer Erdely's texts and voicemails. Finally, on Nov. 3, after consulting with her editors, Erdely left a message for Jackie proposing to her a "solution" that would allow *Rolling Stone* to avoid contacting the lifeguard after all. The magazine would use a pseudonym; "Drew" was eventually chosen.

After Erdely left this capitulating voicemail, Jackie called back quickly. According to Erdely, she now chatted freely about the lifeguard, still without using his last name. From that point on, through the story's publication, Jackie cooperated.

In December, Jackie told The Washington Post in an interview that after several interviews with Erdely, she had asked to be removed from the story, but that Erdely had refused. Jackie told the Post she later agreed to participate on condition that she be allowed to fact-check parts of her story. Erdely said in an interview for this report that she was completely surprised by Jackie's statements to the Post and that Jackie never

told her she wanted to withdraw from the story. There is no evidence of such an exchange between Jackie and Erdely in the materials Erdely submitted to *Rolling Stone*.

There was, in fact, an aquatic center lifeguard who had worked at the pool at the same time as Jackie and had the first name she had used freely with Erdely. He was not a member of Phi Kappa Psi, however. The police interviewed him and examined his personal records. They found no evidence to link him to Jackie's assault.

If *Rolling Stone* had located him and heard his response to Jackie's allegations, including the verifiable fact that he did not belong to Phi Kappa Psi, this might have led Erdely to reconsider her focus on that case. In any event, *Rolling Stone* stopped looking for him.

'What Are They Hiding?'

"A Rape on Campus" had ambitions beyond recounting one woman's assault. It was intended as an investigation of how colleges deal with sexual violence. The assignment was timely. The systems colleges have put in place to deal with sexual misconduct have come under intense scrutiny. These systems are works in progress, entangled in changing and sometimes contradictory federal rules that seek at once to keep students safe, hold perpetrators to account and protect every student's privacy.

The legal issues date to 1977, when five female students

sued Yale University, arguing that they had been sexually harassed. The students invoked Title IX of the Education Amendments of 1972, a federal law that bans gender discrimination in education. They lost their case, but their argument – that sexual harassment and violence on campus threatened women's access to education – prevailed over time. By the mid-1980s, hundreds of colleges had adopted procedures to manage sexual misconduct, from stalking to rape. If universities failed to do so adequately, they could lose federal funding.

In late 2009, the Center for Public Integrity began to publish a series of articles that helped inspire even stricter federal guidelines. The articles bared problems with the first generation of campus response: botched investigations by untrained staff members; adjudication processes shrouded in secrecy; and sanctions so lacking that they sometimes allowed rapists, including repeat offenders, to remain on campus while their victims fled school.

The Obama administration took up the cause. It pressured colleges to adopt more rigorous systems, and it required a lower threshold of guilt to convict a student before school tribunals. The new pressure caused confusion, however, and, in some cases, charges of injustice. Last October, a group of Harvard Law School professors wrote that its university's revised sexual misconduct policy was "jettisoning balance and fairness in the rush to appease certain federal administrative officials."

Erdely's choice of the University of Virginia as a case

study was well timed. The week she visited campus, an 18-year-old UVA sophomore **went missing** and was later found to have been abducted and killed. The university had by then endured a number of highly visible sexual assault cases. The Department of Education's Office of Civil Rights had placed the school, along with 54 others, under a **broad compliance review**.

"The overarching point of the article," Erdely wrote in response to questions from The Washington Post last December, was not Jackie, but "the culture that greeted her and so many other UVA women I interviewed, who came forward with allegations, only to be met with indifference."

Erdely saw her reporting about UVA as an examination, she said in an interview for this report, of "the way colleges handle these types of things." Jackie "was just the most dramatic example."

'A chilling effect'

After she heard Jackie's shocking story, Erdely zeroed in on the obligation of universities under federal law to issue timely warnings when there is a "serious or continuing" threat to student safety. Erdely understood from Jackie that eight months after the alleged assault, she had reported to UVA about being gang-raped at the Phi Kappa Psi house on campus grounds, in what appeared to be a hazing ritual. The university, *Rolling Stone* reported in its published story, was remiss in not warning its students about this apparently predatory fraternity.

According to the Charlottesville police, Jackie did meet with assistant dean of students Nicole Eramo on May 20, 2013. During that meeting, Jackie described her assault differently than she did later for Erdely, the police said, declining to provide details. According to members of the UVA community knowledgeable about the case, who asked not to be identified in order to speak about confidential university matters, Jackie recounted to Eramo the same story she had told her friends on the night of Sept. 28: She was forced to have oral sex with several men while at a fraternity party. Jackie did not name the fraternity where the assault occurred or provide names or details about her attackers, the sources said. No mention was made of hazing. (Citing student privacy and ongoing investigations, the UVA administration, through its communications office, declined to answer questions about the case.)

Over the years, the Department of Education has issued [guidelines](#) that stress victim confidentiality and autonomy. This means survivors decide whether to report and what assistance they would like. "If she did not identify any individual or Greek organization by name, the university was very, very limited in what it can do," said S. Daniel Carter, a campus safety advocate and director of the nonprofit 32 National Campus Safety Initiative.

As *Rolling Stone* reported, at their May 2013 meeting, Eramo presented Jackie her options: reporting the assault to the police or to the university's Sexual Misconduct Board. The dean also offered counseling and other services. She checked with Jackie in

succeeding weeks to see whether she wanted to take action. She introduced Jackie to **One Less**, a student group made up of sexual assault survivors and their advocates.

The university did not issue a warning at this point because Jackie did not file a formal complaint and her account did not include the names of assailants or a specific fraternity, according to the UVA sources. It also made no mention of hazing.

Between that time and April 2014, the university received no further information about Jackie's case, according to the police and UVA sources.

On April 21, 2014, Jackie again met with Eramo, according to the police. She told the dean that she was now coming under pressure for her visible activism on campus with assault prevention groups such as Take Back the Night, according to the UVA sources. Three weeks earlier, she said, she had been hit in the face by a bottle thrown by hecklers outside a Charlottesville bar. She also added a new piece of information to her earlier account of the gang rape she had endured. She named Phi Kappa Psi as the fraternity where the assault had taken place, the police said later. Moreover, she mentioned to Eramo two other students who she said had been raped at that fraternity. But she did not reveal the names of these women or any details about their assaults.

When there is credible information about multiple acts of sexual violence by the same perpetrator that may put students at risk, Department of Education guidelines

indicate the university should take action even when no formal complaint has been filed. The school should also consider whether to issue a public safety warning. Once more, the University of Virginia did not issue a warning. Whether the administration should have done so, given the information it then possessed, is a question under review by the University of Virginia's governing Board of Visitors, aided by fact-finding and analysis by the law firm O'Melveny & Myers. (On March 30, UVA updated its sexual assault policy to include more clearly defined procedures for assessing threats and issuing timely warnings.)

The day after her meeting with the dean, Jackie met with Charlottesville and UVA police in a meeting arranged by Eramo. Jackie reported both the bottle-throwing incident and her assault at the Phi Kappa Psi house. The police later said that she declined to provide details about the gang rape because "[s]he feared retaliation from the fraternity if she followed through with a criminal investigation." The police also said they found significant discrepancies in Jackie's account of the day she said she was struck by the bottle.

That summer, Erdely began interviewing multiple UVA assault survivors. University officials still hoped that Jackie and the two other victims she had mentioned would file formal charges, the UVA sources said. Erdely knew this: On July 14, Emily Renda, who had graduated in May and taken a job in the university's student affairs office, told the reporter that it might be unwise for *Rolling Stone* to name Phi Kappa Psi in its story because "there are two other women who have not come forward fully yet, and we are trying to

persuade them to get punitive action against the fraternity." Renda wrote later in an email for this report that she had tried to dissuade the writer "because of due process concerns and the way in which publicly accusing a fraternity might both prevent any future justice, but also infringe on their rights." Renda's warning to Erdely – a notice from a UVA employee that Phi Kappa Psi was under university scrutiny over allegations made by Jackie and two others – added to the impression that UVA regarded Jackie's narrative as reliable.

As it turned out, however, all of the information that the reporter, Renda and UVA possessed about the two other reported victims, in addition to Jackie, came only from Jackie. One of the women filed an anonymous report through the UVA online system – Jackie told Erdely she was there when the student pressed the "send" button – but neither of the women has been heard from since.

'I'm afraid it may look like we're trying to hide something'

In early September, Erdely asked to interview Eramo. The request created a dilemma for UVA. Universities must comply with a **scaffold of federal laws** that limit what they can make public about their students. The most important of these is the Family Educational Rights and Privacy Act, or **FERPA**, which protects student privacy and can make it difficult for university staff members to release records or answer questions about any enrollee.

Eramo was willing to talk if she wasn't asked about specific cases, but about hypothetical situations, as Erdely had cleverly suggested as a way around student privacy limitations.

"Since [Erdely] was referred to me by the students she interviewed, I'm afraid it may look like we are trying to hide something for me not to speak with her," Eramo said in an email to the UVA communications staff, recently released in response to a Freedom of Information Act request.

The communications office endorsed the interview, but Vice President for Student Life Patricia Lampkin vetoed the idea. "This is not reflective of Nicole," she wrote in an email, "but of the issue and how reporters turn the issue." Asked to clarify that statement for this review, Lampkin said she felt that given FERPA restrictions, there was nothing Eramo could say in an interview that would give Erdely "a full and balanced view of the situation."

The distrust was mutual. "I had actually gone to campus thinking that they were going to be very helpful," Erdely said. Now she felt she was being stonewalled. Among other things, she said Jackie and Alex Pinkleton told her that after *Rolling Stone* started asking questions on campus, UVA administrators contacted Phi Kappa Psi for the first time about the allegations of sexual assault at the fraternity house.

To Erdely, UVA looked as if it was in damage control mode. "So I think that instead of being skeptical of Jackie," she said, "I became skeptical of UVA. ...

What are they hiding and why are they acting this way?"

It is true that UVA did not get in touch with Phi Kappa Psi until Erdely showed up on campus. University sources offered an explanation. They said that administrators had contemplated suspending the fraternity's charter, but that would mean no university oversight over Phi Kappa Psi. They had also put off contacting the fraternity in the summer in the hope that Jackie and the other alleged victims would file charges. That hadn't happened, so they decided to act, even before Erdely started asking questions, these sources said. (At the time of the writing of this report, the university had released no documentary evidence to support the decision-making sequence these sources described.) In any event, there was reason for *Rolling Stone* to be skeptical. UVA's history of managing sexual misconduct is checkered, as Erdely illustrated in other cases she reported on.

On Oct. 2, Erdely interviewed UVA President Teresa Sullivan. The reporter asked probing questions that revealed the gap between the number of assault cases that the university reported publicly and the cases that had been brought to the university's attention internally. Erdely described the light sanctions imposed on students found guilty of sexual misconduct. She asked about allegations of gang rapes at Phi Kappa Psi. Sullivan said that a fraternity was under investigation but declined to comment further about specific cases.

Following the recent announcement by the Charlottesville police that they could find no basis for

Rolling Stone's account of Jackie's assault, Sullivan issued a statement. "The investigation confirms what federal privacy law prohibited the university from sharing last fall: That the university provided support and care to a student in need, including assistance in reporting potential criminal conduct to law enforcement," she said.

Erdely concluded that UVA had not done enough.

"Having presumably judged there to be no threat," she wrote in her published story, UVA "took no action to warn the campus that an allegation of gang rape had been made against an active fraternity." Overall, she wrote, "rapes are kept quiet" at UVA in part because of "an administration that critics say is less concerned with protecting students than it is with protecting its own reputation from scandal."

During the six months she worked on the story, Erdely concentrated her reporting on the perspectives of victims of sexual violence at the University of Virginia and other campuses. She was moved by their experiences and their diverse frustrations. Her access to the perspectives of UVA administrators was much more limited, in part because some of them were not permitted to speak with her but also because Erdely came to see them as obstacles to her reporting.

In the view of some of Erdely's sources, the portrait she created was unfair and mistaken. "The university's response is not, 'We don't care,' " said Pinkleton, Jackie's confidante and a member of One Less. "When I reported my own assault, they immediately started giving me resources."

For her part, Eramo rejects the article's suggestion that UVA places its own reputation above protecting students. In an email provided by her lawyers, the dean wrote that the article falsely attributes to her statements she never made (to Jackie or otherwise) and that it "trivializes the complexities of providing trauma-informed support to survivors and the real difficulties inherent in balancing respect for the wishes of survivors while also providing for the safety of our communities."

"UVA does have plenty of room to grow in regard to prevention and response, as most if not all, colleges do," said Sara Surface, a junior who co-chairs UVA's Sexual Violence Prevention Coalition. She added, "The administrators and staff that work directly with and advocate for survivors are not more interested in the college's reputation over the well-being of its students."

The Editing: 'I Wish Somebody Had Pushed Me Harder'

Sean Woods, Erdely's primary editor, might have prevented the effective retraction of Jackie's account by pressing his writer to close the gaps in her reporting. He started his career in music journalism but had been editing complex reported features at *Rolling Stone* for years. Investigative reporters working on difficult, emotive or contentious stories often have blind spots. It is up to their editors to insist on more phone calls, more travel, more time, until the reporting is complete. Woods did not do enough.

Rolling Stone publisher Jann Wenner said he typically reads about half of the stories in each issue before publication. He read a draft of Erdely's narrative and found Jackie's case "extremely strong, powerful, provocative. ... I thought we had something really good there." But Wenner leaves the detailed editorial supervision to managing editor Will Dana, who has been at the magazine for almost two decades. Dana might have looked more deeply into the story drafts he read, spotted the reporting gaps and insisted that they be fixed. He did not. "It's on me," Dana said. "I'm responsible."

In hindsight, the most consequential decision *Rolling Stone* made was to accept that Erdely had not contacted the three friends who spoke with Jackie on the night she said she was raped. That was the reporting path, if taken, that would have almost certainly led the magazine's editors to change plans.

Erdely said that as she was preparing to write her first draft, she talked with Woods about the three friends. "Sean advised me that for now we should just put this aside," she said. "He actually suggested that I change their names for now." Woods said that he intended this decision to be temporary, pending further reporting and review.

Erdely used pseudonyms in her first draft: "Randall," "Cindy" and "Andrew." She relied solely on Jackie's information and wrote vividly about how the three friends had reacted after finding Jackie shaken and weeping in the first hours of Sept. 29:

The group looked at each other in a panic. They all knew about Jackie's date that evening at Phi Kappa Psi, the house looming behind them. "We have got to get her to the hospital," Randall declared. The other two friends, however, weren't convinced. "Is that such a good idea?" countered Cindy. ... "Her reputation will be shot for the next four years." Andrew seconded the opinion. The three friends launched into a heated discussion about the social price of reporting Jackie's rape, while Jackie stood behind them, mute in her bloody dress.

Erdely inserted a note in her draft, in bold type: "she says – all her POV" – to indicate to her editors that the dialogue had come only from Jackie.

"In retrospect, I wish somebody had pushed me harder" about reaching out to the three for their versions, Erdely said. "I guess maybe I was surprised that nobody said, 'Why haven't you called them?' But nobody did, and I wasn't going to press that issue." Of course, just because an editor does not ask a reporter to check derogatory information with a subject, that does not absolve the reporter of responsibility.

Woods remembered the sequence differently. After he read the first draft, he said, "I asked Sabrina to go reach" the three friends. "She said she couldn't. ... I did repeatedly ask, 'Can we reach these people? Can we?' And I was told no." He accepted this because "I felt we had enough." The documentary evidence provided by *Rolling Stone* sheds no light on whose recollection -- Erdely's or Wood's – is correct.

Woods said he ultimately approved pseudonyms because he didn't want to embarrass the three students by having Jackie's account of their self-involved patter out there for all their friends and classmates to see. "I wanted to protect them," he said.

For his part, Dana said he did not recall talking with Woods or Erdely about the three friends at all.

'We need to verify this'

None of the editors discussed with Erdely whether Phi Kappa Psi or UVA, while being asked for "comment," had been given enough detail about Jackie's narrative to point out holes or contradictions. Erdely never raised the subject with her editors.

As to "Drew," the lifeguard, Dana said he was not even aware that *Rolling Stone* did not know the man's full name and had not confirmed his existence. Nor was he told that "we'd made any kind of agreement with Jackie to not try to track this person down."

As noted, there was no such explicit compact between Erdely and Jackie, according to Erdely's records. Jackie requested Erdely not to contact the lifeguard, but there was no agreement.

"Can you call the pool? Can you call the frat? Can you look at yearbooks?" Woods recalled asking Erdely after he read the first draft. "If you've got to go around Jackie, fine, but we need to verify this," meaning Drew's identity. He remembered having this discussion "at least three times."

But when Jackie became unresponsive to Erdely in late October, Woods and Dana gave in. They authorized Erdely to tell Jackie they would stop trying to find the lifeguard. Woods resolved the issue as he had done earlier with the three friends: by using a pseudonym in the story.

'I had a faith'

It is not possible in journalism to reach every source a reporter or editor might wish. A solution is to be transparent with readers about what is known or unknown at the time of publication.

There is a tension in magazine and narrative editing between crafting a readable story – a story that flows – and providing clear attribution of quotations and facts. It can be clunky and disruptive to write "she said" over and over. There should be room in magazine journalism for diverse narrative voicing – if the underlying reporting is solid. But the most egregious failures of transparency in "A Rape on Campus" cannot be chalked up to writing style. They obfuscated important problems with the story's reporting.

-- *Rolling Stone's* editors did not make clear to readers that Erdely and her editors did not know "Drew's" true name, had not talked to him and had been unable to verify that he existed. That was fundamental to readers' understanding. In one draft of the story, Erdely did include a disclosure. She wrote that Jackie "refuses to divulge [Drew's] full name to RS," because she is "gripped by fears she can barely

articulate." Woods cut that passage as he was editing. He "debated adding it back in" but "ultimately chose not to."

-- Woods allowed the "shit show" quote from "Randall" into the story without making it clear that Erdely had not gotten it from him but from Jackie. "I made that call," Woods said. Not only did this mislead readers about the quote's origins, it also compounded the false impression that *Rolling Stone* knew who "Randall" was and had sought his and the other friends' side of the story.

The editors invested *Rolling Stone's* reputation in a single source. "Sabrina's a writer I've worked with for so long, have so much faith in, that I really trusted her judgment in finding Jackie credible," Woods said. "I asked her a lot about that, and she always said she found her completely credible."

Woods and Erdely knew Jackie had spoken about her assault with other activists on campus, with at least one suitemate and to UVA. They could not imagine that Jackie would invent such a story. Woods said he and Erdely "both came to the decision that this person was telling the truth." They saw her as a "whistle blower" who was fighting indifference and inertia at the university.

The problem of confirmation bias – the tendency of people to be trapped by pre-existing assumptions and to select facts that support their own views while overlooking contradictory ones – is a well-established finding of social science. It seems to have been a factor

here. Erdely believed the university was obstructing justice. She felt she had been blocked. Like many other universities, UVA had a flawed record of managing sexual assault cases. Jackie's experience seemed to confirm this larger pattern. Her story seemed well established on campus, repeated and accepted.

"If I had been informed ahead of time of one problem or discrepancy with her overall story, we would have acted upon that very aggressively," Dana said. "There were plenty of other stories we could have told in this piece." If anyone had raised doubts about how verifiable Jackie's narrative was, her case could have been summarized "in a paragraph deep in the story."

No such doubts came to his attention, he said. As to the apparent gaps in reporting, attribution and verification that had accumulated in the story's drafts, Dana said, "I had a faith that as it went through the fact-checking that all this was going to be straightened out."

Fact-Checking: 'Above My Pay Grade'

At *Rolling Stone*, every story is assigned to a fact-checker. At newspapers, wire services and in broadcast newsrooms, there is no job description quite like that of a magazine fact-checker. At newspapers, frontline reporters and editors are responsible for stories' accuracy and completeness. Magazine fact-checking departments typically employ younger reporters or college graduates. Their job is to review a writer's story after it has been drafted, to double-check details like

dates and physical descriptions. They also look at issues such as attribution and whether story subjects who have been depicted unfavorably have had their say. Typically, checkers will speak with the writer's sources, sometimes including confidential sources, to verify facts within quotations and other details. To be effective, checkers must be empowered to challenge the decisions of writers and editors who may be much more senior and experienced.

In this case, the fact-checker assigned to "A Rape on Campus" had been checking stories as a freelancer for about three years, and had been on staff for one and a half years. She relied heavily on Jackie, as Erdely had done. She said she was "also aware of the fact that UVA believed this story to be true." That was a misunderstanding. What *Rolling Stone* knew at the time of publication was that Jackie had given a version of her account to UVA and other student activists. A university employee, Renda, had made reference to that account in congressional testimony. UVA had placed Phi Kappa Psi under scrutiny. None of this meant that the university had reached a conclusion about Jackie's narrative. The checker did not provide the school with the details of Jackie's account to Erdely of her assault at Phi Kappa Psi.

The checker did try to improve the story's reporting and attribution of quotations concerning the three friends. She marked on a draft that Ryan – "Randall" under pseudonym – had not been interviewed, and that his "shit show" quote had originated with Jackie. "Put this on Jackie?" the checker wrote. "Any way we can confirm with him?" She said she talked about this

problem of clarity with Woods and Erdely. "I pushed. ... They came to the conclusion that they were comfortable" with not making it clear to readers that they had never contacted Ryan.

She did not raise her concerns with her boss, Coco McPherson, who heads the checking department. "I have instructed members of my staff to come to me when they have problems or are concerned or feel that they need some muscle," McPherson said. "That did not happen." Asked if there was anything she should have been notified about, McPherson answered: "The obvious answers are the three friends. These decisions not to reach out to these people were made by editors above my pay grade."

McPherson read the final draft. This was a provocative, complex story heavily reliant on a single source. She said later that she had faith in everyone involved and didn't see the need to raise any issues with the editors. She was the department head ultimately responsible for fact-checking.

Natalie Krodel, an in-house lawyer for Wenner Media, conducted a legal review of the story before publication. Krodel had been on staff for several years and typically handled about half of *Rolling Stone's* pre-publication reviews, sharing the work with general counsel Dana Rosen.⁵ It is not clear what questions the lawyer may have raised about the draft. Erdely and the editors involved declined to answer questions about the specifics of the legal review, citing instructions from the magazine's outside counsel, Elizabeth McNamara, a partner at Davis Wright Tremaine. McNamara said

Rolling Stone would not answer questions about the legal review of "A Rape on Campus" in order to protect attorney-client privilege.

The Editor's Note: 'I Was Pretty Freaked Out'

On Dec. 5, following Erdely's early-morning declaration that she had lost confidence in her sourcing, *Rolling Stone* posted an editor's note on its website that effectively withdrew the magazine's reporting on Jackie's case.

The note was composed and published hastily. The editors had heard that The Washington Post intended to publish a story that same day calling the magazine's reporting into question. They had also heard that Phi Kappa Psi would release a statement disputing some of *Rolling Stone's* account. Dana said there was no time to conduct a "forensic investigation" into the story's issues. He wrote the editor's note "very quickly" and "under a lot of pressure."

He posted it at about noon, under his signature. "In the face of new information, there now appear to be discrepancies in Jackie's account, and we have come to the conclusion that our trust in her was misplaced," it read. That language deflected blame from the magazine to its subject and it attracted yet more criticism. Dana said he rued his initial wording. "I was pretty freaked out," he said. "I regretted using that phrase pretty quickly." Early that evening, he changed course in a series of tweets. "That failure is on us – not on her," he

wrote. A revised editor's note, using similar language, appeared the next day.

Yet the final version still strained to defend *Rolling Stone's* performance. It said that Jackie's friends and student activists at UVA "strongly supported her account." That implied that these friends had direct knowledge of the reported rape. In fact, the students supported Jackie as a survivor, friend and fellow campus reformer. They had heard her story, but they could not independently confirm it.

Looking Forward

For Rolling Stone: An Exceptional Lapse or a Failure of Policy?

The collapse of "A Rape on Campus" does not involve the kinds of fabrication by reporters that have occurred in some other infamous cases of journalistic meltdown. In 2003, the New York Times reporter Jayson Blair resigned after editors concluded that he had invented stories from whole cloth. In February, NBC News suspended anchor Brian Williams after he admitted that he told tall tales about his wartime reporting in Iraq. There is no evidence in Erdely's materials or from interviews with her subjects that she invented facts; the problem was that she relied on what Jackie told her without vetting its accuracy.

"It's been an extraordinarily painful and humbling experience," Woods said. "I've learned that even the

most trusted and experienced people – including, and maybe especially, myself – can make grave errors in judgment."

Yet *Rolling Stone's* senior editors are unanimous in the belief that the story's failure does not require them to change their editorial systems. "It's not like I think we need to overhaul our process, and I don't think we need to necessarily institute a lot of new ways of doing things," Dana said. "We just have to do what we've always done and just make sure we don't make this mistake again." Coco McPherson, the fact-checking chief, said, "I one hundred percent do not think that the policies that we have in place failed. I think decisions were made around those because of the subject matter."

Yet better and clearer policies about reporting practices, pseudonyms and attribution might well have prevented the magazine's errors. The checking department should have been more assertive about questioning editorial decisions that the story's checker justifiably doubted. Dana said he was not told of reporting holes like the failure to contact the three friends or the decision to use misleading attributions to obscure that fact.

Stronger policy and clearer staff understanding in at least three areas might have changed the final outcome:

Pseudonyms. Dana, Woods and McPherson said using pseudonyms at *Rolling Stone* is a "case by case" issue that requires no special convening or review.

Pseudonyms are inherently undesirable in journalism. They introduce fiction and ask readers to trust that this is the only instance in which a publication is inventing

details at its discretion. Their use in this case was a crutch – it allowed the magazine to evade coming to terms with reporting gaps. *Rolling Stone* should consider banning them. If its editors believe pseudonyms are an indispensable tool for its forms of narrative writing, the magazine should consider using them much more rarely and only after robust discussion about alternatives, with dissent encouraged.

Checking Derogatory Information. Erdely and Woods made the fateful agreement not to check with the three friends. If the fact-checking department had understood that such a practice was unacceptable, the outcome would almost certainly have changed.

Confronting Subjects With Details. When Erdely sought "comment," she missed the opportunity to hear challenging, detailed rebuttals from Phi Kappa Psi before publication. The fact-checker relied only on Erdely's communications with the fraternity and did not independently confirm with Phi Kappa Psi the account *Rolling Stone* intended to publish about Jackie's assault. If both the reporter and checker had understood that by policy they should routinely share specific, derogatory details with the subjects of their reporting, *Rolling Stone* might have veered in a different direction.

For Journalists: Reporting on Campus Rape

Rolling Stone is not the first news organization to be sharply criticized for its reporting on rape. Of all crimes, rape is perhaps the toughest to cover. The common difficulties that reporters confront – including

scarce evidence and conflicting accounts – can be magnified in a college setting. Reporting on a case that has not been investigated and adjudicated, as *Rolling Stone* did, can be even more challenging.

There are several areas that require care and should be the subject of continuing deliberation among journalists:

Balancing sensitivity to victims and the demands of verification. Over the years, trauma counselors and survivor support groups have helped journalists understand the shame attached to rape and the powerlessness and self-blame that can overwhelm victims, particularly young ones. Because questioning a victim's account can be traumatic, counselors have cautioned journalists to allow survivors some control over their own stories. This is good advice. Yet it does survivors no good if reporters documenting their cases avoid rigorous practices of verification. That may only subject the victim to greater scrutiny and skepticism.

Problems arise when the terms of the compact between survivor and journalist are not spelled out. Kristen Lombardi, who spent a year and a half reporting the Center for Public Integrity's [series on campus sexual assault](#), said she made it explicit to the women she interviewed that the reporting process required her to obtain documents, collect evidence and talk to as many people involved in the case as possible, including the accused. She prefaced her interviews by assuring the women that she believed in them but that it was in their best interest to make sure there were no questions about the veracity of their accounts. She also allowed

victims some control, including determining the time, place and pace of their interviews.

If a woman was not ready for such a process, Lombardi said, she was prepared to walk away.

Corroborating survivor accounts. Walt Bogdanich, a Pulitzer Prize-winning investigative reporter for The New York Times who has spent the past two years reporting on campus rape, said he tries to track down every available shred of corroborating evidence – hospital records, 911 calls, text messages or emails that have been sent immediately after the assault. In some cases, it can be possible to obtain video, either from security cameras or from cellphones.

Many assaults take place or begin in semipublic places such as bars, parties or fraternity houses. "Campus sexual violence probably has more witnesses, bystanders, etc. than violence in other contexts," said Elana Newman, a University of Tulsa psychology professor who has advised journalists on trauma. "It might be useful for journalists to think about all the early signals and signs" and people who saw or ignored them early on, she said.

Every rape case has multiple narratives, Newman said. "If there are inconsistencies, explain those inconsistencies." Reporters should also bear in mind that trauma can impair a victim's memory and that this can be a cause of fragmentary and contradictory accounts.

Victims often interact with administrators, counselors

and residence hall staff members. "I've always found that the people most willing to talk are these front-line staff," said Lombardi, who said she phoned or visited potential sources at home and talked to them on background because of their concerns about student privacy.

FERPA restrictions are severe, yet the law allows students to access their own school records. Students at public universities can also sign privacy waivers that would allow reporters to obtain their records, including case files and reports.

Moreover, there's a **FERPA exception**: In sexual assault cases that have reached final disposition and a student has been found responsible, campus authorities can release the name of the student, the violation committed and any sanction imposed. (The **Student Press Law Center** provides good advice on navigating FERPA.)

Holding institutions to account. Given the difficulties, journalists are rarely in a position to prove guilt or innocence in rape. "The real value of what we do as journalists is analyzing the response of the institutions to the accusation," Bogdanich said. This approach can also make it easier to persuade both victims and perpetrators to talk. Lombardi said the women she interviewed were willing to help because the story was about how the system worked or didn't work. The accused, on the other hand, was often open to talking about perceived failings of the adjudication process.

To succeed at such reporting, it is necessary to gain a

deep understanding of the tangle of rules and guidelines on campus sexual assault. There's **Title IX**, the **Clery Act** and the **Violence Against Women Act**. There are **directives** from the Office of Civil Rights and **recommendations** from the White House. Congress and state legislatures are proposing new laws.

The responsibilities that universities have in preventing campus sexual assault – and the standards of performance they should be held to – are important matters of public interest. *Rolling Stone* was right to take them on. The pattern of its failure draws a map of how to do better.

NOTES:

1. This report is intended as a work of journalism about a failure of journalism. Last November, *Rolling Stone* published "A Rape on Campus" by Sabrina Rubin Erdely. Its principal narrative recounted a horrible gang rape at a University of Virginia fraternity. Early in December, *Rolling Stone* effectively retracted that narrative. Several weeks later, the magazine contacted the Columbia University Graduate School of Journalism about conducting an investigation of what had gone wrong. *Rolling Stone* provided access to Erdely's reporting records as well as drafts of the story. The authors enjoyed the freedom to investigate and write about any subject related to "A Rape on Campus" that they judged to be germane and in the public interest. The magazine agreed to publish Columbia's review in full on its website, after a legal review, but without editing. *Rolling Stone* also pledged to publish mutually agreed excerpts in its print magazine.

Over several months, the authors conducted interviews and investigations that ranged widely in scope. Yet the final report is not intended to be encyclopedic. The report has several intended purposes. One is to illuminate the key reasons *Rolling Stone's* failure was avoidable and to draw lessons. In that respect, the report focuses on several of *Rolling Stone's* failures of reporting, editing and supervision but not on every single misstep that might be inventoried. Another purpose of the report is to assess independently and through fresh reporting some of the subjects *Rolling Stone* covered in the story, beyond Jackie's account of sexual assault – particularly the timeline of how UVA handled Jackie's information. The report also addresses how *Rolling Stone's* editorial policies might be reconsidered to prevent future failure. And it evaluates how journalists might begin to define best practices when reporting about rape cases on campus or elsewhere.

Rolling Stone's staff cooperated fully during the review. Coll and Coronel agreed to *Rolling Stone's* request not to name the story's fact-checker in its report on the grounds that she was a junior employee without ultimate decision-making authority. Several participants from the magazine did decline to answer certain questions that they said invaded attorney-client privilege. Neither Columbia nor the authors individually received compensation for the work. *Rolling Stone* agreed to reimburse expenses.

Sheila Coronel is dean of academic affairs at the Graduate School of Journalism at Columbia University. Steve Coll is dean of the school and the author of seven

nonfiction books. Derek Kravitz is a postgraduate research scholar at Columbia.

2. *Rolling Stone* provided a 405-page record of Erdely's interviews and research notes as well as access to original audio recordings. Erdely turned this record over to *Rolling Stone* before she or the magazine believed there were any problems with the story. Erdely said she typed notes contemporaneously on a laptop during phone and in-person interviews. In some cases, she taped interviews and meetings and transcribed them later. We compared transcripts Erdely submitted of her recorded interviews with Jackie with the audio files and found the transcripts to be accurate. Erdely's typed notes of interviews contain her own questions or remarks, sometimes placed in brackets, as well as those of her interview subject. Erdely said that she sometimes typed her own questions or remarks contemporaneously but that other times she typed them after the interview was over, summarizing the questions she had asked or the comments she had made.

3. *Rolling Stone's* retraction of its reporting about Jackie concerned the story it printed. The retraction cannot be understood as evidence about what actually happened to Jackie on the night of Sept. 28, 2012. If Jackie was attacked and, if so, by whom, cannot be established definitively from the evidence available.

Jackie's phone records from September 2012 would provide strong evidence about what might have befallen her. But the Charlottesville police said the company they asked to produce Jackie's phone records

no longer had her records from 2012. After interviewing about 70 people and obtaining access to some university and fraternity records, the Charlottesville police could say only that they found no evidence of the gang rape *Rolling Stone* described. This finding, said Police Chief Timothy Longo, "doesn't mean that something terrible didn't happen to Jackie" that night.

4. In a letter, Groves objected to *Rolling Stone's* portrayal of his actions during a University of Virginia Board of Visitors meeting last September. A [video of the meeting](#) is available on a UVA website. Groves wrote that Erdely "did not disclose the significant details that I had offered into the scope" of a Department of Education compliance review of UVA. Groves's full letter is [here](#).

In the email sent through her lawyer, Eramo wrote, *Rolling Stone* "made numerous false statements and misleading implications about the manner in which I conducted my job as the Chair of University of Virginia's Sexual Misconduct Board, including allegations about specific student cases. Although the law prohibits me from commenting on those specific cases in order to protect the privacy of the students who I counsel, I can say that the account of my actions in *Rolling Stone* is false and misleading. The article trivializes the complexities of providing trauma-informed support to survivors and the real difficulties inherent in balancing respect for the wishes of survivors while also providing for the safety of our communities. As a general matter, I do not — and have never — allowed the possibility of a media story to

influence the way I have counseled students or the decisions I have made in my position. And contrary to the quote attributed to me in *Rolling Stone*, I have never called the University of Virginia "the rape school," nor have I ever suggested — either professionally or privately — that parents would not "want to send their daughter" to UVA. As a UVA alumna, and as someone who has lived in the Charlottesville community for over 20 years, I have a deep and profound love for this University and the students who study here."

5. Last December, Rosen left Wenner Media for ALM Media, where she is general counsel. Rosen said her departure had no connection with "A Rape on Campus" and that she had played no part in reviewing the story before publication. She said she began talking with ALM in September, before Erdely's story was filed, about the position she ultimately accepted.



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EXHIBIT F

(Transcript of Erdely's statements on the Nov. 26, 2014 DoubleX Gabfest podcast with Hanna Rosin)

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TRANSCRIPTION

OF

DOUBLEX GABFEST

AUDIO FILE NAME:

DOUBLE XX GABFEST WITH HANNA ROSIN NOV. 26,
2014 WITH ERDELY

PARTICIPANTS:

Hanna Rosin

June Thomas

Katy Waldman

Job No. 28693

TRANSCRIBED BY: LORI A. BOEDING, CCR

1 (Program introduction)

2

3 MS. ROSIN: Welcome to the DoubleX
4 Gabfest for Thursday, November 27th, the Butch
5 Goddess Edition.

6 I'm Hanna Rosin, a writer for DoubleX.
7 I'm joined in the VC studio today by Slate writer,
8 Katy Waldman. Hi, Katy. Hi, Slate. Hi, Katy.

9 MS. WALDMAN: Hi, Hanna.

10 MS. ROSIN: I'm just so excited to have
11 a human with me in the studio today.

12 MS. WALDMAN: I speak on behalf of the
13 institution, the Holland institution at Slate.

14 MS. ROSIN: Of course, you do.

15 And we're joined in New York by June
16 Thomas, editor Outward. I'm going to stop saying
17 LGBTQ blog. My listeners by now should know what
18 Outward is.

19 So, hi, June.

20 MS. THOMAS: They surely should. Hey,
21 Hanna. Hey, Katy.

22 MS. ROSIN: So our three topics for
23 today: First, we're going to talk about a story
24 in this month's Rolling Stone about a gang rape
25 that happened at a University of Virginia

1 fraternity and how it prompted the University to
2 suspend all frat activities.

3 Second, a new study showing that
4 husbands, not children, are what holds women's
5 careers back, and third, does the new Hunger Games
6 movie show us what a feminine utopia would look
7 like.

8 Okay. Let's move on to our first topic.
9 In this month's Rolling Stone, Sabrina Rubin
10 Erdely reports on a shocking 2012 incident that
11 took place at a UVA frat. She describes how a
12 girl named Jackie followed her date upstairs at a
13 frat party into a dark room. She was then pinned
14 down and essentially gang raped by a group of frat
15 boys while a couple of other boys looked on.
16 Erdely looks into the party culture at UVA and
17 then how the administration responded.

18 Sabrina, welcome to the show.

19 MS. ERDELY: Thank you. Thank you for
20 having me.

21 MS. ROSIN: Sure.

22 So how did you find Jackie, first of
23 all?

24 MS. ERDELY: Well, I, first I looked
25 around at a number of different campuses. It took

1 me a while to figure out where I wanted to focus
2 on, but when I finally decided on the University
3 of Virginia, one of the compelling reasons that
4 made me focus on the University of Virginia was
5 when I found Jackie.

6 I, I made contact with a student
7 activist at the school who told me a lot about the
8 culture of the school. That was one of the, sort
9 of important things, sort of the criteria that I
10 wanted when I was looking for the right school to
11 focus on. And then I had asked her, I had asked
12 her to put me in touch with other rape survivors,
13 and she had mentioned a bunch of people with
14 different situations, and she kind of casually
15 mentioned that she knew somebody who had been gang
16 raped, and she had mentioned it in the context
17 of -- we had been talking about self-blame and so
18 forth, and she was telling me that even in the
19 situation of this horrendous gang rape, there is
20 somebody who had been -- who just really continues
21 to blame herself. And my ears just totally
22 pricked up, because I was like, gang rape? I
23 mean, that was just something I did not really
24 expect to find.

25 So, so in any event, you know, my net

1 got wider and wider. Each survivor that I talked
2 to introduced me to more, and, you know, Jackie
3 was one of the first people that I did get in
4 touch with, but I just kept coming back to her.
5 Her story was just so compelling that she
6 basically, you know, kind of overtook the story.

7 MS. ROSIN: And can you tell us a little
8 bit about what, for our listeners, what Jackie
9 told you? Kind of how did the story unfold? Did
10 she tell you right away? Did the details come out
11 slowly?

12 MS. ERDELY: That was one of the things
13 that surprised me; the details came out right
14 away. The minute we got on the phone, she was
15 ready to -- she was so ready to tell her story;
16 that she was, she was a freshman at the University
17 of Virginia, just a few weeks into her freshman
18 year having the time of her life. I mean, she
19 said that the first month of her, of her freshman
20 year was just like the happiest four weeks she had
21 ever had. And she had been invited out on a date
22 by this handsome junior, who invited her out to
23 dinner and then to a fraternity party.

24 And at that party, he invited her up the
25 stairs into a bedroom, and she says that waiting

1 in that bedroom -- it was pitch-black in there --
2 were seven men who took turns gang raping her for
3 the next three hours while her date and another
4 guy gave them encouragement and instruction.

5 MS. ROSIN: It's just a crazy story.

6 MS. ERDELY: I know, it's, it's, it
7 boggles the mind, it boggles the mind. But then
8 it, actually -- I mean, it sort of -- it becomes
9 even more disturbing when I found out that Jackie
10 told me that she had actually told her friends who
11 had discouraged her from reporting and who had
12 totally down-played the situation. She had
13 eventually kind of, you know, mustered up the
14 courage to tell the administration that she had
15 been brutally gang raped and that the University
16 did nothing with this information, and that they
17 continued to do nothing even when she eventually
18 then told them that she had become aware of two
19 other women who were also gang raped at that same
20 fraternity.

21 So the idea that this was some kind of
22 culture in which there was so much indifference
23 and apathy towards rape victims and it was
24 radiating everywhere, from the student body and
25 from the administration itself, I felt like, you

1 know, this is just something that I, I did not
2 really expect to find.

3 MS. ROSIN: Before we get to the
4 administration's response, because that's like an
5 unfolding story, which has been amazing to watch,
6 what about Drew or who these guys are? Like, do
7 you have a sense of who they are or who Drew is?
8 I mean, you call him Drew. I don't know if that's
9 his name, but --

10 MS. ERDELY: That's not his name; that's
11 a pseudonym.

12 MS. ROSIN: So who is he?

13 MS. ERDELY: I don't want to say much
14 about them as individuals, but I will just say
15 that the, the -- this particular fraternity, Phi
16 Kappa Psi, it's, it's really emblematic in a lot
17 of ways, sort of like an elitist fraternity
18 culture. It's considered to be a sort of top-tier
19 fraternity at the University of Virginia, even
20 though I've seen a lot of chatter online about,
21 like, oh, it's not really top tier, you know. But
22 it's considered to be like a really high ranking
23 fraternity at the University of Virginia, in part
24 because they are just so incredibly wealthy.
25 Their alumni are very influential. You know,

1 they're on Wall Street; they're in politics. One,
2 like, really sort of tangible bit of their totem,
3 I guess, of their, of this fraternity's status is
4 that they have the biggest and best fraternity
5 house that has the best piece of real estate on
6 all of Rugby Road, which is like their legendary
7 fraternity strip.

8 MS. ROSIN: Yeah, I think there was a
9 photograph of the frat house, actually, in the
10 story.

11 MS. ERDELY: Yeah.

12 MS. ROSIN: But did they say anything?
13 Like, did they respond about this? Did they deny
14 it? What was their response to, to this, to the
15 allegation?

16 MS. ERDELY: There was never a need for
17 a response until I, until I stepped in,
18 apparently, because it wasn't until I started
19 asking questions that the University put them
20 under some kind of investigation, or so they said.
21 It was unclear to me whether there was actually an
22 investigation. The University said that they were
23 under an investigation, but when I spoke to the
24 Phi Psi chapter and also the Phi Psi national
25 representative, both of them said they were not

1 aware of any kind of University investigation.
2 But both said that they had been informed by the
3 University that there was some kind of hazy
4 allegation that had been made; they both said that
5 they really hadn't been told about any kind of
6 specifics, and that without any real information
7 to go on, they weren't able to do any kind of
8 investigation on their own.

9 MS. ROSIN: But did the boys say
10 anything to you, or did they say -- I mean, the
11 thing about it is everybody in the story seems to
12 know who they are. Like there were her friends
13 who were saying, oh, yeah -- I mean, he's on her
14 life guard shift, and then there was that other
15 guy in her anthropology class. Like I just
16 wondered, did they --

17 MS. ERDELY: Oh, yeah, there's no,
18 there's no doubt that -- I mean, the people in --
19 you know, people, people seem to know who these
20 people are. And then it also, I, I, I mean, I
21 would speculate that life inside of a frat house
22 is probably -- you know, you have this kind of
23 communal life where everybody is sort of sharing
24 information. It's a very -- it's a life where,
25 you know, people are living their lives very

1 closely with one another, and it seems impossible
2 to imagine that people didn't know about this,
3 that some people didn't know about this. Maybe
4 not everybody. It's a fairly large fraternity.
5 There's something like 82 brothers in -- you know,
6 that are currently in there. But it seems
7 impossible to imagine that, that people did not
8 know about it.

9 MS. ROSIN: Did they try and contact
10 you? Did you try and call them? Like, was there
11 any communication between you and them?

12 MS. ERDELY: Yeah, I reached out to -- I
13 reached out to them in multiple ways. They were
14 kind of hard to get in touch with because their
15 contact data was pretty outdated, but I wound up
16 speaking -- I wound up getting in touch with their
17 local president, who sent me an email, and then I
18 talked with their, sort of their national guy,
19 whose kind of like their crisis, their national
20 crisis manager. You know, they were --

21 MS. ROSIN: But not the actual boys
22 like --

23 MS. ERDELY: They are both helpful in
24 their own way, I guess. You know, I mean, all
25 they -- they were -- all they really said was, you

1 know, this is a -- they both claim to have been
2 really shocked by the allegations when they were
3 told by the University, and they both said that
4 this is a really tragic thing, and, you know, if
5 only we had more information, we could look into
6 it, and, you know, that's the end of that, you
7 know.

8 MS. ROSIN: But the thing that's hard to
9 get your head around is, like, this is not -- you
10 know, we've read lots of campus sexual assault
11 stories. I mean, this is like a really serious
12 gang rape. Like it's a highly criminal thing.
13 Like, I couldn't -- it doesn't seem -- like I know
14 we're talking about it like it's the norm, but the
15 situation seems so unbelievably extreme that a guy
16 would take a freshman and orchestrate a gang rape
17 that, you know, that like people like that should
18 be immediately in prison. So I would think if the
19 University heard any hint of such a story, like
20 you would call the police and say, get this psycho
21 out of our school. Like it's not a casual thing,
22 unless you think it was like a hazing ritual that
23 got encouraged. Like that's why I couldn't pin
24 down sort of what you were actually saying about
25 the boys and sort of which category we should

1 think of them in.

2 MS. ERDELY: Oh, I see. Like are they
3 serial rapists, or is this some kind of initiation
4 (unintelligible) --

5 MS. ROSIN: It's a gang rape, like they
6 smashed her over a glass table, you know, they
7 told five or six people to rape her. It seems --
8 like, you know, how can that -- that can be the
9 norm? I mean, that seems such an extreme
10 situation.

11 MS. ERDELY: It definitely is incredibly
12 extreme. I mean, whether this was, you know,
13 perpetrated by, you know, like a serial rapist who
14 is -- who has like, you know, many victims -- you
15 know, I mean, it seems, it seems like no matter,
16 no matter what, this was, this was -- I mean, this
17 is an incredibly messed up situation, but it was
18 absolutely a violent crime, and I think what was
19 really telling was the idea that -- and this is,
20 this really underscores the entire article -- is
21 that both -- is that the student body and the
22 administration doesn't really treat rape as a
23 crime, as a violent crime. They treat it in
24 general as some kind of behavioral problem.

25 MS. ROSIN: Even this kind of rape?

1 MS. ERDELY: Right. Exactly. And this
2 is, this is why this case blew my mind, that
3 Jackie's situation blew my mind; that even in a
4 situation that was so extreme and so obviously
5 within the realm of, you know, criminal that they
6 would seek to suppress something like this. I
7 mean, because that's really what they did. They,
8 you know, they didn't -- not only did they not
9 report it to the police, but, I mean, really she
10 was kind of -- you know, I feel she was sort of
11 discouraged from moving this forward. I mean, I
12 would think that the first thing that they would
13 do would be to tell her, you know, this needs to
14 go to police. These are dangerous people who are
15 hurting people, who are hurting people. If they
16 hurt you, you know -- and, you know, she heard
17 them saying things during the rape like, oh, you
18 know, you have to -- you know, egging people --
19 egging each other on, saying things like, don't
20 you want to be a brother? Which would seem to
21 indicate that this is some kind of initiation
22 ritual.

23 MS. THOMAS: Sabrina, one of the things
24 that you talk about is how there are kind of three
25 options; that Dean Eramo presented Jackie with

1 three options, as, as, you know, all people in
2 this position do. That you can sort of do an
3 informal report, you can take it to the police, or
4 you can have a kind of an internal investigation,
5 an investigation at the school.

6 And has Jackie done any of those things
7 at this point?

8 MS. ERDELY: She has not. She's done
9 none of those things.

10 MS. THOMAS: And is there any limit on
11 how long she can wait? I mean, it, it's striking
12 that she's so willing to talk to you. As you
13 said, you know, she, she told you this story the
14 first time you talked to her, but she hasn't -- is
15 it that she hasn't decided which of the options
16 she wants to take?

17 MS. ERDELY: Um, I think that she -- I
18 think it's a couple of things. I think that one
19 is that she's incredibly -- she's very traumatized
20 by this whole situation, and she is very afraid of
21 the men who she's saying did these things to her.
22 She's particularly afraid of Drew, who she has
23 assigned a tremendous amount of power in her own
24 mind. You know, he's this person who, you know,
25 really by orchestrating this, you know, he

1 transformed her from this happy person she was
2 before into a, you know, a person that -- you
3 know, she describes herself as being like an empty
4 shell.

5 So I think that the idea of facing him
6 or them down in any way is, is really just
7 emotionally crippling for her. She's having a
8 very hard time facing up to that, and I think that
9 she needs a lot of support if she's going to get
10 to the place where she, she can actually confront
11 them.

12 When she does -- she does actually run
13 into some of her alleged assailants on campus
14 sometimes. She recognizes them all. She can
15 identify them all. And, um, when she sees them,
16 just the sight of them, it's, obviously, it's a
17 shock, but it also tends to send her into a, a
18 depression. So it just goes to show sort of the
19 emotional toll that something like this would
20 take.

21 I just think that it would require a
22 great deal of support for her to move forward into
23 any of these options to resolve her case, and
24 that's something that's been completely absent.
25 She really has not had any of that support from

1 her friends, from the administration, nor from her
2 family.

3 MS. WALDMAN: Sabrina, could you talk a
4 little bit more about the relationship between
5 like the community of survivors, these alleged
6 victims, and the University, particularly Dean
7 Eramo, but, I mean, there were lines in the
8 article that implied that they had so much faith
9 in the University and they believe, oh, you know,
10 UVA loves us, they care about us, and they have
11 faith in the institution, and then -- but it also
12 seems like there would be grounds for a lot of
13 anger, and I'm just wondering like what the, what
14 the general sense was you got of like how these
15 women thought about the institution and the people
16 who were tasked with helping them.

17 MS. ERDELY: What I found is that, um,
18 UVA is a place where their culture is one of
19 extreme loyalty. So I guess it shouldn't have
20 surprised me that the community of survivors, they
21 are totally devoted to the University, even as
22 they're not very happy with the way that their
23 cases are handled. They totally buy into the
24 attitude that radiates from the administration
25 that doing nothing is a fine option. You know, if

1 you unburden yourself to the Dean and take care of
2 your own mental health, then that's good enough.

3 And they created this support group, you
4 know, which is, which is great for them, and they
5 do activism. They do bystander support
6 seminars -- I mean, intervention seminars and
7 things like that, which is great. But really what
8 they are kind of doing is affirming one another's
9 choices not to report, which is, of course, an
10 echo of their own administration's, you know, kind
11 of egos.

12 MS. ROSIN: Yeah, I saw that, the
13 reactions have been interesting.

14 Just the last thing, so the way this
15 will probably spin out now is the University will
16 do some kind of investigation. I imagine they
17 will find these guys and put them on the record,
18 and it's possible the guys will just deny it.
19 Right? Because everyone knows who -- Drew was on
20 her life guard shift; he can't be that hard to
21 find, you know. And so how will Jackie prove her
22 case? Like what made you believe that her story
23 was true? What were the most convincing -- if you
24 were her lawyer in court, what would make you --
25 how would you prove her case?

1 MS. ERDELY: Well, look, I'm not a
2 lawyer; I'm a journalist. But I will just say
3 that I, I found her story to be very -- I found
4 her to be very credible.

5 MS. ROSIN: Uh-huh.

6 MS. ERDELY: She -- you know, I put her
7 story through the wringer to the extent that I
8 could. I spoke to, you know, virtually all of her
9 friends to find out what she had told them at
10 various points.

11 MS. ROSIN: And those, those match?
12 Like the friends she spoke to at the time said,
13 yes, she had bruises from going through the glass
14 table or whatever?

15 MS. ERDELY: Well, I just -- I found it
16 to be very convincing, and, and I think that --
17 and, you know, the degree of her trauma, like
18 there's no doubt in my mind that something
19 happened to her that night.

20 MS. ROSIN: Mm-hmm.

21 MS. ERDELY: What exactly happened, you
22 know, I wasn't in that room, I don't know, and I
23 do tell it from her point of view. But my, my
24 hope is that -- I mean, it's my great hope that
25 she will be able to come forward and be able to

1 hold these men accountable, you know, in criminal
2 court.

3 MS. ROSIN: Well, thank you, Sabrina.
4 Um, I really appreciate you coming on to join us
5 today.

6 MS. ERDELY: Thank you for having me.

7

8 (End of requested transcription)

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REPORTER'S CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the audio
file to the best of my ability in this matter.



Lori A. Boeding, CCR
Notary Public No. 239861
Commonwealth of Virginia at Large
Commission expires: 8/31/16

EXHIBIT G

(Transcript of Erdely's statements on the Nov. 26, 2014 Brian Lehrer Show)

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TRANSCRIPTION

OF

THE BRIAN LEHRER SHOW

AUDIO FILE NAME:

THE BRIAN LEHRER SHOW NOV. 26, 2014 WITH ERDELY

PARTICIPANTS:

Brian Lehrer

Sabrina Erdely

Jed Rubinfeld, Yale Law Professor

Job No. 28693

TRANSCRIBED BY: LORI A. BOEDING, CCR

1 (Program introduction)

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MR. LEHRER: Today on the Brian Lehrer show, the thousands of New Yorkers who took to the streets last night weren't just protesting the death of Michael Brown. We'll talk about the fatal police shooting here in New York last week of Akai Gurley in a public housing stairwell. Commissioner Bratton has called it a tragic accident, an accidental shooting. Protesters aren't buying it. Brooklyn Borough president and former police officer Eric Adams will be our guest. He's calling for a different kind of policing in NYCHA buildings, and we'll talk generally about life after the Ferguson non-indictment with Eric Adams today.

Also today, looking for things to talk about at Thanksgiving with your red state relatives? We'll check out Facebook's findings on what popular culture liberals and conservatives both seem to like. For example, Taylor Swift, The Hunger Games and the Jersey Shore, the place, not the show, are all on the list of things you might talk about to break the ice over Thanksgiving dinner tomorrow. We'll see what else.

1 And we'll share tips for getting to and
2 through LaGuardia, JFK and Newark airports.

3 (Audio clip played: "They say no one's
4 ever beaten the Van Wyck, but, gentleman, I tell
5 you this, I came as close as anyone ever has.")

6 Elaine knows. We'll see what you know
7 coming up later.

8 But first the big article on campus at
9 Thanksgiving break is Rolling Stone magazine's
10 investigation of campus rape, and it's having an
11 impact. The University of Virginia -- have you
12 heard this? -- where the main incident described
13 in the article took place has suspended all
14 fraternity activity until after Christmas break.
15 So we will ask, How much is frat culture
16 responsible for campus rape? Should UVA ban its
17 frats permanently? And what about other schools?

18 Joining us now is the writer of the
19 Rolling Stone article, Sabrina Rubin Erdely.

20 Sabrina, thank you very much for coming
21 on today. Good morning.

22 MS. ERDELY: Good morning. Thank you
23 for having me.

24 MR. LEHRER: And also with us is Jed
25 Rubinfeld, Yale Law Professor, who had an opinion

1 piece in The New York Times last week called
2 Mishandling Rape.

3 Jed, welcome back to WNYC.

4 MR. RUBENFELD: Hi. Thanks.

5 MR. LEHRER: And, Jed, be patient while
6 for a few minutes while we get some of the basics
7 on the table here for listeners who haven't read
8 the Rolling Stone article.

9 And, Sabrina, first, I just have to
10 acknowledge out loud the shocking brutality of the
11 fraternity gang rape, as you describe it at the
12 top of your article. The poor freshman girl,
13 Jackie, just starting her college career wooed by
14 a high status junior, as you describe it, and then
15 just raped and raped for three hours by this group
16 of guys.

17 Would you describe some of what you
18 documented for people who didn't read the article.

19 MS. ERDELY: Sure. The article begins
20 with a freshman named Jackie, who -- she was four
21 weeks into her freshman year, she was having the
22 time of her life at the University of Virginia,
23 and she had been asked out on a date by this
24 handsome junior, who took her to a fraternity
25 party. And while at this party, he took her

1 upstairs to a bedroom where she said it was
2 pitch-black inside and there were seven men
3 waiting inside, who then, for the next three
4 hours, took turns raping her while her date and
5 another man stood by giving the men encouragement
6 and instruction.

7 MR. LEHRER: I mean, this is not your
8 vague circumstance's date rape, which is getting
9 most of the attention these days. This is like a
10 thuggish, street gang attack. So did you tell the
11 story as a shocking outlier as, you know, a way to
12 shame UVA, in particular, or just tell a, you
13 know, a, a horrific extreme story, or as an
14 example of something that you think is a larger
15 problem on campuses across the country?

16 MS. ERDELY: Well, the reason why her
17 story really stood out is obviously because it was
18 so extreme, but I -- the reason why I used it was
19 because her story -- what really shocked me about
20 her story was that her story was treated by her
21 peers and by the administration much like stories
22 of, let's call them, typical, you know, sort of
23 rape allegations; that they were treated -- she
24 was kind of brushed off by her friends and by the
25 administration.

1 When she told her friends about it, they
2 either didn't believe her or they down-played the
3 situation. They encouraged her not to report it
4 because they said that it would, it would kill her
5 reputation on campus. And eventually when she did
6 report it to the administration, the
7 administration did nothing about -- they did
8 nothing with the information, and they even
9 continued to do nothing even when she eventually
10 told them that she had become aware of two other
11 women who were also gang raped at the same
12 fraternity.

13 So the idea that even in a case that was
14 so extreme as Jackie's that there would be this
15 level of indifference, it was -- it really opened
16 up a window into what was really happening on
17 campus with, with regard to, you know, rape cases
18 in general.

19 MR. LEHRER: So if there are any college
20 students listening right now, call up and talk
21 about you how much rape, date rape or other kinds,
22 you think there is on your campus, how seriously
23 your school takes it. Conversely, you can talk
24 about the kind of new generation of antirape
25 rules, which we'll get into with Jed Rubenfeld in

1 a minute, which he thinks are in some cases
2 wrong-headed and may exacerbate the problem in the
3 name of trying to fix it. But college students,
4 first priority. Anyone else, campus associated,
5 any parents, anyone else at all. (212)433-WNYC.
6 (212)433-9692. Certainly anybody who has read the
7 Rolling Stone article by our guest, which has been
8 going quite viral online, on campus and around the
9 country in general. (212)433-9692. Let's have
10 some of this discussion.

11 So, Sabrina, the UVA president has
12 apparently reacted to your article by suspending
13 all fraternity activity until January.

14 Is that the official response you were
15 hoping for?

16 MS. ERDELY: I, I had no expectations as
17 to what was going to happen. I mean, I -- really,
18 I wasn't expecting it to be this widely read, but
19 I think that it's a first -- I mean, it's a good
20 first step. I think that people are reacting to
21 it differently, this -- the shutting down of
22 fraternities for a short time. Some people are
23 mistaking it as a slap on the wrist. Other people
24 are kind of celebrating that this is the end of
25 fraternity culture at University of Virginia. I

1 don't think that either is correct. I think that
2 this is just them hitting the pause button
3 appropriately so that they can hopefully start to
4 take some thoughtful steps about what to do next.
5 Because I do expect some dramatic changes in the
6 future, but I think it's really important that
7 those changes be thoughtful and not just something
8 that is whiffed and symbolic.

9 MR. LEHRER: What dramatic changes, as
10 you put it, do you expect?

11 MS. ERDELY: Well, that's hard to say.
12 I mean, this is an administration that has a lot
13 of problems, and I should say that this is not
14 uncommon to -- you know, I mean, you know, this is
15 actually very typical of many colleges, the kinds
16 of things that they have on your plate to fix
17 right now. They have a situation where, it seems
18 to me, fraternities are basically calling the
19 shots at this University, where sexual assault is
20 rampant, where sexual assault survivors are afraid
21 to come forward, where those few people who do
22 come forward to the administration seem to be
23 discouraged from moving their cases forward or
24 from, or from reporting to police, and finally,
25 the -- where perpetrators are very rarely ever

1 punished. So those are, those are a lot of
2 different areas that need to be addressed.

3 MR. LEHRER: And before we bring in Jed
4 Rubinfeld, how much do you think frat culture,
5 rather than UVA culture, rather than alcohol
6 culture, whatever other piece you want to separate
7 out, is at the root of campus rape there and the
8 ignoring of campus rape there?

9 MS. ERDELY: I mean, fraternity culture
10 certainly contributes to the problem of sexual
11 assault. In the article, I talk a lot about party
12 culture and how that culture can really set the
13 backdrop for sexual assault, and much of the
14 partying at UVA happens at fraternities, which is,
15 you know, the case at a lot of schools.
16 Fraternities have become for some reason a place
17 where there's a lot of misogyny; a lot of really
18 bad behavior towards women tends to be tolerated
19 as normal, and that has real world impact on their
20 behavior. There are studies that show that
21 fraternity men are three times more likely to
22 commit sexual assault than non-affiliated men. So
23 this is a big problem.

24 I don't know that shutting down
25 fraternities is necessarily the answer, though. I

1 mean, my hope is that fraternities are going to
2 embrace this as an opportunity to turn things
3 around. Because I don't think that fraternities
4 have to be places that are drenched in misogyny
5 and rape tolerance. I mean, I would like to think
6 that that is not an essential part of the
7 fraternity identity. If I'm wrong, then, you
8 know, then they should be shut down, but, you
9 know, if degrading women is a key part of their
10 culture, then they've, they've got to go. But I
11 suspect that that doesn't have to be happening,
12 you know, that they don't need to be places that
13 foster misogyny.

14 MR. LEHRER: When did your article come
15 out?

16 MS. ERDELY: It came out online on
17 Wednesday. I think it came to news stands, you
18 know, I don't know, yesterday?

19 MR. LEHRER: Oh, really? So this week?

20 MS. ERDELY: Yeah.

21 MR. LEHRER: So this is a pretty quick
22 fire storm that your piece has caused and pretty
23 quick reaction.

24 So Jed Rubenfeld, Yale Law Professor,
25 your opinion piece in The New York Times,

1 Mishandling Rape, came out on the 15th, I see, so
2 before the Rolling Stone article.

3 Have you read Sabrina's piece yet?

4 MR. RUBENFELD: No, I haven't. Of
5 course, I've heard and read about the terrible,
6 awful rape that was, you know, described in the
7 story.

8 MR. LEHRER: And you portray a
9 campus-based system of rape enforcement that winds
10 up both in too many rapists going unpunished and
11 too many innocent men being found guilty of sexual
12 assault in campus proceedings.

13 How can both be true?

14 MR. RUBENFELD: Well, let's start with
15 the fundamental problem, which is the appalling
16 numbers of sexual assaults, of rapes happening on
17 college campuses, so about three to four out of a
18 hundred college women say that they are actually
19 raped in the kind of way that is being described
20 in the Rolling Stone piece; that is to say, what
21 you are describing as the outlier case, forceable
22 rape.

23 A total of about ten out of a hundred,
24 that's, you know, 10 percent, say that they were
25 raped all together; that includes people having

1 sex with someone who are incapacitated by alcohol
2 or other drugs. This is a heinous, staggering
3 number, 10 percent, and we are failing the victims
4 of college rape.

5 Here's what's happening: Rapists never
6 go to jail. Almost never. Why is that? Well, in
7 part, for very good reasons, the victims of sexual
8 assault do not report to the police. They,
9 they're, they know that the arrest rates are low.
10 They are afraid they won't be believed. They are
11 afraid that they will be mistreated. So fewer
12 than 5 percent of female rape victims from college
13 ever report to the police, and that's in contrast
14 to the nationwide number where it's more like 35
15 percent report to the police. So we have a
16 terrible problem of the criminal justice failing
17 the victims of, female victims especially, of
18 college assault.

19 What are we doing about that? Well,
20 since 2011, the federal government has been
21 insisting that universities prosecute and
22 adjudicate these cases, and that's just not the
23 answer. Colleges are not competent to handle
24 these cases. They are making mistakes. They
25 dismiss rape charges when they shouldn't, and

1 probably they're finding some people guilty when
2 there was no assault. You're getting the worst of
3 all worlds.

4 MR. LEHRER: Therefore, Jed, more should
5 be referred out to law enforcement when there are
6 charges?

7 MR. RUBENFELD: We've got to find a way
8 to bring law enforcement into this. You know,
9 what's happening is -- look, there's, there's
10 research that indicates that over 90 percent of
11 campus rapes are committed by fewer than 4 percent
12 of college men. So what we have is a problem of
13 serial rapists who get away with it and don't get
14 punished and don't go to jail. And if just a
15 couple -- you know, these guys are doing what they
16 are doing -- if they, if all that happened just as
17 described in Virginia, they are doing what they
18 are doing with impunity; they, they know that
19 people don't go to jail for this. If we can send
20 a few of these guys to jail, this will have an
21 enormous effect, because right now we are not
22 deterring anything.

23 And the other half of the problem is
24 alcohol. You know, there's tons of evidence that
25 rapes on college campuses involve alcohol, and

1 what's happened is, you know, we've done
2 prohibition; we say that college kids can't drink
3 until they're 21. Well, of course that just
4 drives it underground; that creates this party
5 scene where alcohol, and to some extent other
6 drugs, are available and drawing people to parties
7 that are controlled by men, male-controlled,
8 male-dominated spaces and that, sad to say, is a
9 recipe for sexual predation. You know, not long
10 ago, when alcohol could still be sold and consumed
11 by people at 18 on college campuses, there were
12 grownups and security personnel at the, at large
13 parties who could, you know, supervise and
14 monitor. Well, right now the adults can't be
15 there, because, you know, you are not supposed to
16 be aware that anybody is drinking.

17 So we have this really foolish system
18 where we, where the schools are turning a blind
19 eye to the alcohol party scene at frats and other
20 all male clubs, and that is just another
21 incredibly foolish thing.

22 In other words, colleges should focus on
23 prevention. They should do that by -- they should
24 not be so foolish about their alcohol regulations.
25 They should not be focusing on adjudication, which

1 they don't do well. In fact, they make mistakes
2 all the time.

3 And, and here's the real problem, if the
4 college gets it right and if the college, let's
5 say, expels these guys at Virginia, that is not a
6 punishment that's sufficient to the crime. Even,
7 even if they got expelled, that leaves them free,
8 that leaves them at large, that leaves them able
9 to commit rapes elsewhere. That is not the way to
10 deter a crime.

11 MR. LEHRER: Jed Rubenfeld, Yale Law
12 Professor, who wrote the opinion piece you may
13 have seen in The New York Times Sunday Review last
14 week, Mishandling Rape.

15 Sabrina Erdely from Rolling Stone
16 Magazine who wrote that piece that is being so
17 widely shared in the last few days about rape and
18 the ignoring of rape at the University of
19 Virginia, which has now almost instantly resulted
20 in the suspension of all fraternity activity there
21 until after Christmas break, and our board is full
22 of your phone calls. Let's hear from a few
23 people.

24 Sophie in Poughkeepsie, you are on WNYC.
25 Hi, Sophie.

1 SOPHIA: Hi. I'm a freshman at Baxter
2 College in Poughkeepsie, New York, and I was
3 wondering that -- um, coming from a campus that
4 does not have Greek life and is not particularly
5 charged with (unintelligible) attitude that comes
6 with fraternities, as to why we think these rapes
7 and allegations of sexual assault are not reported
8 to the police as an emergency call, but rather
9 reported to administration. I mean, this is not
10 something, you know, being caught drinking in your
11 room or smoking in your room. This is rape. This
12 is sexual assault. This is a very serious crime.
13 And so I was wondering as to why, why this isn't
14 reported directly to the police.

15 MR. LEHRER: I, I would be curious to
16 hear both of your answers to that.

17 Sabrina, based on your reporting, can
18 you answer that question?

19 MS. ERDELY: Yes, I think there are
20 actually two dimensions to this.

21 One is the way that rape has come to be
22 perceived, which -- this was kind of a surprising
23 aspect of my reporting is that even though we talk
24 about, you know, rape as -- you know, everybody is
25 antirape, you know, everybody is talking about it

1 as being a violent, you know, a very violent
2 crime. But when faced with like an actual rape,
3 an actual rape victim, the general public doesn't
4 tend to see it as the serious violent crime that
5 it is. We prefer to see it as some be kind of
6 error in judgment, you know, a muddy, social faux
7 pas and not like a serious crime. And rape
8 victims themselves, because they are in a certain
9 level of denial that something terrible just
10 happened to them -- you know, nobody wants to see
11 themselves victimized like that -- they will often
12 try to convince themselves that maybe this was not
13 a serious crime that was perpetrated upon them.
14 And I think that has a lot to do with the fact
15 that we are -- we, in the general public, tend to
16 discuss it in this, in this -- you know, frame it
17 in that, in those terms. So, so there is often a
18 delay in calling police because we are just not
19 framing it in terms of seeing it as a violent
20 crime.

21 But the other dimension to it is that,
22 just as Jed had said earlier, is that police don't
23 have a great track record in terms of pursuing
24 rape reports. I mean, this is kind of the sad
25 realty here; is that in an ideal world, a rape

1 victim would call police and they would pursue it
2 and then the prosecutor would prosecute it and the
3 rapist would go to jail.

4 But in realty, you know, these are
5 very -- they tend to be very complicated cases
6 that require a certain level of expertise. These
7 are cases that, you know, generally there aren't
8 witnesses, there is generally alcohol involved,
9 and somewhere along the line, law enforcement very
10 often says, you know, we just don't want to deal
11 with this.

12 So I think that better training is going
13 to be necessary in order to -- so that rape
14 victims feel like they are in good hands when they
15 go to report to law enforcement.

16 MR. LEHRER: Jed, as a legal expert and
17 as a faculty member on a campus, what would you
18 add?

19 MR. RUBENFELD: Well, two things. It is
20 scary for a victim to go by herself down to the
21 police station. She would have to give her own
22 name, lose confidentiality. She might be treated
23 suspiciously by the police. It will be scary and
24 lonely for her to go to the hospital to get the
25 rape kit processed. Women victims need -- first

1 of all, we need a retraining of the police, and
2 I'm in touch with police departments in college
3 towns, and they know it; we need to retrain the
4 police so that they are more receptive and treat
5 these claims respectfully.

6 But what I propose in my piece is that
7 colleges should be sending a lawyer down with that
8 victim down to the police station to encourage her
9 to go down and to make sure her rights are
10 respected, to make sure she is treated
11 appropriately, to make sure the police handle the
12 claim correctly, and then they should send a
13 counselor with her to the hospital to get that
14 rape kit. We need to encourage more victims to
15 report.

16 The second piece of it is, you know,
17 perversely, paradoxically, the new college sexual
18 assault procedures offer women and men who are
19 victims of sexual assault a better alternative
20 right now. They keep confidentiality. They get a
21 lower standard of proof. They are treated more
22 respectfully, as of course they should be. And so
23 the vast majority of college sexual assault
24 victims now choose to report to their university,
25 not the police. Exactly the wrong result.

1 Because colleges cannot handle their claims, and
2 their punishments are not sufficient to deter
3 anybody.

4 MR. LEHRER: Tom, in Hillsborough, you
5 are on WNYC. Hello.

6 TOM: Yes, I've been listening to this
7 discussion with some interest. Just very briefly,
8 by background, I was a prosecutor and I'm now
9 criminal defense attorney. I disagree
10 fundamentally with many of the premises that are
11 being floated here.

12 Very specifically not mentioned by your
13 people is that a lot of allegations of sexual
14 assault, to begin with, are fraudulent and not
15 accurate. That has been proven demonstrably.
16 That's number one.

17 Number two, the general attitude that's
18 being fronted here is that whenever somebody makes
19 a complaint that it, therefore, must be true.
20 There's no disagreement by me that the colleges
21 are not set up to adjudicate these type of
22 allegations. The attitude of both of your people,
23 the law professor and this reporter, about how
24 police and justice attorney's offices treat rape
25 allegations in my experience is completely wrong.

1 So I think you are really sort of doing a
2 disservice by misrepresenting what actually
3 occurs, by exaggerating a problem that probably
4 does exist but is being used for different
5 purposes. I mean, that's sort of my general
6 comments.

7 MR. LEHRER: When you say "used for
8 different purposes," what are you accusing who of?

9 TOM: Well, more specifically, for
10 example, there's a woman at Columbia University
11 who, where I actually went to school, who
12 apparently is walking around campus with a
13 mattress as a form of protest of the way her claim
14 was adjudicated within the school system.

15 My understanding of the facts, based on
16 the article in The New York Times, was that she
17 had consensual sex with someone and the issue was
18 that she did not consent to anal sex, but she did
19 consent to traditional sex. That type of case, in
20 my opinion, is not something that anybody could
21 really ever successfully prove.

22 Meanwhile --

23 MR. LEHRER: But let me stop you for a
24 second and ask, if the main distinction that our
25 guests, particularly Jed Rubenfeld, Yale Law

1 Professor, is getting at is that the actual
2 criminal justice system, rather than campus
3 authorities, are better prepared to handle these
4 allegations, why wouldn't that be true --

5 TOM: No, that is true.

6 MR. LEHRER: -- for false allegations as
7 well as true allegations?

8 TOM: It is a hundred percent true. All
9 these claims should be set up in a way through
10 these colleges that have resources, and every
11 college does, to adjudicate the claims correctly
12 and assist the victims. They are not set up now
13 to do that; they are transitioning to do that, so
14 I don't disagree with that. But what I do
15 disagree with is this kind of hysteria that seems
16 to be developing about these issues.

17 You know, I cited to your call screener
18 an example of a case I know of from a college that
19 I attended where a victim, alleged victim, showed
20 up over a year later claiming that she now
21 remembered that she had been raped by someone who
22 was an alleged friend. I mean, that case just
23 doesn't have any merit.

24 MR. LEHRER: Tom, thank you for your
25 call.

1 Jed Rubenfeld, what are you thinking
2 listening to Tom?

3 MR. RUBENFELD: Well, I mean, um --

4 MR. LEHRER: For instance, some cases
5 are going to -- I'm not exactly even sure of his
6 point, because --

7 MS. ERDELY: Actually, do you mind if
8 I --

9 MR. LEHRER: Oh, Sabrina, please.

10 MS. ERDELY: I mean, I'd like to say --
11 I mean, he's, he's trying to say -- I believe that
12 one of the things that he's trying to say is that
13 many of these reports are false, but I'd like to
14 say that that is actually categorically not true.
15 There have been -- there's been research on this
16 that shows that somewhere between 2 and 8 percent
17 of rape reports are, are either false or what they
18 call unfounded, meaning that 9 -- let's say 92
19 percent of them are, are actually true.

20 So there's this myth that, you know, all
21 these people are coming forward with these, with
22 these false allegations, but nothing could be
23 further from the truth. I mean, these are, these
24 are actually -- you know, these are, these are,
25 these are genuine, and I think that these are one

1 of these rape myths that actually tend to keep
2 victims from not reporting, because they think
3 that they are not going to be believed, and that
4 has historically been the case.

5 I mean, I think what's different in this
6 cultural moment than ever before is that for the
7 very first time rape victims are being believed,
8 and that's why we are seeing so much discussion
9 about, you know, rape in the military, rape on
10 college campuses, Bill Cosby. It's all coming
11 together right now, because for the first time we
12 are allowing ourselves to have a general
13 discussion in which we're giving rape victims some
14 credibility.

15 MR. LEHRER: Claire in Brooklyn, you're
16 on WNYC. Hi, Claire.

17 CLAIRE: Hi. Thank you so much for
18 taking my call. I am a -- well, I just graduated
19 from Columbia with my master's, and I graduated
20 from Georgetown in 2013, and I have more of a
21 comment than a question, but Georgetown doesn't
22 have fraternities. But it is a pretty privileged
23 place, I would say, and we have quite frequent
24 contact with UVA, and I kind of wanted to say that
25 I think while fraternities maybe are a good thing

1 to focus on in a lot of these schools, it seems
2 like sort of more environments of privilege and
3 superiority and lack of transparency generally are
4 the problem.

5 I went to also an elite boarding school.
6 Most of my family and many of my friends did as
7 well. And someone who is really, really close to
8 me was actually raped in a very similar situation
9 to what the Rolling Stone article describes but at
10 the age of 14 and at an elite boarding school.
11 She did not report the situation for many of the
12 same reasons that Jackie in the article didn't
13 report. And I'm assuming all of those men went
14 off to elite colleges as well, and many of them
15 would have had the choice to join fraternities.

16 So I just wanted to get comments on
17 cultures that are, cultures that are similar to
18 fraternities and how to sort of prevent that sort
19 of environment from developing in the first place.

20 Thank you.

21 MR. LEHRER: Yeah, well stated and a
22 great question. If this can happen in -- and
23 we're almost out of time, but Sabrina if this can
24 happen at Georgetown, which doesn't even have
25 fraternities, she says, just as it could happen at

1 UVA, is there some common culture element that
2 needs to be the focus here, rather than
3 fraternities, per se?

4 MS. ERDELY: I think she raises a great
5 point. I think that entitlement and narcissism
6 play huge roles in sexual assault; people taking
7 something, feeling entitled to take something that
8 is, that is, that is not theirs. And fraternities
9 have not cornered the market on that, on
10 entitlement and on narcissism. So I think that any
11 culture that holds itself as elite is perhaps
12 prone to this kind of thing.

13 But, you know, it's worth saying that,
14 even though I drilled down on University of
15 Virginia and that's what I focused on, part of the
16 reason why I focused on it is because I felt that
17 it was a culture that was representative of what's
18 going on at a lot of places across the country.
19 So I really can't emphasize this enough. I was
20 not saying that this is only happening at
21 University of Virginia. Just the opposite. I'm
22 saying that what's probably happening at the
23 University of Virginia is really, really what's
24 happening everywhere.

25 MR. LEHRER: Jed, a last thought from

1 you, because in your article you do recommend ways
2 to go forward more productively to deal with the
3 problem. What's at the heart of it?

4 MR. RUBENFELD: Well, I think we should
5 walk back a little bit. I do not believe myself
6 that they're -- that the problem is correctly
7 described as, you know, we have a rape culture in
8 America or on college campuses. Again, the
9 research suggests that over 90 percent of rapes
10 are committed by 4 percent or fewer of college
11 men. What we have is a problem of a relatively
12 small number of rapists, serial rapists; we need
13 to do something about them. We need to --

14 MR. LEHRER: Overrepresented in
15 fraternities, if you know those stats, Jed?

16 MR. RUBENFELD: We, we do have stats
17 that indicate that men in fraternities are more
18 likely to commit sexual assault and that victims
19 who go to fraternity parties are more likely to be
20 assaulted.

21 But what we need to do is focus our
22 attention on deterring and stopping that, those,
23 that small number of rapists from committing rapes
24 in the future, not, not, not thinking that what we
25 have is a general, you know, elite male rape

1 culture so that the entire -- we're sort of
2 damning the whole culture as, as -- and not
3 focusing on the real problem, which is to punish
4 and deter and stop those who are committing these
5 rapes.

6 MR. LEHRER: More punishment of those
7 caught.

8 MR. RUBENFELD: More deterrence and more
9 prevention by universities. Just, you know, we
10 have to get inside -- we have to break the link
11 between all male clubs, like fraternities, alcohol
12 and the party scene at these colleges. That's not
13 impossible to do, and we have to do it.

14 MR. LEHRER: Jed Rubenfeld, Yale Law
15 Professor, who had an opinion piece in The New
16 York Times last week called Mishandling Rape.
17 He's also co-author of the book, The Triple
18 Package: How three unlikely traits explain the
19 rise and fall of cultural groups in America.

20 And Sabrina Rubin Erdely, who wrote the
21 Rolling Stone article on rape at the University of
22 Virginia, which has gone so viral and resulted in
23 just a matter of days of the -- in the UVA
24 president suspending all fraternity activity until
25 after Christmas break.

1 Thank you both very much for coming on
2 with us today.

3 MR. RUBENFELD: Thank you.

4 MS. ERDELY: Thank you.

5

6 (Programming remarks)

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REPORTER'S CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the audio
file to the best of my ability in this matter.



Lori A. Boeding, CCR
Notary Public No. 239861
Commonwealth of Virginia at Large
Commission expires: 8/31/16

EXHIBIT H

(Pictures of Demonstrators at the Phi Kappa Psi House)

Protests and Demonstrations





Alliance for Social Change at UVA

November 22, 2014 · 🌐

We just got back from the Not One More rally, where four peaceful protesters were arrested for sitting and singing on the steps of the building where Jackie was assaulted.

Like · Comment · Share

👍 93 people like this.

↪️ 57 shares

💬 View 8 more comments



Patti Gauthier Flynn That's what I was thinking, Elizabeth. If this was private property, they were trespassing. They would have been more effective protesting where they couldn't have been arrested on a technicality.

Like · Reply 👍 4 · November 22, 2014 at 7:53pm

↩️ 3 Replies



Carl David This is outrageous! Who were the protestors that were arrested? Does anyone have badge numbers for the police officers? What can we do?! This is totally unacceptable!!!



Write a comment...





SAFE

RAPE

NO MORE YEARDLEYS
NO MORE HANNAHS
NO MORE JACKIES
NO MORE VIOLENCE
AGAINST WOMEN
#MacheteAlMachote







EXHIBIT I

(Pictures of Vandalism at Phi Kappa Psi House)

Vandalism at PKP House







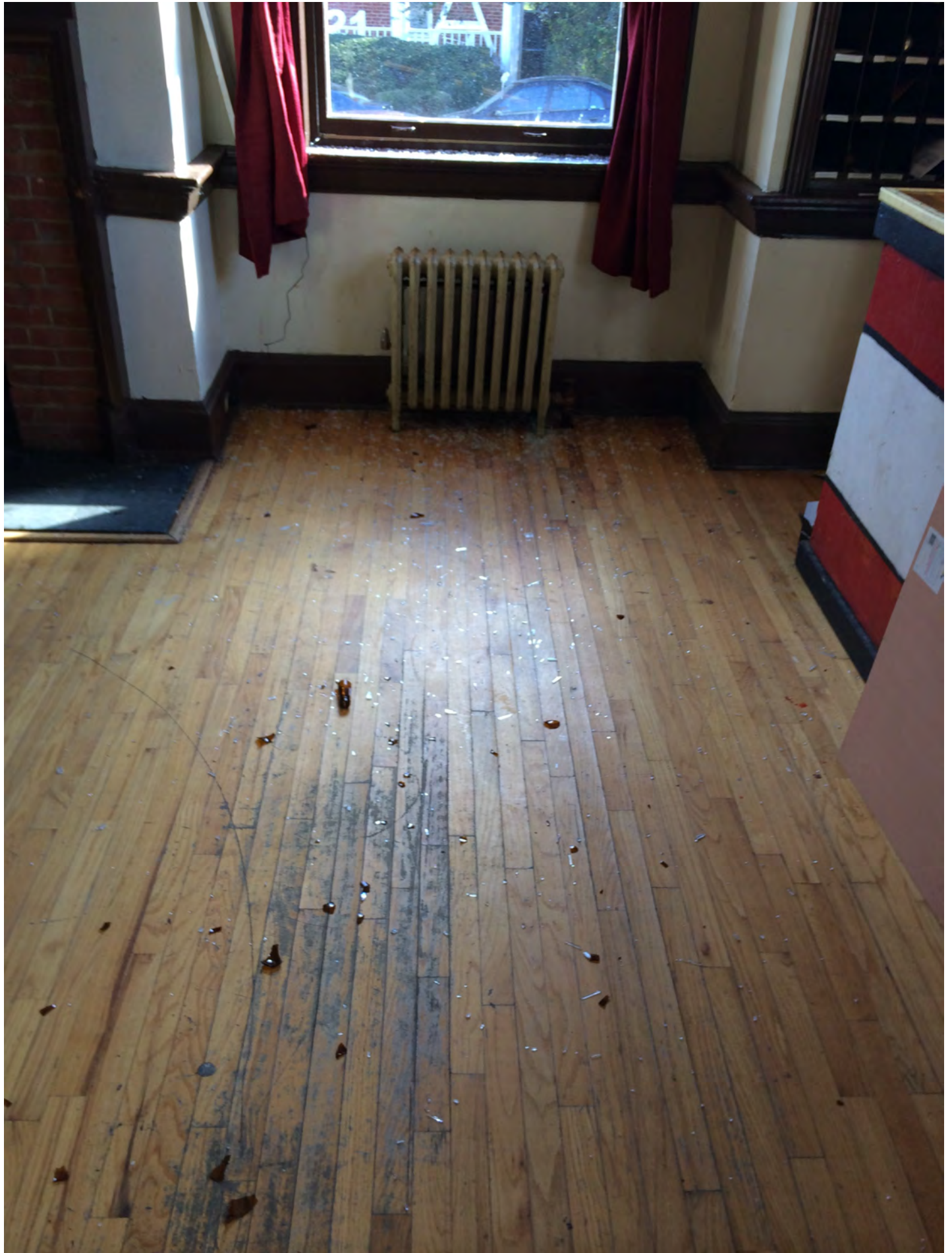




**PRIVATE
PROPERTY
NO
TRESPASSING**







FOR HIS GENEROSITY TO
THIS FRATERNITY

ΦΚΨ



UVA
Center
for
RAPE
Studies

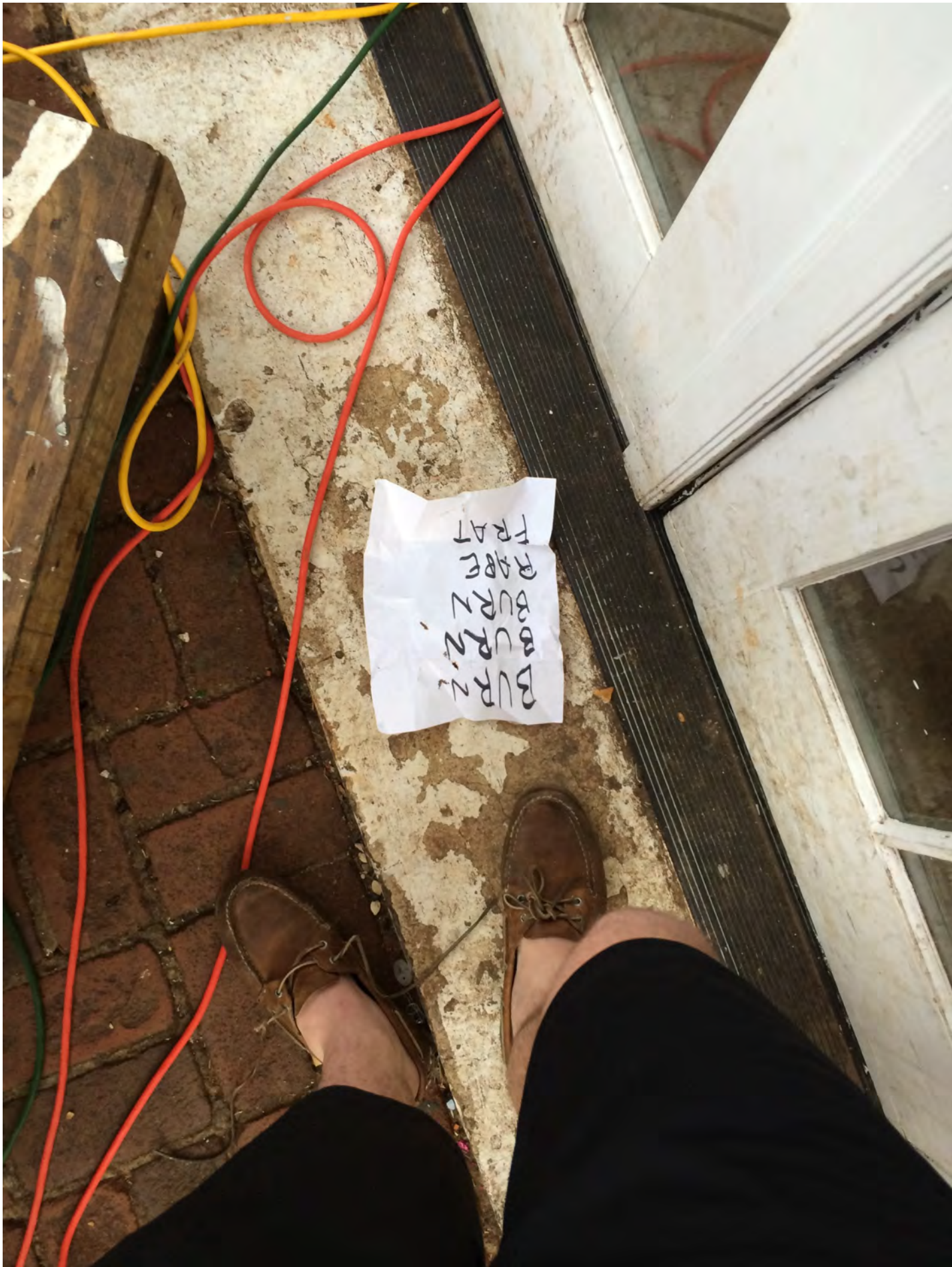




STOP
RAPING
PEOPLE

Fuck
Boys





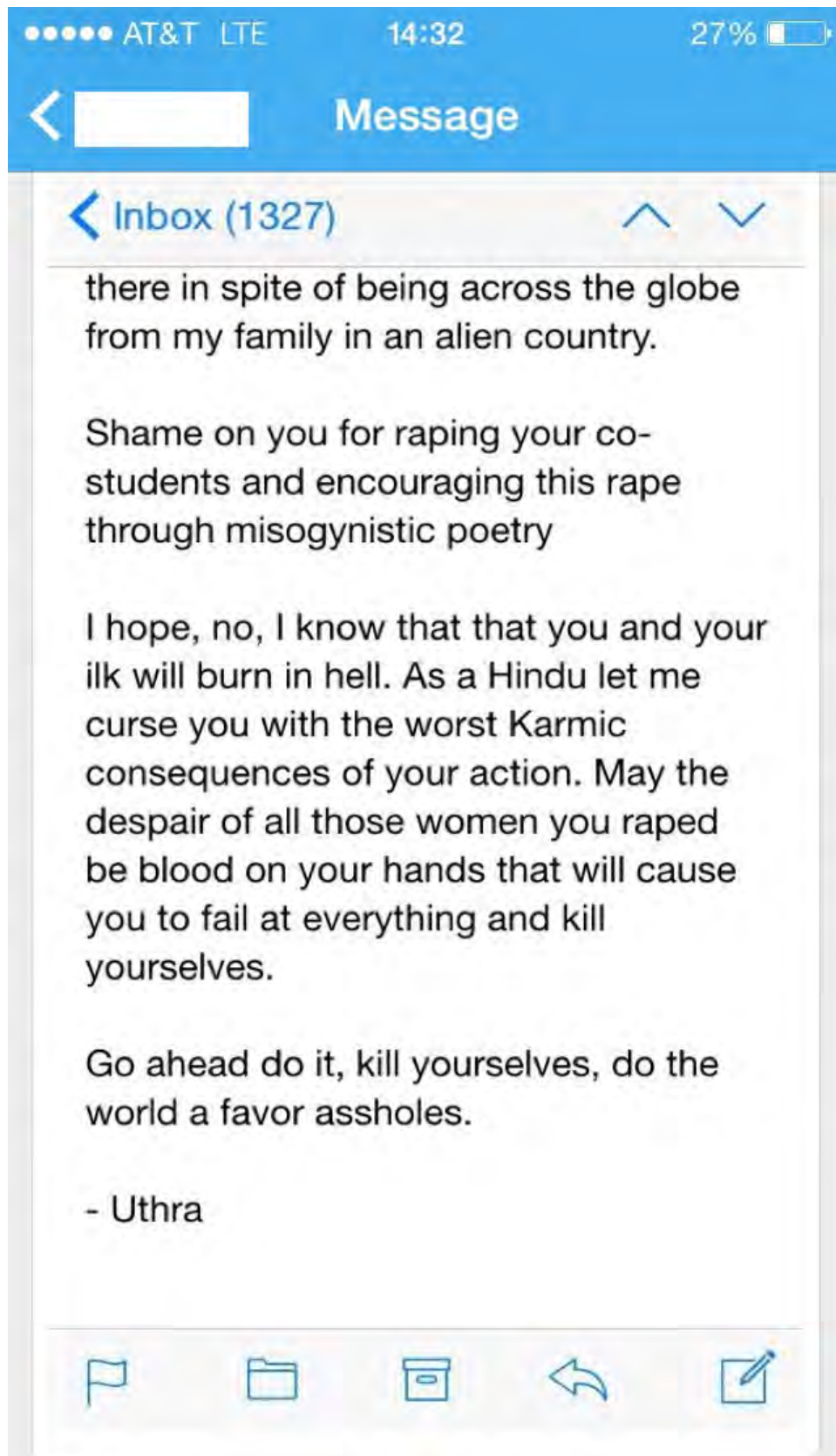
BURR
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FRAT



EXHIBIT J

(Examples of Social Media Backlash)

Social Media Backlash



Inbox (1327)

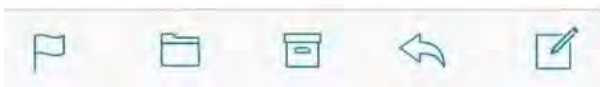
From: [redacted] Hide

To: [redacted]

i hope you die

November 20, 2014 at 2:11 PM

and get raped..



Tweet



@UVAPhiKappaPsi can't wait to see you fuckers burn to the ground

11/19/14, 10:41 AM



Reply to Luke Dickinson, UVA Phi Kapp

Join the discussion...

Show One New Comment

guest · 13 minutes ago

Its just a matter of time before a Father like me will go in and shoot the balls off those bastards and burn down their fu***ing historic house

  · Reply · Share 

 **Nour** · 16 minutes ago

Let's end the culture of rape at UVA by making sure that the fraternity with a long history of rape gets suspended from Grounds permanently.



A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA

When a UVA student tried to hold the men who sexually assaulted her accountable, new abuses began.

ROLLINGSTONE.COM

Like · Comment · Share

👍 12 people like this.

Most Relevant ▾

↪ 1 share



Write a comment...



Robert Mays Uva can go Fuck itself. Over privileged useless human beings getting whatever they want out of life with no consequence(the rapists, not the rest of the student body). I wish each those seven dudes the worst when they get to prison. I hope seven of the worst inmates take their time with each one. They deserve worse than this world can offer. Know this. If you go to that school, could've helped this girl, but put your own social life before her support and recovery, than please, please do the world a favor and stay away. We don't need anymore stupid people.

Like · Reply · 👍 1 · December 4, 2014 at 1:34am · Edited



Kelly Green fucking disgusting frat boys. pigs. no, that's an insult to pigs. i hope they are locked up for a long, long time. the greek system is a pile of shit. if i was this girl, i can't even tell you what i'd do to the evil rapists cuz i'd be reported. fuck ... See More

Like · Reply · 👍 1 · December 1, 2014 at 9:36pm · Edited



Police Find No Evidence of Rape at UVA Fraternity

The announcement came four months after a now-discredited report in Rolling Stone magazine of a gang rape at a fraternity rocked the campus.

NYTIMES.COM | BY SHERYL GAY STOLBERG

Like · Comment · Share

👍 Mason Weiss likes this.



Mason Weiss Ridiculous. Jackie was raped and they're covering it up!

👍 1 · March 23, 2015 12:01

↪ 1 Reply

**To Be Fair**

a few seconds ago



This article incorrectly cites the Virginia Gentlemen as the source of continuation of the Rugby Road drinking song, when really it is the Virginia Glee Club that sings the song every year at Rotunda Sing. While the mistake is understandable given their similar uniforms, which date back to the time when the Virginia Gentlemen were members of the glee club, any decent research would yield that the Virginia Gentlemen do not perform the song and are vehemently opposed to the tradition

0 ^ v Reply

**Hoos21**

7 minutes ago



Suspend Phi Psi...this is an outrage to the University of Virginia Community.

2 ^ v Reply

**JawnyVal** → Hoos21

5 minutes ago



The university should EXTERMINATE Phi Psi!

3 ^ v Reply



 Back



Active 53m ago



WED 11:42 PM

your fraternity is a piece of
shit, if you do this to my sister
I'll hunt down every last one of
you if it takes me the rest of
my life



Sent from web

Type a message...



Aa





Phi Kappa Psi VA Alpha

Sorority & Fraternity

Create Call-to-Action

Like

Share



Timeline About Photos **Reviews** More

2.5 ★

2.5 of 5 stars
2 reviews



MY REVIEW



Tell people what you think



STAR RATING MOST HELPFUL **MOST RECENT**



Sharon Zepp — 4★ Thanks to Rolling Stone, the country is watching you.

Like · Comment · about 5 months ago · 1 Review



Donald Freeman — 1★ You all are a bunch of disgusting fucking pigs. I hope you all get raped in prison.

Like · Comment · about 5 months ago · 33 Reviews



@UVAPhiKappaPsi



Results for @UVAPhiKappaPsi

Remove

Top / All



Cody Brotter™ @TweetCody · Nov 22
fire @donlemon and shut down @UVAPhiKappaPsi



Mandy Brownholtz @mandybrownholtz · Nov 20
@UVaphikappapsi you ought to be ashamed of yourselves



Jeremy Gilchrist @jgilchristmusic · Nov 20
@UVAPhiKappaPsi Hopefully your house burns to the ground so no other girl has to endure a gang rape within its walls.



Chris Harmon @ccjjharmon · Nov 20
@UVAPhiKappaPsi Regardless of what truly happened, I would humbly remind you to reread your creed.



Joe N. J\$\$\$ @YaAverageJoe · Nov 20
@UVAPhiKappaPsi YALL SOME BITCHES!!



NWANKWO @ALLCAPS_ · Nov 20
hey @UVAPhiKappaPsi, have anything to say?





Louise @lb9999 · Nov 20

UVA SHUT DOWN @UVAPhiKappaPsi! send a message to all frats that this will not be tolerated any longer! SHOW the girls Who's got your back



Amanda @amandawingle · Nov 19

Calling on @UVA to shut down @UVAPhiKappaPsi #shutitdown



Drew @Mr_whistlepig · Nov 19

@UVAPhiKappaPsi you bunch of pussy rapist called the cops to protect you? Bwahahahahahahahahaha #UVrApe



Welansa Asrat, MD @Dr_Asrat · Nov 19

The Monster of Monticello nyti.ms/UgyGJo #Jefferson "The Ugly truth is TJ was a creepy, brutal hypocrite"--> @UVAPhiKappaPsi #UVrApe



[View summary](#)



Welansa Asrat, MD @Dr_Asrat · Nov 19

@UVAPhiKappaPsi was rumored to be 1 of the most racist fraternities. Lucky were those who never went there on principle. #RapeCulture #UVA



Fate @holyawkwardness · Nov 19

@UVAPhiKappaPsi you disgust me. your #frat brothers did (at least) 3 gangrapes in 4 yrs; there's no way you don't know about it #UVA #UVRape



Sgt. Thunderfist, MD @KIENANandKALE · Nov 19

@UVAPhiKappaPsi Fuck you. Rapist motherfuckers. I sincerely wish death on you disgusting pieces of shit. God bless.

@UVAPhiKappaPsi - Twitter Search

  1  4  



Lisa Rezner @LisaRez · Nov 19

.@UVAPhiKappaPsi free social media advice of the day...go ahead and shut this account down...for awhile...a long while.

  1  1  



Dylan Mooers @D_Mooers · Nov 19

@UVAPhiKappaPsi Fuck you.



Connor Mahan @iAmKingConnor · Nov 19

@UVAPhiKappaPsi and soon to not be a part of uva anymore! fuck boys

   1  



Tony Rivera @theblackgatsby_ · Nov 19

"@UVAPhiKappaPsi: Phi Psi at UVA is now on Twitter!" And soon to be banned! @RollingStone @UVA

  1  4  



George Lieberstein @jjs187 · Nov 19

@UVAPhiKappaPsi Will that article change your 40 rapes per week to 39? Or nah? 17



George Lieberstein @jjs187 · Nov 19

@UVAPhiKappaPsi Will that article change your 40 rapes per week to 39? Or nah? 16

@UVAPhiKappaPsi - Twitter Search



George Lieberstein @jjs187 · Nov 19

@UVAPhiKappaPsi Will that article change your 40 rapes per week to 39? Or nah? 15





Will Jones → rideforever

3 hours ago

America isn't doing it: We are usurped by the foretold Great Deception - "the real Anti-Christ" "engine for enslaving mankind's" Caesaropapism we escaped, the "Old Sectarian Order" of king and pope - sent after us its banker-intermediaries, assassins, and Synagogue of Satan.

Phi Psi's homosexual gang rapists are its children seeking assimilation but RS's article is helping to cast down the Beast of Perdition Fifth Column it is, praise God.

0 ^ v Reply



rideforever → Will Jo...

2 hours ago

There are dark forces out there for



The Lord works in mysterious ways and "shed not innocent blood" is the Bible's most frequently repeated admonition.

The "Greek" false-elite Mob/CIA gang rapists at UVa are the children of the "collateral damage" drone psychopaths' satanic Rothschild/Rockefeller Fed Scam Organized Crime faction which has usurped us under the auspices of the Roman Catholic Church's cash-flow, their banker-intermediaries, and ancient partnership with the false Jews' Synagogue of Satan's "Christ killers."

Their Fifth Column/MIC is duping us now after Mossad/PNAC's 9/11, just as with the CIA's Dealey Plaza and Gulf of Tonkin Hoax.

It is Satan's Beast which the American



Shut Down Phi Psi!

facebook.com/shutdownhipsi

Sign the petition: <http://www.change.org/p/president-sullivan-suspend-phi-kappa-psi-at-uva-permanently>

The recent article in Rolling Stone detailed the gang rape of a first year female student at the UVA chapter of the fraternity, Phi Kappa Psi, in September of 2012. The university administration knew about the incident and, so far, have done nothing to prevent this fraternity from operating on campus. This isn't the first time that Phi Psi has committed the disgusting act of gang rape; in 1984, **Liz Seccuro was gang raped by members of the same fraternity when she was a first year.** Phi Kappa Psi has a **history of violence against women.** The University administration has done *nothing* to punish the fraternity, so it's up to us to **put the pressure on UVA** to do something constructive in the issue of sexual assault on Grounds; if they had done something in 1984, they might have prevented this from happening in 2012. The fraternity has suspended itself while the investigation is ongoing - but they won't be permanently removed from Grounds. **This rape house needs to be shut down** - end of story. **Enough is enough.** We need to set an example so that other rapists think twice before doing something deplorable to women.

"There was no investigation, no paper trail and no prosecution, although I went to the hospital, Student Health, the Dean of Students, and the University Police and made dozens of reports. I was told by the Dean of Students that the Charlottesville Police had no jurisdiction over Phi Kappa Psi and was ordered not to call them." -Liz Seccuro, 1984 victim of gang rape by Phi Kappa Psi at UVA.



Stop the cover up → Anon · 5 months ago

False. There was exactly 1.

15 ↩️ ↪️ · Reply · Share



piper60 → lovinggunmaker · 5 months ago

It'd be 'nice' if there were, say, a little proof that the alleged rape actually happened before we proceed from persecuting a fraternity to burning some anonymous kid at the stake.

↩️ ↪️ · Reply · Share

William Harris · 5 months ago

Don't expect people to forget nor forgive no matter the result of the investigation. Your house and fraternity will be synonymous with (gang)rape at UVA going forward.

137 ↩️ ↪️ · Reply · Share



johnny2 → William Harris · 5 months ago

And with the internet being the thing, you can bet it won't be forgotten like in the 80s and 90s

21 ↩️ ↪️ · Reply · Share



patricia gala → William Harris · 5 months ago

Our name is UVrApe now. Our entire reputation is ruined. All because Sullivan, Groves and Eramo chose to silence victims and safeguarded the felons. We need a change. We demand them out. **NOW**

13 ↩️ ↪️ · Reply · Share

EXHIBIT K

(Examples of anti-Phi Kappa Psi Social Media Activism)

Social Media Activism



When an individual is protesting society's refusal to acknowledge his dignity as a human being, his very act of protest confers dignity on him.

(Bayard Rustin)

Reform Fraternities Now
Community

Like Follow Message

Timeline **About** Photos Likes Videos

About Reform Fraternities Now

Page Info

PAGE INFO

Short Description

Rolling Stone detailed the gang rape of a girl at Phi Kappa Psi on Sept. 2012. In 1984, another gang rape at PKP. It's time to shut down the rape house.

Long Description

The recent article in Rolling Stone detailed the gang rape of a first year female student at the UVA chapter of the fraternity, Phi Kappa Psi, in September of 2012. The university administration knew about the incident and, so far, have done nothing to prevent this fraternity from operating on campus. This isn't the first time that Phi Psi has committed the disgusting act of gang rape; in 1984, Liz Seccuro was gang raped by members of the same fraternity when she was a first year. Phi Kappa Psi has a history of violence against women. The University administration has done nothing to punish the fraternity, so it's up to us to put the pressure on UVA to do something constructive in the issue of sexual assault on Grounds; if they had done something in 1984, they might have prevented this from happening in 2012. The fraternity has suspended itself while the investigation is ongoing - but they won't be permanently removed from Grounds. This rape house needs to be shut down - end of story.



When an individual
refusal to acknowle
human being, his
confers dign

(Bayard

Reform Fraternities Now

Community

- Timeline
- About
- Photos
- Likes**
- Videos

People

3 People Talking About This

492 Total Page Likes
0% from last week



Alliance for Social Change at UVA

Organization

[Timeline](#)

[About](#)

[Photos](#)

[Likes](#)

[More ▾](#)

People

2 People Talking About This

2,050 Total Page Likes
0% from last week

UVA- Phi Kappa Psi



21
rapes this year

IMP

21
rich white boys

Z
ero Justice

immortalizing

ale

privilege

21
rapes this year

IMP

21
rich white boys

Z
ero Justice

immortalizing

ale

privilege

👍 Gail Gordon Donegan, Scott Smith and 2 others like this.



Reform Fraternities Now

December 1, 2014 · Edited · 🌐

Thank you WDBJ7 and Nadine Maeser WDBJ7 for continuing to report on the issue of sexual violence at the University of Virginia, and for mentioning our petition to Shut Down Phi Kappa Psi at UVA in your news segment today.

"A petition is already floating around campus calling for the termination of the fraternity that has been at the center of this sexual assault investigation ... It already has more than 2,000 signatures from students, parents, alumni and faculty."

If you haven't already signed the petition, please do so and share, here:

<https://www.change.org/p/teresa-sullivan-suspend-phi-kappa-...> Let's make our voices heard! Together, we can create real change. #shutdownphipsi

👤 rapehouse

EXHIBIT L

(Change.org petitions against Phi Kappa Psi)

Petitioning President Teresa Sullivan and 1 other

UVA Against Sexual Violence

Nour E. Sulaiman Charlottesville, VA



Phi Psi is currently suspended temporarily (by its national chapter) - let's make that suspension permanent. If we don't push for this, the university administration certainly isn't going to be pursue action to shut down Phi Kappa Psi permanently.

"There was no investigation, no paper trail and no prosecution, although I went to the hospital, Student Health, the Dean of Students, and the University Police and made dozens of reports. I was told by the Dean of Students that the Charlottesville Police had no jurisdiction over Phi Kappa Psi and was ordered not to call them." -Liz Seccuro, 1984 victim of gang rape by Phi Kappa Psi at the University of Virginia.

Phi Kappa Psi is a fraternity with a history of violence against women; they have committed two known gang rapes at UVA. Since 2011, Phi Psi chapters have closed permanently at UCLA, and University of Arizona. They have also been suspended from University of Dayton, Cornell University and West Virginia University.

Phi Psi, according to *The New York Times*: "Several of its chapters have also run into recent trouble. Just days before the Rolling Stone article, Brown University suspended its Phi Kappa Psi chapter, after two women said they had been drugged at a fraternity party and one said she had been sexually assaulted; one woman tested positive for a date-rape drug, and test results on the other are still pending, the university said.

Sign this petition

2,771 supporters

2,229 needed to reach 5,000

United States

I'm signing because... (optional)

Share with Facebook friends

Sign

Display my signature on Change.org

By signing, you accept Change.org's [terms of service](#) and [privacy policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.

Petitioning Teresa Sullivan, University of Virginia President

Abolish The Greek System

 Saira Rao and Carey Albertine Denver, CO

President Sullivan,

While we would first and foremost want UVA to report all crimes, including sex crimes, to the police, we understand that the University is not compelled to do so under the law.

Which brings us to our direct ask: Abolish the Greek System.

As alumni of UVA—and of the Greek system—we can attest to the insidious culture bred therein. We can attest to the racism, classism, and sexism contingent to this system's success. Now, in a Nov. 19, 2014 article, Rolling Stone has reported on the use of gang rape as a PLEDGING RITUAL at a fraternity. The only logical response must be to end this culture entirely.

We know what you're thinking—abolishing the Greek system at UVA is impossible. Tradition is one of the foremost tenets of UVA culture. You may worry that if you take this step, alumni will withdraw their financial support. You may have trouble imagining what the social scene will be like without parties on Rugby Road.

Sign this petition

1,630 supporters

520 needed to reach 2,500

United States ▼

22902

 Share with Facebook friends Display my signature on Change.org

By signing, you accept Change.org's [terms of service](#) and [privacy policy](#), and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.

Petitioning The President and Board of Visitors of the University of Virginia

End the Culture of Rape at UVa

April Wimberley Charlottesville, VA



I am a graduate of the University of Virginia, a lawyer, a mother, and a resident of Charlottesville. I write as a representative of thousands of current UVa students, hopeful future students, alumni, and friends.

Our beloved University has been shocked and sickened upon learning of the brutal assaults described in a *Rolling Stone* article. Several women gave credible accounts of sexual violence that occurred on campus—including a gang-rape by seven male students that may have been part of a fraternity initiation. The University's response to such assaults has been anemic. It seems that you, the University leadership, value the school's reputation, endowments, and legal liability more than justice for the victims or the maintenance of a safe and caring community. In the past decade, almost 200 students have been expelled for lying, cheating, or stealing. **Not one** student has been expelled for committing a rape. The community was never told of the suspected assaults described in the article, and the rapists continued walking these Grounds, protected by victim-shaming, money, and a culture that doesn't take such allegations seriously.

You, President Teresa Sullivan, issued a tepid and half-hearted response to the article, citing proposed changes to "Sexual Misconduct" policies—which, for example, would require the Sexual Misconduct Board to **consider** suspension or expulsion as a punishment for rapists. President Sullivan, that's not good enough. When you were fired by the Board in a dishonorable and nontransparent way, students and alumni rallied for you—we fought for you, and we won. We, the people, feel betrayed by your lack of outrage and call for real reforms. You're our leader; act like one.

Sign this petition

6,541 supporters

3,459 needed to reach 10,000

First name

Last name

Email

United States

Street address

22902

I'm signing because... (optional)

Share with Facebook friends

Sign

 Display my signature on Change.org

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EXHIBIT M

(Threats against Phi Kappa Psi members)

Threats Against PKP Members

can be stopped from hurting more women. What a brave act. So many of us are proud of you!

25 ^ | v · Reply · Share ·

thegodemperor · 2 hours ago

Give me the name of the rapists, I will kill them. Not joking, I will straight up kill them. And while I'm at it, I'll kill their families for failing to raise them.

6 ^ | v · Reply · Share ·



Robert Long → thegodemperor · an hour ago



Here's hoping some beaters roll deep on Phi Psi house and murder everyone in it. Leave the bodies to rot and require rushing pledges to other frats to take a tour.

1 ^ | v · Reply · Share ·



California Mom → thegodemperor · 2 hours ago

Here we go. Death threats. He says he's not joking. He also wants to kill their families.

Share  Favorite 

Join the discussion...

Show One New Comment

 **guest** · 13 minutes ago

Its just a matter of time before a Father like me will go in and shoot the balls off those bastards and burn down their fu***ing historic house

  · Reply · Share 

 **Nour** · 16 minutes ago

Let's end the culture of rape at UVA by making sure that the fraternity with a long history of rape gets suspended from Grounds permanently.



appropriate for a forum where it is going to damage students who are trying to heal and move on.

9

14m 2 replies

Revolution

Let's storm Phi Psi and tar and feather those bastards

14

14m

Recommend everyone take time to read the Rolling Stones article, it is long but very revealing

7

14m 1 reply

Extremely bothered after reading that article. It's so sad that we live in a world where people do such cruel things to others

11

14m

Bye bye Phi Psi

9

14m

Petition to add sexual assault to the honor code single sanctions

42

15m 2 replies

Tbh frat life is a lot like gangs for the privileged- hazing/initiation, territory, anonymity/protection within a brotherhood. etc

25