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## NOW says UVa dean's strategy in lawsuit 'undermines' sexual assault victims

The organization said the lawsuit's demands abet victim blaming and rape culture.

By Dean Seal The (Charlottesville) Daily Progress

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**A national feminist organization is calling on University of Virginia President Teresa Sullivan to quell the actions of a university administrator embroiled in a defamation lawsuit against Rolling Stone magazine.**

**The National Organization for Women published an open letter to Sullivan on Jan. 6 calling out the "deeply disturbing actions" of Nicole Eramo, an associate dean of students at UVa who filed a \$7.5-million federal lawsuit last May against Rolling Stone in relation to a now-retracted article about sexual assault on UVa's campus. A former chairwoman of the university's sexual misconduct board, Eramo claims in her suit that the article portrays her as ineffective and uncaring in helping victims of sexual assault.**

**In recent weeks, Eramo has asked the court to compel the cooperation of "Jackie," the UVa student whose account of her alleged gang rape at a prominent fraternity house served as the article's centerpiece. An investigation by Charlottesville police turned over no evidence that Jackie's alleged assault ever occurred, and the magazine has since retracted the story that the Columbia Journalism Review dubbed "a journalistic failure that was avoidable."**

**Counsel for Eramo has asked that Jackie turn over any communications with the magazine, friends, family and a campus support organization related to the alleged assault, but Jackie's lawyers have countered that their client is immune from doing so, as she is not a party to the lawsuit and should be given immunity as a victim of sexual assault.**

**In Wednesday's letter, the National Organization for Women said Eramo's effort is going too far.**

**"Your dean's demands recite nearly every false argument made to undermine victims of sexual assault," the letter reads. "It is exactly this kind of victim blaming and shaming that fosters rape**

**culture, re-victimizes those brave enough to have come forward, and silences countless other victims.”**

**The letter states that by implicating Jackie in the lawsuit, Eramo has “publicly attacked” a victim whom she formerly counseled and that doing so could damage the ability of students to trust university officials tasked with protecting them. Further, the letter indicts the university for condoning Eramo’s actions and demands that it take steps to “put a stop to these actions, make clear that the university does not support them and to continue to foster a more positive environment where all students can feel safe and protected.”**

**A spokesman for the university said Friday that Sullivan declined to comment on the matter.**

**When reached Friday, one of Eramo’s attorneys said it was “unfortunate” that “Jackie and her cadre of lawyers have taken the unreasonable and legally untenable position that she is immune from routine civil discovery.”**

**“And it is even more unfortunate that an organization that is supposed to advocate on behalf of women is supporting a woman who has set the cause for survivor support back so far,” said Libby Locke, a member of Eramo’s counsel.**

**In her most recent filing in the case, Eramo called Jackie a “serial liar who invented people, events and text messages” to corroborate her story, and that she is not immune from participating in the lawsuit’s discovery phase.**

**“Jackie was the primary source for Rolling Stone’s false and defamatory article that included her story about being the victim of a violent sexual assault. But there is no evidence whatsoever that the story Jackie told her friends, or the very story she told Rolling Stone, actually transpired,” Locke said in an email. “Instead, it appears that Jackie fabricated her perpetrator and the details of the alleged assault. ... Having freely discussed her supposed sexual assault with numerous media outlets, there is no basis in law or logic for Jackie to refuse to produce documents related to her participation in the Rolling Stone article.”**

**Terry O’Neill, president of the National Organization for Women, disagreed with the notion that Jackie had fabricated her story, saying that “I have always believed Jackie” and that Jackie’s trauma could have affected her memory of the alleged assault. She further censured the university and Sullivan for condoning Jackie’s “re-victimization” through Eramo’s court filings.**

**“They are ratcheting up the promotion of rape culture and slut-shaming with these filings,” O’Neill said Friday. “I am beyond shocked that an institution as well regarded as the University of Virginia would actually engage in this kind of behavior.”**

**O'Neill said her organization had not sent any messages to Eramo directly, and that while UVa is not named as a party to the lawsuit, the organization "view[s] this as an action of the administration" of the university.**

**"What we see is the message that is unmistakably being communicated to women at UVa ... if you get raped at UVa and you file a report on it, you are fair game to be viciously attacked years after the attack if the administration feels it is in their best interest," O'Neill said. "President Sullivan is responsible for those kinds of messages, period, end of discussion."**

**Rolling Stone is facing two more lawsuits in relation to the retracted story. In 2015, members and alumni of the Phi Kappa Psi fraternity filed lawsuits claiming they were unduly harmed by the allegations in the debunked article.**

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