

What is a real apology?: *Rolling Stone* and the University of Virginia rape allegation article

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Introduction

On July 14, 2014, Sabrina Rubin Erdely, a writer for *Rolling Stone* magazine, made her first phone call to "Jackie," a student at the University of Virginia (UVA). Erdely had been pursuing a story on the issue of rape on college campuses, and looked into UVA because the school had already been on the Department of Education's list of 55 colleges under investigation for their handling of sexual assault violations. In addition, UVA had the reputation for hard partying, particularly among its sororities and fraternities. It was during this interview that Jackie told Erdely the story of her gang rape by several UVA students at a Phi Kappa Psi house party.

According to Jackie, who was 18 at the time, she was asked out by "Drew," an attractive junior Jackie met while they were both working as lifeguards at the university pool. Drew invited Jackie to dinner and a "date function" at his fraternity, Phi Kappa Psi. During the party, Drew asked Jackie if she wanted to go upstairs. Jackie followed Drew into a pitch-black room and screamed when she suddenly realized they were not alone.

Jackie said that for the next three hours, seven men took turns raping her as Drew and another man looked on. She said one of the men, whom she recognized from her anthropology class discussion group, was encouraged by the others to physically penetrate her with a beer bottle. She eventually passed out from the trauma.

Jackie stated that she came to after 3 a.m. and, disheveled, bloodied and shoeless, ran from the fraternity house (Erdely, 2014, November 19). She then frantically called a friend, screaming that something terrible had happened to her. Three friends, two males and a female found her outside the Phi Kappa Psi house shaking and crying. One of the male friends, "Randall" suggested Jackie go to the hospital, but the others hesitated. The female friend, "Cindy," worried that Jackie's going to the hospital because of an alleged sexual assault would harm Jackie's on-campus reputation. The other male friend, "Andy," and "Randall" both feared that if Jackie sought treatment for the sexual assault and subsequently filed a complaint that *their* plans to rush fraternities might be negatively affected. Eventually, they all decided Jackie would not to seek treatment at the hospital for the alleged assault nor file charges against attackers. Two weeks later, Jackie saw Drew at the pool. "I wanted to thank you for the other night," he reportedly said. "I had a great time" (Erdely, 2014, November 19).

In the following weeks, Jackie withdrew from her schoolwork and social life and even bought rope to hang herself. By the end of the fall semester Jackie called her mother and asked to go home. After the long winter break, Jackie returned to school for the spring semester, and toward the end of her freshman year she reported the rape to Dean Nicole Eramo, head of UVA's Sexual Misconduct Board. Jackie was given three options by Dean Eramo: file a criminal complaint with the police, file a complaint with the school, or face her attackers with Eramo present to tell them how she felt. Not feeling

supported by Eramo, Jackie did not pursue a complaint against her alleged attackers (Erdely, 2014, November 19).

On November 19, 2014, *Rolling Stone* magazine published Erdely's 9000-word story, "A Rape on Campus: A Brutal Assault and Struggle for Justice at UVA." Jackie's account of her alleged sexual assault was the centerpiece of the article. Its narrative served to provide the reader with a jarring look into the prevalence of rape culture on U.S. college campuses. The story also suggested that UVA mishandled the incident with Jackie.

In the first few days after its publication, the article sparked a conversation about sexual assault on campus and how schools nationwide often respond to brutal crimes with indifference. Many people were outraged by the events described in the article, particularly at UVA. Facing pressure from the campus community, on November 22, UVA president Teresa Sullivan suspended all campus fraternities, sororities, and Greek organizations from all activities until January 9, 2015. Sullivan also requested the Charlottesville Police Department investigate Jackie's rape. Finally, Sullivan urged students, faculty, and alumni alike to weigh in with input as to how best the school could reform how it handles sexual assault. The national chapter of Phi Kappa Psi suspended the activities of its UVA chapter, and its national leadership pledged cooperate in the police investigation and as well as launching its own internal investigation.

Slowly, however, doubts began to be raised about the story. On November 24, former *George* magazine editor, William Bradley, raised doubts about the *Rolling Stone* story on his blog. He recounted how he had been taken in by notorious fabulist Stephen Glass while Glass and Bradley were at the *New Republic* (Glass had completely fabricated stories that were published in the magazine). The experience left Bradley thinking, "One must be most critical, in the best sense of that word, about what one is already inclined to believe" (Bradley, 2014, November 24).

Then questions were raised about Erdely's reporting methods. In a November 28 interview with the *Post*, Erdely revealed she either failed to contact the alleged rapists or never even tried. She also wouldn't reveal whether she knew the names of Jackie's alleged attackers or whether in her reporting she approached "Drew," the alleged ringleader, for comment. Erdely claimed she needed to keep silent about those details because of an agreement she had with Jackie. Jackie had threatened to quit cooperating with Erdely on the story unless she agreed to those conditions because Jackie claimed she was still scared of the perpetrators (Farhi, 2014, December 1).

Then questions were raised about *Rolling Stone*'s editing process. On December 1, 2014, Sean Woods, who edited the UVA article, told the *Post*, "We did not talk to them [the alleged perpetrators]. We could not reach them." Woods did say that the magazine had verified the existence of the perpetrators by talking to Jackie's friends (Farhi, 2014, December 1). The next day, *Rolling Stone* issued a statement that it stood by both Jackie's account and Erdely's reporting.

Things came to a head on December 2, 2014 when the *Washington Post* ran a story questioning Erdely's reporting. Among the issues that the *Post* story raised were:

- 1) Phi Kappa Psi says that it did not have a date function on the night in question.
- 2) None of its members worked at the university pool during the time of Jackie's alleged rape.
- 3) The article suggests the gang rape was part of a pledge initiation ritual, but the fraternity did not have pledges in the fall.

- 4) Jackie's friends doubted her account. She allegedly misidentified her attacker, and told them different versions of her attack (Wemple, 2014, December 2).

In response to the *Post* article, *Rolling Stone* managing editor Will Dana released a lengthy statement that concluded, "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." Following claims that the magazine was blaming a rape victim for its own shoddy reporting, the final paragraph was revised to say:

We published the article with the firm belief that it was accurate. Given all of these reports, however, we have come to the conclusion that we were mistaken in honoring Jackie's request to not contact the alleged assaulters to get their account. In trying to be sensitive to the unfair shame and humiliation many women feel after a sexual assault, we made a judgment – the kind of judgment reporters and editors make every day. We should have not made this agreement with Jackie and we should have worked harder to convince her that the truth would have been better served by getting the other side of the story. These mistakes are on *Rolling Stone*, not on Jackie. We apologize to anyone who was affected by the story and we will continue to investigate the events of that evening.

As more press reports called into question the accuracy of the article, on December 22, *Rolling Stone's* editor, Jann Wenner, announced that the magazine had asked the Columbia Journalism School to investigate the matter:

In RS 1223, Sabrina Rubin Erdely wrote about a brutal gang rape of a young woman named Jackie at a party in a University of Virginia frat house ["A Rape on Campus"]. Upon its publication, the article generated worldwide attention and praise for shining a light on the way the University of Virginia and many other colleges and universities across the nation have tried to sweep the issue of sexual assault on campus under the rug. Then, two weeks later, The Washington Post and other news outlets began to question Jackie's account of the evening and the accuracy of Erdely's reporting. Immediately, we posted a note on our website, disclosing the concerns. We have asked the Columbia Journalism School to conduct an independent review – headed by Dean Steve Coll and Dean of Academic Affairs Sheila Coronel – of the editorial process that led to the publication of this story. As soon as they are finished, we will publish their report.

On March 23rd, 2015, the Charlottesville, Virginia police department concluded its investigation, which resulted in "no evidence" for the events reported in the *Rolling Stone* article. The police chief could not confirm Jackie's account of the rape and also said that an alleged physical assault Jackie reported — when she told police that four men followed her and then threw a bottle at her face — had significant inconsistencies (Shapiro, 2015, March 23).

Two weeks later, on April 5th, 2015, *Rolling Stone* published an official retraction of "A Rape on Campus" as well as presenting the findings of the Columbia University report. Despite finding evidence that Jackie's story was largely unsubstantiated, the review did not accuse the alleged victim, Jackie, of providing the *Rolling Stone* with false information. The report was entitled "*Rolling Stone's* Investigation: 'A failure that was avoidable,'" because the purpose of the report was to examine the investigative practices of what is widely regarded as a reputable magazine, and where the writer and editors made errors. While the story was affected by the inaccurate information provided by Jackie, it was not her

fault for the article being published as if it was fact and disseminated to a wide audience. In other words, even if Jackie's story was partially or entirely fabricated, that was not the issue at hand for the Columbia University team.

The Columbia University review, however, was a devastating indictment of *Rolling Stone*, highlighting major failures on the part of Erdely and her editors. The report focused on three serious errors, all of which suggest that the magazine did not do enough to corroborate Jackie's account:

1) *Rolling Stone* was too liberal in its use of pseudonyms. While the use of pseudonyms can be immensely helpful in protecting the identities of victims and perpetrators alike, in this case the usage allowed Erdely and the editors "to evade coming to terms with reporting gaps" (Coronel, Coll & Kravitz, 2015, April 5). For example, all three of the friends "Jackie" identified as coming to get her after the party were given pseudonyms. In addition, the alleged rapist Jackie said was her date to the event was also given a pseudonym. Not one of these students was contacted by Erdely, and, while providing a pseudonym can be explained away in the case of "Jackie," there is no excuse to hide these friends behind pseudonyms to prevent them from being contacted later and potentially provide valuable information for the story.

2) *Rolling Stone* did not check the accuracy of derogatory information before disseminating it. Again, Erdely and the editors failed to confer with the three friends before telling the public that those students cared more about their "social standing" than they did about getting their friend help after she was assaulted -- which was how Jackie's version of the events portrayed them. Had the editors checked out the story, they might have discovered the discrepancies in Jackie's story before publication.

3) *Rolling Stone* did not confront important principals in the story with its details. For example, Erdely failed to tell the representatives of Phi Kappa Psi the details of Jackie's accusation when she asked for "comment." Had she mentioned a detail as small as even the date of the alleged house party, she would have informed that Phi Kappa Psi had no fraternity event on record for that date.

Though the editors of *Rolling Stone* apologized in the same April 5 issue. The nature of that apology will be analyzed in the following pages.

Image Restoration Discourse Strategies

As noted elsewhere (Carveth, Ferraris, and Backus, 2007), reputation hinges upon the judgments that key publics make based upon an organization's -- or an individual's -- behavior. Sound reputations protect the organization or individual against existing and potential problems such as those that arise when controversial incidents occur (Baker, 2001). A previously solid reputation will not only help an organization or individual to ride out the storm, but also to successfully recover in the wake of its damage.

Image restoration becomes an issue when organizations or individuals have passed the point of anticipation and have lost the opportunity to act proactively in protecting themselves. All efforts thereafter must be made with the goal of regaining the confidence of all relevant publics, minimizing negative publicity, and returning the organization to either its previous state or one better.

Analysis of crisis communication often focuses on the content of external communications such as apologies and speeches of self-defense (Seeger, Sellnow & Ulmer, 2001). Benoit's theory of image restoration comprises the typologies of self-defense to create a detailed typology of image restoration strategies for organizations (Benoit, 1995).

Benoit (1997) has identified two simple components of an attack:

1. The accused is held responsible for an action.
2. That act is considered offensive.

In addition, public figures and organizations need to address a variety of stakeholder groups, each with their own set of goals and concerns. Benoit (1997) urges that in crisis situations, it is important to prioritize these groups and tailor messages to their specific concerns.

Image restoration theory focuses on the variety of message options at a crisis communicator's disposal. The theory is comprised of five broad categories of image repair strategies (denial, evasion of responsibility, and three of these are divided into more specific subcategories of tactics).

Denial

Four variants exist within this category: simple denial, shifting the blame, separation, and denying that the act was harmful (Brinson & Benoit, 1999). *Simple denial* is a rejection of the charges. The accused party may deny that the act occurred or that they even performed the act. For example, at first, Enron denied that it had engaged in any financial wrongdoing (George & Evuleocha, 2003). *Shifting of blame* entails an argument that another party is actually responsible for the undesirable act. Blaney, Benoit, and Brazeal (2002) demonstrated that in 2001 both Ford and Bridgestone tried to focus the blame on the other company in the wake of the incidents involving rollovers of Ford sports utility vehicles that used Firestone tires. In an analysis of a scandal involving racism at Texaco, in which executives were taped using racial slurs against African-Americans, Brinson and Benoit (1999) also identified a previously unrecognized form of shifting of blame that they termed *separation*. Separation seeks to place the blame on a small portion of an organization that can be separated from the remaining and presumably good part. Finally, *denying that the act was harmful* is an admission by the accused that they committed the perceived wrong, however, they refute the fact that anyone was damaged by it (1999).

Evasion of responsibility

Here the offender attempts to dodge or reduce responsibility of wrongdoing. Simply put, evasion of responsibility involves the crafting of excuses (Brinson & Benoit, 1999). This general strategy has four different versions: provocation, defeasibility, accident, and good intentions. *Provocation* occurs when the accused party claims that the offensive act was merely a response to another's offensive act, and that the behavior should be viewed as a reasonable reaction to that provocation. Another form of evading responsibility is *defeasibility*. Here, the accused party alleges a lack of information about or control over key elements of the situation. Arthur Andersen tried to blame the Enron scandal not on their accounting practices, but on the downturn in the economy (George & Evuleocha, 2003). Similarly, President George W. Bush attempted to use defeasibility in defending his first term as president during an appearance on "Meet the Press" (Benoit, 2006). A third option is to claim that the offensive action was accidental. If the audience can be convinced that the negative action was a mishap, then the reasoning is that the accused will be held less accountable and the damage to image will be mitigated.

Part of the image repair strategy used by the U.S. Navy in 2001 when the USS Greenville collided with a Japanese trawler, killing nine people, was that the incident was an *accident* (Drumheller & Benoit, 2004). A final strategy within this category entails an attempt to convince the audience that the offensive act was performed with *good intentions*, that although an undesirable situation occurred, the accused meant well (Benoit, 1997). An example of this would be the use of animals for medical research.

Reducing the Offensiveness of Events

This category is made up of six sub-categories: bolstering, minimization, differentiation, transcendence, attack accuser, and compensation. *Bolstering* attempts to boost audience good will toward the accused in order to offset the negative feelings connected with the offense. Stressing the good traits of the offender or describing the offender's positive acts in the past achieves it. In the wake of the Enron crisis, the American Institute of Certified Public Accountants (AICPA) engaged in bolstering by stressing the positive activities and attributes of the profession (Rogers, Dillard & Yuthas, 2005). *Minimization* seeks to reduce the negative feelings associated with the wrongful act so that it appears less harmful than it may have initially seemed to be (Benoit, 1997). A third option is the employment of *differentiation*, distinguishing the present negative act from other similar, but more offensive actions in the hopes that this will reduce negative sentiment toward the act and concurrently toward the accused (Brinson & Benoit, 1999). U.S. Congressman Gary Condit attempted to employ differentiation in explaining his role in the disappearance of Chandra Levy, an intern in his office with whom he was having an affair (Len-Rios & Benoit, 2004). Transcendence attempts to place the act within a broader, more favorable context and appeals to values and group loyalties in order to improve the offender's image. In attempting to shore up his sagging approval ratings, in an April 2004 press conference,

President George W. Bush employed *transcendence* as a strategy by claiming he was a "war president" and thus should not be judged according to the usual criteria for evaluating presidential performance (Benoit, 2006b). When *attacking the accuser*, the offender tries to cast doubt upon the attacker's credibility to reduce the intensity of the attack. During the August 1, 2006 broadcast of his TV show, The O'Reilly Factor, host Bill O'Reilly responded to charges he personally attacks guests by personally attacking the person making those charge. O'Reilly claimed *Oregonian* TV critic, Peter Ames Carlin, did not do his own reporting, thus attempting to undercut his Carlin's credibility (O'Reilly, 2006, August 1, "Most ..). The sixth and final strategy within the larger category of reducing offensiveness is *compensation*. In this strategy, the accused offers to reimburse the victim of the offense, which, if it is acceptable to the victim, should help reduce the negative feelings arising from a failure of some sort (Brinson & Benoit, 1999).

Corrective Action

Strategies of corrective action involve the offender promising to correct the problem. The offender may promise to restore the situation to the state of affairs before the event by repairing existing damages, and/or promising to take preventive action (such as revising policies) to avoid a recurrence (Benoit, 1997).

Mortification

Apologists who use mortification confess to the wrongdoing and ask for forgiveness or express regret (Benoit, 1995, pp. 74-79). The rationale here is that the admission of guilt and a display of regret can often lead the audience to pardon the negative action (Brinson & Benoit, 1999).

Benoit (1995) argues that the more successful apologies will be those that use a combination of strategies. He also counsels the apologist to admit fault (if at fault) immediately and to report plans to correct problems and prevent recurrences. He argues that the strategies of denial, shifting blame, and minimization do not typically work to preserve an apologist's image.

Even though Benoit argues that corrective action and mortification are more effective strategies than denial, shifting blame, and minimization, Smith (2008) suggests that those two strategies are most effective if they form a *categorical apology*. According to Smith (2008), a categorical apology contains the following elements:

- 1) The transgressor must confess to the facts surrounding the offense and establish a record to which the parties agree. In other words, the record of the offense must be factually corroborated; there can't be any doubt as to what occurred.
- 2) The transgressor must accept of causal responsibility and not just express sympathy for the wrong. Often, apologies take the form of "I am sorry the act occurred," which is a non-apology. A true apology takes the form of "I am sorry that I did the action that caused you harm."
- 3) The transgressor must identify each moral wrong. If a company, such as the Japanese chemical company, Chisso, dumps chemicals into the Minimata River, which later causes Minimata Disease in its victims, and then covers up research demonstrating the health consequences of their dumping, then Chisso needs to accept responsibility for two moral wrongs. First, the company committed a wrong by dumping the chemicals. Second, the company committed a wrong by trying to cover up the action.
- 4) The transgressor must share a commitment to the moral principles that were violated. If someone says a sexist joke and a female co-worker objects, saying, "I am sorry you were offended" is not an effective apology. Rather, the transgressor should apologize by saying that he was sorry to have offended his co-worker. The moral value that is shared is that one should not offend other people.
- 5) The transgressor must engage in *categorical regret*. Categorical regret implies that the transgressor knows the transgression is wrong, wishes that the offense could be undone, and vows not to commit the act again. It is not merely that the transgressor is sorry for the act.
- 6) The transgressor has to perform the apology. In addition, the transgressor should perform the apology in any context upon the victim's request. If the victim should desire a public apology, the transgression should do so. Should the victim desire a private apology, then that is what the transgressor should do.
- 7) The transgressor needs to both reform his or her behavior, and to provide some manner of reparations to the victim. Providing reparations for a transgression suggests that the transgressor is trying to make a victim "whole" by returning what the offense has taken away. While it is unlikely that the reparations will actually return the victim to the state before the harm occurred, what is important is that the transgressor and victim share a similar conception of how to respond to the offense. In other words, the transgressor and the victim should agree on the appropriate conditions of redress. Not only does this mutual process give voice to the victim, it also protects the transgressor from unreasonable demands from the victim who seeks to exploit the transgressor's vulnerability and guilt.
- 8) The transgressor needs to have "standing," that is, only the actual transgressor can provide a categorical apology. While it is not uncommon, particularly with organizations, to have a third person deliver the apology, in reality only the actual transgressor can provide the meaning of the

apology and can stop the negative impact of the transgression on the victim. In addition, only the transgressor has the legitimacy to declare that the transgression will never happen again.

9) Categorical apologies speak to the offender's character rather than to her mere ability to navigate a maze of social expectations in order to maximize her self-interests. As a result, the transgressor should intend to apologize and to make amends.

10) The transgressor should not only display that he or she was wrong from a cognitive point of view, but some sort of affective response should accompany the apology. It is one thing to say that you are "wrong." It is also important to say one is "sorry." "Sorry" implies regret or remorse.

In reporting on the Columbia University report, Will Dana issued the following statement:

Last November, we published a story, "A Rape on Campus" [RS 1223], that centered around a University of Virginia student's horrifying account of her alleged gang rape at a campus fraternity house. Within days, commentators started to question the veracity of our narrative. Then, 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 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 (Coronel, Coll & Kravitz, 2015, April 5).

Clearly, the editors of *Rolling Stone* employed the strategies of corrective action ("We are also committing ourselves to a series of recommendations journalistic practices that are spelled out in the report") and mortification ("We would like to 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"). But, the statement falls short of a categorical apology.

For one thing, the apology commits the journalistic sin of "burying the lead." It is not until midway through the third paragraph that the editors of *Rolling Stone* issued an apology. Journalistic convention suggests writers employ an inverted pyramid style, where the lead provides the who, what, where, why, and how of the story. Instead, the lead is "the story was false," not "we at *Rolling Stone* blew it."

In addition, the apology did not identify specific individuals or groups at UVA that the story harmed. For example, the apology did not specifically identify Dean Nicole Eramo for erroneously portraying her as being unwilling to help Jackie. Nor did the apology specifically address the harm to the reputation of Phi Kappa Psi fraternity. A categorical apology is supposed to review each wrong committed. The magazine failed to do so.

But biggest problem with *Rolling Stone's* actions is that the editors failed to demonstrate categorical regret. *Rolling Stone* did retract and apologize for the article. But Coco McPherson (the person in charge of fact-checking the article) and Managing Editor Will Dana, both of whom oversaw the publication of the story, would not be punished. In addition, even though many critics viewed this as almost inconceivable, Sabrina Rubin Erdely, will be permitted to continue to write for the magazine. Publisher Jann Wenner said in an interview with the New York Times that Erdely's article was flawed, but said that it represented an isolated and unusual episode and that Ms. Erdely would continue to write for the magazine.

Wenner also described Jackie as "a really expert fabulist storyteller" who contributed to the subversion of the magazine's reporting process. When pressed, Wenner said he was not trying to blame Jackie, "but obviously there is something here that is untruthful, and something sits at her doorstep." In maintaining that it would not be overhauling any of its policies or procedures, the magazine indicated was no clear plan to make sure that this type of reporting would not happen again. Reform is a key component of the categorical apology.

In the wake of the Columbia University report, Erdely issued the following statement:

The past few months, since my *Rolling Stone* article "A Rape on Campus" was first called into question, have been among the most painful of my life. Reading the Columbia account of the mistakes and misjudgments in my reporting was a brutal and humbling experience. I want to offer my deepest apologies: to *Rolling Stone's* readers, to my *Rolling Stone* editors and colleagues, to the U.V.A. community, and to any victims of sexual assault who may feel fearful as a result of my article.

Over my 20 years of working as an investigative journalist — including at *Rolling Stone*, a magazine I grew up loving and am honored to work for — I have often dealt with sensitive topics and sources. In writing each of these stories I must weigh my compassion against my journalistic duty to find the truth. However, in the case of Jackie and her account of her traumatic rape, I did not go far enough to verify her story. I allowed my concern for Jackie's well-being, my fear of re-traumatizing her, and my confidence in her credibility to take the place of more questioning and more facts. These are mistakes I will not make again.

Reporting on rape has unique challenges, but the journalist still has the responsibility to get it right. I hope that my mistakes in reporting this story do not silence the voices of victims that need to be heard. ("Sabrina Rubin Erdely," April 5, 2015).

Erdely's "apology" tended to be very "me-oriented" (such as how the time since the article appeared was "painful" to her) and suggested that the mistakes occurred because of both the difficulty of reporting on rape and her concern for Jackie's well being. While it is laudable that Erdely was concerned for Jackie's welfare, it does not excuse violating basic reporting norms. Without even a suspension for

Erdely, it is hard to see where readers of the magazine can be assured that this debacle won't happen again.

The question becomes, why did Wenner not be more astute in terms of apologizing. An argument can be made that Wenner's position is based on John Stuart Mill's principle of utility – that is taking a position where the outcome does the greatest good for the greatest number of people. Jann Wenner and his editorial team were looking out for the company and its employees, while also considering the benefit of other stakeholders, such as shareholders and customers.

The dilemma here for Wenner is that the utilitarian position of trying to do the greatest good for the greatest number of people is problematic for two reasons. Supporting its reporters without “throwing them under the bus” risks losing credibility with the other stakeholders (as was the case regarding the lack of sanctions toward Erdely). On the other hand, imposing draconian penalties on actors such as Erdely or Dana could risk blowback within the company.

The position Wenner took also conflicts with the position of reporters being honest, accurate and objective. Such a position is deontological in nature, aligning most closely with the Kantian perspective of the Categorical Perspective. In other words, reporters must follow certain guidelines, such as verifying facts and sources. You don't let one source prevent you from interviewing another source. You do let the facts get in the way of telling a good story, even if it means you don't report the story.

Wenner and his associates had conflicting ethical positions to work from, and conflicting stakeholder loyalties. Sometimes the clearest choice to make is the toughest one in terms of letting Erdely and Dana go – and Wenner appeared not to want to make the tough choice.

Conclusion

Calling the apology by *Rolling Stone* as “too little, too late,” UVA dean Nicole Eramo filed a \$7.85 million dollar defamation suit against the magazine and Erdely on May 12, 2015 (Mosendz, 2015, May 12). On July 29, 2015, three former members of the Phi Kappa Psi filed also filed suit (Jacobs, 2015, July 29). The Phi Kappa Psi fraternity itself is planning to take legal action as well.

Rolling Stone editor Will Dana stepped down from his post as editor – one that he had occupied for over 10 years -- the same day as the lawsuit by the three fraternity brothers. On August 2, *Rolling Stone* announced that Dana would be replaced by *Men's Journal* editor, Jason Fine (Somaiya, 2015, August 2). As for Erdely, while she was not fired, none of her work has appeared in *Rolling Stone* ... or any other magazine.

Research on image restoration in the wake of a crisis suggests that the best strategy is that if you “mess up, fess up.” It is not clear that *Rolling Stone* and Wenner Media could have avoided litigation in the wake of the UVA rape article. Still, the lack of a categorical apology has not helped their position. By failing to give the apology the prominence it should have, by not specifically identifying the people they had harmed, and by not demonstrating a willingness to change its practices, the magazine came across as unremorseful, and doing little better than going through the motions when it came time to admit its behavior was wrong.

Thus, an important takeaway from this case is that in business communication, the *act* of apologizing is not sufficient. The content of the apology is key as well. While clearly more research needs to be

conducted in this area, business communicators would be well advised that when they are guilty of a transgression, employing an apology that resembles that of a categorical apology would be a sound strategy.

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