

## ***Penn State Scandal***

In June 2012, Jerry Sandusky was found guilty on 45 counts of sexual abuse of 10 boys. He was sentenced to 30 to 60 years in prison. Sandusky was an assistant coach of football at Pennsylvania State University. Sandusky's arrest and conviction shocked the world of college athletics because of the severity of his crimes and the extent to which he may have been enabled by others. Beyond Sandusky, the case opened up investigations into how much university administrators and head coach Joe Paterno knew about Sandusky's criminal activity, and whether or not they knowingly covered it up.

Paterno was the most victorious coach in the history of National Collegiate Athletic Association (NCAA) football. He was much beloved by Penn State fans, students, and alumni. While Sandusky clearly did wrong, many supporters did not want to see Paterno's legacy tarnished. Paterno died from lung cancer at the age of 85 in January 2012, before Sandusky's trial began. Prior to his death, in his final interview, Paterno described an incident involving Sandusky: Graduate assistant Mike McQueary informed Paterno that he had seen Sandusky in an inappropriate position with a boy in the locker room showers in 2001. Paterno said he was not sure what to do in the situation. He stated, "I wanted to make sure I knew what I was doing. And then I called my superiors and I said 'Hey we got a problem, I think. Would you guys look into it?' 'Cause I didn't know, you know... I had never had to deal with something like that. And I didn't feel adequate." When asked if he knew anything about a 1998 police investigation into Sandusky's activities, Paterno responded, "I had never heard a thing."

An investigation into Penn State's actions around Sandusky found that Penn State leaders showed "total and consistent disregard" for victims and covered up the assaults of a serial sexual predator as early as 1998. The investigation named Paterno, as well as university president Graham Spanier, senior vice president for finance and business Gary Schultz, and athletic director Tim Curley. In a separate 2016 lawsuit against Penn State, testimony by a victim of Sandusky indicated that Paterno knew of abuse as far back as 1976. Although the university reached a settlement with this victim, the evidence was not verified. Penn State president Eric Barron stated, "[It] also is important to reiterate that the alleged knowledge of former Penn State employees is not proved, and should not be treated as such. Some individuals deny the claims, and others are unable to defend themselves."

Although Paterno's exact role in allegations of cover-up remain debated, many supporters and family still wish to clear his name from any possible wrongdoing. Jay Paterno, Joe Paterno's son, joined Penn



State's board, in part, to defend the legacy of his father. He stated, "At some point the administration needs to say, 'We got it wrong,'" Paterno continued, "The fact that my dad was unaware of what Jerry was, that shouldn't be a scarlet letter." While Penn State removed Paterno's statue from the campus in 2012, the university commemorated the 50<sup>th</sup> anniversary of his first game as coach with a celebration in 2016.

Some students disagree with the continued commemoration of Paterno. In an op-ed in the student newspaper that reflected the opinion of several editors at the paper, student Lauren Davis wrote that the university "needed a reality check" after its announcement of the 2016 commemoration. She wrote, "This is our Penn State. It is a Penn State without Joe Paterno." She added, "Those of us here now are beyond ready to move on." Davis received hundreds of emails and comments, mostly negative and many written by alumni. She was called an idiot, a "clueless treacherous traitor," and worse. One person wrote to her, "I hope God can forgive you for your actions, I sure the hell can't."

Penn State reported that, as of January 2018, the university has paid a total of over \$109 million in settlements to Sandusky's victims. In 2017, Spanier, Curley, and Schultz were sentenced to varying terms of imprisonment, probation, and fines. While debates about Paterno's legacy continue at Penn State, many victims and their supporters believe these debates do little to heal wounds. Alycia Chambers, a psychologist whose 1998 report on Sandusky was ignored by police, stated, "All of this is hurtful to the victims. ... People are too concerned about a dead man's reputation and not thinking about what it would feel like to be a survivor of child abuse." She continued, "He was a human being. He had a generous spirit. He did many good things. ... But he was a human, not a saint." In a statement before he was fired in 2011, Paterno said, "This is a tragedy. It is one of the great sorrows of my life. With the benefit of hindsight, I wish I had done more."

**Concept:** Bounded Ethicality

**Ethical Insight:**

Former assistant football coach Jerry Sandusky was found guilty of sexually abusing 10 boys during his time at Penn State. While Sandusky clearly did wrong, his case opened up investigations into how much he was enabled by other people who knew about his criminal activity and whether or not those people knowingly covered it up. While these others may have considered themselves good people, their moral sense was clearly bounded. Whether blinded by ethical fading, biased by the self-serving bias, constrained by groupthink, or misled by framing, men such as head coach Joe Paterno and university president Graham Spanier made decisions and took actions that placed the temporary interests of the football team and of the university ahead of the safety of children. They likely did not understand how these various forces caused their ethicality to be constrained. Indeed, these forces provide an explanation but not an excuse for their bounded ethicality.

**Discussion Questions:**

1. While Jerry Sandusky clearly did wrong, who else in this case was subject to bounded ethicality? How and why?
2. What situational factors in this case made it difficult for those involved to act ethically?
3. Joe Paterno became a central figure in this case because he was a beloved and successful football coach. Testimonies have revealed that Paterno may have been aware of Sandusky's actions, but the extent of Paterno's knowledge remains in question. Based on the information in the case study, how were the actions (and inaction) of Paterno subject to bounded ethicality? What institutional pressures or psychological factors may have influenced his decisions? Why can inaction be equally as troublesome as action in this case? Explain.
4. Coach Paterno said that he did not feel adequate to deal with the allegations regarding Sandusky when he first learned of them. What should he have done?
5. When a coach is focused on gridiron success and enjoying its fruits, how might ethical fading affect his judgments?
6. Football was an essential part of Penn State's self-image and Joe Paterno was a god on earth to many college football fans. Football success elevated the profile of Penn State and provided it with huge financial success. In this setting, how would the self-serving bias have affected the judgment of its leaders when allegations of Sandusky's actions began to surface?
7. When administrators focus on winning football games and protecting the athletic program that wins those games, might ethical issues slip from their frame of reference? Did that happen here? Explain.
8. Explain how groupthink might impact the decisions of administrators and coaches at Penn State as evidence of Sandusky's wrongs slowly came to light.
9. This case became complicated for many Penn State football fans and alumni, as well. Why might fans and alumni defend Paterno? How are their opinions subject to groupthink?
10. Some say that Joe Paterno helped raise more than a billion dollars for Penn State and generously gave millions of his own money to the school. How do we judge the whole man and his actions?
11. As Alycia Chambers pointed out, the focus of concern over Paterno's legacy overshadows concerns for the victims of abuse. How do you think the university should handle Paterno's legacy? Why? What can be done to better serve the victims of this case? Explain.
12. This case study demonstrates the effects of a number of behavioral biases and pressures. Can you identify other behavioral ethics concepts at work in the case study? Explain and discuss their significance.

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