

## The Sandusky Scandal

Joe Paterno was an amazingly successful football coach at The Pennsylvania State University (Penn State). He had been at Penn State for more than sixty years, since he started as an assistant coach in 1950. In 1966, he ascended to head coach and won 409 games, the most of any Division I college football coach ever. His overall record was 409-136-3, meaning that his teams averaged an amazing 8.9 wins per season. He held the record for most NCAA bowl appearances and wins. Paterno and his wife had also donated millions of dollars to many different causes at Penn State, and he had helped raise billions more for the school. He was “Joe Pa,” a sainted figure on the Penn State campus. And he enjoyed more influence and actual power than the top administrators, including President Graham Spanier, Business Vice-President Gary Schultz, and Athletic Director Tim Curley.

A significant part of Paterno’s success can be credited to Jerry Sandusky, who was an assistant coach under Paterno for more than thirty years – from 1969 to 1999. Sandusky was his defensive coordinator for the last 22 of those seasons. Not only was Sandusky a superlative defensive coach, he (like Paterno) was widely admired for charitable work. In 1977, Sandusky founded a program to aid disadvantaged and at-risk youths called Second Mile. But unfortunately, he was a sexual predator and used Second Mile to groom vulnerable young boys, many of whom he molested.

On May 3, 1998, the mother of an 11-year-old Second Mile child reported to a local psychologist that Sandusky had given her son a bear hug in the shower while both were nude, which made the boy feel “uncomfortable.” For unconvincing reasons (that may have had to do with the significant influence which football has in a college town), the police and campus authorities listened to the uncredentialed counselor who thought Sandusky did not fit the profile of a pedophile rather than to the credentialed psychologist who thought that Sandusky did. The case was closed. Sandusky admitted that he had used poor judgment and promised not to shower with young boys in the future.

E-mails showed that Spanier, Schultz, Curley, and Paterno all knew about the situation. Schultz wrote: “Critical issue—contact with genitals?” And: “Is this opening of pandora’s box? Other children?” The four men were clearly relieved when charges were not brought. A public relations nightmare was averted. They did nothing to reprimand Sandusky or limit his future activities on campus with young boys. None of them attempted to contact the victim, according to historian Ronald Smith.

Sandusky retired in 1999. This apparently had nothing to do with the 1998 incident. He was given a generous retirement package, including unlimited access to the football locker room where he had showered with the 11-year-old boy the year before.



In early 2001, graduate assistant coach Mike McQueary went to Paterno's house on a Saturday morning to tell him that he had seen Sandusky fondling a young boy in the football locker room's shower facilities the night before. The fondling was of a sexual nature. A day later, Paterno told Curley and Schultz: "Hey, we got a problem." Penn State President Spanier was similarly informed. The four kept the information quiet.

These men must have been relieved that the incident did not make the newspapers. They did nothing to reach out to the victim. As was the case three years before, e-mails among the four men indicate that they decided not to report McQueary's information to the authorities. Rather, they determined to "assist [Sandusky]...to get him professional help." Spanier wrote: "The only downside for us is if the message isn't heard and acted upon, we become vulnerable for not having reported it."

Seven years later in 2008, a Second Mile student spoke up. He claimed that Sandusky was sexually abusing him while volunteering at the boy's high school. Although the wheels of justice ground slowly, in 2011 a grand jury issued a report that accused Sandusky in graphic terms of sexually molesting eight children. The report also noted that Paterno, Spanier, Schultz, and Curley, who testified before the grand jury, had known about the earlier incidents but had done nothing about them.

When the Board of Trustees learned of their actions and inactions, it terminated Paterno's contract and forced Spanier's resignation. Paterno died very soon after at the age of 86. Paterno alone admitted that he knew Sandusky's actions were of a sexual nature, although there was substantial evidence that all four men knew this, too. Before he died, Paterno apologized for "backing away" after reporting the 2001 McQueary information to Curley, and for doing nothing else about it for ten more years. Paterno said: "It is one of the great sorrows of my life. With the benefit of hindsight, I wish I had done more."

Curley and Schultz were charged with perjury before the grand jury and for conspiring to keep Sandusky's crimes hidden by failing to report his misdeeds to the child protective authorities or to the police. Spanier issued a statement supporting Curley and Schultz, but never issued a statement of concern regarding Sandusky's victims. Later, Spanier was similarly charged.

The Trustees commissioned a study by former FBI Director Louis Freeh's law firm. The study condemned the four men, noting in part that Paterno "was on notice for at least 13 years that Sandusky ... was a probable pedophile." Freeh's report also stated that "Mr. Paterno purposefully ignored this evidence," and that former Penn State President Spanier "exhibited a striking lack of empathy for Sandusky's victims by failing to inquire as to their safety and well-being."

Sandusky was convicted by a jury on 45 counts of child molestation and the like. He was sentenced to a long prison term that meant, given his age, he would probably die in prison. Schultz and Curley pled guilty to misdemeanor child endangerment charges in return for the authorities dropping their felony charges. Spanier was convicted by a jury of failing to notify

police of the 2001 abuse. All three served short jail terms. In sentencing the three men, the judge commented: “Why no one made a phone call to the police ... is beyond me.”

**Discussion Questions:**

1. By all accounts, Paterno, Spanier, Schultz, and Curley were honorable men who led decent lives. Many people criticized them for protecting the Penn State brand at the expense of children in how they handled the Sandusky scandal. Is this fair criticism? Why or why not?
2. By 2001, Paterno had been at Penn State for 51 years and clearly loved the institution. Graham Spanier had been on the Penn State faculty from 1973-1982 and had been its President since 1995. Tim Curley was born and raised in State College, PA., went to Penn State as a student, and then worked in the athletic department, where he rose to the top of the organizational chart. Gary Schultz graduated from Penn State in 1971 and then worked there for forty more years. In other words, all four men were heavily invested in the university. They clearly understood the immediate, tangible, and significant harm that a sexual molestation scandal involving one of the campus’s most visible and beloved figures would have upon Penn State’s image, and its brand. On the other hand, the four men did not know Sandusky’s victims. They did not know their names. They did not know their faces. And the evidence seems to indicate that they went to great lengths not to know anything about the victims. The victims must have seemed very abstract to Paterno, Spanier, Curley, and Schultz. Could the bias of the tangible and the abstract have played a role in the bad decisions made by these good men? Explain your conclusions and the reasoning behind them.
3. In 1991, if the four men had reported to the police or to child welfare authorities the McQueary information, it seems very likely that (in light of what had happened in 1998) they would have had a public scandal threatening damage to the Penn State brand. Is it possible these men thought to themselves: “Maybe he didn’t do it. And if he did it, maybe he did it only once. And if he did it more than once, maybe the victims won’t complain publicly. And if they do complain, maybe no one will believe them. And if they do believe them, maybe this will happen off in the future and be the next president’s (or coach’s, or athletics director’s) problem.” Could such thinking have kept the problem at an abstract level in the men’s minds rather than a tangible reality? Do you agree or disagree? Why or why not?
4. Harvard’s Eugene Soltes has found that white collar crime tends to occur more frequently when the perpetrators have no personal contact with the victims of their wrongdoing. This reduces their feelings that they are harming others and, therefore, that they are doing anything wrong. Does this finding have relevance for the Sandusky scandal? Explain your reasoning.

- a. Do you think the “Penn State Four” might have acted differently if they had met any Sandusky’s many victims? If so, how?
  - b. Would these men have acted the same had they known the victims? Or if the victims had been their own children? Explain.
5. What other behavioral ethics concepts in this series might have had an impact here? What about the self-serving bias? What about role morality? How might these biases have factored into the men’s choices and actions. Explain.

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