The Penn State Scandal: Lessons for Universities Confronted with a Public Relations Crisis

By Terry G. Fahn

Introduction

On April 23, 2011, Graham Spanier, longtime president of Penn State University, in his role as Chairman of the Bowl Championship Series (BCS) Presidential Oversight Committee, chaired a meeting in a Chicago hotel to determine the fate of the Fiesta Bowl. The BCS was meeting to determine whether the Fiesta Bowl “should remain a BCS bowl game” as a result of a major scandal involving alleged crimes committed by Fiesta Bowl executives and an attempted cover-up of those activities.2

At the meeting, Fiesta Bowl representatives explained, among other things, that in response to the crisis they had one of two choices: (1) engage in a “reveal and reform” strategy to get everything out in the open and to begin the process of reformation and rehabilitation, or (2) attempt to “conceal and cover up” what occurred and continue misleading the public. There was no middle ground between the two strategies. Fiesta Bowl representatives made it very clear that they had fully embraced “reveal and reform” approach. Spanier left the meeting impressed with the Fiesta Bowl’s efforts.3

Unknown to others at that meeting other than Spanier, Penn State was in the midst of its own crisis. As a result, Spanier would be confronted with some of the same issues faced by the Fiesta Bowl. Yet, in contrast to the Fiesta Bowl’s decision to “reveal and reform,” Spanier seemingly chose to employ a “conceal and cover up” strategy. Spanier’s decision may have ultimately contributed to his downfall as president of Penn State, as well as to the imposition devastating penalties imposed on the school.

The “reveal and reform” strategy developed and employed by the Fiesta Bowl provided Spanier with a clear blueprint for how he and other Penn State leaders could have handled the issues confronting Penn State. So why did Spanier choose to make the flawed decision to “conceal and cover up” Sandusky’s criminal activities and the subsequent Grand Jury investigation? In July, 2012, the independently investigated Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by

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**Gerald A. Sandusky** (more commonly known as “The Freeh Report”) revealed that Spanier’s motivations may have been tragically simple: he wanted to avoid bad publicity.⁴

How could the simple desire to avoid bad publicity lead to such horrific consequences and what is the proper way to handle these difficult situations? This paper will seek to provide some answers.

**Crisis Management 101**

> “If you don’t tell your story, someone else will tell it for you.”

- Michael Sitrick, founder of crisis communications firm Sitrick And Company and author of *Spin: How to Turn the Power of the Press to Your Advantage*

Dealing with a crisis situation proactively instead of reactively can make a world of difference to its outcome. Identifying and understanding the issues related to a potential crisis, creating a team to address it and developing a plan are simple concepts, yet they are often overlooked when an organization such as Penn State is facing an impending crisis situation.

**Establishing a Crisis Response Team**

Deciding how to respond to a potential crisis depends on a variety of factors, including the nature of the accusations, the amount of information available, and the complexity of the situation. Because of these issues, it is usually helpful to form a crisis response team when confronted with a crisis situation.⁵ A crisis response team should include members who have the experience and knowledge to formulate a strategy that integrates the thoughts, concerns, and opinions of various constituencies to form a cohesive communications plan.

The best crisis management campaigns are those that dovetail with legal, corporate, and political strategies, so that key elements of the message are echoed across various platforms, including court documents, public statements, websites and internal communications documents. The details, wording, and method of delivery should be tailored for each specific audience, but the overall strategy should present a cohesive message on all fronts.

Maintaining oversight and centralized control of communications is critical in response to a crisis; therefore the team should include a “field general” that can make executive decisions when team members disagree on how to proceed and appoint the proper spokespersons for particular issues. This leader might be a board chairman, president, general counsel or other highly placed individual who has the knowledge, fortitude and power to make tough decisions.

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An organization facing a crisis situation often has to contend with competing, if not outright conflicting interests from the parties involved. Parties connected to the crisis, which in Penn State’s case included administrators, coaches, board members and athletes, often have interests that diverge from the organization. While these individuals will certainly play an important role in developing and implementing a crisis response plan, efforts should be made to include attorneys and advisors as part of the crisis response team who do not have any personal stake in the decision making process to prevent irreconcilable conflicts of interest.

It is axiomatic that Lawyers play a crucial role in properly developing a crisis management plan. Indeed, a lawyer is oftentimes the first person called when a leader is confronted with a crisis situation. This can be a tricky proposition for an attorney. More often than not, a lawyer confronted with a major crisis will instinctively recommend that a client say and do nothing. This might be good advice from a legal standpoint, but from a public relations perspective it is often the worst possible advice because not disclosing the issue or trying to cover it up can create additional and more severe problems, as is now evident in the case of Penn State.

Involving a board of directors or Board of Trustees in the decision making process during a crisis can also complicate matters. Although it is important to alert the Board of Trustees at some level, bringing an entire board “in the loop” can be impractical and fraught with danger as it can consist of dozens of individuals with separate allegiances, agendas and experiences. Aside from the logistics of discreetly calling board meetings on short notice, individual board members may leak information to the media. To be sure, in these days of social media and the 24-hour news cycle, it is easy for individual actors to “go rogue” and reach out to the media on their own. Because of these potential problems, designating a board task force to oversee a crisis response is usually preferable to involving a full board.

At the Fiesta Bowl, for example, Chairman Duane Woods, upon receiving credible evidence of wrongdoing and a cover-up, worked with outside counsel and the Fiesta Bowl Board of Director’s Executive Committee to establish a separate and independent Special Committee of the Board of Directors (“Special Committee”) to investigate the allegations of wrongdoing. The Fiesta Bowl board passed a resolution empowering the Special Committee, which consisted of two well-respected board members and a former Chief Justice of the Arizona Supreme Court, who served as an independent member of the committee, “to conduct and complete its own independent and separate investigation” into the matter.

The Special Committee subsequently hired separate counsel, notified employees they should preserve documents, suspended individuals suspected of wrongdoing, and informed employees about the retention of counsel and payment of attorney’s fees because of the many inherent

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7 Counsel to the Special Committee of the Board of Directors of the Fiesta Bowl, Final Report, Robins, Kaplan, Miller & Ciresi LLP, 21 Mar 2011, pp. 11-12; 153-154.

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conflicts of interest. The Fiesta Bowl board thereafter hired its own separate counsel not affiliated with the Special Committee’s counsel because its previous law firm was potentially implicated in the wrongdoing and cover-up. It also retained a crisis management firm to work with the board to develop and implement a crisis management plan to announce the results of the Special Committee investigation to the news media, sponsors, partners, employees and other constituents, and to tell the story of the Fiesta Bowl’s “reveal and reform” efforts to the NCAA and the general public.

Understanding the Issues, Facts, Objectives and Audiences

A simple reality of crisis management is that you cannot know what to say unless you know what you are talking about. A crisis management plan based on the facts will be difficult to refute, and it will also help to both prevent potential future pitfalls and mitigate immediate challenges. Much like an attorney prepares for litigation, a crisis management team should conduct its own discovery process. This “due diligence” should be done in coordination with the crisis management team and other advisors and should include gathering and reviewing available facts. The information obtained should not be taken at face value — attempts should be made to independently verify what is learned.

One of the best ways to conduct this type of due diligence is to approach the case the same way an investigative reporter might research a story: start asking tough questions, conduct independent research, and try to poke holes in the story being presented.

Good crisis communications planning can provide an organization with a framework for shaping a narrative. By getting “ahead of the news,” an institution or organization can maintain some semblance of control as the main, or even the only source, behind a breaking story. This is very important because the first major story “invariably sets the tone for the coverage that follows,” presenting a set of “base facts,” which are likely to be repeated in all subsequent stories. Not being responsive, which sometimes results in a “no comment” or other defensive posture, is usually not a good strategy because it allows the media (or the public, or mass hysteria) to provide the framework and set the tone for the crisis, instead of allowing the client to tell their own story.

Executing a Crisis Management Plan and Interfacing with the News Media

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While fans, stakeholders, and the NCAA are key audiences, properly managing the news media can be critical to the success of a crisis management strategy. The news media will take what a university says, interpret it and repackage it for broad distribution. Managing this process and dissemination of information is crucial.

Determining the appropriate spokesperson(s) for a crisis management campaign is another important element of a crisis management strategy. The best spokespersons in a crisis situation are those who provide a clear and consistent voice that adds credibility to the narrative. Spokespersons can be designated to speak on particular issues, such as having an attorney speak about legal issues and having an administrator talk about larger issues, but it is important to designate as few spokespeople as possible.

There are many ways to tell a story to the media, including a press conference, which seems to be the standard approach employed by many schools facing a crisis. Although holding a press conference is a good way to gather a large group of reporters in one place at one time, press conferences might not be the most strategic way to convey a story because they are hard to control and they allow the media to take a story in different directions. Another downside is that reporters attending press conferences can be influenced by other reporters in attendance and by the chaos that often ensues.

Dealing directly with selected reporters to break a story is usually preferable, because the story can be more controlled. The process of engaging a reporter is a complicated and sensitive endeavor. It usually begins with reaching out to a chosen reporter who has the right attributes – respect among peers, experience on a given topic, fairness and overall credibility – and ideally, a reporter who is already covering the issue. After making contact, it is important to establish a good working relationship and mutual trust. If the reporter does not trust what you are saying, it will be difficult, if not impossible, to obtain the desired outcome.

Depending on the circumstances, experienced public relations executives can negotiate terms that dictate the timing and parameters of a given story, and then engage with a reporter. Even then, sometimes dealing directly with a situation could be impractical or impossible. In those types of scenarios, stories can also be leaked to a reporter on a “not for attribution” or “off the record” basis. “Not for attribution” typically means that a story can use information provided by a source provided that it is not attributed to a particular person. For example, a story might state “according to a source familiar with the matter.” “Off the record” conversations are generally held with the understanding that reporter agrees not to quote, publish, or otherwise reveal the contents of the conversation. This provides the opportunity for a spokesperson to speak candidly, provide background information on an issue, and answer questions from a reporter without having to be concerned with their statements being printed or taken out of context later. This type of approach, however, is risky and should only be employed by seasoned experts.
Making sure coverage is accurate is another crucial step in the crisis management process. More than ever in this digital age, news moves quickly and, if left to others, can spin out of control very quickly. It is crucial to quickly correct or explain incorrect or misleading information. Members of the crisis management team, sometimes affectionately described as a “truth squad,” should regularly review news coverage, blog postings and social media and, where possible, react quickly to correct false or misleading stories to stop the flow of bad information.

The resignation of Ohio State University coach Jim Tressel provides a good example of how a university was able to communicate with various audiences about a crisis situation. In May 2011, Tressel, a much-beloved coach known for his sincerity and politeness and praised for his "integrity,"12 was forced to resign from Ohio State. Tressel resigned following a NCAA investigation that revealed he withheld information about at least six of his players, including quarterback Terrell Pryor, received cash and tattoos in exchange for autographed jerseys, rings and other memorabilia. The NCAA’s investigation could have easily become a much worse public relations nightmare for Ohio State if it had not aggressively confronted the growing scandal.

Ohio State’s first step in response to the allegations was a prompt, multifaceted response to their key stakeholders – the NCAA, fans, and the media. The day after Jim Tressel’s announcement, Ohio State suspended Tressel for the first two games of the season and imposed a $250,000 fine.

These actions served to immediately acknowledge the problem and accept some type of accountability, which acted as “essentially a pre-emptive measure” acknowledging the NCAA’s Committee on Infractions’ right to impose sanctions.13 Ohio State deployed administrators to maintain warm and open relationships with both national and local media outlets, from acknowledging their missteps in an interview with the Associated Press to providing commentary to The Lantern, Ohio State’s student newspaper.14 At the same time, athletic director Gene Smith acknowledged the concerns expressed by those who supported Tressel.15

Ohio State also communicated separately with key stakeholders, sending a letter from the president to the university’s Board of Trustees16 and addressing the faculty to explain the situation and the university’s plans for making amends.17 In addition, Ohio State carefully controlled their communications strategy with Tressel and respected spokespersons. University

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president E. Gordon Gee served as the primary spokesman, proclaiming Ohio State the “poster child for compliance,” but his message was broadcast across many platforms and echoed by other Ohio State representatives, including Gene Smith and Ohio State spokesman Dan Wallenberg.

Despite occasional setbacks and misstatements, including Gordon Gee’s unfortunate statement that he hoped Tressel didn’t fire him, Ohio State successfully distanced itself from the scandal by making the case that “the head coach is not the same thing as the institution.” The school was also able to retain the goodwill of fans and the media by maintaining good terms with Tressel. In fact, Tressel’s resignation statement was released by the university, and was followed promptly by a video from athletic director Gene Smith confirming that both parties agreed Tressel’s resignation was “in the best interest of Ohio State.” As a result, Ohio State was seemingly able to successfully manage its crisis while keeping the support of its fans and escaping with only a “slap on the wrist” from the NCAA.

In the case of the Fiesta Bowl, investigative reporter Craig Harris of the Arizona Republic broke the news about issues related to improper campaign contributions being made by Fiesta Bowl executives. The Fiesta Bowl’s initial response, led by former Fiesta Bowl CEO John Junker, was foolish; he and others affiliated with the bowl engaged in a series of steps that could reasonably be characterized as a cover-up. Harris and others, including government investigators, were not persuaded and the investigation continued until Board Chairman Duane Woods was alerted to the wrongdoing and took control of the situation. Thereafter, the Fiesta Bowl Board of Directors, led by Woods, developed a plan to manage the ongoing crisis.

Interfacing with Harris, who was continuing to closely cover the story, was an important part of that crisis management plan. But the relationship needed to be rehabilitated because Harris, simply put, did not trust the Fiesta Bowl. The Fiesta Bowl and its advisors held off-the-record meetings with Harris and his editors to apologize for what had happened and to explain steps that were being taken to reveal the wrongdoing and reform the bowl moving forward, including the ongoing independent investigation by the Special Committee. Following the meeting, which at times was very contentious, representatives of the Fiesta Bowl worked with Harris to help him with his reporting and to accurately tell the “reveal and reform” narrative.

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21 Schlabach, Mark, "Scandal Tarnishes Tressel, Ohio State.” ESPN.com, 8 March 2011

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Penn State’s Failed Attempt at Crisis Management

The story of Penn State’s unprecedented crisis is well known. On June 22, 2012, former Penn State defensive coordinator Gerald "Jerry" Sandusky was convicted of sexually abusing 10 boys over a 15-year period in a scandal that “rocked the university's community.” The following month, a scathing report by former FBI director Louis Freeh detailed Penn State’s repeated failures related to the Sandusky scandal. The *Freeh Report* provided substantial evidence that Penn State officials conspired to conceal Sandusky’s numerous crimes. Penn State leaders, led by former president Graham Spanier, according to the report, took these actions “in order to avoid the consequences of bad publicity.”

Instead of avoiding bad publicity, Penn State’s ill-conceived “strategy” led to a perceived cover-up and even worse publicity. It is obvious that the Penn State scandal could have been handled more effectively by employing basic crisis management principles. Even in seemingly extreme crises, other universities, institutions and organizations have taken the necessary steps to prevent a total disaster like what occurred at Penn State.

As noted in a July 2012 article in *Forbes*, Penn State followed an all-too-predictable pattern for failure. Failed crises, the article noted, share “a common theme: significant breakdowns in leadership that create an environment where (1) ethical lapses and misconduct can occur, (2) red flags are ignored, and (3) problems, once they come to light, are mismanaged.”

*Lack of Preparation*

Although Penn State could not have predicted the severity and depravity of the crimes committed by Sandusky, it should have been prepared for the possibility that at some point the school could be faced with a crisis. The school would have been well served by having plans in place to manage a general crisis situation. Indeed, having a preventative crisis management plan in place can help a university or other organization prepare for a crisis by establishing clear guidelines for reporting a potential scandal and appointing the proper authorities to deal with it.

Yet, even without a contingency plan in place, former Penn State leaders had numerous opportunities to prepare and employ a crisis management strategy to minimize and mitigate potential damage to the school. A crisis response plan should have been implemented following

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29 Id.

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a case involving Sandusky in 1998, and certainly following the 2001 incident where McQuerry witnessed crimes being committed.\textsuperscript{30}

It goes without saying that Spanier, who according to the \textit{Freeh Report}, was already aware of the 1998 incident,\textsuperscript{31} could, and should have been more forceful in taking action against Sandusky. The \textit{Freeh Report} also mentions many other points at which Spanier and other Penn State leaders, including former general counsel Cynthia Baldwin, could have begun developing a crisis management plan.\textsuperscript{32} Instead, the school’s leaders seemingly engaged in an attempt to cover-up the scandal even after they were made aware of a grand jury investigation.

As the \textit{Freeh Report} makes clear, Penn State leaders not only refused to admit that there was a problem, even to the Penn State Board of Trustees,\textsuperscript{33} but failed to have a clear plan or even an understanding of how to address the growing crisis. It was unclear “if any person responsible for Penn State’s risk management examined Sandusky’s conduct.”\textsuperscript{34} Even once the scandal was publicized in 2011, the \textit{Freeh Report} notes, the board “did not take steps that might have protected the University, such as [...] preparing for the possibility that the results of the Grand Jury investigation could have a negative impact on the University.”\textsuperscript{35} It also points out that university leaders were “unprepared to handle the crisis that occurred when Sandusky, Curley and Schultz were charged.”\textsuperscript{36} Coach Joe Paterno told reporters he “didn’t know exactly how to handle” the situation after discovering Sandusky’s misconduct.\textsuperscript{37} Even Spanier told one Trustee he was “not sure what one is permitted to say, if anything.”\textsuperscript{38} If Penn State had clear guidelines in place to admit and address its problems, their efforts might not have been perceived as such an extensive cover-up.

Penn State had numerous warnings that a storm was coming, and thus numerous opportunities to engage the necessary professionals and form a crisis response team. Instead, the \textit{Freeh Report} concludes that Board’s “overconfidence in Spanier’s abilities to deal with the crisis” hindered the school from consulting respected counsel or communications experts.\textsuperscript{39} When reporters contacted Spanier six months before the Sandusky story first broke in March 2011, Spanier did not direct their inquiries to an expert trained in dealing with the media,\textsuperscript{40} nor did he inform the board or any sort of group about the brewing trouble.\textsuperscript{41} Rather, he took it upon himself to handle

\begin{footnotes}
\footnotetext{30}{\textit{Freeh Report}, p. 23.}
\footnotetext{31}{Id. p. 20}
\footnotetext{32}{See id.}
\footnotetext{33}{Id. pp. 85-89.}
\footnotetext{34}{Id. p. 51}
\footnotetext{35}{Id. p. 80}
\footnotetext{36}{Id. p. 81}
\footnotetext{37}{Id. p. 16}
\footnotetext{38}{Id. p. 26}
\footnotetext{39}{Id. p. 15}
\footnotetext{40}{Id. pp. 25, 82}
\footnotetext{41}{Id. pp. 25, 80, 88}
\end{footnotes}
the matter with the assistance of a few trusted and loyal advisors who had little experience with handling a crisis of this magnitude.42

Even after it appeared that Penn State senior administrative officials were going indicted as part of the growing scandal in October 2011, Spanier continued to dominate the communications strategy.43 According to the Freeh Report, Spanier wanted to issue a statement offering the indicted officials “unconditional support.”44 A member of the Penn State Communications staff called the phrase “horrendous” but was overruled by Spanier."45 The Freeh Report makes it clear that, whatever policies were theoretically in place, for many years at Penn State the effective crisis response strategy was Spanier’s decision alone.

The Penn State Board of Trustees eventually terminated Spanier in an attempt to take control of the crisis, but they too struggled in their less than decisive approach. In fact, the actions taken by the board seemed to further the public’s impression that Penn State officials were somehow complicit in Sandusky’s crimes. “It took days before the Board of Trustees issued responses and put a face to leadership,” one media outlet observed.46 Although under normal circumstances, taking a week for a decision might be prudent, in Penn State’s case the silence was deafening. “With social media endlessly buzzing about it for months on end, and with the public curious to know the University’s position, this decision to do nothing and to stay silent was the worst thing that Penn State could have chosen to do.”47

Although at least one trustee “suggested an ‘independent investigation’ by outside counsel and retention of a crisis management firm,” the decision was put off until the next day,48 and then delayed another four days before appointing a task force and issuing its own statement.49 In addition to clearly and desperately needing legal and media counsel, the Penn State board should have considered adding a personnel counsel to its crisis response team to handle the firing of famed coach Joe Paterno. Instead, “the Board did not explore the range of personnel actions available to them regarding Paterno’s role in the football program,”50 resulting in Paterno’s disastrous firing.

While Spanier’s early role in the crisis highlights the importance of having a variety of individuals with different perspectives, included on a crisis response team, the board’s

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42 Id. pp. 82-97
43 Id. pp. 89-90
44 Id.
45 Id.
48 Freeh Report p. 29
49 Id. p. 94
50 Id. p. 95
subsequent struggles and failures demonstrate the need for a crisis management team that can quickly achieve consensus and put a plan into effect.

Not Understanding the Issues, Facts, Objectives and Audiences

Another problem with Penn State’s approach to the growing crisis was how unclear the facts and issues were to those involved in the scandal. Because they did not fully understand the facts and issues, Penn State was unable to clearly recognize the audiences and objectives it needed to target.

Without question, one of the biggest mistakes in the Penn State crisis was Spanier’s complete failure to investigate Sandusky’s actions. Spanier was “not concerned with criminality” and did not make an “effort to investigate the facts concerning Sandusky.” The Penn State board similarly failed to do enough due diligence to clarify the facts of the situation, and thus was unsure whether “this was the third or fourth time a grand jury had investigated Sandusky,” which they astoundingly took as “an indication that criminal charges were not likely” and that the Sandusky issue “was not an ‘important’ issue for the University and the investigation was not a cause for concern.”

Penn State’s approach to the Sandusky crisis was the antithesis of good crisis management. Instead of ascertaining and analyzing the facts of the situation before addressing the media, Penn State responded to media inquiries by offering its “unconditional support” to two individuals who were indicted for lying about the sexual abuse of minors. On top of this untenable position, because of their lack of knowledge about the facts of the matter, Penn State representatives were completely unable to clearly explain the circumstances surrounding the Grand Jury investigation.

Penn State administrators not only misunderstood the facts of its case, it also misunderstood – or underestimated – the amount of media scrutiny that the Sandusky matter would merit, as well as the various opinions of its various constituents. For example, while Penn State attempted to address the demands of law enforcement and the media, it completely failed in its attempts to communicate with Penn State students, alumni, faculty and staff. This was evident when the Board made the decision to fire longtime Penn State football coach Joe Paterno.

When the Penn State scandal first exploded, Joe Paterno’s statements addressed only the concerns of law enforcement, claiming that he covered himself legally by reporting the incident to his superior. But in reality, Paterno was, according to the Freh Report, informed of

51 Id. p. 73
52 Id. p. 90
53 Id. p. 88
54 Id. p. 25

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Sandusky’s shocking crimes by a coach who witnessed it first-hand. Paterno did not go to the police because he felt that he was “legally covered” by informing his superiors at Penn State. The media scrutinized the school for their morals and claimed Penn State was more interested in protecting its image, rather than the children.58

In a scramble to placate the media, the Penn State board rushed headlong into another misguided decision when they fired Paterno via a late night telephone call without notice, completely overlooking other significant constituencies vital to the future of the university and the sports team.59 There was a fierce debate over Paterno’s firing and the fact that the Board of Trustees “did not have a plan in place to notify Paterno of its decision.”60 Some Trustees felt that the decision to fire Paterno was “rushed” and not well thought out.61

While this move may have pacified the media temporarily, it resulted in an “outpouring of criticism against the trustees by students, alumni and other Penn State supporters.”62 The move, which the board now recognizes was not handled properly, was reactionary and poorly executed, resulting in school-wide protests that caused Penn State around $200,000 in damages, along with even more unneeded bad press.64 In the end, the board’s actions may have left Penn State with a tarnished image and frayed relations with law enforcement, the media, the public, and even ardent Penn State fans and supporters, who were frustrated and disappointed with how poorly the situation had been handled.

The Penn State outcome was not written in stone. Penn State could have changed the outcome if it had gained media support and public sympathy for the administration as it struggled to deal with the fallout of a clearly heinous and shocking series of crimes. Instead of explaining its side of the story in a clear, concise and unified way, Penn State, in an increasingly contentious struggle between the board and Spanier, issued three separate press releases in four days, each with a different message contradicting the last.65 These actions gave the impression that there was utter chaos at Penn State – an appearance that was not far from the truth.

Once the Board of Trustees wrested control from Spanier, it attempted to establish a more consistent communications strategy and approach, but again their efforts were ineffective. The board appointed newly-inducted Penn State President Rodney Erickson as a spokesperson, but

56 Id. pp. 62-69
57 Id.
60 Freeh Report p. 95
61 Id.
62 Id.
63 Id.
65 Free Report, pp. 89-96

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Erickson did not have the reputation or levels of trust established with the public and the media necessary to undo all the previous damage done to Penn State’s image in the press. In fact, Erickson only exacerbated the problem when he engaged in a “hamhanded rebranding effort,” telling alumni, “This is not the Penn State Scandal. This is the Sandusky Scandal.” Indeed, Erickson’s statements sparked additional criticism from both the alumni and the media, including comments that Erickson embodied “a stunningly persistent sense of denial” and Penn State’s “communications [...] ignored the overwhelming failures of Penn State’s leaders in the Sandusky case.”

**Mishandling the Media**

There is no question that the media played an unprecedented and pivotal role in the Penn State crisis. The scandal began when Sara Ganim, a crime reporter for *The Patriot-News* in Harrisburg, PA, broke the story in March 2011 that Sandusky was the subject of a grand jury investigation for sexually abusing young boys.

Following Ganim’s initial report, the national news media and the public at large seemingly pressured the NCAA to get involved and impose sanctions on Penn State. The NCAA initially refused to get involved, claiming Sandusky’s crimes were a legal matter for law enforcement, not an issue of Association rules. Yet eventually, the media gave the NCAA the excuse it needed to take action, and the NCAA launched its own investigation.

Any institution might be shaken after being hit with such brutal media fury. Yet Penn State had an advantage it didn’t act on – it knew the media storm was coming. In September 2010, six months before Ganim published her story and over a year before the headlines made national media, Spanier contacted Spanier and exchanged emails about the Grand Jury investigation into Sandusky. This interaction provided Spanier with an opportunity to take some control over the news, Ganim contacted Spanier and exchanged emails about the Grand Jury investigation into Sandusky.

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to evade the media. Even after the report was released in March 2011, multiple representatives from the university declined to comment.\textsuperscript{74}

\textit{Penn State Moving Forward}

Over the past year Penn State has installed an almost entirely new administration – a new president, a new athletic director, and a new football coach – giving the school a chance at a fresh start with the media and an opportunity to rebuild a positive relationship on new ground. But has Penn State really learned a lesson from the Sandusky scandal?

As the fallout from the scandal and the NCAA’s sanctions continue Penn State should work to build and maintain good relationships with prominent media outlets, providing interviews and other opportunities to help reporters understand Penn State’s perspective and story. Because of the continuing media scrutiny, any steps undertaken by Penn State to rehabilitate its tattered image must be done carefully and with full transparency. Rebuilding the trust of the media is crucial, and any steps that could be interpreted as misleading or dishonest will likely create even more tension with the media. Penn State will also need to expand the focus of their messaging beyond the media, and create a more unified series of talking points to clearly portray their story. Since Penn State’s allegations broke, they have “not exactly put forward a single human being – leadership or spokesperson -- to answer questions from media and the public.”\textsuperscript{75}

\textbf{Conclusion}

After such a prolonged series of disasters, missteps, and miscalculations, the NCAA’s harsh sanctions on Penn State in July 2012\textsuperscript{76} were not much of a surprise. What did come as a great surprise was how such a small, irrational fear – the fear of bad publicity – escalated into such a shocking and tragic crisis. Sadly, Penn State is neither the first nor the last institution that will make such mistakes. “History shows that fear of negative publicity, of loss of donations or business, of losing talented people, and of overall damage to reputation and destruction of the brand cause failures of leadership that often are more serious than the original sins.”\textsuperscript{77}

However, as the Fiesta Bowl, Ohio State, and other cases have shown, Penn State does not have to provide the mold for future universities needing crisis management. As the Penn State case so clearly demonstrates, trying to avoid bad publicity does not prevent it. Other universities facing situations similar to Penn State – or those prudent enough to prepare for a crisis whether or not a


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scandal is imminent – would do well to study Penn State closely as a guideline for what not to do and what dangers to avoid in a crisis. Universities must learn to face the facts, have resources on hand to manage a crisis before it veers out of control, and communicate with all their audiences effectively.