

By Anne Danahy / McClatchy Newspapers

7/10/12

Penn State community awaits Freeh report on handling of Sandusky scandal

STATE COLLEGE, Pa. — The criminal trial is over. Now, the community is waiting for the second verdict.

Penn State hired former FBI director Louis Freeh to complete what trustees have said is an independent investigation into the university's response to the Jerry Sandusky scandal and whether it included a cover-up of behavior that turned out to be a pattern of child sex abuse.

That report is expected soon, possibly as early as this week, and is expected to include not only a look at what happened, but recommendations for steps the university should take going forward. The investigation had included more than 400 interviews, as of May, of current and former employees, trustees and others.

While speculation has been rampant about where the report's findings could be focused and what they could mean for the university, many people say they are taking a wait-and-see attitude and are hopeful that the report will help the university move in the right direction.

"I think this will hopefully be wide-ranging and not focus on an individual issue. I expect and hope it will help the university be in a better place," said Ryan McCombie, one of three recently elected alumni trustees.

Tom Kline, attorney for Sandusky victim No. 5, was less kind, saying the Freeh report "should be pivotal in assessing Penn State's liability to the Sandusky victims."

Kline said: “We are waiting for the report, and look for it, as promised, to be a comprehensive and thorough probe into the misconduct of Penn State officials and personnel. We expect the report to be a resource manual and guidebook for the civil claims. Anything short of full disclosure and admission of responsibility and culpability by Penn State will be unacceptable.”

Also at play is what impact the Freeh report could have on civil suits the university is facing and could see down the road. Sandusky had access to the university’s athletic facilities even after retiring in 1999.

“The reality is, any time you’re trying to hold someone accountable for the actions of a third party, you’ve got to prove they had knowledge,” said local attorney Bernard Cantorna. “If they can prove the administrators had knowledge of a threat to kids, and nevertheless let (Sandusky) have access to children in university facilities,” they could be found liable.

As anticipation of the report builds, the number of leaks to national media have increased. Emails recently leaked to national media outlets appear to show the discussion former President Graham Spanier, retired administrator Gary Schultz and then-Athletic Director Tim Curley had about how to respond to the Mike McQueary report of seeing Sandusky in a shower with a boy.

“The thing is, when you look at the timeline of events that led to the prosecution of Sandusky, people have theorized that (university) administrators knew something,” Cantorna said. “But the allegations in these leaks, that there is email confirmation they did know about it, you didn’t really expect to see that in writing.

“The most surprising thing is there may be a smoking gun. That there may actually be written proof.

“There are a lot of what ifs,” Cantorna said. “If they are ultimately proved, it’s just one more domino that sends Penn State down the tubes. Sandusky was the first domino.”

Penn State trustee Ken Frazier, who leads the task force responsible for the investigation, announced the hiring of Freeh in November.

“We are committed to leaving no stone unturned to get to the bottom of what happened — who knew what, when, and what changes must be made to ensure this doesn’t happen again,” Frazier said at the time.

Some have questioned whether Freeh's work would be truly independent, but Frazier and others insist it will be. The Freeh group's report will be released to the public at the same time the university gets it, according to Penn State.

Jack Ham was an all-American linebacker at Penn State in the early 1970s before a hall-of-fame career with the Pittsburgh Steelers. He now serves as color analyst for Nittany Lions games on radio.

Ham was interviewed by the Freeh committee, but said he wouldn't speculate on what the report might show.

"We're obviously in the public eye," Ham said of Penn State.

Staff have also been following the situation closely, too. Faculty Senate considered, but ultimately voted down, a motion to send a vote of no confidence to trustees for their handling of the scandal. The Senate did decide to appoint a committee to study questions of university governance, an initiative that is under way.

Senate Chairman Larry Backer said another committee is looking at whether trustees followed procedures and standing orders when they terminated Spanier and Paterno.

Backer said when it comes to what faculty would like to see, sentiment varies, but there is a sense of expectancy.

"We are expectant," he said. "I think that for some of us, the hope is this is a minor thing and the scandal will come and go with the trial and the conviction of Mr. Sandusky. For others, there is a sense that Mr. Sandusky is indicative of a place from which we can begin looking much more carefully at the institution of the university and how it's operated."

Donald Hahn, president of the State College Borough Council, said he thinks the community "has a huge sense of curiosity" about the report and a "preference that it be released sooner than later."

"I think that just as there was a sense of relief from the jury's verdict in the Sandusky trial, just as there was a lot of anticipation on the part of the community before the verdict was announced, I think there's a lot of anticipation in the community as to what the Freeh report will state, and a lot of anxiousness as to what corrective measures we should take," he said.

Hahn said he hopes the report “reveals what mistakes were made and what we should do to remedy them.”

State College Mayor Elizabeth Goreham said people have told her they think Penn State did the right thing by hiring Freeh to conduct an investigation, and that they will trust the findings.

“They feel good about it,” Goreham said. “I think it’s going to be accepted as a genuine and full report.”

Goreham said she thinks “there’s awareness that it’s going to be disturbing in some ways.” But she believes most in the community realize that and want to face the truth.

“We want to suck in our breath, read it and deal with it,” she said. “We’re a strong community, and we don’t want to shirk our responsibilities together, and I think the university feels the same way.”

Anne Ard, executive director of the Centre County Women’s Resource Center, also looks forward to the report.

“I hope it’s going to be a thorough investigation, and I have some confidence it will be, given how much time has gone into it,” she said.

Whatever the report’s recommendations, she expects Penn State will follow them. She points to institutional changes already made, based on early Freeh conclusions, and from partnerships between the university and the Pennsylvania Coalition Against Rape.

The Women’s Resource Center, a contracted PCAR center, has been working with Penn State to train university employees about being mandated reporters of child sexual abuse.

Ard said she hopes the Freeh report “supports the work that’s already happened and provides an impetus to continue moving forward.”

Along with new training requirements for people who work with children on campus, the university is rolling out a new criminal background check policy on final job candidates and for employees effective July 5.