

# THE DARK SIDE OF SPORTS

## Penn State

Reflections on the right way to handle scandal

BY DR. MARC RABINOFF



**W**hat is happening at Penn State is a public relations nightmare, and why it became so is the focus of this article.

First, I need to make it clear that I am not going to make judgments about the guilt or innocence of those involved in this scandal. That is up to the courts. Consider this article more of a case study about what can happen when people in authority make what I like to call “the wrong choices for the wrong reasons.”

The most important lesson to come out of the Penn State scandal is that as soon as cases involving sexual misconduct of any kind come to the attention of people in charge, their actions must demonstrate that they are taking the matter very seriously. If the matter becomes public, an appropriate public response is to have a person in authority announce that the institution is making its own internal investigation and is cooperating with the appropriate law enforcement authorities. One way to show that is to remove those involved from their positions immediately. Perhaps Penn State could have simply suspended Joe Paterno rather than

firing him, but that was their call; it was important to respond swiftly as well as seriously.

In this litigious society, especially when it comes to matters of criminal activity, you cannot “fall on the sword” to protect a co-worker. If you know something is wrong, you have a moral and ethical duty to report it. I recently read an article about how the Penn State scandal has prompted many colleges to revisit their policies and procedures on these types of problems. We don’t so much need to review our policies and laws as we need to ensure those policies and laws are enforced. Come on, coaches know that they are not supposed to shower with kids or touch their bodies. What happened at Penn State is that Penn State got caught for not following their procedures – and other colleges will get caught too.

What seems to have been happening, unfortunately, is that over time some athletic programs have developed separate standards from those that apply to the rest of the college. Perhaps money is a major factor; after all, college football programs bring in millions of dollars to a school – in fact, the annual salary of a top college football coach can run into the millions. This double standard is wrong. You have to treat athletes and coaches and athletic administrators exactly the same way that you treat instructors and college presidents. And that brings up the concept of risk management.

Risk management can be thought of as the systematic analysis of programs and policies, procedures, facilities, staff and budget. It’s not enough to write a risk management plan and stuff it in a file cabinet. A risk management plan needs to be implemented and continually re-evaluated. I say this because if you can catch these types of problems early, you still might face nightmares,



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but they will probably be smaller nightmares. Imagine if Sandusky had been dealt with appropriately when the incidents were first reported, rather than what did happen, which was that someone did not do their job. Yes, Joe Paterno did the right thing in notifying his superiors about what he heard about Sandusky, but I believe the first thing he should have done was call the police. But I don’t want to single out Coach Paterno – if anyone in the athletic department knew of any sexual misconduct, they should have called the police immediately.

I should also say that this type of lax attitude goes beyond sexual misconduct. Several years ago I learned that a coach who worked under me at my college was allowing an ineligible player on the field. When I found out, I immediately went to the game, told the ref our school was forfeiting, and fired that coach on the spot. I took a lot of heat

from a lot of people for such an apparently drastic response, but it was the right thing to do. Likewise, the trustees at Penn State made an unpopular decision in firing Paterno, but according to their policies and procedures they believed it was the right thing to do. Did they make the wrong decision? That’s not for me to say, but the actions they took were for the right reasons.

If it turns out that those involved in the Penn State scandal are not guilty, the university can cover their back pay and hire them back. But for right now, they have to let the legal system do its job.

“The Dark Side of Sports” is a regular feature by Dr. Marc Rabinoff that answers questions about safety and liability based upon actual litigations.