

Fran Ganter

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IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PENNSYLVANIA

PENNSYLVANIA MANUFACTURERS' :  
ASSOCIATION INSURANCE :  
COMPANY, :  
PLAINTIFF : CIVIL ACTION  
VS. : NO. 004126  
THE PENNSYLVANIA STATE : JANUARY TERM, 2012  
UNIVERSITY and JOHN DOE A, :  
DEFENDANTS :

Monday, November 3, 2014  
C O N F I D E N T I A L

Oral Deposition of FRAN GANTER held at  
Hilton Garden Inn, 1221 East College Avenue,  
State College, Pennsylvania, 16801, commencing at  
12:58 p.m., on the above date, before Kelly M.  
Johnston, Court Reporter and Notary Public in the  
Commonwealth of Pennsylvania.

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1 Penn State followed up to learn more about what had  
2 happened with Mr. Sandusky at Central Mountain?

3 A I do not know.

4 Q Are you familiar with the Clery Act,  
5 Mr. Ganter?

6 A Yes.

7 Q And what is your understanding of the  
8 Clery Act?

9 MS. ROMAGNOLI: Objection.

10 MR. MESSINEO: You can answer.

11 THE WITNESS: That any crime or suspicion  
12 of a crime should be reported.

13 BY MR. GAGNE:

14 Q To whom?

15 A Me, today, after -- me today? The police.

16 Q Okay. At the time that you were an  
17 associate athletic director, what was your  
18 understanding -- what was your understanding of who  
19 you should report to?

20 MS. ROMAGNOLI: Objection.

21 MR. MESSINEO: You can answer.

22 THE WITNESS: My superior.

23 BY MR. GAGNE:

24 Q Okay. So when you heard that Mr. Sandusky

1 may have been involved in inappropriate conduct with  
2 a boy at Central Mountain High School, at the time,  
3 what did you think your obligation was to report  
4 that --

5 MS. ROMAGNOLI: Objection.

6 BY MR. GAGNE:

7 Q -- if any?

8 MS. ROMAGNOLI: Misstates testimony.

9 MR. MESSINEO: Objection as to  
10 characterization of his testimony.

11 BY MR. GAGNE:

12 Q Well, did you -- I'm sorry -- did you  
13 think it was something that needed to be reported  
14 under the Clery Act?

15 MR. MESSINEO: That's a better question.

16 You can answer that question.

17 THE WITNESS: What I just heard about  
18 Central Mountain?

19 BY MR. GAGNE:

20 Q Yes. At the time, did you think it was  
21 something you needed to report?

22 A When I learned about it, I didn't know any  
23 facts, just knew that he got kicked out because of a  
24 complaint, I understood, by a mother who called the

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1 AD, made a complaint, and Jerry was a volunteer, so  
2 they dismissed him from the campus.

3 So I didn't know any specifics, and I  
4 really didn't call Tim to report as much as just to  
5 make him aware of that, because I didn't know  
6 anything wrong happened. I didn't know what  
7 happened.

8 Q How did you come to learn, when you were  
9 employed as an associate athletic director, about  
10 the Clery Act?

11 MS. ROMAGNOLI: Objection, foundation.

12 MR. MESSINEO: You can answer.

13 THE WITNESS: I would --

14 BY MR. GAGNE:

15 Q Well, let me ask you this, did you receive  
16 any training by the University in the Clery Act and  
17 its requirements?

18 A Yes.

19 Q And what did that training consist of?

20 A Classes, mandatory classes, discussion,  
21 discussion groups; I mean, a pretty thorough  
22 explanation of the Clery Act and what we are to do,  
23 what is the procedure if you do suspect or see a  
24 crime happen on campus or with a student or

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1 whatever. So it was very thorough, and I feel I  
2 know exactly what to do now.

3 Q And you say now.

4 A Yeah, if I were to --

5 Q When did you receive that training?

6 A The training I'm talking about, 2011 --

7 Q Okay.

8 A -- '12, in there, right before I retired.

9 Q But you did not receive that training when  
10 you assumed your duties as associate athletic  
11 director?

12 A Right.

13 Q Did you receive that training when you  
14 were a coach at Penn State?

15 A No.

16 Q Okay. Do you know whether -- when you  
17 were a coach at Penn State, did you know whether  
18 Penn State had a procedure for reporting suspicions  
19 of sexual abuse of anyone by anyone on campus?

20 MS. ROMAGNOLI: Objection.

21 MR. MESSINEO: You can answer.

22 THE WITNESS: Did I know they had a  
23 procedure?

24 BY MR. GAGNE:

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1 Q Did you know whether there was a procedure?

2 MR. MESSINEO: When you were a coach.

3 THE WITNESS: There is a procedure,  
4 whether you're at Penn State or anywhere, I mean, I  
5 knew what to do if I had seen a crime or I had -- I  
6 just knew what to do.

7 BY MR. GAGNE:

8 Q Okay. If you saw something that you  
9 believed was a crime, what were -- at the time you  
10 were a coach --

11 A Yep.

12 Q -- based on your understanding of  
13 procedures at Penn State, what would you have done?

14 MS. ROMAGNOLI: Objection.

15 MR. MESSINEO: You can answer.

16 THE WITNESS: It does depend on what kind  
17 of crime.

18 BY MR. GAGNE:

19 Q Okay.

20 A But either report it to the police, which  
21 is what -- when I came out of all of my teaching, I  
22 found that that's the safest thing to do right now,  
23 there's no questions asked, call the cops, or your  
24 superior, go directly to your superior.

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1 Q And your superior as a coach was whom?

2 A Joe Paterno.

3 Q Have you come to understand that Mike  
4 McQueary reported something he had seen to  
5 Coach Paterno?

6 MS. ROMAGNOLI: Objection.

7 MR. MESSINEO: You can answer.

8 THE WITNESS: I understand he reported  
9 something, yes.

10 BY MR. GAGNE:

11 Q Something he had seen in the shower in  
12 2001?

13 MS. ROMAGNOLI: Objection.

14 MR. MESSINEO: You can answer.

15 THE WITNESS: Yes.

16 BY MR. GAGNE:

17 Q Did anybody at the time tell you about  
18 what Mr. McQueary had seen and reported to  
19 Coach Paterno?

20 MS. ROMAGNOLI: Objection as to time  
21 frame.

22 THE WITNESS: No.

23 BY MR. GAGNE:

24 Q Did Coach Paterno ever tell you that

1 Mr. McQueary had reported to him that he had seen  
2 Mr. Sandusky doing something inappropriate with a  
3 child in the showers?

4 MS. ROMAGNOLI: Objection.

5 MR. MESSINEO: You can answer.

6 THE WITNESS: No.

7 BY MR. GAGNE:

8 Q Did Mr. Curley ever tell you about that  
9 incident?

10 MS. ROMAGNOLI: Objection.

11 THE WITNESS: No.

12 BY MR. GAGNE:

13 Q Were you ever told that if you saw some  
14 sort of crime committed, that you were supposed to  
15 report that to Penn State's Risk Management  
16 Department?

17 MS. ROMAGNOLI: Objection.

18 MR. MESSINEO: Unless she objects, you can  
19 answer the question. I'll only say not to.

20 THE WITNESS: No.

21 BY MR. GAGNE:

22 Q Were you ever told that if you had  
23 information regarding the sexual abuse of a minor,  
24 that you were to report that to Penn State's Risk



1 Management Department?

2 MS. ROMAGNOLI: Objection.

3 MR. MESSINEO: You can answer.

4 THE WITNESS: No. That's not police, Risk  
5 Management.

6 BY MR. GAGNE:

7 Q No, it's not.

8 A Okay.

9 Q Were you ever told, prior to 2011, to whom  
10 you should report any information you had regarding  
11 the sexual molestation of a child?

12 MS. ROMAGNOLI: Objection.

13 MR. MESSINEO: You can answer.

14 THE WITNESS: Specifically that, I'd say  
15 no. Can I elaborate --

16 BY MR. GAGNE:

17 Q If you'd like to clarify that answer,  
18 please do.

19 A -- that our head coach, our president, the  
20 athletic director, we had meetings twice a year with  
21 the AD and the president and Coach Paterno; every  
22 pre-season in August, they made it very clear that  
23 if at any time we saw anything wrong, whether it be  
24 an NCAA violation, one of our kids gambling, just

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1 any -- any issue that was inappropriate or wrong, we  
2 -- you better -- you gotta let us know, and I can  
3 remember Dr. Spanier saying, or you are fired; does  
4 everyone in the room understand this? You will be  
5 fired. And we do things right. We want to know  
6 anything, any time that would be, you know, using  
7 your judgment, inappropriate.

8 Not specifically; they never said anything  
9 about, you know, specifically about a child, but --

10 Q When you say --

11 A -- it was a given.

12 Q When you said that you were told "let us  
13 know" --

14 A Um-hmm.

15 Q -- who was the "us"? Who would you have  
16 gone to if you saw --

17 A When I was a coach?

18 Q When you were a coach, yes. Who would you  
19 have gone to to report something inappropriate when  
20 you were a coach?

21 A Coach Paterno.

22 Q And then you would expect Coach Paterno to  
23 report it, in turn, to whoever he felt had to know  
24 about it?

1 MS. ROMAGNOLI: Objection.

2 MR. MESSINEO: Yes, the objection,  
3 foremost, his expectation of what Coach Paterno  
4 would have done with the information that was  
5 relayed. Again, can't tell you not to answer, but  
6 that's my objection. Go ahead, you can answer it.

7 THE WITNESS: He would have done the right  
8 thing.

9 BY MR. GAGNE:

10 Q And you didn't -- when you saw  
11 Mr. Sandusky showering with a child, you didn't  
12 think that was something inappropriate that you had  
13 to report to Coach Paterno; is that correct?

14 MR. MESSINEO: Objection, asked and  
15 answered. He can answer it again. Go ahead.

16 THE WITNESS: What?

17 MR. MESSINEO: I believe you answered it  
18 already.

19 THE WITNESS: Yeah.

20 MR. MESSINEO: You can answer it again.

21 THE WITNESS: No, I did not think I should  
22 report that -- I mean, I needed to report that.

23 BY MR. GAGNE:

24 Q When you heard that Mr. Sandusky had been