

Fagals Initial Submission as reported back to Fagal by FIRE
[The Foundation for Individual Rights in Education]

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Case Submission # 18479 has been added to the
database.

Name: Mr. Frederick Fagal Jr

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School: Marywood University

School City: Scranton

School State: PA

School Type: Religious Affiliate

Affiliation: Professor

Heard About: Online media

Notes: The 750 word summary summarizes a much longer narrative which includes the full text of the supporting documents listed later.

Basis of Claim: Dear FIRE:

I am a 60 year old tenured associate professor of economics at Marywood University in Scranton, PA.

For many years I have regularly hung newspaper clippings or Internet printouts of news stories on my office door. Circa February 20, 2006 I hung on my office door, adjacent to a news clipping about the Danish Mohammed cartoon controversy, the famous "bomb-in-turban" Mohammed cartoon. On February 22 my department chairperson, Sr. Margaret Gannon, told me I must remove the cartoon because "we don't want to offend anybody, and there is a Muslim student in the department." Under verbal protest, I acquiesced, immediately determining to see the president of the university so I could appeal Sr. Margaret's direct order. Sr. Mary Reap is Marywood's president. I took down the cartoon so I could present myself to president Reap as having gone through "official channels."

I met with president Reap that day. She said she supported Sr. Margaret's decision. On March 17 I sent a letter to each faculty member reporting February 22's events; I wrote "Sr. Mary said I did in fact have to

remove the cartoon from my door."

President Reap called me into her office on March 21. She said I had lied and misquoted her. She vehemently claimed she never said I had to take down the cartoon! I replied that she had told me she supported Sr.

Margaret's decision. Then president Reap said to me "Yes, I did support the decision!" I said something like "Great, so what are we talking about?"

She again said I had lied and misquoted her. Finally recalling that my letter had NOT quoted her, I replied "But I didn't quote you!" I explained that when she told me on February 22 that she supported Sr. Margaret's decision she had logically told me that I could not post the cartoons! She then said she is very careful about what she says as president, and that she did not know that I had taken down the cartoon on

February 22(!), and that I could in fact have it [the cartoon] up! I said "great!" and suggested we might perhaps issue a joint statement. She nixed that idea, saying she will "defend myself." The conversation was over.

With her March 21 representations I presumed president Reap would contact the faculty and say "although I disagree with Dr. Fagal, the cartoon can hang." In mid-May I asked her to clarify the "hanging policy" (see below).

Meanwhile, Professor Rod Carveth, faculty advisor to the student newspaper The Wood Word, in April wrote a "free speech" editorial about the February 22 incident. The Marywood administration censored (spiked) the editorial.

The administration also delayed (by 2-3 weeks) publication of the last issue of The Wood Word until well into the final exam period! The final (read-by-few) issue included a student-written news article about the world-wide [not campus] controversy over the Danish Mohammed cartoons. Student Lauren Tyrrell's article had been "inadvertently" [?] omitted from the previous issue after she had been told her article would appear. I was quoted in the article, but not about my run-in with Sr. Margaret.

Seeking clarification, I wrote to president Reap on May 16 and May 25:

"At our March 21, 2006 meeting you told me that I did in fact have the right to post the Danish Mohammed cartoon on my office door even though you thought it a bad idea. I have been waiting for you to publicly clarify Marywood's official policy. Right now any faculty member (and some students) must assume, based on the letter I sent to the faculty on March 17, that hanging such a cartoon is prohibited. "

One June 5 via campus mail president Reap replied:

"I am in receipt of your request for me to clarify Marywood's official policy on academic freedom, particularly free speech. I do not feel a need to do so. Our policy is clearly stated in the Faculty Manual, Chap. 2.8. For one, the academic year is over and few people are on campus.

Additionally, no one else has asked for a clarification, so it seems unnecessary to offer one."

In terms of Marywood's promises perhaps the following is relevant:

"Joint Statement of Rights and Freedoms"

"Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals."

I greatly appreciate any help you can offer.