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**Consequent to an impromptu meeting of Dr. Fagal with Dean Torell on the morning of April 9, 2008, and at the request of Dr. Fagal, Dean Torell agreed to provide Dr. Fagal a copy of the original summary report of April 8, 2008 with the insertion of the italicized statements below.** 

April 8, 2008

Dr. Frederick F. Fagal  
17 East Lake Street  
Skaneateles, NY 13152

Dear Dr. Fagal:

According to Marywood University's Civil Rights Complaint Procedures, the administrator to whom a formal complaint is submitted "must present a summary of the complaint and the proceedings to date to both the complainant and the alleged offender within 10 working days." Please consider the following to serve as such a summary.

On March 25, 2008, a face-to-face meeting occurred between Dr. Kurt Torell, Dean of the College of Liberal Arts and Sciences, and Erkan Acar, a matriculating student at Marywood University. During that meeting, Mr. Acar communicated his perception of certain materials that were posted on Dr. Fred Fagal's door, and also that he wished to file a formal complaint against Dr. Fagal, which was subsequently delivered in writing to the Dean's Office later that day. As required by Marywood University's Civil Rights Complaint Procedures, Mr. Acar was also informed by Dean Torell that the complainant must not "discuss the allegations with the offender(s) or any witnesses while the investigation is pending."

The written formal complaint includes, but is not limited to, the following statements: "I, Erkan Acar, would like to make a formal complaint and express my thoughts about a grievous insult that has been made to Islam at Marywood University. I have been faced with cartoons that insult an Abrahamic religion (Islam)...Dr. F. Fagal...put these cartoons on his office door. The first cartoon illustrates women in religious garb waiting for Muslims as they enter paradise. Each 'nun' is armed with a huge gun. I felt this is not only gravely offensive but also a threat and harassment to all Muslims on campus, an assault on their dignity and an implied menace to their safety. Besides this cartoon, another one also offensively illustrated the prophet Muhammed (pbuh). In addition to

these cartoons, misinterpreted and biased versus about the wars from Quran were also hung on his office's door. I found these seriously offensive and a fact to create a dangerous attitude toward Muslims among all who read these misleading interpretations. ...Marywood University's statement of 'Civil Rights' states that the university will not tolerate discrimination, harassment, or assault based on creed and religion. ....Dr. Fagal's actions are totally conflicting the Marywood's tradition...For this matter, I request you to act to end this insult that has been made to Islam.”

As required by Marywood University's Civil Rights Complaint Procedures, Dean Torell notified the Assistant Vice President for Human Resources and Affirmative Action Officer, and scheduled a meeting with Dr. Fagal that occurred on April 4, 2008. Dean Torell also requested that the Assistant Vice President for Human Resources be present at the meeting as a neutral witness.

During the meeting, Dean Torell provided Dr. Fagal with a copy of the written formal complaint. Dean Torell also provided Dr. Fagal with a copy of Marywood University's Civil Rights Complaint Procedures with certain passages highlighted. Dean Torell then reviewed these passages with Dr. Fagal in order to inform him of their contents. These passages included, but were not limited to, the following statements: “[t]he alleged offender must be informed not to discuss the allegations with the complainant or any witnesses while the investigation is pending. Any individual who retaliates against the complainant will be subject to discipline up to and including discharge from employment and/or termination of student status.”

After reviewing portions of Marywood University's Civil Rights Complaint Procedures, Dean Torell asked whether Dr. Fagal would be “willing” to remove from his door the materials mentioned in the formal complaint. *Dr. Fagal responded by saying that he would be willing to remove all material from his office door if it would be required of all faculty that the only things that could be posted on faculty office doors were faculty names and office hours. Dean Torell responded by saying that was not the question he asked, and Dean Torell again asked whether Dr. Fagal would be “willing” to remove from his door the materials mentioned in the formal complaint.* Dr. Fagal responded by saying that he was not prepared to make a decision at that time. More than once, Dean Torell communicated to Dr. Fagal that his first effort was to achieve an “informal resolution of the complaint that was acceptable to both parties,” and Dean Torell asked Dr. Fagal how much time he would need to make a decision regarding his willingness to remove the materials that were described in the formal complaint from his door. Dr. Fagal did not offer a specific time frame. Dean Torell responded by asserting that he could not leave the complaint unresolved indefinitely, and that they should be in touch in a few days. The meeting was then concluded.

Yours sincerely,



Dr. Kurt Torell, Dean