



## Foundation for Individual Rights in Education

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September 19, 2006

President Mary Reap, IHM  
Office of the President  
Marywood University  
2300 Adams Avenue  
Scranton, Pennsylvania 18509

*Sent via U.S. Mail and Facsimile (570-340-6014)*

Dear President Reap:

As you can see from our Directors and Board of Advisors, the Foundation for Individual Rights in Education (FIRE) unites leaders in the fields of civil rights and civil liberties, scholars, journalists, and public intellectuals across the political and ideological spectrum on behalf of liberty, legal equality, freedom of religion, due process, and, in this case, academic freedom and freedom of the press on America's college campuses. Our website, [www.thefire.org](http://www.thefire.org), will give you a greater sense of our identity and activities.

FIRE is concerned about the threat to free speech and freedom of the press at Marywood University. Marywood administrators quashed campus discussion of last year's Danish Mohammed cartoon controversy by forcing Professor Frederick Fagal to remove one of the cartoons from his office door, refusing to answer his inquiries about freedom of speech at Marywood, and censoring an article on the cartoons from the *Wood Word* student newspaper. These actions exhibit a disturbing disregard for freedom of speech and of the press and create a chilling atmosphere for expression at Marywood.

This is our understanding of the facts. Please inform us if you believe we are in error. On February 20, 2006, Fagal posted one of the Danish cartoons on his office door. Fagal tells FIRE that on February 22, Social Sciences Department Chair Sister Margaret Gannon "ordered" him to remove the cartoon from his door because it could offend someone, specifically one of the Muslim students in the Social Sciences department. After protesting, Fagal agreed to remove the cartoon and did so immediately. Later that day, Fagal met with you to appeal the decision to have the cartoon removed, and you upheld the decision.

Fagal reports that after that incident, former Vice President for Academic Affairs Sister Patricia Matthews asked the editorial board of the *Wood Word* student newspaper to refrain from covering the incident involving Fagal. The *Wood Word*

conceded, and Professor Rod Carveth, who serves on the *Wood Word*'s editorial board, instead wrote an editorial entitled "Free Speech and Responsibility," which included a brief history of Supreme Court rulings on speech and the role of the *Wood Word* in reporting on the global cartoon controversy. But the *Wood Word*'s editorial board, which is largely composed of Marywood administrators, rejected Carveth's editorial. The student newspaper therefore neither reported on the worldwide controversy in a timely fashion, nor reported on the controversy effecting Marywood's campus.

On May 15, Fagal e-mailed you to request clarification on Marywood's policies regarding free speech. You responded on June 5 by writing that "I do not feel the 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 are on campus. Additionally, no one else has asked for clarification, so it seems unnecessary to offer one."

While Marywood, as a private university, is not directly bound by the First Amendment's requirement of freedom of speech, the university has crafted its policies to respect its students' and professors' freedom of expression. Chapter 2.8 of the Faculty Manual quotes from the *1940 Statement of Principles On Academic Freedom and Tenure of the American Association of University Professors*, guaranteeing that "Teachers are entitled to full freedom in research and in publication of results," and that as "citizens, members of a learned profession, and officers of an educational institution," professors "should be free from institutional censorship or discipline." Section 2.8.4 of the Faculty Handbook goes on to say that "**The teacher is not only a purveyor of facts, but also a stimulator of insights and interpretations in the inquiring mind,**" and that "[T]he faculty member is expected to contribute to the general development and improvement of the University and its mission in liberal and professional education." [Emphasis added.]

Marywood's "Joint Statement on Rights and Freedoms," adopted from the National Association of Student Personnel Administrators' (NASPA's) 1992 statement on "Student Rights and Freedoms," contains an even more robust dedication to free expression:

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.** As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities in the classroom, on the campus and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. [Emphasis added.]

Marywood likewise purports to respect freedom of the press for the *Wood Word*. Marywood's "Guidelines for Obscene and Libelous Materials" state that "The *Wood Word* staff **pursues the truth and tries to present a reasonable and fair picture of the University and the world.**" [Emphasis added.] The "Guidelines" state the *Wood Word*'s content will be subject to editorial

oversight only if it is libelous, obscene, or contradictory to the Roman Catholic Church's official teaching.

Marywood thus repeatedly affirms its commitment to academic freedom, free expression, and a free press, yet it forced Fagal to remove a political cartoon from his office door and pulled an article about a controversy facing the campus and the wider world. It was surely this inconsistency that prompted Fagal to question you about the state of free speech at Marywood.

Universities' reactions to last year's Mohammed cartoon controversy revealed which principles they hold dear. While Marywood, as a Catholic university, has every right to uphold its Catholic character, its acts of arbitrary censorship, coupled with a disregard for students' and professors' free speech, undermine your commitments to free expression and create a chilling atmosphere on campus. If Marywood truly wishes to embody a "marketplace of ideas"—in which thoughts are shared, opinions are tested, and the truth is sought—it should boldly affirm free speech, not suppress views merely because some might find them objectionable.

We are aware that Marywood takes very seriously its values as a Catholic institution. We also believe that it takes seriously its role as an educational institution and as a leader in academic excellence. These mandates need not be at odds. FIRE urges Marywood University to reject its censorship of professors' speech and to affirm its commitments to free expression. We also ask that you cease the practice of administrative overview of the *Wood Word* student newspaper. Finally, FIRE asks that you clarify and reaffirm Marywood's commitment to freedom of speech and the student press.

We hope to hear from you soon concerning a resolution. FIRE is committed to supporting the rights of your students and faculty and to seeing this matter through to a just and moral conclusion. FIRE requests a response by October 3, 2006.

Sincerely,

Tara Sweeney  
Senior Program Officer

cc:

Sister Patricia Matthews, Special Assistant to the President, Marywood University  
Sister Margaret Gannon, Social Sciences Department Chair, Marywood University  
Kurt Torrell, Dean of Liberal Arts, Marywood University  
Rod Carveth, Communication Arts Department Chair, Marywood University  
Ann Williams, *Wood Word* Faculty Advisor, Marywood University  
Donald Goodwin, Dean of Students, Marywood University  
Patricia Dunleavy, Assistant Vice President for Human Resources, Marywood University  
Frederick Fagal