



FIRE

Foundation for Individual
Rights and Expression

April 14, 2023

Helen Drinan
Office of the President
Cabrini University
610 King of Prussia Road
Radnor, Pennsylvania, 19087

Sent via U.S. Mail and Electronic Mail (hd7007@cabrini.edu)

Dear Interim President Drinan:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,¹ is concerned by reports that Cabrini University dismissed Assistant Professor of Business Kareem Tannous for political expression on his personal Twitter account. While Tannous's tweets and retweets about the Holocaust and Israel may have offended some people, they do not fall into any category of speech unprotected by Cabrini's promises of free expression so as to allow the university to punish Tannous.

On April 28, 2022,² Tannous tweeted from his personal Twitter account that "zio controlled USGOV politicians promise to cancel 2T\$ in student debt so that #donkeydemocrats would elect them yet they sent that 2T\$ to Ukraine, NATO, and Israel to arm NAZIs. Hey #WeThePeople, how you doing? Israel and Ukraine are societal cancers and must be eradicated."³ This tweet was followed by other statements critical of the existence of Israel and calling attention to continuing violence against Palestinians.⁴ In response, the website "Stop Antisemitism" published Tannous's tweets, labeled him its "Antisemite of the Week," and

¹ For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our recently expanded mission and activities at thefire.org.

² The recitation of facts here reflects our understanding of the pertinent facts, obtained from public information. We invite you to share any further information that you may have.

³ Kareem Tannous طنوس كريم (@GenerousAdvice), TWITTER (April 28, 2022, 9:41 AM), <https://twitter.com/GenerousAdvice/status/1519673064614682625>.

⁴ See *Kareem Tannous—Professor of Hate*, STOP ANTISEMITISM (July 2, 2022), <https://www.stopantisemitism.org/antisemite-of-the-week-8/kareem-tannous-professor-of-hate> [<https://perma.cc/G8QX-B5WS>] [hereinafter *Stop Antisemitism Profile*].

urged people to complain to you and Cabrini. Tannous had identified neither Cabrini on this Twitter account, nor himself as a Cabrini faculty member.⁵

Last month, Tannous told *The Philadelphia Inquirer* Cabrini fired him because of the tweets.⁶ According to the report, the Jewish Federation of Greater Philadelphia sent Cabrini a letter in February 2022 requesting Tannous’s censure, citing the Federation’s shock at his earlier anti-Zionist tweets on International Holocaust Remembrance Day.⁷ Tannous objected on free speech grounds, arguing the tweets did not impact his role as a professor.⁸ Soon after the Federation’s letter, “Stop Antisemitism” directed its readers to complain directly to you.⁹ Because of these mounting concerns, and despite Tannous’s history of positive evaluations and lack of student or faculty complaints, he was fired in a July 2022 Zoom meeting with you.¹⁰

While Tannous’s faculty position may have been probationary,¹¹ universities that promise free expression and academic freedom may not terminate faculty—tenured or otherwise—in retaliation for protected expression. Cabrini commits to this in its faculty handbook, where it formally adopts the American Association of University Professors’ (AAUP) *1940 Statement of Principles on Academic Freedom and Tenure*,¹² as well as speech-friendly policies on staff political speech¹³ and involuntary separation.¹⁴ Additionally, Pennsylvania law mandates that promises in faculty handbooks and other written policies are contractually binding.¹⁵

⁵ Tannous maintains a separate professional Twitter account where he does not comment on political issues. See Dr. Kareem Tannous (@DrKareemTannous), TWITTER, <https://twitter.com/DrKareemTannous>.

⁶ Susan Snyder, *Is it antisemitism or political discourse? Professor plans to sue Cabrini University after he was fired for tweets about Israel*, THE PHILA. INQUIRER (Mar. 19, 2023, 5:00 AM), <https://www.inquirer.com/news/cabrini-university-anti-israel-tweets-firing-professor-20230319.html>. [https://perma.cc/AM7V-HP7R].

⁷ *Id.* The Federation stated that Tannous’s tweets “exploit the sacred memory of the Holocaust” and “distorts the reality of what happened in Nazi Germany and of the Israeli-Palestinian Conflict.”

⁸ *Id.* Tannous also stated that does not share his opinions with his students as it is not relevant to his courses.

⁹ See *Stop Antisemitism Profile*, *supra* note 4. The report listed your direct email at Cabrini University.

¹⁰ Snyder, *supra* note 6.

¹¹ *The Cabrini University Faculty Handbook*, at § 2.5.2 Tenure/Rolling Contract Faculty – Probationary Faculty Reappointment, and Tenure, CABRINI UNIV. (Sept. 21, 2021) <https://www.cabrini.edu/faculty-staff/faculty-handbook> [https://perma.cc/YT2F-ZFGB].

¹² *Id.* at § 2.1.0 Academic Principles and Commitments. The Faculty Handbook quotes from and expresses support of the AAUP’s *Statement*, and faculty may reasonably interpret this as an adoption of the *Statement*.

¹³ *Employee Handbook*, Political Activities, CABRINI UNIV. (Jan. 4, 2015) <https://www.cabrini.edu/globalassets/pdfs-website/hr/employee-handbook.pdf> [https://perma.cc/WHV7-48ZB] (University employees “are free to engage in political activities outside of work hours” provided the employee does not “purport to speak for the University on political matters.”).

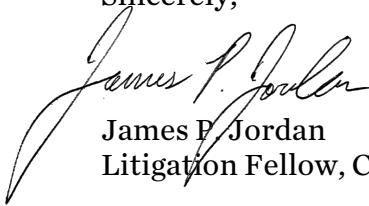
¹⁴ *The Cabrini Faculty Handbook*, *supra* note 10, at § 2.6.2 Involuntary Separation (limiting termination to, among other things, “malfeasance and conduct not meeting University ethical or other professional expectations” and “incompetence or inadequate performance.”).

¹⁵ *Murphy v. Duquesne Univ. of the Holy Ghost*, 777 A.2d 418, 420 (Pa. 2001). Other courts have similarly held faculty handbook promises contractually enforceable. See, e.g., *McAdams v. Marquette Univ.*, 914 N.W. 2d 708 (Wis. 2018) (a private Catholic university breached its contract with a professor when it punished him over a

Tannous’s comments on his private, unaffiliated Twitter account may be distasteful to some, but they are protected extramural speech that do not weigh on his professorial role. Of course, this principle does not shield him from every consequence of his expression—including criticism by students, faculty, the broader community, or the university itself. Such criticism is a form of “more speech,” the remedy to offensive expression that academic freedom prefers to censorship.¹⁶ The affirmative commitments in Cabrini’s policies, however, limit the *types* of consequences that may be imposed and who may impose them.

We request a substantive response to this letter no later than the close of business on April 28, 2023, confirming that Cabrini will offer to reinstate Tannous as Assistant Professor of Business in the School of Business, Education, and Professional Studies and commit to upholding faculty rights to freedom of speech and expression.

Sincerely,



James P. Jordan
Litigation Fellow, Campus Rights Advocacy

Cc: Erin McLaughlin, Associate Dean for the School of Business, Education, and Professional Studies (erin.m.mclaughlin@cabrini.edu)
Clare Clute, Executive Assistant to the President and Director, Development and Alumni Affairs (cc736@cabrini.edu)

personal blog post because, by virtue of its adoption of the *1940 AAUP Statement of Principles on Academic Freedom and Tenure*, the post was “a contractually disqualified basis for discipline”).

¹⁶ *Whitney v. California*, 274 U.S. 357, 377 (1927) (Brandeis, J., concurring).