



November 4, 2025

Kelly Damphousse
Office of the President
Texas State University
601 University Drive
J.C. Kellam, Room 1020
San Marcos, Texas 78666

Sent via U.S. Mail and Electronic Mail (president@txst.edu)

Dear President Damphousse:

FIRE¹ remains concerned about the state of free expression at Texas State University following its directives to Physics Professor Saeed Moshfeghyeganeh to remove political signs from his office door. These directives violate this professor's First Amendment right to speak as a private citizen on a matter of public concern. FIRE calls on TXST to ensure that professors are free to post political signs on their offices.

On September 16, Physics Department Chair Edwin L. Piner ordered Moshfeghyeganeh to remove a sign hanging outside his office reading, "This office is a safe space for immigrants. The person inside this office will refuse entry to immigration officers without a judicial warrant. ICE cannot enter private spaces even with an administrative warrant. You are safe here."² Piner claimed the sign "is prohibited because the university is not allowed to have sanctuary policies."³ Moshfeghyeganeh replaced the sign on October 13 with a new sign reading, "This office is a safe space for immigrant students." Piner ordered him to remove the new sign because it "is not approved and attempts to designate and/or characterize the university-owned office assigned to you in a manner that could be interpreted as exclusionary by others."⁴

¹ As you may recall from recent correspondence, FIRE is a nonpartisan nonprofit that defends free speech. You can learn more about our mission and activities at thefire.org.

² Email from Edwin L. Piner, Physics Department Chair, to Saeed Moshfeghyeganeh, professor (Oct. 14, 2025, 4:27 PM) (referencing Sept. 16 directive) (on file with author). The recitation here reflects our understanding of the pertinent facts. We appreciate that you may have additional information and invite you to share it with us. To these ends, please find enclosed an executed privacy waiver authorizing you to share information about this matter.

³ Email from Piner to Moshfeghyeganeh (Sept. 16, 2025, 4:42 PM) (on file with author).

⁴ Email from Piner to Moshfeghyeganeh, *supra* note 2.

Piner stated he would issue Moshfeghyeganeh a written reprimand for failure to follow his order, but did not issue the reprimand after an unknown individual took the second sign down.⁵

On October 22, Provost Pranesh Aswath, in response to Moshfeghyeganeh's request for clarification, stated that any signs "describing a faculty office as a refuge from federal law enforcement or promising that enforcement officers will be denied access constitutes an apparent institutional policy of non-cooperation," which allegedly violates TXST's legal obligation not to "adopt, enforce, or endorse a policy under which the entity or its officers prohibit or materially limit cooperation with a federal immigration enforcement officer."⁶ He added that "[b]ecause the university is legally required to maintain the ability to cooperate with federal authorities, TXST cannot permit employees to advertise or implement any such contrary message on university property."⁷

He also claimed the signs violate TXST's discrimination policy because they "could reasonably be interpreted as offering benefits, protections, or access based on immigration or citizenship status."⁸ He concluded by directing Moshfeghyeganeh to refrain from "[a]ny signage advertising your office as a 'safe space/refuge from federal law enforcement.'"⁹

TXST's justifications for its directives lack merit. First, the First Amendment protects faculty's right to comment on matters of public concern and imposes a constitutional limit on TXST's actions as a public university.¹⁰ Moshfeghyeganeh's signs reflect this right to speak as a private individual: Courts have held that public employees speak in their personal capacities when their speech is not "ordinarily within the scope of an employee's duties," even if it "concerns those duties."¹¹ Considering that public universities do not ordinarily employ professors to post political signs, Moshfeghyeganeh spoke as a private citizen, since his commentary was not part of his duties as a physics professor. Moshfeghyeganeh's speech also addressed matters of public concern because immigration policies are matters of great societal interest.¹²

Second, contrary to TXST's assertions, no university policy requires preapproval for this form of expression. Even if such a rule existed, it would conflict with the First Amendment, which does not tolerate preapproval requirements for innocuous faculty signage.¹³

⁵ *Id.*

⁶ Email from Pranesh Aswath, Provost, to Moshfeghyeganeh (Oct. 22, 140 PM) (on file with author).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Healy v. James*, 408 U.S. 169, 180 (1972); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 572 (1968).

¹¹ *Lane v. Franks*, 573 U.S. 228, 240 (2014) (the "critical question" in determining whether speech was that of an employee or a private citizen is "whether the speech at issue is itself ordinarily within the scope of an employee's duties, not whether it merely concerns those duties").

¹² *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) (speech on a matter of public concern includes expression that "can be fairly considered as relating to any matter of political, social, or other concern to the community").

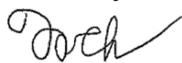
¹³ *E.g., N.Y. Times v. United States*, 403 U.S. 713, 714 (1971) ("Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity.") (internal quotation marks omitted); see *Watchtower Bible & Tract Soc'y of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 165–66 (2002) ("It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her

Along with being innocuous, it is difficult to imagine how a sign that simply states “This office is a safe space for immigrant students,” as Moshfeghyeganeh’s second sign did, “could be interpreted as exclusionary by others.”¹⁴ TXST’s discrimination policy is limited to conduct that subjects students to “less favorable treatment or adversely affects their employment or education.”¹⁵ There is no evidence Moshfeghyeganeh subjected any students to adverse treatment. Nor would a reasonable member of the community assume that by posting a notice that his office was a safe space for immigrant students, Moshfeghyeganeh was suggesting that it would be an *unsafe* space for other students.

Finally, Texas state law regarding sanctuary policies cannot justify restrictions on faculty First Amendment rights. Moshfeghyeganeh’s signs refer solely to his office and do not purport to establish university policy. This law applies only to “a formal, written rule, order, ordinance, or policy”—not faculty signs.¹⁶ Even if the law’s provisions about “discourag[ing] the enforcement of immigration laws” apply to Moshfeghyeganeh, his first sign merely reiterated the legal requirements of ICE entry into private spaces, and his second sign did not mention immigration laws at all.¹⁷

As a public university that “supports the free exchange of ideas” and “respects individuals’ rights to express their views through all forms of legally protected speech,” TXST may not dictate the content of professors’ private expression on public issues.¹⁸ TXST’s directives misinterpret and overextend university policy and state law, neither of which can override faculty First Amendment rights. We request a substantive response to this letter no later than November 18, confirming TXST will allow faculty to post political flyers on their office doors.

Sincerely,



Zach Greenberg
Faculty Legal Defense Counsel

Cc: Vedaraman Sriraman, Senior Vice Provost
Pranesh Aswath, Provost and Executive Vice President of Academic Affairs
Edwin Piner, Physics Department Chair

desire to speak to her neighbors and then obtain a permit to do so.”); *Berger v. City of Seattle*, 569 F.3d 1029, 1037 (9th Cir. 2009) (advance notice and permitting requirements are presumptively invalid); *see also Roberts v. Haragan*, 346 F. Supp.2d 853, 870 (N.D. Tex. 2004) (invalidating two-day advance notice requirement for students to speak in designated campus areas as “sweep[ing] too broadly in imposing a burden on a substantial amount of expression that does not interfere with any significant interests of the University”).

¹⁴ Email from Piner to Moshfeghyeganeh, *supra* note 2.

¹⁵ Prohibition of Discrimination, TEX. STATE UNIV. (revised Sept. 8, 2025), <https://policies.txst.edu/university-policies/04-04-46.html> [<https://perma.cc/K8SB-PWQ9>].

¹⁶ Tex. Gov’t Code Ann. §§ 752.201–.211 (West 2024).

¹⁷ Tex. S.B. 4, 85th Leg., Reg. Sess. (Tex. 2017) (“Prohibits a local entity from adopting, enforcing, or endorsing a policy under which the entity prohibits or discourages the enforcement of immigration laws.”).

¹⁸ *Expressive Activities Policy*, TEX. STATE UNIV. (revised Sept. 8, 2025), <https://policies.txst.edu/university-policies/07-04-01.html> [<https://perma.cc/2K3A-HLLA>].

Authorization and Waiver for Release of Personal Information

I, Saeed Moshfegzeganeh, do hereby authorize Texas State University (the "Institution") to release to the Foundation for Individual Rights and Expression ("FIRE") any and all information concerning my employment, status, or relationship with the Institution. This authorization and waiver extends to the release of any personnel files, investigative records, disciplinary history, or other records that would otherwise be protected by privacy rights of any source, including those arising from contract, statute, or regulation. I also authorize the Institution to engage FIRE and its staff members in a full discussion of all information pertaining to my employment and performance, and, in so doing, to disclose to FIRE all relevant information and documentation.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

If the Institution is located in the State of California, I request access to and a copy of all documents defined as my "personnel records" under Cal. Ed. Code § 87031 or Cal. Lab. Code § 1198.5, including without limitation: (1) a complete copy of any files kept in my name in any and all Institution or District offices; (2) any emails, notes, memoranda, video, audio, or other material maintained by any school employee in which I am personally identifiable; and (3) any and all phone, medical or other records in which I am personally identifiable.

This authorization and waiver does not extend to or authorize the release of any information or records to any entity or person other than the Foundation for Individual Rights and Expression, and I understand that I may withdraw this authorization in writing at any time. I further understand that my execution of this waiver and release does not, on its own or in connection with any other communications or activity, serve to establish an attorney-client relationship with FIRE.

I also hereby consent that FIRE may disclose information obtained as a result of this authorization and waiver, but only the information that I authorize.

Signed by:

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11/4/2025

Signature

Date