

June 25, 2026

Jack Hawkins, Jr.
Chancellor's Office
Troy University
216 Adams Administration Building
Troy, Alabama 36082

Sent via U.S. Mail and Electronic Mail (jhawkins@troy.edu)

Dear Chancellor Hawkins:

FIRE, a nonpartisan nonprofit that defends free speech,¹ is concerned by Troy University's punishment of Professor Micah Swartz for communicating with Alabama state legislators and sharing those communications with his students. The First Amendment protects Troy professors' right to speak as private citizens on matters of public concern, which encompasses faculty communications with lawmakers about university issues. We call on Troy to rescind all sanctions imposed on Swartz for speech protected by the First Amendment.

On April 15, Swartz sent a letter on Troy letterhead to Alabama lawmakers criticizing the Alabama Numeracy Act Course Review Committee's handling of Troy's proposed undergraduate math syllabi.² In the letter, he faulted the committee, which is tasked by the state to oversee math instruction methods, for a lack of transparency and prompt feedback, making faculty syllabi review unmanageable.³ Swartz identified himself as a Troy professor, described his personal experience as an educator, and did not state nor imply that he spoke for Troy.⁴

On April 30 Department of Teacher Education Chair Joseph Johnson sent a disciplinary notice and written warning to Swartz for "Unauthorized Communication."⁵ Johnson stated Swartz

¹ For more than 25 years, FIRE has defended free expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org.

² Letter from Micah Swartz, professor, to Alabama Representatives and Numeracy Act Leaders (Apr. 15, 2026) (on file with author). The recitation of facts here reflects our understanding of the pertinent information. 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 *Id.*

⁴ *Id.*

⁵ Employee Disciplinary Notice from Joseph Johnson, Department of Teacher Education Chair, to Swartz (Apr. 30, 2026) (on file with author).

“emailed a letter on unofficial letterhead to over 30 leaders in the state legislature and the ALSDE [Alabama State Department of Education] that represented he was communicating in an official capacity on behalf of Troy University.”⁶ Johnson instructed Swartz to seek university approval before representing the university in an official capacity.⁷ Swartz explained that he did not claim to represent Troy and spoke only for himself.

On May 27, Swartz received another written warning for sharing his letter with students via Canvas with the subject line, “The Letter that got me in trouble,” which Johnson alleged was “unprofessional conduct.”⁸ Johnson directed Swartz to “refrain from sharing with students anything that could be viewed as University communication to Alabama officials,” and from “discussing personnel disciplinary matters with students.”⁹

Troy’s warnings to Swartz violate his First Amendment right to speak as a private citizen on matters of public concern.¹⁰ State employees do not “relinquish First Amendment rights to comment on matters of public interest by virtue of government employment.”¹¹ The First Amendment protects this fundamental right because “[g]overnment employees are often in the best position to know what ails the agencies for which they work.”¹² The United States Supreme Court has long held that “[t]eachers are, as a class, the members of a community most likely to have informed and definite opinions” about the operation of their institutions and thus it is “essential that they be able to speak out freely on such questions without fear of retaliatory dismissal.”¹³

Troy incorrectly assumes that Swartz spoke for the university by sending his letter. There is no reasonable dispute that he spoke in his capacity as a private citizen, rather than as an official Troy representative. The “critical question” in determining whether the speech was that of an employee or private citizen is “whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not,” — as is true in Swartz’s case — “whether it merely concerns those duties.”¹⁴ Mere knowledge of a speaker’s employment does not render their speech pursuant to their official duties.¹⁵ Also, “the mere fact that a citizen’s speech concerns information acquired by virtue of [her] public employment does not transform that speech into employee—

⁶ *Id.*

⁷ *Id.*

⁸ Employee Disciplinary Notice, from Johnson, to Swartz (Apr. 23, 2026) (on file with author).

⁹ *Id.*

¹⁰ *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted); see *Garcetti v. Ceballos*, 547 U.S. 410, 417 (2006) (“The Court has made clear that public employees do not surrender all their First Amendment rights by reason of their employment. Rather, the First Amendment protects a public employee’s right, in certain circumstances, to speak as a citizen addressing matters of public concern.”).

¹¹ *Connick v. Myers*, 461 U.S. 138, 140 (1983).

¹² *Waters v. Churchill*, 511 U.S. 661, 674 (1994) (plurality opinion).

¹³ *Pickering v. Bd. of Educ.*, 391 U.S. 563, 572 (1968).

¹⁴ *Lane v. Franks*, 573 U.S. 228, 240 (2014).

¹⁵ See, e.g., *Pickering*, 391 U.S. at 576–78.

rather than citizen—speech.”¹⁶ For example, the Supreme Court in *Pickering v. Board of Education* found that a high school teacher’s letter to the local newspaper was speech as a private citizen despite mentioning his title and discussing school issues,¹⁷ as Swartz did here. Additionally, in his personal capacity, Swartz undoubtedly spoke on a matter of public concern because letter discussed important state and university educational issues and regulations, rendering his speech protected by the First Amendment.¹⁸

Further, contrary to Johnson’s assertions, Swartz’s use of university letterhead does not stamp his speech with Troy’s official imprimatur. Rather, like the teacher’s letters in *Pickering*, Swartz sent the letter in his personal capacity as an individual educator. Universities do not ordinarily employ their faculty to write state lawmakers, and even if they did, Troy certainly did not hire Swartz to *criticize* legislatures. He therefore spoke as a private citizen and not as an official Troy representative. The use of personal pronouns in the letter itself further makes clear that it was not an official communique from Troy.¹⁹

Troy’s punishment of Swartz for sharing his letter with his class similarly lacks merit. His letter to Alabama representatives was not a university communication—it was his own private letter that he is free to share with any interested parties. There is no evidence that Swartz disclosed any confidential information, as his Canvas message contained only his letter and the title, “Letter that got me in trouble.” Furthermore, Swartz, as the target of the disciplinary action, retains the only privacy interest in this personnel matter. Public universities may not retaliate against employees by punishing them for discussing their own disciplinary records.²⁰

FIRE requests a substantive response to this letter no later than close of business July 9, 2026, confirming Troy will rescind all the written warnings from Swartz’s file and respect professors’ right to speak on public issues in their private capacity going forward.

Sincerely,



Zach Greenberg

Director of Faculty Legal Defense, Campus Rights Advocacy

Cc: Joseph Johnson, Department of Teacher Education Chair
Fred Figliano, College of Education & Behavioral Sciences Dean

¹⁶ *Lane*, 573 U.S. at 240.

¹⁷ *Pickering*, 391 U.S. at 576–78.

¹⁸ *Snyder v. Phelps*, 562 U.S. 443, 453 (2011) (“Speech deals with matters of public concern when it can be fairly considered as relating to any matter of political, social, or other concern to the community.”).

¹⁹ Letter from Micah Swartz, *supra* note 2.

²⁰ See *Kamasinski v. Judicial Review Council*, 44 F.3d 106, 110–12 (2d Cir. 1994) (invalidating portions of confidentiality restrictions that barred discussion of underlying facts known to the complaints and participants); see also *Butterworth v. Smith*, 494 U.S. 624, 632–36 (1990) (government may not broadly prohibit complainants and witness from disclosing testimony given before judicial proceedings).