

Dear All

I finished three years last week with ABG. It's been a big learning experience and I am thankful to ABG for the wide variety of my new experiences.

Here's an interesting case doing the rounds last week. This case has caught the imagination of people in USA and outside. Here's the context:

In 2017, a ninth grader Brandy Lyle studying in Pennsylvania was not selected for the school cheerleading team. In sheer frustration on a Saturday afternoon, she posted some slang words on snapchat describing the cheerleading team and the school. She had 250 followers. One of her friends who saw the post took a screen shot and showed it to her own mother who was a coach for the school cheerleading team. Brandy was suspended from school for her act.

She went to court and sued her school in the United States Court of Appeals and she won. Her lawyer argued that Brandy used colorful expression to show her frustration and she was doing this outside school and she was not in school uniform.

This case is coming up before the US Supreme court next week. This case is about free speech, especially in a digital world.

Consider the following:

1. Brandy signed a contract in school saying she will not say anything to bring down the reputation of cheerleaders or coaches or her school. Can a minor be held to such a contract?
2. The last time such a case came up before the supreme court was 1969 when the US Supreme Court rules in the Tinker vs Des Moines School that students of the school were allowed to wear black arm bands as a protest against the Vietnam War but were barred from saying anything about the war on campus! There was no social media then.
3. Imagine if a company asked you to sign a contract saying that you will not share anything about work on social media unless it is positive. Thou shalt not discuss your boss, company culture, company policy etc. It is likely that when you join a company you will sign any form to get the job. Today, we see so many people moan and groan about their boss and the company at the water cooler or with other colleagues. Imagine if someone were to record that and send it to the company. What happens?
4. Imagine if the government cuts off your electricity and water supply if you are critical about the local council to provide good basic services.
5. Last year Google employees walked out of office across the world in protest against the sexual harassment policy application against a few senior managers. Google didn't respond negatively. Patagonia has publicly called Trump and his team names. Can a company do it, and not an individual?
6. A school has school uniform, an armed forces person has a uniform, in most cases managers don't have uniforms. What they wear to work is what they wear outside of work. So, then the only rule is whether you say something at the work site or off it?
7. In a basketball or a football game, a player is suspended for the match if he uses a swear word, he is not barred from the game itself. So, the punishment against brandy in the school suspending her seems harsh.
8. In a social media world, employees have a right to speak, one has to assume that they will be balanced. On LinkedIn I see many employees of companies with a new semi green circle around them saying 'open to change'. Should that company treat these people differently because they don't seem to show the ultimate loyalty, i.e., to stay with a company and not look around?

A right to free speech is a right to criticize and also be criticized. One has to stay balanced in the face of social media.

Let's see what the US Supreme Court says, this will be a signal for many in the world.

Am happy to hear about what you feel about this case.

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