

Letterhead Policy Not Airtight In Wrongful Termination Lawsuit

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Last month, an Eighth Circuit federal appeals panel reinstated a lawsuit that alleged an athletic director was wrongfully terminated after using district letterhead to write a letter supporting a reduced sentence for his nephew in a child pornography case. The district received the letter from a relative of the athletic director who was evidently upset after his nephew was granted an early release. The district met with the athletic director and expressed concerns about the use of district letterhead to advocate for early release of an individual convicted of a child pornography offense. Ultimately, the superintendent recommended termination. After his termination, the athletic director filed suit against the school district and superintendent, alleging wrongful termination in retaliation for speech protected by the First Amendment. The district's defense of the termination was based in large measure on the fact that the athletic director used letterhead with the district's name and logo on it and included the job title and address. Dooming this argument, the court found that the District does not issue its employees official letterhead, and it was common practice for individuals to produce their own letterhead using the school logo and their titles without incurring adverse consequences. The key takeaway is that employers have a legitimate interest in the control of their letterhead, but [failure to regulate](#) the use of company letterhead for personal matters may weaken an employer's ability to regulate controversial speech.

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