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GOOGLE LLC: The diversity Manifesto AND LEADER Candour[[1]](#endnote-1)

Raymond B. Chiu wrote this case under the supervision of Professor Fernando Olivera solely to provide material for class discussion. The authors do not intend to illustrate either effective or ineffective handling of a managerial situation. The authors may have disguised certain names and other identifying information to protect confidentiality.

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It was a rude welcome for the newly hired vice-president of diversity, Danielle Brown, at Google LLC (Google). Just over a month into her new job, Brown was confronted by an internal memo, posted by Google engineer James Damore, espousing his views on the causes of gender disparities and problems with the company’s diversity programs. Damore’s memo was leaked to the public and he was fired two days later. The chain of events set off one of the most publicized controversies in the firm’s history. The incident brought chief executive officer (CEO) Sundar Pichai back from vacation and led to a high-level decision focused on protecting Google’s public image and employees’ well-being. Corporate communication with Damore was brief, and the unrest had a chilling effect on what would otherwise have been Brown’s impressive transition as an up-and-coming high-tech executive.

Damore’s memo provoked a dizzying array of viewpoints within the company and, once public, within the media. With the turmoil showing little sign of abating, Damore’s memo reminded many women of the hurt they had experienced from discrimination and harassment. The company’s reaction also left many employees who held unpopular views frightened that they too could be targeted. Brown had to find a way to move people past debates over Damore and his memo. It was an opportunity to demonstrate the candour and character that could help her team regain hope, set an example for others, and build trust in her and in the company. In a circumstance where communication and relationships had become fractured, her leadership would now be defined by how she chose her words in the wake of the crisis.

DANIELLE BROWN

Brown was appointed Google’s new vice-president of diversity, integrity, and governance in 2017. She arrived on the job just over a month before the Damore crisis broke in August 2017.[[2]](#endnote-2)

In 2009, Brown was one of 15 master of business administration graduates nationwide who were accepted into the accelerated leadership program at Intel Corporation (Intel). Showing the versatility that allowed her to excel as a management consultant, sales manager, and product marketer in her early career, Brown rose to chief of staff of global human resources (HR) within four years, was appointed chief diversity and inclusion officer just a year later, then vice-president of global HR three years after that.[[3]](#endnote-3)

Although the Intel appointment was the first diversity and inclusion role in Brown’s career, she boasted a record that exceeded the company’s goals for diversity hiring. She had achieved stretch goals for hiring and retention, weekly reporting, transparent metrics, engagement of majority males, a complaint hotline, and confrontation of offenders.[[4]](#endnote-4) In 2015, when Brown had less than a year in the diversity role, Intel’s CEO announced an investment of US$300 million over five years in diversity efforts. Brown’s value proposition was a culture where a “diverse range of perspectives and views” enabled business success. Intel boasted an “open door policy” that encouraged dialogue between employees regardless of their respective levels, at times holding executives to account when they ignored concerns of others.[[5]](#endnote-5)

JAMES DAMORE

James Damore was a senior software engineer in Google’s search division. He joined Google in 2013 with an extensive academic background in biology and computational biology and a reputation for competitive participation in chess and strategy games. He worked his way up to the project leader level, which merited him a salary in the US$300,000 range.[[6]](#endnote-6)

In June 2017, after what he considered unpleasant experiences with Google’s internal culture and diversity programs, Damore began typing his thoughts during a long business flight to China. Titling his memo “Google’s Ideological Echo Chamber,” Damore wrote in response to invitations from diversity program organizers to provide feedback. He submitted his memo in early July, eager to hear a response. When he did not receive a reply, Damore posted his memo through internal lists and forums.[[7]](#endnote-7)

Early on August 5, 2017, online news outlets reported that Damore’s memo had gone “viral” among Google employees the day before. The same day, the memo was picked up and posted by a public website; labelled an “anti-diversity manifesto,” the memo immediately attracted widespread attention.[[8]](#endnote-8) Damore described his experience of diversity training as one in which he was shamed and restricted from voicing unwelcomed ideas.[[9]](#endnote-9) Google fired Damore on August 7, two days after the leak, with no apparent link between the decision to fire him and Brown’s responsibilities as diversity officer.

After he was fired, Damore attracted an instant following, gaining 35,000 followers on his Twitter Inc. account and inspiring an organization of protests across the country—which were later cancelled due to alleged terrorist threats. Damore first accepted online interviews with right-wing media outlets to avoid hostility from media unsympathetic to his views.[[10]](#endnote-10)

In an op-ed in the *Wall Street Journal*, Damore complained about the lack of “open and honest discussion” and his experience that employees’ identities were wedded to the company “almost like a cult.” In online question-and-answer sessions, Damore expressed his disappointment over being “shamed” by his supervisor before the memo was leaked, and he emphasized that his intention was not to attack others but to improve Google’s culture. Damore did not apologize for his memo or for upsetting others, and he still believed his views were correct.[[11]](#endnote-11)

Manifesto Content

Damore prefaced his 10-page document with a statement affirming that he valued diversity and inclusion, recognized the existence of sexism, and disapproved of stereotyping individuals, emphasizing the need to stay focused on “population level differences in distributions.” In places throughout the memo, he also alluded to the possibility of bias and limitations in his perspective, and the need for “open and honest” discussion to address gender and ideological issues in the company.[[12]](#endnote-12)

Damore began his memo by suggesting that the left and right biases that may be hindering discussion at Google were the “result of deep moral preferences,” (a reference to Jonathan Haidt’s well-regarded research on moral foundations). He then proposed several non-socially constructed causes of the gender gap in technology (tech), specifically software engineering, focusing on differences in biological and personality traits. He covered a range of purported “non-bias [*sic*] causes,” including prenatal exposure to testosterone, differing interest in people versus things, levels of the personality traits extraversion and neuroticism (referred to by Damore as “higher anxiety, lower stress tolerance” and by psychologists in the positive sense as emotional stability), and differences in drive for status. Based on the differences he discussed, Damore concluded that “principled” and “optimizing” approaches to diversity were preferable to “arbitrary social engineering” (hiring quotas). He proceeded to list existing Google practices that he considered “discriminatory,” including programs exclusively for “a certain gender or race,” special queues and treatment for such candidates, scrutiny of insufficiently diverse groups, and any practices or goals that could result in inappropriate incentives or illegal double standards.[[13]](#endnote-13)

In the next section of his memo, Damore reiterated the importance of recognizing ideological biases—possibly veiled left or Marxist-style biases—that he believed “increase race and gender tensions” because they affect how the social sciences are studied and maintain “myths like social constructionism and the gender wage gap.” He identified other consequences of these biases as overprotection of females, dismissal of gender issues affecting men, and “extremely sensitive PC-[politically correct] authoritarians” who engage in “violence and shaming.”[[14]](#endnote-14)

Damore proposed “non-discriminatory ways” to address the gender gap, including making software engineering more people-oriented, allowing co-operative behaviour to thrive, and reducing stress and increasing flexibility in tech and leadership work. With the overall goal of restoring psychological safety and stopping discriminatory practices, Damore ended his memo with a range of suggestions to reduce the level of intolerance, moralization, alienation, and hostility, including the reduction of over-empathetic support for the suffering and offences of select groups. He believed that discriminating merely to increase representation of women in tech was misguided and costly, causing the same poor outcome as failed attempts to address problems with “the homeless, work-related and violent deaths, prisons, and school dropouts.”[[15]](#endnote-15)

Immediate Response

Corporate Responses

Responses from numerous internal and external stakeholders poured in once Damore’s memo had been posted. Before the memo was leaked to the public, Ari Balogh, vice-president of engineering and Damore’s supervisor, wrote an internal memo stating that “Questioning our assumptions and sharing different perspectives” was an important part of Google's culture, but “one of the aspects of the post that troubled me deeply was the bias inherent in suggesting that most women, or men, feel or act a certain way. That is stereotyping, and it is harmful.”[[16]](#endnote-16)

The day Damore’s memo was leaked to the public, Brown responded in an internal memo to all staff (see Exhibit 1), saying,

Part of building an open, inclusive environment means fostering a culture in which those with alternative views, including different political views, feel safe sharing their opinions. But that discourse needs to work alongside the principles of equal employment found in our Code of Conduct, policies, and anti-discrimination laws.[[17]](#endnote-17)

The day after firing Damore, Pichai wrote to employees (see Exhibit 2), declaring,

We strongly support the right of Googlers to express themselves, and much of what was in that memo is fair to debate, regardless of whether a vast majority of Googlers disagree with it. However, portions of the memo violate our Code of Conduct and cross the line by advancing harmful gender stereotypes in our workplace.[[18]](#endnote-18)

Co-Worker Responses

Co-worker responses to the memo were openly critical, calling for Damore to be fired. According to Damore, these were calls for “censorship, retaliation and atonement.” Various voices labelled the memo “screed,” “pure toxicity,” “garbage fire,” “bigoted,” “misogynist,” and “violently offensive.”[[19]](#endnote-19) Facilitated by Google’s collaborative communication platforms, attacks directed at Damore and open messages to Brown effectively put both on trial. Leaked posts revealed that many of these communications were from middle-level managers, using expletives to describe Damore and the memo, refusing to work with his department, questioning his competence to sit on hiring committees, blaming him for attrition of employees, and expressing intentions to silence and banish anyone sympathetic to Damore. Some posts openly disparaged Brown for not issuing a more severe criticism of the memo.[[20]](#endnote-20)

Numerous women publicly expressed their disappointment and disgust with Damore’s memo, and some were motivated by the controversy to look for work elsewhere.[[21]](#endnote-21) One female employee expressed that the memo was not considerate of women’s views and feelings and that the public response was too focused on freedom of speech issues and a debate about reasons for termination. “To have us all lumped into one sort of category like that,” she said, “and to have such a baseless claim made about who we are, and to have it positioned as fact—as scientific fact—I don’t know how we could feel anything but attacked by that.”[[22]](#endnote-22)

Using words like “unlawful” and “hostile,” Susan Wojcicki, CEO of Google’s YouTube, criticized the memo for perpetuating negative stereotypes and unfounded biases that would now be exposed to a new generation, hindering efforts to deal with a gender gap that existed in tech but not in other science, technology, engineering, or mathematics (STEM) fields. Expressing her alarm over what she believed were unacceptable comparisons between people, she posed the question, “What if the memo said that biological differences amongst black, Hispanic, or LGBTQ (lesbian, gay, bisexual, transgender, queer or questioning) employees explained their underrepresentation in tech and leadership roles? Would some people still be discussing the merit of the memo’s arguments or would there be a universal call for swift action against its author?”[[23]](#endnote-23)

Few media articles covered employees who supported Damore, due in part to the employees’ unwillingness to speak out except by leaking messages written by other employees who engaged in defamation and threatened to blacklist those they labelled as “anti-diversity.”[[24]](#endnote-24) However, one reporter who spoke to employees anonymously found a range of viewpoints, including some that agreed that the culture maintained its control by “shaming dissenters into silence.” The employees noted that the practice of shaming Damore publicly indicated that critics preferred to dominate the public discourse rather than to engage him in direct discussion. Through the anonymous corporate chat application, Blind, a Google employee complained about the “terrifying” discovery that “if someone is not ideologically aligned with the majority then he’s labelled as a ‘poor cultural fit’ and would not be hired/promoted.” Others applauded Damore’s courage and found it hypocritical to talk about diversity and inclusion and then exclude divergent opinions.[[25]](#endnote-25)

To shed light on Damore’s claim that “there were many women who were empowered and that agree with me,”[[26]](#endnote-26) Blind conducted a survey of 4,000 employees across Silicon Valley. The results showed that 44 per cent of Google respondents were in support of firing Damore, a result that placed the response from Google employees in the middle of similar responses from within other tech firms (see Exhibit 3).[[27]](#endnote-27)

Public Responses

The negative response to Damore’s memo was unreserved. Megan Smith, formerly vice-president at Google and, at the time, a chief technology officer of the United States, was glad that Damore’s views were now out in the open to condemn. She called the memo “insidious . . . death by a thousand paper cuts . . . they are misguided, they’re destructive to their colleagues.” Former Google engineer Erica Baker criticized Google for allowing an environment in which “racists and sexists feel supported and safe in sharing these views in the company.”[[28]](#endnote-28) Angela Saini, science journalist and author of *Inferior: How Science Got Women Wrong*, argued that psychological studies showed the “tiniest gaps, if any, between the sexes, including areas such as mathematical ability and verbal fluency,” and said that brains could not be distinguished by sex.[[29]](#endnote-29) Cynthia Lee, computer science professor at Stanford University, believed that Damore’s “quasi-professional” but dangerously “beguiling” scientific arguments were a “red herring,” distracting attention away from the “glaring evidence, in individual stories and in scientific studies, that women in tech experience bias and a general lack of a welcoming environment, as do underrepresented minorities.”[[30]](#endnote-30)

Multiple outlets expressed their disapproval of Damore’s dismissal. Their concerns were based on the view that he was mainly expressing an opinion about how diversity could be improved based on findings that were unquestioned among those who studied basic gender differences.[[31]](#endnote-31) A few female commentators were less alarmed by the gender differences in tech. Megan McArdle, a policy journalist and former technology consultant, found that her male co-workers showed a passion for technology that was not often shared by their female counterparts. McArdle was matter of fact about being in the minority around men even though the environment was naturally and regrettably less hospitable when representation was lopsided.[[32]](#endnote-32)

A poll conducted by the Center for American Political Studies at Harvard University and The Harris Poll found that 55 per cent of respondents said Google was wrong to fire Damore. The respondents were divided within their political groups, with 50 per cent of Democrats, 56 per cent of independents, and 61 per cent of Republicans indicating they were opposed to Damore’s dismissal.[[33]](#endnote-33)

Scientific Responses

Shortly after Damore was fired, scholars responded vigorously, many with lengthy, impassioned arguments. Gina Rippon, the chair of cognitive brain imaging at Aston University, stated that something biological could be overcome with practise and that the biological gender differences were “so tiny that there’s no way that they can explain the kind of gender gap that’s apparent at Google.”[[34]](#endnote-34) Janet Hyde, a psychology professor at the University of Wisconsin, concluded that “there’s every reason to think these gender differences in interests are caused by socialisation factors.” Rosalind Barnett, senior scientist at the Women’s Studies Research Center at Brandeis University, and Caryl Rivers, journalism professor at Boston University, cited several scientists in their conclusion that there was little biological evidence for sex differences, and that the “anxiety gap” existed not because of biology, but because competent women were seen as bitchy, judged more harshly, and given less credit.[[35]](#endnote-35) Suzanne Sadedin, an evolutionary biologist at Monash University, called Damore’s memo “despicable trash,” criticizing it for being intellectually dishonest about its attacks on female inferiority, misrepresenting research on sex differences, and failing to provide evidence of influences on performance in tech.[[36]](#endnote-36)

Cordelia Fine, a psychology professor at the University of Melbourne, thought that the memo “made many dubious assumptions and ignored vast swaths of research that show pervasive discrimination against women.” Nonetheless, she felt sorry for Damore because his points were “very familiar to me as part of my day-to-day research, and are not seen as especially controversial.”[[37]](#endnote-37) Similarly, some scholars focused on the validity of the research on gender differences without addressing the effect that science has on perpetuating stereotypes about careers suitable for women. Lee Jussim, professor of social psychology at Rutgers University, said that the memo got “nearly all of the science and its implications exactly right” and was “certainly not a rant. And it stands in sharp contrast to most of the comments [criticisms], which are little more than snarky modern slurs.” Geoffrey Miller, professor of evolutionary psychology at the University of New Mexico, stated that “almost all of the Google memo’s empirical claims are scientifically accurate. Moreover, they are stated quite carefully and dispassionately.”[[38]](#endnote-38) Debra Soh, a sexual neuroscientist, called the memo “fair and factually accurate,” arguing that there were “sex differences in the brain that lead to differences in our interests and behaviour.” Agreeing with Damore, Soh noted that “gendered interests are predicted by exposure to prenatal testosterone—higher levels are associated with a preference for mechanically interesting things and occupations in adulthood.”[[39]](#endnote-39)

Responses from scholars cited by Damore in the memo were mixed. Richard Lippa, psychology professor at California State University, called Damore’s summary of psychological differences “reasonably accurate,” and Michael Wiederman, psychology professor at the University of South Carolina, believed that Damore made “reasoned arguments” about why men could be more keen than women to climb the corporate ladder. Catherine Hakim, sociologist at the think tank Civitas, believed that it was “nonsense” to link career outcomes to psychological gender differences. Jüri Allik, professor of experimental psychology at the University of Tartu, said that Damore’s extrapolations of personality research to career outcomes were “risky” and that gender differences in his research were “very, very small.”[[40]](#endnote-40) David Schmitt, psychology professor at Bradley University and founding director of the International Sexuality Description Project, affirmed Damore’s conclusions drawing from cross-cultural data on personality differences; however, he was hesitant to link personality directly to occupational differences between sexes. Schmitt did emphasize that occupational differences were quite large and that nations that treated women more equally saw larger, not smaller, differences in personality traits and occupational preferences.[[41]](#endnote-41)

Diversity in Technology

Diversity at Google

Google had grown to more than 75,000 employees by 2017.[[42]](#endnote-42) Women made up 30.8 per cent of Google’s overall workforce in 2017; only 2.5 per cent of the company’s employees were black and only 3.6 per cent were Hispanic or Latinx. Though the percentage of women in Google’s workforce had changed little since 2014 (when it was 30.6 per cent), the percentage of women in leadership and tech roles improved between 2014 and 2017, going from 20.8 to 24.5 per cent in leadership and from 16.6 to 20.2 per cent in tech, compared with 48.1 to 48.4 per cent in non-tech roles (e.g., HR, marketing, and accounting). Attrition among women was lower than for men, but gains in female representation were being made mainly among white and Asian women.[[43]](#endnote-43) These figures compared unflatteringly to figures from the tech industry and the private sector as a whole; female representation was 36 per cent in tech and 48 per cent in the private workforce overall. Black employees represented 7.4 per cent of tech staff and 14.4 per cent of the overall workforce, and Hispanic and Latinx employees represented 8.0 per cent and 13.9 per cent, respectively.[[44]](#endnote-44)

In view of the relatively flat trends in the overall workforce, it was unclear where Google could make improvements, whether by addressing internal biases or processes, or by working further upstream at the sources of female candidates. Such trends did not seem to accord with the substantial sum of US$265 million it had spent on diversity programs over 2014 and 2015. The company eventually stopped divulging its spending figures.[[45]](#endnote-45)

In the wake of Damore’s memo, female employees became vocal about the nature of their experiences. Wojcicki, one of Google’s first employees, shared her experiences in *Fortune*, which had named her the 16th most powerful woman in 2016:[[46]](#endnote-46)

I’ve had my abilities and commitment to my job questioned. I’ve been left out of key industry events and social gatherings. I’ve had meetings with external leaders where they primarily addressed the more junior male colleagues. I’ve had my comments frequently interrupted and my ideas ignored until they were rephrased by men. No matter how often this all happened, it still hurt.[[47]](#endnote-47)

Another woman expressed hurt and frustration over years of getting caught up in internal discussion threads “where men were louder than women on gender-bias and discrimination issues.” She attributed the problem with “discrimination, harassment, and mental violence” to hiring for a certain male stereotype that was not compatible with a hospitable environment for women.[[48]](#endnote-48)

As a federal contractor required to conform to equal opportunity requirements, Google had been involved in a lawsuit brought by the US Department of Labor that alleged that Google was underpaying women. The day Damore was fired, a representative of the Department of Labor testified in court about the ongoing investigation into Google. The department had found “systemic compensation disparities against women pretty much across the entire workforce” at Google and “compelling evidence of very significant discrimination against women in the most common positions at Google headquarters.” Within a month, Google was served with a class-action lawsuit launched by three underpaid women who said that they were placed at lower job levels and denied promotions and moves that could have advanced their careers.[[49]](#endnote-49)

Inclusion at Google

The firm’s motto, “Don’t be evil,” encapsulated the high ideals Google put forth to make the world a better place and to be unbiased and objective it how it handled search results.[[50]](#endnote-50) In the years before Brown’s arrival, Google had already embarked on ambitious diversity programming. As early as 2014, Nancy Lee, vice-president of people operations, wanted to fulfill Google’s original “don’t be evil” mandate by initiating the full disclosure of its diversity figures, numbers that “weren’t great” but put Google “on the hook. There’s no turning back.”[[51]](#endnote-51) A spokesperson for Google emphasized that the company was “very committed to an open internal culture” of which “transparency [was] a huge part.” The company was known to operate a wide range of platforms for open expression based on promotion of the idea of “psychological safety,” in which employees were encouraged to share ideas without being judged or embarrassed.[[52]](#endnote-52)

Google applied considerable measures to improve hiring and promotion processes focused on women and people of colour. These measures included implementing unconscious bias training, checking performance review processes, and encouraging greater self-nomination.[[53]](#endnote-53) To address the challenge of an extremely low representation of black Googlers, the company created an engineering residency for black computer science majors and embedded engineers at historically black colleges. It also worked to foster an inclusive culture by making sure its corporate events, town halls, and resource groups (e.g., Women@Google and Google Women in Engineering) were welcoming and supportive.[[54]](#endnote-54) Google’s community-based programs included partnerships with figures from Hollywood that aimed to inspire girls to pursue computer science and programs introducing coding to high school students from diverse communities.[[55]](#endnote-55)

In an interview he gave after he was fired, Damore elaborated on his negative experiences with numerous diversity events, including a weekly company-wide meeting (TGIF), mandatory unconscious bias training, calls to hold individual managers accountable for their team’s diversity, and a weekly e-mail allowing 20,000 employees to submit examples of micro-aggressions, some of which could implicitly identify the perpetrators.[[56]](#endnote-56) In the lead-up to the Damore memo, some employees had taken measures into their own hands, openly creating blacklists of those labelled “anti-diversity.” The threat of being reported to human resources did not deter these list-keepers; rather, they used the reactionary comments to identify others to add to their lists.[[57]](#endnote-57) It was not apparent from reports how prevalent this behaviour was or how severely it affected the targeted co-workers.

Analysts highlighted the irony that, despite Google’s moral mission, the extreme views of controversial far-right figures were bolstered by the followings they gained on Google-owned YouTube. The video platform was accused of creating “filter bubbles” that drew users deeper into extreme content, capturing the attention of disenfranchised groups.[[58]](#endnote-58) YouTube actively limited hate, violent extremist, supremacist, or religious content that did not meet YouTube’s increasingly tough standards.[[59]](#endnote-59) With national politics getting more divisive, analysts voiced their concerns that the company, having a reputation for liberal views, could use its vast power over online searches to contain conservative thought.[[60]](#endnote-60)

Sexism in Tech

In recent years, Silicon Valley and the tech sector had been known to have serious problems with sexual diversity, discrimination, and harassment—issues that became widely known due to publicized cases at other tech giants such as Uber Technologies Inc. and Twitter Inc..[[61]](#endnote-61) Women experienced being propositioned for sex, dismissed, and disrespected and they had to fend off gropes and recover from interruptions by men in meetings. Explanations for this behaviour attributed it to the origins of Silicon Valley in the “male realm” of hardware, brotherhoods of young men coming out of college, the perception that “genius” was held only by men, and the persistent sexist view that women achieved less and were fair game for objectification.[[62]](#endnote-62)

High-ranking executives were not immune to the problem. Former Tinder executive Whitney Wolfe was called a “whore” and “slut” by the firm’s marketing chief and unjustly denied the title of co-founder.[[63]](#endnote-63) Donna Harris, a venture capitalist who had started out as a systems engineer, remarked that her path to success was “littered with rampant sexism, mansplaining, unconscious bias and some downright ugly discrimination.”[[64]](#endnote-64) A coalition of seven women spearheaded a survey of 210 female peers working in Silicon Valley, 25 per cent of whom were responding as top-ranking officers.[[65]](#endnote-65) A significant proportion of these women experienced exclusion, disrespect, and mistreatment in their workplaces (see Exhibit 4).

Legal Issues

In both the United States and Canada, universal rights to freedom of speech generally did not apply in the workplace. Employers had a right to limit the types of speech that employees engaged in at work. Such limitations extended outside the workplace if the employees’ conduct disrupted the legitimate business of the employer.[[66]](#endnote-66) In California, employers could “fire workers at any time for any reason as long as it’s not an illegal reason.”[[67]](#endnote-67) Illegal grounds for firing were covered under the *National Labor Relations Act* and Title VII of the *Civil Rights Act*.[[68]](#endnote-68)

Damore filed a complaint to the National Labor Relations Board the same day he was fired.[[69]](#endnote-69) The unfair labour practice identified in the complaint referred to section 8(a)(1) of the *National Labor Relations Act*, which stated that “It shall be an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.” The section 7 rights under the Act protected employees who engaged in “concerted activities” to improve their pay and working conditions or fix employment-related problems, even if the employees were not in a union.[[70]](#endnote-70)

Cases governed by the *Civil Rights Act* were administered by the Equal Employment Opportunity (EEO) Commission. Title VII made it illegal “to discriminate against someone on the basis of race, color, religion, national origin, or sex.”[[71]](#endnote-71) Title VII also prohibited employers from “punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. . . . Other acts to oppose discrimination [were also] protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws.”[[72]](#endnote-72)

Google’s decision to fire Damore left observers wondering what precise issue resulted in a code-of-conduct violation (see Exhibit 5).[[73]](#endnote-73) Neither party commented on any private employer–employee discussions that may have influenced Google’s decision. Damore described the lead-up to his dismissal this way:

There is a dominant ideology at Google, and anyone who dissents against that is either shamed or ostracized. And when it became apparent that I wasn’t backing down to the shame, they had to fire me. . . . And it [the memo] was actually pointing out several practices at Google that went against the code of conduct. So there are many practices that harass conservatives that have illegal bias against certain groups. And I was simply pointing them out. And much of this is whistleblower stuff where they really should not have fired me for pointing out illegal practices at Google.[[74]](#endnote-74)

a question of leadership

Riding high on the experience of success and harmony at Intel, Brown hoped that she could continue making an impact as diversity officer of one of the most influential companies in the world. She was now part of a corporate environment that seemed progressive on the surface but was permeated by strong political views and simmering discomfort over the diversity program. With the controversy over the Damore memo at the two-week mark, the company had taken a hard line on Damore and moved on. Multiple people had written lengthy opinions about diversity and inclusion—staff, the press, academics—but Brown’s communication had so far consisted of one short letter. With more than half of Google’s employees against firing Damore, what steps should Brown take next to restore trust and promote candour?

Exhibit 1: Memo to Employees from Danielle Brown,

Google’s Vice-President of Diversity

Googlers,

I’m Danielle, Google's brand new VP of Diversity, Integrity & Governance. I started just a couple of weeks ago, and I had hoped to take another week or so to get the lay of the land before introducing myself to you all. But given the heated debate we’ve seen over the past few days, I feel compelled to say a few words.

Many of you have read an internal document shared by someone in our engineering organization, expressing views on the natural abilities and characteristics of different genders, as well as whether one can speak freely of these things at Google. And like many of you, I found that it [the memo] advanced incorrect assumptions about gender. I’m not going to link to it here as it’s not a viewpoint that I or this company endorses, promotes or encourages.

Diversity and inclusion are a fundamental part of our values and the culture we continue to cultivate. We are unequivocal in our belief that diversity and inclusion are critical to our success as a company, and we'll continue to stand for that and be committed to it for the long haul. As Ari Balogh said in his internal G+ post, “Building an open, inclusive environment is core to who we are, and the right thing to do. ’Nuff said.”

Google has taken a strong stand on this issue, by releasing its demographic data and creating a company-wide OKR on diversity and inclusion. Strong stands elicit strong reactions. Changing a culture is hard, and it’s often uncomfortable. But I firmly believe Google is doing the right thing, and that’s why I took this job.

Part of building an open, inclusive environment means fostering a culture in which those with alternative views, including different political views, feel safe sharing their opinions. But that discourse needs to work alongside the principles of equal employment found in our Code of Conduct, policies, and anti-discrimination laws.

I’ve been in the industry for a long time, and I can tell you that I’ve never worked at a company that has so many platforms for employees to express themselves—TGIF, Memegen, internal G+, thousands of discussion groups. I know this conversation doesn’t end with my email today. I look forward to continuing to hear your thoughts as I settle in and meet with Googlers across the company.

Thanks,

Danielle

Note: OKR = objectives and key results.

Source: Sarah Emerson and Louise Matsakis, “Google on Anti-Diversity Manifesto: Employees Must ‘Feel Safe Sharing Their Opinions,’” Motherboard, August 5, 2017, accessed January 31, 2018, https://motherboard.vice.com/amp/en\_us/article/vbv54d/google-on-anti-diversity-manifesto-employees-must-feel-safe-sharing-their-opinions.

Exhibit 2: Memo to Employees from Sundar Pichai,

Google’s Chief Executive Officer

This has been a very difficult time. I wanted to provide an update on the memo that was circulated over this past week.

First, let me say that we strongly support the right of Googlers to express themselves, and much of what was in that memo is fair to debate, regardless of whether a vast majority of Googlers disagree with it. However, portions of the memo violate our Code of Conduct and cross the line by advancing harmful gender stereotypes in our workplace. Our job is to build great products for users that make a difference in their lives. To suggest a group of our colleagues have traits that make them less biologically suited to that work is offensive and not OK. It is contrary to our basic values and our Code of Conduct, which expects “each Googler to do their utmost to create a workplace culture that is free of harassment, intimidation, bias and unlawful discrimination.”

The memo has clearly impacted our co-workers, some of whom are hurting and feel judged based on their gender. Our co-workers shouldn’t have to worry that each time they open their mouths to speak in a meeting, they have to prove that they are not like the memo states, being “agreeable” rather than “assertive,” showing a “lower stress tolerance,” or being “neurotic.”

At the same time, there are co-workers who are questioning whether they can safely express their views in the workplace (especially those with a minority viewpoint). They too feel under threat, and that is also not OK. People must feel free to express dissent. So to be clear again, many points raised in the memo—such as the portions criticizing Google’s trainings, questioning the role of ideology in the workplace, and debating whether programs for women and underserved groups are sufficiently open to all—are important topics. The author had a right to express their views on those topics—we encourage an environment in which people can do this and it remains our policy to not take action against anyone for prompting these discussions.

The past few days have been very difficult for many at the company, and we need to find a way to debate issues on which we might disagree—while doing so in line with our Code of Conduct. I’d encourage each of you to make an effort over the coming days to reach out to those who might have different perspectives from your own. I will be doing the same.

I have been on work related travel in Africa and Europe the past couple of weeks and had just started my family vacation here this week. I have decided to return tomorrow as clearly there’s a lot more to discuss as a group—including how we create a more inclusive environment for all.

Source: Sundar Pichai, “Note to Employees from CEO Sundar Pichai,” The Keyword (blog), Google, August 8, 2017, accessed January 30, 2018, www.blog.google/topics/diversity/note-employees-ceo-sundar-pichai.

Exhibit 3: Survey Conducted by Blind, Evaluating Agreement with Google’s Decision to fire James Damore

**Question:** “Was Google right in firing manifesto author, Damore?”

|  |  |  |
| --- | --- | --- |
| **Company** | **Yes** | **No** |
| Uber Technologies Inc. | 36% | 64% |
| Yahoo! | 40% | 60% |
| Airbnb, Inc. | 42% | 58% |
| Microsoft Corporation | 43% | 57% |
| Google LLC (441 participants) | 44% | 56% |
| Facebook, Inc. | 44% | 56% |
| Amazon.com, Inc. | 46% | 54% |
| LinkedIn Corporation | 53% | 47% |
| Lyft | 65% | 35% |

Source: Created by the case authors using data from Blind, an anonymous work talk app, provided in Julie Bort, “Over Half of Google Employees Polled Say the Web Giant Shouldn't Have Fired the Engineer Behind the Controversial Memo,” Business Insider, August 9, 2017, accessed February 9, 2018, www.businessinsider.com/many-google-employees-dont-think-james-damore-should-have-been-fired-2017-8.

Exhibit 4: Selected Results from “Elephant in the Valley” survey on discrimination and harassment in silicon valley

|  |  |
| --- | --- |
| **Question** | **Response** |
| Have been told that they are too aggressive | 84% |
| Asked to do lower-level tasks that male colleagues are not asked to do | 47% |
| Felt excluded from social/networking opportunities because of gender | 66% |
| Have felt they have not had the same opportunities as their male counterparts | 59% |
| Witnessed sexist behaviour at company offsites and/or industry conferences | 90% |
| Have experienced clients/colleagues address questions to male peers that should have been addressed to them | 88% |
| Demeaning comments from male colleagues | 87% |
| Were asked about family life, marital status, and children in interviews | 75% |
| Feel the need to speak less about their family to be taken more seriously | 40% |
| Reported unwanted sexual advances  Of those reporting, had received advances from a superior | 60%  65% |
| Of those reporting sexual harassment, were dissatisfied with the course of action:  Of those harassed:  Did nothing because they thought it would negatively impact their career  Did not report, because they wanted to forget  Signed a non-disparagement agreement | 60%  39%  30%  29% |

Source: Trae Vassallo, Ellen Levy, Michele Madansky, Hillary Mickell, Bennett Porter, Monica Leas, and Julie Oberweis, Elephant in the Valley, accessed February 12, 2018, www.elephantinthevalley.com.

Exhibit 5: excerpts from Google’s Code of Conduct

Preface

“Don’t be evil.” Googlers generally apply those words to how we serve our users. But “Don’t be evil” is much more than that. Yes, it’s about providing our users unbiased access to information, focusing on their needs and giving them the best products and services that we can. But it’s also about doing the right thing more generally—following the law, acting honorably, and treating co-workers with courtesy and respect.

The Google Code of Conduct is one of the ways we put “Don’t be evil” into practice. It’s built around the recognition that everything we do in connection with our work at Google will be, and should be, measured against the highest possible standards of ethical business conduct. We set the bar that high for practical as well as aspirational reasons: Our commitment to the highest standards helps us hire great people, build great products, and attract loyal users. Trust and mutual respect among employees and users are the foundation of our success, and they are something we need to earn every day.

So please do read the Code, and follow both its spirit and letter, always bearing in mind that each of us has a personal responsibility to incorporate, and to encourage other Googlers to incorporate, the principles of the Code into our work. And if you have a question or ever think that one of your fellow Googlers or the company as a whole may be falling short of our commitment, don’t be silent. We want—and need—to hear from you.

II. Support Each Other

2. Harassment, Discrimination, and Bullying

Google prohibits discrimination, harassment and bullying in any form—verbal, physical, or visual, as discussed more fully in our Policy Against Discrimination, Harassment and Retaliation. If you believe you’ve been bullied or harassed by anyone at Google, or by a Google partner or vendor, we strongly encourage you to immediately report the incident to your supervisor, Human Resources or both. Similarly, supervisors and managers who learn of any such incident should immediately report it to Human Resources. HR will promptly and thoroughly investigate any complaints and take appropriate action.

Note: Excerpted from the Code of Conduct in force in July 2017. Google has since revised its Code of Conduct.

Source: “Google Code of Conduct,” Alphabet Investor Relations [archive], accessed April 21, 2018, https://web.archive.org/web/20170812022315/https://abc.xyz/investor/other/google-code-of-conduct.html.

ENDNOTES

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