

ALLYSHIP: UPSTANDER¹ VS. BYSTANDER

Allyship as the New Theory and Practice of Diversity and Inclusion

An examination of a Study conducted at the University of Pennsylvania Carey Law School on
“Allyship in the Future of Work.”

In the Spring of 2020, a team of Penn Law students interviewed 40+ male law students on their [philosophy on allyship](#). Responding to over 35 questions, these future leaders from a diverse demographic, examined patterns of behavior, policies and principles that could advance allyship and break down barriers to gender and racial equality in institutional settings in law, business and public life.

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¹ This term “upstander” is borrowed from Martha Minow, 300th Anniversary Professor of Harvard University. She often urges young legal scholars to inhabit the role of an upstander.

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We are proud to have Zahra Keshwani, Co-President of Penn Law's Muslim Law Student Association (MLSA) and Eduarda Lague, President of Penn Law's Latinx Law Student Association (LALSA) as part of our research team. More than fifty percent of male student allies interviewed were men of color.

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Dedication

This White Paper is dedicated with great admiration to David Wilkins, Lester Kissel Professor of Law at Harvard Law School whose pioneering scholarship on diversity in the legal profession informed and inspired this study. At a time of public reckoning in our nation's history, this dedication is a recommitment to diversity and racial and gender justice.

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Abstract:

Reflecting at a time when we are once again engulfed in racial tension, "The ghost of slavery and the curse of racism still threaten us 400 years later..." writes Wendell Nil Larye Adjetey, the W.L. Mackenzi King Fellow and Lecturer at Harvard University. While the murder of George Floyd, pushes our nation into a public reckoning on our racist history, in the same way that the MeToo Movement challenged our collective conscience about sexism in the workplace, we urge an intersectional understanding of systemic bias and an intersectional approach to addressing those biases. We encourage all to consider how can men, including men of multiple identities address intersectional bias against women in the workplace. For the first time, we see an understanding that racism is our national issue, it is not an issue limited to a particular community. This understanding must now seep into our workplaces: systemic and structural inequalities divide and destroy the entire system and is a concern that should unite all of us, and not just a particular group.

Thirty years ago, Kimberlé Crenshaw gave us the language to speak about the way in which race and gender interact to shape the multiple dimensions of the experiences of women of color at work as well at home. Her thesis is that race and gender intersect in shaping and informing structural discrimination. The experiences of women of color cannot be collapsed into the narrow boundaries of race or gender that relegate the identity of women of color to a location that resists a more dynamic understanding of the complexity of identity. For far too long, the law has overlooked the rights of LGBTQ and transgender people. The recent Supreme Court decision has begun the long process of naming the clear intersection of discrimination on the basis of sex and LGBTQ discrimination.³ This White Paper looks at a way to frame the various intersections of race, gender and multiple identities in the context of allyship. Allyship used within this framework can guide us in addressing different forms of systemic and structural bias that plague our workplaces and public consciousness.

³ Bostock v. Clayton County, 590 U.S. 1 (2020) (holding that Title VII forbids firing someone just because they are gay or transgender).

Foreword:

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1. Introduction

"Our progress, however, is far from finished. In law, and in most elite professions, men still dramatically outnumber women in positions of leadership. Although half of law students and nearly half of lawyers are women, women make up only one-third of attorneys in private practice, 21 percent of equity partners, and 12 percent of the managing partners, chairmen, or CEOs of law firms. Men also run the corporations that we represent as lawyers: fewer than 5 percent of CEOs of Fortune 500 companies are women. Women are also underrepresented as lawmakers and interpreters of the law, making up about 24 percent of Congress, 18 percent of governors, 29 percent of state legislators, 27 percent of mayors of the largest one hundred cities, 27 percent of federal judges, and 35 percent of state appellate judges. Why, despite years of equality in access to voting for lawmakers, do women still trail behind men in the legal profession? To understand what holds us back, I believe we need to look beyond political rights—voting, holding office, jury service—to gendered family norms and the workplace structures that reinforce these norms."⁴

The underrepresentation of women in law and politics in the US in the 21st century unmask a crisis. Beneath the data lies a human story of barriers, biases and boundaries that impede the progress of women, especially minority women. Recent data from the World Bank reveals still quite a long way to go to achieve gender equality in the world, especially in the world of work. For instance, women in 90 economies are legally excluded from certain types of employment. In addition, less than half of the economies covered by the World Bank study have legislation ordering equal remuneration for work of equal value. With regard to parental leave, only 43 economies have paid parental leave that can be shared by mothers and fathers, crucial for the sharing of child care responsibilities between women and men and critical for equalizing the

⁴ Kerry Abrams, *Family, Gender, and Leadership in the Legal Profession*, Women and L. 1, 1 (2020).

playing field for women and men. As for the economies providing paid maternity leave, almost half of them require the employer to bear the costs either partially or in full and thereby providing a financial incentive for employers to hire men instead of women. Furthermore, 50 economies lack laws protecting women from sexual harassment in the workplace.⁵

Bold new solutions are needed to alter the legal landscape on inequality, disrupt sexism, and the structures that reinforce these norms in the workplace. We posit a theory and practice of allyship as a renewed vision through which to reconceptualize our workplaces and institutions and as way to address stereotypes, sexism and sexual harassment. While legal change is key to addressing gender discrimination in the world of work, more subtle forms of discrimination, including implicit bias, unconscious bias, and sexism demand a new generation of strategies and solutions which privilege difference and identity, while disavowing stigma, stereotype and prejudice.

Full citizenship calls for the ability to participate on equal terms in community and society more generally and allyship plays a role in the actualization of citizenship. According to our respondents, while citizenship calls for inclusive interaction, we should guard against a form of allyship that could reflect existing patterns of disadvantage and reinforce existing power relations and the social construction of gender.

The transformative dimension of allyship also helps us focus on different facets of inequality. Not all interactions fall into this category of discrimination, but subtle forms of bias, prejudice, and stereotyping are as harmful and need to be understood and addressed. Instead of ignoring these important facets, allyship makes them more visible by recognizing the as harmful.

Prominent women in Silicon Valley have given expression to their experiences in a masculinized landscape as death (of their careers) by a “thousand paper cuts” of sexism.

⁵ See World Bank Group, *Women, Business and the Law 2020* (2020), <https://openknowledge.worldbank.org/bitstream/handle/10986/32639/9781464815324.pdf>.

Allyship could be the important antidote to expressions of sexism in the workplace. We need to develop allyship as both a theory and practice through renewed conversation and engagement. Vicki Schultz' body of work on sexual harassment published in the Yale Law Journal and Stanford Law Review -over a 20 year period- views sexual harassment as an expression of workplace sexism, rather than sexuality. "Harassment," argues Shultz, "is a way for dominant men to label women (and perceived "lesser" men) as inferior and shore up idealized masculine work status and identity."⁶ Schultz's theory attacks a narrow focus: Sexual harassment is a "means of maintaining masculine work status rather than expression of sexuality or sexual desire."⁷ Harassment is linked to broader forms of sexist norms which threaten masculinized gender norms.⁸

Challenging Masculinized Institutional Structures:

Gendered spheres both in work and in private life have the effect of enshrining masculine norms. These masculine/feminine roles date back to the 19th century. To combat these masculine norms and gendered roles, Ruth Bader Ginsburg's litigation strategy in the 1970s was to deconstruct gender by challenging institutional structures that reinforced separate spheres based on gender.⁹ In the landmark cases of the 1970s, Ginsburg challenged the Idaho law that favored men over women as administrators of their wives estates¹⁰ and laws that required breadwinner wives (but not breadwinner husbands) to prove that their spouses were in fact dependent in order to receive certain medical and dental benefits.¹¹ Ginsburg also challenged federal laws that gave survivor benefits to homemaker wives of breadwinner husbands but not to homemaker husbands of breadwinner wives.¹²

⁶ Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, THE YALE L. J. FORUM 22, 24 (2018). See generally Vicki Schultz, *Reconceptualizing Sexual Harassment*, 107 YALE L.J. 1683 (1998).

⁷ *Id.* at 27.

⁸ *Id.*

⁹ JOAN C. WILLIAMS, *RESHAPING THE WORK-FAMILY DEBATE: WHY MEN AND CLASS MATTER* 93, 115 (Harvard University Press 2010).

¹⁰ See e.g. *Reed v. Reed*, 404 U.S. 71 (1971).

¹¹ See e.g. *Frontiero v. Richardson*, 411 U.S. 677 (1973).

¹² See e.g. *Weinberger v. Weisenfeld*, 420 U.S. 636 (1975).

Ginsburg’s efforts helped challenge the institutional structures that inherently force women to work twice as hard to prove their competence. As noted by Joan C. Williams, “When job competences are intertwined with masculinity, women find it harder to establish themselves as competent. As a result, women find themselves having to work twice as hard to achieve half as much, an aphorism confirmed by a quarter-century of social science.”¹³

However, there are additional hurdles that women face in the workplace as a consequence of gendered norms. For this reason, women must consider company policies like flexible work initiatives, proper family-responsive policies, and diversity initiatives before accepting a job or choosing to remain in a position – policies that men often overlook. Empirical studies show that when Astra Zeneca employees were surveyed, it found that 96% claimed that flexibility influenced their decision to remain with the company. Similarly, at Bristol-Myers Squibb, 87% of hourly employees use flexibility and an equal number of men and women say it is important to them.¹⁴ Breaking down such institutional structures would be beneficial not only for women, but for business entities themselves. Business case literature suggests that “employers need to create family-responsive workplaces not as a gesture of good will but as a way to maximize profits.”¹⁵

Joan C. Williams argues that: “Placing masculinity at the center of feminist analysis is not the same as placing men there. Instead it involves recognizing that workplace gender bias against women stems from masculine norms in jobs that historically were held by men.”¹⁶ She posits that not only are masculine norms harmful to women’s advancement in the workplace, but that they create pressures on men to perform in a way that is harmful to their health and family stability.

¹³ See Williams, *supra* note 8 at 93.

¹⁴ *Id.* at 67.

¹⁵ *Id.* at 65.

¹⁶ *Id.* at 98.

Combating Second Generation Bias:

We live in an age that is marked by monumental change and a current context which can help us question our assumptions about the past and a new understanding of the future that we want.

Research has shifted away from a focus on the deliberate exclusion of women to an inquiry of the second- generation forms of bias as the key cause of women’s pervasive under-representation in leadership roles. This bias is often maintained by male led cultural assumptions and organizational structures, practices and interactions.¹⁷ The qualities that people tend to associate with leaders are often not what is associated with the image of women in leadership. Practices that equate leadership with behavior are considered more common in men.¹⁸

Even though our understanding of the business case of diverse leadership teams has matured, gender parity still remains an elusive goal. Why does this paradox exist and what can be done about it? We posit that a greater understanding of allyship is the key to building diverse leadership teams that are impactful and transformative.

Second generation bias is embedded in stereotypes and organizational practices that can be hard to identify due to their invisibility but are as dangerous and harmful. Despite a lack of discriminatory intent, subtle “second- generation” forms of gender bias can impede leadership identity development of a company’s entire population of women. It is for this reason that Harvard Business Review’s 2013 article, *Women Rising: The Unseen Barriers*, proposes educating everyone about second generation gender bias. The article states that, “the context must support a woman’s motivation to lead and also increase the likelihood that others will

¹⁷ Herminia Ibarra, Robin J. Ely, and Deborah M. Kolb, *Women Rising: The Unseen Barriers*, HARV. BUS. REV. (Sept. 2013), <https://hbr.org/2013/09/women-rising-the-unseen-barriers>.

¹⁸ *Id.*

recognize and encourage her efforts – even when she does not look or behave like the current generation of senior executives.”¹⁹

How can allies help? By raising a woman’s profile and connecting them to a larger purpose of leadership. "Second generation" bias is hard to detect and is deeply ingrained in stereotypes and organizational practices. Leaders tend to hire and promote and kindle with people of similar backgrounds. Men are given more strategic roles, whereas women are assigned more operational roles.²⁰ Allyship done properly helps to address these subtle biases

Our Study and What We Learned:

The aim of this [Study](#) was to provide a set of criteria to determine laws, policies, practices and institutions on allyship and begs the question, how can we reshape the future of work to create a more equal and equitable workforce on the premise of allyship?

The world of work as it is does not privilege allyship. The term itself cannot be collapsed into a single formula. As our interviews showcase, allyship can redress disadvantages, address stigma, stereotypes, and prejudice, while enhancing dignity, equality, voice and participation. Allyship’s greatest promise lies in its potential to accommodate differences and achieve structural change.

According to respondents, allyship permits us to focus on inclusive interactions and symbiotic relationships, rather than top – down models of authority and interaction. Drawing attention to all the dimensions of allyship can help build complementarities and move us forward to a more equal world of work.

Our interviews show us that allyship is about values and principles- it is about self- consciously participating in the ongoing evolution of the workplace and responding to real and implicit

¹⁹ Herminia Ibarra, Robin J. Ely, and Deborah M. Kolb, *Women Rising: The Unseen Barriers*, HARV. BUS. REV. (Sept. 2013), <https://hbr.org/2013/09/women-rising-the-unseen-barriers>.

²⁰ *Id.*

wrongs. By being sensitive to the experiences of women and other excluded groups, allyship gives voice to those groups and engages in a new workplace dynamic.

What our interviews represented to us was that allyship went beyond the interpersonal to embrace a fundamental re-examination of structures that perpetuate discrimination. While changes in the gender or race composition of a leadership structure can create changes, the interviewees often commented on the danger of replicating patterns of power while appearing to achieve diversity. In other words, quantitative change might only partially reflect qualitative change.

What we learned was that in the search for multi-dimensional approaches to gender equality—allyship can be a powerful source of energy and advancement to those who are disadvantaged, excluded, ignored, or marginalized.

In the final analysis, we consider whether a more concerted institutional effort on allyship disavow the old orthodoxy which keep women and men of lesser influence as outsiders? Can allyship be the next-generation solution to the advancement of all women, including women with intersectional identities?

2. Why Allyship?

Allyship as the Next Generation Solution

“In a 2015 survey of women, most of whom work in Silicon Valley, 60 % said they had been sexually harassed or experienced unwanted sexual advances. But a whopping 90 % reported witnessing sexist behavior, 88 % had questions addressed to male colleagues that should have been addressed to them. 84% said they had been called to aggressive at work. 75 % were asked about their family, marital status, or children in interviews, 66 % felt excluded from networking activities because of their sex, and 59 % said they had not received the same opportunities as their male counterparts.”²¹

Without a radical intervention such as allyship, we will not see a change in the balance of power in the workplace. This imbalance of power hurts fairness, business and innovation. The numbers are not only shocking but conceal a deeper problem of misogyny and intolerance that is going to hold back progress at work in particular and in the human civilization in general.

Allyship as an Antidote to Unfettered Power

Schultz writes that most employment systems give male hierarchies authority that is unfettered and potentially dangerous. The subjective authority to hire assign, promote, pay, fire and evaluate persons is tightly vested in that authority. Unfettered discretion facilitates stereotyping and discrimination.

²¹ See Schultz, *supra* note 5.

Schultz writes, “Research shows that the nature of the authority vested in such positions inculcates in those who occupy them a sense of entitlement to wield arbitrary authority over people “beneath” them, simply by virtue of the fact that their positions give them the power to do so...Unchecked institutional authority, in other words, begets a growing sense of personal power and self-aggrandizement. Both formal and informal sources of authority over others can feed this sense of power.”²²

Both Deborah Rhode and Vicki Schultz call for a check on authority. Rhode writes, “Managers also need to address conditions that make bias and abuse more likely. As researchers have long noted, and #MeToo revelations confirmed, those with unchecked discretionary authority are more likely to abuse it. Power often enhances individuals’ sense of entitlement and insulation from accountability.”²³

Now is the time to reinvigorate a new theory of gender equality based on allyship. With the rise of the #MeToo movement, we are witnessing an extraordinary cultural moment of public reckoning —one that could galvanize real change. Allyship helps to Expand this Moment. Deborah Rhode has said that, “In the thirty-five years I have spent studying gender issues, this moment seems to me unique in its potential for lasting change.” There is the need to maximize this “current momentum in pursuit of social justice.”²⁴

Why Allyship is Necessary to Address a Renewed Understanding of Workplace Sexual

Harassment:

The rise of the MeToo movement has brought about a remarkable cultural moment, one that has mobilized real legislative, institutional and personal change. The number of women that have come forward to tell their stories, the serious press attention to the issues, and the legal and policy changes have given us some hope, but without structural and systemic changes, this momentum will not succeed. We need bold new solutions to eliminate sexual harassment.

²² See Schultz, *supra* note 5 at 52.

²³ Deborah L. Rhodes, *#MeToo: Why Now? What Next?*, 69 DUKE L. J., 377, 425 (2019).

²⁴ *Id.* at 380.

Vicki Schultz's new theoretical analysis in "Reconceptualizing Sexual Harassment Again," addresses broader patterns of sexism caused by male-centric authority and entrenched sex segregation. As Schultz states, "Harassment does not always consist of unwanted sexual advances; a wide range of nonsexual actions is used to denigrate women and label them as "different" because of their sex."²⁵

Oncale v. Sundowner Offshore Servs, Inc, 523 US 75 (1998) did hold that workplace harassment does not have to be explicitly sexual in content or motivation to be actionable. Instead the question is whether the misconduct occur because of sex.²⁶

The broader patterns of sexism that *Oncale* and Schultz have theorized must be addressed through an unpacking of authority and segregation which demand a greater focus on allyship. Harassment takes a wide variety of nonsexual forms, including hostile behavior, stereotypes, patronizing treatment, humiliation, social ostracism, exclusion or marginalization, denial of information, and denial of opportunities and networks directed at people because of their sex or gender and intersectional identities. This harassment is not only directed at women but men who do not conform to images of gender normative behavior.

These interviews with a group of diverse young male leaders in law schools show that these nonsexual forms are important points of subordination and allyship is an important way to address this unactionable mode of discrimination.

²⁵ See Schultz, *supra* note 5 at 33.

²⁶ *Oncale v. Sundowner Offshore Servs, Inc*, 523 US 75 (1998).

3. The Theoretical Underpinnings

Research on allyship needs to be part of a broader agenda on gender equality and ending workplace sex segregation and inequality. In this paper, we examine allyship initiatives aimed at addressing implicit bias, unconscious bias, affinity-bias; the paper also demands paying more attention to intersectional identities, including the way gender interests with race, class, ethnicity, and sexual orientation. Consistent with two of the major goals of the EEOC, we work towards identifying and eliminating conscious and unconscious bias in the workplace and creating a pipeline for women and minorities.

Allyship as Assailing Gender Stereotypes:

Apart from the business case for diversity, the fundamental fact of having a diverse workplace is considered an important way of reducing the level of implicit bias in the workplace.

Increasing gender inclusion will not only increase diverse perspectives and reduce the influence

“one of the most important things is making sure that there is a critical mass of women and women of color in the discussion. If there isn’t, those voices will be unheard.”

of cognitive biases in the design, training, and oversight of leadership, but also attenuate implicit and unconscious bias. Diverse teams are less likely to be weighed down by cognitive biases such as confirmation and/or relational biases.²⁷

Our participants endorse the concept of diversity to promote inclusion and disavow stereotypes. One participant describes the benefit of diversity and representation by considering the immediate effect of **“fostering a sense of inclusion rather than “otherising” minority individuals.” (E.G.).**

²⁷ See generally NATIONAL RESEARCH COUNCIL, MEASURING HUMAN CAPABILITIES: AN AGENDA FOR BASIC RESEARCH ON THE ASSESSMENT OF INDIVIDUAL AND GROUP PERFORMANCE POTENTIAL FOR MILITARY ACCESSION 53 (2015) (describing how cognitive biases, such as confirmation bias and others, show how irrational decision-making results from failing to reflect on choices).

The slow disruption of gender stereotypes comes from inclusion. This is why **Ryan Plesh, 3L**, says that **“one of the most important things is making sure that there is a critical mass of women and women of color in the discussion. If there isn’t, those voices will be unheard.”**

Where their voices remain unheard, the stereotypes will remain. As such, another participant explains that it is of utmost important that **“there is a representative who is able to speak or to represent a woman’s interest.” (I.Z.)**

However, diversity for the sake statistics will produce fewer results than using diversity to promote the inclusion and participation of women. A 2L participant claims that employers should have:

“a more nuanced view of things so you’re not constantly isolating different statistics, and you’re not purely statistically driven...because even if you do have wonderful statistics of people of various intersectional identities that are very diverse and providing all of these different perspective on things. If they are on the sidelines and not actually in leadership positions, then you probably haven’t achieved an idea of equality.” (K.M.).

This is why many of our participants discussed diversity and inclusion not only in the general context of inclusion, but also within the context of subcommittees like hiring panels, performance review boards, etc. Justin Pendleton, 2L, says that **“making sure that the panel is diverse with men, women, diverse racial backgrounds, and members of both the diversity and HR teams on it may be more fruitful.”** Ryan Plesh, 3L, agreed that **“a diverse team can provide a much fuller picture than one man can.”** Understanding that the creation of such committees is still an ongoing process, 2L KM suggested that if given the opportunity, he would staff the committee with a diverse group of people to:

“hear as many perspectives as possible, and then the hiring practice wouldn’t be set in stone. There would be a trial period and a feedback period because I

would want to hear anyone that has any complaints or even the best laid out plans, because of implicit bias may still end up perpetuating implicit bias, so, you know, still having an open conversation so we get to hear all of those perspectives and try to adjust accordingly.” (K.M.)

Diversity is also important in lessening the degree of implicit biases because it catalyzes a cultural shift. Thus, gender inclusion is vital because **“without strong female leaders in positions of power across all sectors it is difficult to instrumentalize a cultural shift.” (A.C.)** It is for this reason that Chihiro Tsukada, LLM '20, claims that, **“what matters is that every employee acknowledges that diversity counts and discrimination should not be allowed. In this perspective, particularly employers and high-ranking employees should value diversity.”**

As described by several of our participants' experiences, altering the demographics of a workplace can create change and lessen the degree of implicit bias. The visibility of minority group members will help assail gender stereotypes. Similarly, Christine Jolls argues in *Antidiscrimination Law's Effects on Implicit Bias* that “discrete changes in either population make-up of a group or the physical and sensory features of an environment can substantially reduce the degree of implicit bias.”²⁸

Allyship as Addressing Unconscious Biases:

Unconscious or implicit biases, so named because humans are also unaware of the inconsistency of their biases in decisions, are “largely automatic and occur below the level of conscious awareness.”²⁹ Daniel Kahneman, the Nobelist, argues that human decision-making is steeped in bias and unconscious biases and may be linked to discriminatory behavior.³⁰

²⁸ Christine Jolls, *Antidiscrimination Law's Effects on Implicit Bias* 1-46 (Yale Law Sch., Pub. Law Working Paper No. 148, 2015), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=959228#.

²⁹ Fatma E. Marouf, *Implicit Bias and Immigration Courts*, 45 NEW ENG. L. REV. 417, 418 (2011). See also IRIS BOHNET, *Unconscious Bias Is Everywhere*, in WHAT WORKS 21, 21-43 (Harvard University Press, 2016) (discussing unconscious gender biases and the negative impact it has on women versus the positive impact it has on men).

³⁰ See generally DANIEL KAHNEMAN, THINKING, FAST AND SLOW (Penguin Books Ltd, 2011) (explaining how we have two systems of thought – one in which we have little to no voluntary control and another in which we allocate brain power towards choice and agency).

Allyship is even more critical in the face of unconscious biases because allyship allows for constant reflection and consideration of one's role in creating a more gender equal environment. However, as shown through our implicit association test (attached as [Appendix III](#)), unconscious biases are so strong that even allies are not immune to its effects.

Twenty of our participants participated in the implicit association test we designed for them. The purpose of this test was to see how unconscious biases take shape despite an individual's inclination to fight against them. Our study shows that while most of our allies are supportive of women in almost every role, their support slightly decreases as the position becomes more dangerous or powerful (i.e. firefighter, police officer, soldier, senator, etc.). Career life and financial independence are mostly associated with males while single parent and family life were chosen as female dominated. Additionally, there is consensus that women hold significantly fewer leadership roles despite the fact that they are not more prone to conflict creation or more emotional at work. These unconscious biases play into individuals' decision-making and the continuation of sexism in the workplace.

A Stanford University study created to address the information disparity between men and women regarding issues women face in the workplace revealed the lack of diversity and extreme sexism faced by women at tech firms, with 88% of the female participants reporting evidence of unconscious biases.³¹ These experiences ranged from addressing questions to only male peers, only making eye contact with male colleagues, receiving demeaning comments from other male colleagues, being asked to perform lower-level tasks, etc.³² Although tech companies began publishing diversity reports in 2014, change is slow and sexism is as difficult to combat as any epidemic.

³¹ Trae Vassallo et al., *Elephant in the Valley*, elephantinthevalley.com (last visited May 4, 2020) [hereinafter "Elephant in the Valley Study"].

³² *Ibid.*

In Silicon Valley, the first diversity report was issued in 2014 and it revealed fault lines along gender. Although companies hired trainers to provide unconscious bias training to their employees, very little significant improvement was evident.³³

After Google started issuing its diversity report in 2014, other tech companies followed suit. In order to address the problem, these companies spent billions of dollars on consultants and training programs but little in fact has changed. According to the 2016 McKinsey Report, women are both hired and promoted at lower rates than men, despite women graduating at...³⁴

Women make up barely 11% of tech industry executives and only 9% of senior IT leadership roles.³⁵

The “Elephant in the Valley” survey revealed that 87% of the women reported receiving demeaning comments from male colleagues, 47% said they had been asked to do lower-level tasks that male colleagues were not asked to do, and 66% said they had been excluded from important social or networking events.³⁶ Comments on the survey indicated that women were disrespected in numerous ways, such as being asked to take notes at meetings or order food, and being ignored in favor of male subordinates during meetings.³⁷

Given that current diversity and inclusion methods do not work, we advocate that **investments in allyship are more important than investments in training programs**. These investments should begin at the academic level.

³³ Liza Mundy, *Why Is Silicon Valley So Awful to Women?*, THE ATLANTIC (Apr. 2017), <https://www.theatlantic.com/magazine/archive/2017/04/why-is-silicon-valley-so-awful-to-women/517788/>.

³⁴ Women in the Workplace 2016, (McKinsey & Company and LeanIn.Org, 2016), https://wiw-report.s3.amazonaws.com/Women_in_the_Workplace_2016.pdf [hereinafter 2016 McKinsey Report].

³⁵ *Id.*

³⁶ See Elephant in the Valley Study, *supra* note 5.

³⁷ *Id.*

“as a new lecturer I repeatedly referred to the class with the term “guys” (saying things like, “hey guys, can everyone please quiet down”). It was pointed out to me by a female student that this kind of language is exclusionary and insensitive.” (E.G.)

Nineteen of our student participants claimed to notice exclusion on a daily basis in the forms of subtle and creeping biases resulting in the isolation or exclusion of women’s voices (J.S.). For example, one participant recalled a professor who **“would give male students more time to answer questions from the professor and would often cut female students**

off comparatively quickly before they had time to answer.” (Anonymous). This type of behavior is so ingrained in the norm that most people don’t even realize that they have engaged in exclusionary behavior until they are approached and confronted. Only after the student raised this issue with the professor during office hours did the professor adjust **“their behavior in a way that created more space for women to answer questions” (Anonymous).** Another participant recalled, **“as a new lecturer I repeatedly referred to the class with the term “guys” (saying things like, “hey guys, can everyone please quiet down”). It was pointed out to me by a female student that this kind of language is exclusionary and insensitive.” (E.G.).**

Our allies have tried to counter this behavior when they can; however, they have found that the way to counter such exclusionary practices depends on the setting. Some participants **“try to redirect ‘the mic’ back to women when [they] notice them being overlooked.” (J.S.).** Ryan Plesh says, **“Sometimes, for example in class, I literally raise my hand and then point to my classmate, when she has had her hand up but the professor isn’t calling on her.”** Others find it most effective to speak with the woman after the event and reassure them that they were heard (K.M.). What our participants have found most important is **“to create space for women to amplify their own voices is to let those women exist without explicitly taking any credit for it.” (Michael Machado).**

*“to create space for women to amplify their own voices is to let those women exist without explicitly taking any credit for it.”
(Michael Machado).*

The instances of exclusion that our participants listed in the school setting are also consistent with bias in the workplace. While men receive recognition more often than women, even when a woman is given credit for her contributions to the growth of the company, she does not receive the promotion.

Workplace hierarchies tend to favor the behaviors of majority member groups or groups they favor and distrust the work of the excluded group. These cognitive biases are amplified affinity bias, which is the tendency to gravitate toward and develop relationships with people who are more like ourselves and share similar interests and backgrounds. This leads to bosses supporting those who are in their affinity group while unintentionally leaving others out.³⁸

Bias Creep:

Gender dynamics saturate every workplace. Despite improvements, there remains a subtle but significant undercurrent of less obvious gender bias in the workplace. Women are often denied access to stretch assignments or feel subjected to higher standards than their male peers. Even when highlighted in public, women professionals are often praised in ways that marginalize their contributions. Collectively, these incidents-which constitute what some have referred to as "gender sidelining " accrue to create barriers to advancement for women at work.³⁹

However, it is also important to note:

“Not all bias appears in the form of a missed promotion, a cut in pay, or a seemingly groundless termination. Rather, for many women, the obstacles that they face at work are more difficult to pin down-a lack of access to certain opportunities, the diversion of credit for an idea, a nagging sense of being held to a higher standard than their male peers.⁴⁶ In this sense... creep its way into

³⁸ Pragya Agarwal, *Here is Why Organisations Need to be Conscious of Unconscious Bias*, FORBES (Aug. 26, 2018), <https://www.forbes.com/sites/pragyaagarwaleurope/2018/08/26/here-is-why-organisations-need-to-be-conscious-of-unconscious-bias/#6cfb5d2f726b>.

³⁹ See generally Jessica Fink, *Gender Sidelining and the Problem of Unactionable Discrimination*, 29 STAN. L. & POL'Y REV. 57 (2018) (explaining the concept of gender sidelining and the impact it has on the workplace as a whole).

*the workplace, not in the form of "specific, observable employment decisions" but rather "build[ing] subtly over time so that an identified moment of decision making-such as the manager's decision not to promote-may appear perfectly natural even when it is in fact the product of biased perceptions, judgments, and behaviors of the manager and also of others."*⁴⁰

Allyship as Piercing the Veil of Invisibility

Perhaps the most insidious and invisible way of marginalizing women is by silencing female voices in the classroom or the workplace. Women often feel their ideas are undermined, their efforts are upstaged, and their contributions are ignored. Collectively, these incidents – constitute in accumulation of real obstacles for women.⁴¹ As women feel less heard with respect to their contributions, they may choose to remain silent about their thoughts and ideas. The talkative woman is another myth perpetrated by the media. Women speak out less than men or when they do, their ideas often are appropriated, misrepresented or ignored. Sheryl Sandberg writing with Wharton Professor Adam Grant describe this phenom, explaining that a woman is "either barely heard or she's judged as too aggressive."⁴² As a result, Sandberg and Grant noted that women often conclude that "saying less is more."⁴³ 2L participant, HM, similarly notes that he often notices this trend, but mistakenly assumes that it is a choice rather than a result of societal expectations. He says:

"I think that I'm never afraid to assert myself, or talk or speak up. So, if a woman isn't speaking up, or another man, or anyone isn't speaking up and talking, I usually just chalk that up to a choice they're making. That's a knee-jerk reaction. Going deeper than that, obviously it's a socialized choice – it's something that has been ingrained in them. You know, "oh women should be

⁴⁰ *Id.* at 64.

⁴¹ Jessica Fink, *Gender Sideline and the Problem of Unactionable Discrimination*, 29 STAN. L. & POL'Y REV. 57, 65 (2018).

⁴² Sheryl Sandberg and Adam Grant, *Women at Work: Speaking While Female*, N.Y. TIMES (Jan. 12, 2015), <https://www.nytimes.com/2015/01/11/opinion/sunday/speaking-while-female.html>.

⁴³ *Id.*

quiet.” Or something I notice a lot or something I’ve been told is that women use a lot more qualifiers than men. So, like, I guess, I notice the qualifiers way more than I notice women not talking which is different than the question you asked.” (H.M.)

Women tend to silence themselves because they find that they are often not listened to, interrupted, ignored or their ideas are then appropriated by others. Women have described their voices as being muted in the workplace. Rachel Lepchitz, in her study on muted Voice and its Impact on Female Communication Techniques in the Workplace, found that women felt that: “their ideas were not heard,” but “when a male or other counterpart repeats the same idea, they run with it.”⁴⁴

As a result of being silenced or overlooked, a majority of women feel invisible at work, compared with male colleagues. Their ideas are rendered inviable or appropriated or hijacked. Unlike gender discrimination, unconscious bias has less recourse and women are afraid to speak up for many reasons, including being further marginalized by the reproduction of gender stereotypes.⁴⁵

In *Do Women Lack Ambition?*, psychiatrist and Cornell University medical professor Anna Fels writes: “[w]hen women speak as much as men in a work situation or compete for high-visibility positions, their femininity is routinely assailed. They are caricatured as either asexual and unattractive or promiscuous and seductive. Something must be wrong with their sexuality.”⁴⁶ Our participants have found two methods to counter this narrative and pierce the societal veil of invisibility women are hidden behind: (1) listening and (2) taking concrete action.

⁴⁴ Rachel Lepchitz, *Perceived Muted Voice and Its Impact on Female Communication Techniques in the Workplace* (Dec. 2012) (unpublished M.A. thesis, Gonzaga University) (on file with the Gonzaga University Library system).

⁴⁵ Anna Fels, *Do Women Lack Ambition?*, HARV. BUS. REV. (April 2004), <https://hbr.org/2004/04/do-women-lack-ambition> (discussing underlying ideas of sexuality, femininity, and the evolution of perceptions of ambition among women as they grow older).

⁴⁶ *Id.*

Listening as an Important Trait for Allies

Twenty-one of our participants explicitly listed some form of listening as essential to allyship. Listening allows for allies to empower women without taking away their agency. Participant HM defined allyship as **“more listening than anything – probably like 90% listening, 10% acting on that...”** He says that in listening, you are **“not acting on someone’s behalf. It’s helping them to or supporting them to act for themselves.”**

Other participants similarly found listening as one of the best ways to amplify a woman’s voice. Though, participants have recognized that listening can inherently be a difficult task as men have been

Participant HM defined allyship as “more listening than anything – probably like 90% listening, 10% acting on that...”

socialized to dominate conversations. Thus, **“the process of being an ally is that you need to learn to just sit back and listen and try not to dominate the conversation. It means having more humility...and so that process of humbling is also an unlearning of a lot of prior socialization.” (Jake Romm).** In some instances, allies have found repeating something back to be an effective method of applying their listening to amplifying a woman’s voice. For example, 3L Jeremiah Oteh says that he will **“acknowledge something that struck a chord with me. The intent of this is not to repeat what the woman said or speak over her, but rather to acknowledge that, as a man, I am in a constant state of learning.”**

Listening also allows for allies to understand the extent of action that may be required. Michael Machado, 3L, says,

“If I perceive what I believe is an effort to suppress or otherwise overlook a woman’s voice, I try to step back and assess that perception first. The goal here is to prevent inhabiting a “savior” role and, by extension, reinforcing the equally as pernicious “damsel in distress” stereotype. Is it really my place to speak for a woman ever? If the answer is an unqualified “yes”, then I’ll have acquiesced in denying her agency, at least in those instances where she might

have wanted to defend herself. But if the answer is only “maybe”, and I perform the assessment above (an exercise in self-reflection), then I might better avoid perpetuating prejudice and depriving a woman of her agency. That’s why I think it imperative for me, at least, to listen before reacting.”

Action as an Important Trait for Allies

Our participants have recognized that listening may fall short, especially in situations where women are being overlooked and not being given the platform to speak up. As such, Robbie Julius says that as an ally, he tries to **“explain to the forum to give opportunity and time for the woman to speak up. I think this will empower women more rather than speaking on behalf of women.”** Other participants have also engaged in this strategy by redirecting the mic back to overlooked women by **“referring back to things that women have said by name, directing questions to women in the room when they come up in their area of expertise, and working to maintain an environment where people don’t have to compete and be loud to be heard.”** (J.S.).

Where participants have found men trying to steal a woman’s idea, they claim that it is important to **“return credit back to its originator.”** However, the setting determines the form of the action. Justin Pendleton explains that returning credit differs depending on the size of the conversation. **“In smaller meetings this is usually easier, but in larger settings it requires a little bit more diplomacy so that the overall message is not lose without all participants having full context.”** Regardless of the size of the action, our participants claim that:

“It is important to use our platforms, whenever we are given access to one, to make sure that attention is being equitably distributed among those who are entitled to it, particularly if those people are being denied on the basis of race and gender. Therefore, it is always important to me to point to those women, particularly women of color who may be on the sidelines and try to bring them closer to the center of focus.” (Anonymous)

Allyship as Recognizing Barriers to Opportunities and Giving Women Opportunities:

“[I]t is imperative that we not fall into the trap of competing against our female colleagues for clout or influence within our organizations as this often fails to address the way the system has failed them. Therefore, it is important to always recognize the great work that women do and not undermine or steal their ideas when they present them. Rather, enforce them and make sure that the idea is given the discussion it deserves.” (Anonymous).

One subtle but powerful barrier that women encounter is lack of opportunities, including challenging work assignments that are provided to male or white female peers. Thus, before an ally can take action, it is critical to first focus on recognizing that such barriers exist for women in the workplace. It is an ongoing process of educating oneself to identify where there are gaps in opportunity, representation, and policy. As such, one of our participants describes that **“Someone ought to be designated an “ally” not purely because they – from an internal viewpoint – believe in or support a certain unprivileged person or group, but because they have embarked on the conscious journey of allyship, which, as stated above, constitutes education and enacting change.” (C.Z.).**

Media representation also plays a critical role in advancing these stereotypes. As our participants’ noted, **“movies and television are particularly guilty of not portraying as many strong female leads as they should. Typically, a woman in television is left as a secondary character, a sidekick...” (Anonymous).** Others, recognizing the bias inherent in television, have voiced the importance of calling out the

“Someone ought to be designated an “ally” not purely because they – from an internal viewpoint – believe in or support a certain unprivileged person or group, but because they have embarked on the conscious journey of allyship, which, as stated above, constitutes education and enacting change.” (C.Z.).

misrepresentation and advocate that we should **“not let it affect our view of women’s ability to hold leadership positions. Rather, we should continue to empower women to follow their dreams and insist that media adjust to reflect more equitably.” (Anonymous).**

However, the lack of opportunities and female representation in leadership roles extends beyond the media and to the workplace. The McKinsey Report reveals that only 67 percent of women believe they are able to participate in workplace meetings and only 62 percent of women compared to 68 percent of men had received a challenging work assignment. Further, the Report noted that, “Women get less access to the people and opportunities that advance careers and are disadvantaged in many of their daily interactions.”⁴⁷ Several studies confirm

“proactive allyship is the process of not waiting to witness injustice before attempting to correct the systemic injustice that often causes the symptoms that many wait to correct. In many ways, being proactive prevents a self-fulfilling prophecy that prevents marginalized groups, in this case women, to overcome their exclusion.” (Anonymous).

this data. In Joan Williams et al’s *The Language of Performance Evaluation: Gender-Based Shifts in Content and Consistency of Judgment*, the researchers examined performance evaluations received by both male and female junior attorneys and highlighted the heightened scrutiny and differential treatment that female employees face, thus highlighting the different ways in which women and men were treated in the company.⁴⁸

Almost all of our participants have recognized this inequality and have taken action where they can in an effort to publicly recognize and expose the lack of opportunities for women and take action against this discrepancy. Many claim that this means recognizing the lack of opportunity, but not waiting for a case to be brought forward; rather, they claim that **“proactive allyship is the process of not waiting to witness injustice before attempting to correct the systemic injustice that often causes the symptoms that many wait to correct. In many ways, being**

⁴⁷ See 2016 McKinsey Report, *supra* note 33 at 10.

⁴⁸ See Monica Bieernat, M.J. Tocci, and Joan C. Williams, *The Language of Performance Evaluations: Gender-Based Shifts in Content and Consistency of Judgment*, 3 SOC. PSYCHOL. & PERSONALITY SCI. 186, 186-192 (2012). See also *Peer Evaluation is not objective: Academia and Law Firms*, CURT RICE (Nov. 2, 2011), <http://curt-rice.com/2011/11/02/peer-evaluation-is-not-objective-academia-and-law-firms/>.

proactive prevents a self-fulfilling prophecy that prevents marginalized groups, in this case women, to overcome their exclusion.” (Anonymous). To this extent, one our participants, knowing that female high school students are at a disadvantage in applying to Oxford, spoke to his alma mater about this discrepancy and advised them on how to “jump off the page”. He said,

“Last year, I was invited back to speak at my high school, having been one of the first in the school’s history to study at Oxford. During my speech, I talked about something that I had been told by a female friend – namely that Oxford had put on a lecture for female law students at the start of the semester, during which the speaker told the group that professors have generally observed a trend whereby women were less likely to “jump off the fence” in essays. I shared this story with my school, asking the female students to bear this in mind, and encouraging them to be assertive in their writing.” (C.Z.)

While such efforts are necessary at the academic level to serve as a catalyzer for more confident, capable women in the workforce, the lack of opportunities in the workforce must still be addressed on their own. This can be something as simple as how 2L Clayton Keir addresses the problem, by making **“people aware that there are other perspectives not represented in the room. I try not to make the arguments I think they would make though, nor make it seem like their perspectives are monolithic.”** Or, this can take the form of policy change. 3L Ryan Plesh believes that clear and transparent hiring practices and committees are needed because **“folks need to recognize their limits with respect to debiasing. Anonymity helps, but I think committees can play a big role in mitigating the biases we all have.”** This is based on the understanding that debiasing the workplace will inherently help to create more opportunities for all groups of people, even those that have been excluded like women, and specifically women of color.

Consistent with an effort to debias the workplace through policy initiatives, another participant advocated “non-CV, gender-blind based hiring”. He pitches the idea that **“candidates should be required to complete a questionnaire that asks them to answer various questions focused on situational challenges they have faced, strengths they have and weaknesses they want to work on.”** The purpose of the questionnaire would be to eliminate the inherent disparities and inequalities that exist in CVs. As he describes, **“CVs are often proxies for privilege (those educated privately, for example, are disproportionately likely to go to the best universities).”** However, **“a questionnaire, combined with in-person assessments (interviews, for example) would allow candidates to demonstrate intellectual capacity and ability to work hard. Certain threshold requirements (e.g. minimum of a bachelor’s degree) could be implemented to provide basic quality control.” (E.G.)**. Through this process, women are given equal opportunities to compete for jobs and leadership positions.

Allyship and Recognizing the Importance of Voice:

Female employees often feel slighted when contributing at meetings/not receiving a raise. Men on the other hand have claimed that “they have to walk on eggshells around women colleagues, ... out of fear of saying something offensive.”⁴⁹

The Silencing of women and the “Voice” itself as a cause of bias:

According to Vivina Giang, unconscious bias is affecting our ability to listen. Men and women break down information differently when the speaker is a woman or man. Research shows that a woman’s voice receives lower ratings when compared with a man’s voice. Most often women are judged not only by the content of their speech but by the tone of their voice.⁵⁰ The silencing of women is the most pervasive but invisible impact of this. As women feel less valued

⁴⁹ Jessica Fink, *Gender Sideline and the Problem of Unactionable Discrimination*, 29 STAN. L. & POL’Y REV. 57, 99 (2018).

⁵⁰ See Vivian Giang, *How Unconscious Bias Is Affecting Our Ability To Listen*, FAST COMPANY (Sept. 8, 2016), <https://www.fastcompany.com/3063218/how-unconscious-bias-is-affecting-our-ability-to-listen>.

they will not speak up. Similarly, women hold back criticism as they do not want to appear to be complaining.⁵¹

According to a study by Harvard GSE lecturer Catherine Krunick and conducted by 24 instructors at Harvard College, male students spoke more frequently than female students.⁵² These classroom interaction can have a spill-over effect and block out voices in the workplace.

To counter the effects of such unconscious biases, beyond simply recognizing that these biases exist, 2L Justin Pendleton states that **“first and foremost, you have to start with bringing women’s voices into the conversation.”** While he lists the ways that he has brought women to center stage, he also lists how others can highlight a women’s voice, namely by **“bringing women into heavily male-dominated discussion spaces and giving them the floor/inviting them to engage with the topic, naming that because of intersectionality what may be the experience of men is not and most often won’t be the experience of women let alone women of color.”** Acknowledging these differences will help combat the biases individuals hold.

Allyship as Recognition and Moral boosting:

In “Women Lack Ambition,” Professor Fels has observed that multiple areas of research have shown that recognition is a motivational engine that drives the development of skills. It is the most basic of human requirement.⁵³

Given the importance of recognition, especially in situations where women’s ideas are stolen, where women’s work is not acknowledged, or credit is awarded to someone else, it is critical to address the issue and assure the woman that their work has not gone unnoticed. This can help

⁵¹ Deborah Tannen, *The Power of Talk: Who Gets Heard and Why*, HARV. BUS. REV. (Sept. 1995), <https://hbr.org/1995/09/the-power-of-talk-who-gets-heard-and-why>.

⁵² See Catherine G. Krupnick, *Women and Men in the Classroom: Inequality and It’s Remedies*, 1 ON TEACHING & LEARNING (1985), <http://ddi.cs.uni-potsdam.de/HyFISCH/Informieren/WomenMenClassroomKrupnick.htm>.

⁵³ See Fels, *supra* note 44.

to prevent women from shutting down or silencing themselves as discussed above, and allyship can play a significant role in this process.

As evidenced by our participant allies, they have taken on the role of recognizing and assuring women when they notice such behavior. 2L Clayton Keir says that when he notices such behavior that often results in the silencing of women, he would talk to those women after the meeting, **“where they’d then voice concerns, and I’d talk to them about what it was that may have stopped them from bringing something up. I’d then encourage them to bring something up in the next conversation or, I’d drive the conversation in a way that makes that person feel comfortable.”**

It is also important to confront the actor who overlooked the woman to make sure they recognize their actions and try and prevent such behavior from reoccurring. As one of our participants says,

“I try to confront the actor who overlooked my colleague and explain how I and other people in the room perceived the behavior, and, if my colleague wants me to communicate her personal feelings, how my colleague felt about the encounter. I find that I can make more of an impact in a one-on-one discussion after the fact, when emotions might be less charged, and the actor might be more receptive to discussing and reflecting on the encounter.” (N.C.)

Allyship and Getting Women into Positions of Authority:

The more we see diverse group members in positions of power, the more it undermines their automatic gender stereotypes. The simple fact of having a diverse workforce may well be an important way of reducing the level of implicit bias in the workplace.

Sheryl Sandberg and Adam Grant asserted, “the long term solution to the double bind of speaking while female is to increase the number of women in leadership roles,as more

women enter the upper echelons of organizations, people become more accustomed to women's contributing and leading."⁵⁴

The New York Times also published an open letter from Time's Up. The letter calls for

“collaboration needs to occur at every level and really be imbricated into the work process.” (A.C.).

“significant increase of women in positions of leadership and power across industries[,]” and “equal representation, opportunities, benefits and pay for all women workers.”⁵⁵

Allyship as Building Bridges: Strong Relationships Between Men and Women at Work

Allyship involves interactions with men and women at all levels within an organization. In her study, Lepchitz found that for many women's career advancement, “relationships are the key.”⁵⁶

Women's positions of authority are linked to their relationships with men both as superiors and subordinates. Leadership skill building calls for greater interactions between men and women at all levels within an organization. Fostering these work relationships between male and female employees can address unconscious bias that inhibit women's achievements. Healthy cross-gender work relationships are key to dismantling stereotypes. Understanding that relationships are the key to allowing women's voices to be heard and allowing women to rise in the professional ranks, 3L Jeremiah Oteh says:

“I bolster and draw attention to voices of women of color by first building strong, genuine relationships with black and brown women. I do this, first, because I believe it is important to understand someone's personal story in order to accurately draw attention to it. Also, I believe it is important to

⁵⁴ See Sandberg and Grant, *supra* note 41.

⁵⁵ Letter from Time's Up (Dec. 21, 2017), <https://www.nytimes.com/interactive/2018/01/01/arts/02women-letter.html?rref=collection%2Fsectioncollection%2Farts&mtref=www.colorlines.com&assetType=REGIWALL>

⁵⁶ See Lepchitz, *supra* note 43 at 50.

understand the individual to a comfortable degree so that you can draw attention to their voice on that person’s terms—the time in which they are most comfortable and want attention drawn to their voice. After I build that relationship (and during), I bolster their voice by speaking positively about her (they) and providing specific moments of excellence, triumph, vulnerability, and wisdom that she embodied during our personal interactions.”

According to Lepchitz, a subordinate’s (or in this case a woman’s) “voice is less heard because the assumption is that they are trying to communicate experiences that are unimportant to the dominant group.....”⁵⁷ To counter this narrative, it is important to build male allyship at every level. As one of our participants says, **“collaboration needs to occur at every level and really be imbricated into the work process.” (A.C.).**

Allyship is about fostering close relationships across the hierarchies-- between those who are dominant and those who are subordinate, to bridge a divide between those factions. Tristan Green echoes this suggestion in her book, asserting that “what we need is more positive inter-group interactions at work, not fewer.”⁵⁸

Male CEOs as Allies

The ideas that our participants are proposing are starting to take root in the workforce. More and more male CEOs in tech companies are emerging as allies. Marc Benioff of Salesforce, Satya Nadella of Microsoft and Ayapal Singh Banga, the CEO of Mastercard have emerged as male allies in the public sphere, making both the business and fairness case for women's leadership and gender equality. (See [Appendix IV](#)).

⁵⁷ *Id.* at 51.

⁵⁸ TRISTIN K. GREEN, DISCRIMINATION LAUNDERING: THE RISE OF ORGANIZATIONAL INNOCENCE AND THE CRISIS OF EQUAL OPPORTUNITY LAW 5 (2016).

MeToo Movement and Sexual Harassment:

Many of our male allies identify that the MeToo has been a positive step in changing workplace policies and culture. Some explained how they do not agree with the negative backlash and fear of men being mentors or alone with women in an office setting. In fact, most stated how they themselves serve not only as allies but mentors to women in the office – ensuring more opportunities for women and speaking out against injustices.

While workplace culture may be changing due to post-MeToo Movement activism, states have been slow to adapt to the sentiments of the movement and the beliefs that women and our male allies hold. Currently, 78% of states have sexual harassment law that applies to employers with over 15 employees. However, only 14% of states include a training requirement for private employers within their sexual harassment law. Furthermore, only 33% of states have laws that protect non-traditional workers – interns, independent contractors, etc. – in the sexual harassment laws. With more and more workplaces having interns or informal workers, the lack of protection provides a legal gap within legislation.

When looking to the intersectionality of gender and law, 51% of states include any LGBTQ+ protection and sexual orientation protection in sexual harassment laws. This means that almost half the states in the United States do not offer protection to the LGBTQ+ community within their sexual harassment laws. In the case of protecting gender expression, only 24% of states' sexual harassment laws protect gender expression. The current laws do not go far enough to provide true workplace protections against sexual harassment to all.

Most employment contracts include mandatory arbitration provisions that bound employees to take their claims against their employer to an alternate dispute mechanism. Arbitration largely favors the employer, especially compared to a trial with juries. Only 6 state laws limit or ban the use of mandatory arbitration in certain cases for employees, such as for sexual harassment. Additionally, what occurs within arbitration is mostly confidential compared to the courts due to non-disclosure agreements. Only 9 states generally prohibit or outright ban non-disclosure

agreements. These agreements allow for employers to forbid employees from making comments that could harm the company, including a sexual harassment complaint. Similar to the Weinstein cases, many women thus cannot expose the harassment and discriminatory nature of the workplace due to being bound by confidentiality agreements and mandatory arbitration clauses. Employees regularly sign these documents at the beginning of their employment without realization of the rights and consequences within these agreements.

Aside the backlash sparked by male employers after the MeToo movement, the post-MeToo movement faces additional obstacles when faced with employer non-disclosure agreements and mandatory arbitration provisions. Employees cannot seek justice within the courts and many cases may lead to undisclosed settlement amounts. This leads to no transparency within the company and discrimination against women.

Our male ally project goes to show that men are not only supportive of women in leadership and within companies but also value their voices and contributions. State laws are currently slow to catch up to the needs and wants of a diverse and cohesive workplace environment.

Conclusion:

Over the last decade, the law outlawed gender discrimination and created a framework to vindicate discrimination and sexual harassment, however, there is very little recourse to addressing subtle and implicit forms of gender stereotypes and bias that Deborah Rhode defines as second generation gender discrimination. At the same time, the classical idea of "antidiscrimination" in the United States condemns the differential treatment of otherwise similarly situated individuals on the basis of race, sex, national origin, or other protected characteristics. Allyship is an important but often overlooked strategy to address the systemic and structural challenges that are at the root cause of gender discrimination and implicit bias.

4. Data on Workplace Policies

The Economic Impact of the Virus on Women

In the process of leaving shock waves around the world and affecting thousands of women, men and families, the COVID-19 pandemic is revealing the gendered fault lines across professions and is an opportunity to evaluate and address preexisting gender inequalities which have been exacerbated due to the global crisis.

Research done by LeanIn reveals that more than a third of women report being laid off or furloughed, or receiving pay cuts because of the coronavirus outbreak. Women of color are doubly affected and are twice as likely to suffer financial consequences due to the pandemic.⁵⁹ Similarly, research done at Northwestern University, the University of Mannheim in Germany and the University of California, San Diego has concluded that the "COVID-19 pandemic will have a disproportionate negative effect on women and their employment opportunities."⁶⁰

Structural inequalities such as gender pay gap for women and women of color—is being intensified by the crisis.⁶¹ The crisis provides a window of opportunity to fix the structural inequalities, such as the universal paid family leave bill, a paid sick leave bill and the wage gap.

The Shift to Flexible and Virtual Workplaces: How can it Impact Allyship?

The pandemic has forced most of the world into an ambitious work- from home experiment. Even before the 2020 pandemic many organizations had embraced flexible work arrangements including flex-time, telework, compressed workweeks, and reduced work-hours programs. In

⁵⁹ Alexandra Hutzler, *The Economic Impact of Coronavirus on Women is 'Devastating' and Exacerbating Gender Inequality, Says Facebook's Sheryl Sandberg*, NEWSWEEK (Apr. 10, 2020), <https://www.newsweek.com/economic-impact-coronavirus-women-devastating-exacerbating-gender-inequality-says-1497325>.

⁶⁰ Alisha Haridasani Gupta, *Why This Economic Crisis Differs From the Last One for Women*, N.Y. TIMES (Mar. 31, 2020), <https://www.nytimes.com/2020/03/31/us/equal-pay-coronavirus-economic-impact.html>.

⁶¹ Liane Schalatek, *The invisible Coronavirus makes Systemic Gender Inequalities and Injustices Visible*, HEINRICH BOLL STIFTUNG (Apr. 20, 2020), <https://us.boell.org/en/2020/04/30/invisible-coronavirus-makes-systemic-gender-inequalities-and-injustices-visible>.

some cases, these arrangements have become a standard way of operating. Flexibility remains the most popular and often requested work-life benefit for many employees, especially working parents, who at one time were seen as the primary driver for its popularity. At the same time with developing technologies and more global operations, women and men are more and more working full time.

First, the pandemic is having a disproportionate impact on health outcomes for people of color and persons with disabilities and other marginalized groups; second, many of the jobs being cut as a result of the pandemic are disproportionately held by women and people of color.⁶²

How can Allyship Shape the Work Family Policies in the Future of Work:

Although most companies now have diversity initiatives in place, more must be done to set achieve gender equality and allyship in the workplace. Measuring and evaluating what is actually working and providing measurable goals allows us to track progress over time and hold management accountable for progress. Gender inequality is not only a pressing moral imperative, but also a critical economic challenge. Denying women full participation in the global economy is costly. The global economy cannot operate at its full potential when half the population is left behind. More than anything else, it is a fairness and equality issue which advances equal opportunities in the family and in the workplace to both sexes. “If there is one lesson we must learn,” says Lubna Olayan “it is to learn from each other.”⁶³

Joan Williams has argued that “discrimination exists where well-performing employees are targeted for personnel actions based on their roles as caregivers or on assumptions of how they will or could act as caregivers. Such actions may include:

- Demotion
- Reduced Compensation
- Harassment

⁶² *Id.*

⁶³ Unpublished paper developed by Rangita de Silva de Alwis for visit with Lubna Olayan of the Saudi Kingdom

- Job sanction (such as written and verbal warnings or unwarranted negative performance reviews)
- Gender stereotyping/competence assumptions
- Failure to promote
- Failure to hire
- Lay-offs.”⁶⁴

The perceptions of an “ideal worker” according to Williams is a man who has a wife to take care of any needed child or elder care. Given the disproportionate number of women who still do 65-80 percent of the childcare, without radical intervention in the world of work, men will always seize the mantle of the ideal worker.⁶⁵

While correlation does not equal causation, analysis shows that when companies have diverse leadership and women in positions of power, they are more successful. Companies in the top quartile for gender diversity are 15 percent more likely to outperform their respective national medians.⁶⁶ A meta-analysis of the business case for women’s leadership conducted in 2018, published in the *Journal of Management*, found that “female representation on the board of directors has a direct association with firm financial performance” (Hoobler et al.)⁶⁷ They also found, in corporations with more gender egalitarian cultures, a positive relationship between women’s leadership, particularly having a woman CEO, and overall financial performance. However, in order to have women at the top, workplaces must foster an environment where women and parents are able to succeed and a culture of inclusivity.

Law firms have taken note of the benefit family work policies to both profitability, but also for retaining women and employee morale. All firms offer some type of leave for men, women, and

⁶⁴ JOAN WILLIAMS, SHAUNA SHAMES, & RAJA KUDCHADKAR, ENDING DISCRIMINATION AGAINST FAMILY CAREGIVERS 5 (Work Life Law 2003).

⁶⁵ *Id.* at 7.

⁶⁶ Unpublished paper developed by Rangita de Silva de Alwis for visit with Lubna Olayan of the Saudi Kingdom

⁶⁷ Unpublished paper developed by Rangita de Silva de Alwis for visit with Lubna Olayan of the Saudi Kingdom.

additional caregivers. Over the last few years, firms have increased leave time for employees and strived towards gender parity policies. However, there is still far to go.

When analyzing the Vault.com Top 30 law firms' family work policies, all offer leave and flexible time. Looking closer to leave policies, though, there are major gaps between what is offered to women (and primary caregivers) and fathers (and secondary caregivers). Amongst the Top 30 firms, the average amount of weeks for primary caregivers and birthing mothers is 17.3 weeks, while for secondary caregivers the average trails behind at 8 weeks. Only two firms offer complete parity in leave policies – one at 18 weeks for both caregivers and the other at 12 weeks. Both total amount of weeks is higher than the average afforded to secondary caregivers. While men can also be primary caregivers, women are predominantly the ones to take more leave and be categorized as “primary caregivers.” 11 of the 30 firms also reported providing monetary assistance for adoption. Changing the language from “maternal leave” to primary caregiver allows for the breaking of stereotypes that women are always the one to be home with the child and allows for inclusivity of LGBT+ parents.

In addition to leave, law firms have provided additional family work policies and benefits for employees. All Top 30 firms report offering flexible work arrangement for parents. This varies from reduced work hours for weeks or months upon returning to work and/or a combination of work from home days. Firms report offering resources and support to help attorney smoothly transition to their full workload. While all firms offer this benefit to all employees, women are disproportionately compromised of the participants. One study showed that at one law firm shows that the participants in the firm's flexible hour program was more than 90% women participants.

Law firms offer additional benefits besides leave and flexible hours. Many offer childcare services and backup for children of attorneys both in-home and off-site as well as lactation rooms in order for attorneys to continue breast-feeding. Additional resources and support include women or family forums and groups to discuss work life balance and host guest

speakers. This provides a platform for advice and to address being working parents. Firms usually offer coaching, support, or seminars for attorney parents to be successful in the firm. Positive steps are being taken but they do not go far enough.

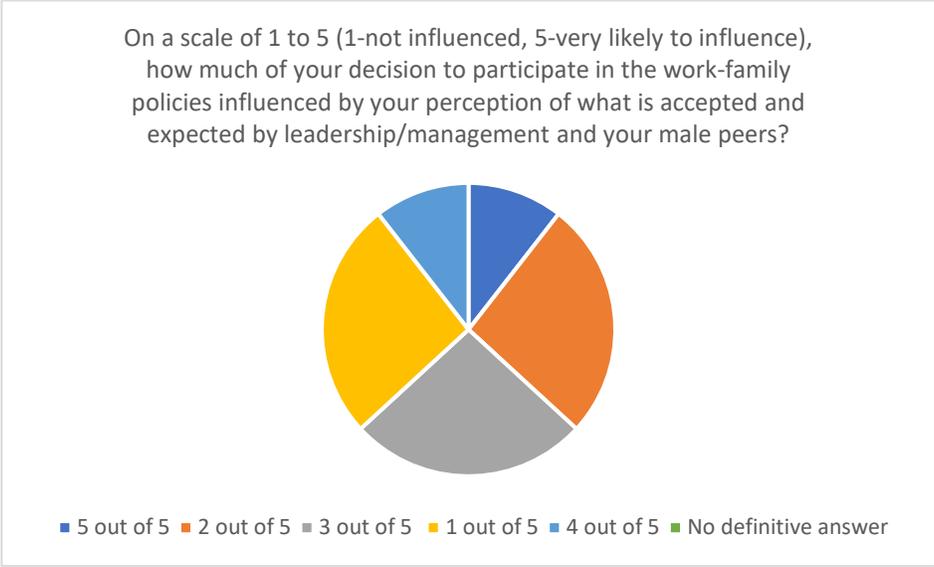
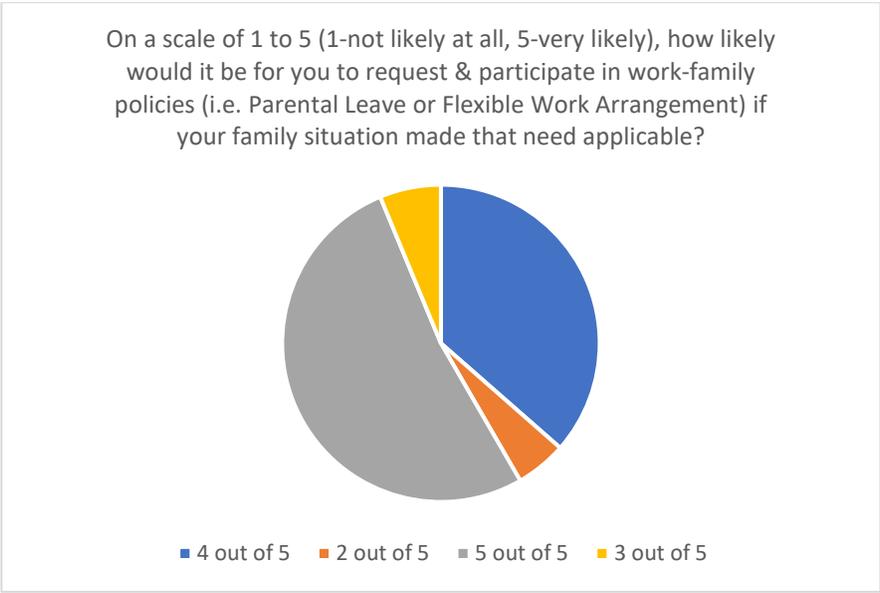
Despite the importance of flexible work arrangements, an employee, may experience workplace discrimination once he or she becomes a parent or begins a flexible work arrangement to accommodate child rearing. A legacy of stereotypes cast long shadows on these policies: William's research show sued when her employer said he didn't believe mothers should work because "I don't see how you can do either job well." Many employees find, after they become parents, their professional status and the level of their responsibilities have changed. They are routinely assigned the most mundane tasks.

Shared caregiving policies that are targeted at men will help to equalize the playing field for both female and male workers. Despite well intentioned policies, men are still hesitant to exercise their rights to caregiving. From the state law perspective, only 20% of states have paid family leave laws.

The HBR states that although more than 75 percent of American companies have no access to paid parental leave, at elite firms this access is growing. In 2014, resident Obama famously said: "A whole lot of fathers would love to be home for their new baby's first weeks in the world," at a White House Summit on Working Families. Our research shows that all the top Law firms give parental/secondary caregiver leave. This shows recognition that paid parental leave and other family-friendly policies spark greater productivity and economic and reputational benefits and provide a recruitment and retention incentive. Moreover, it should be noted that the leave is significantly lower than that offered to mothers and primary caregivers.

Several of our allyship interviewees also examined the considerable stigma that is still attached to taking family leave. While 17 of the 23 participants that were asked how likely they would be to participate in work-family policies said that they were likely or very likely to do so, only 5 of those

participants said that they would not at all be influenced by their perception of what is accepted and expected by leadership/management and their male peers. The remaining participants' answers varied from not very likely to very likely to be influenced by their perception of what is accepted.



Research shows that if men do not have access to full pay, men take less than ten days of leave or less, according to U.S. DOL research. Additionally, only 16% of private-industry employees had access to parental leave in the DOL report from March 2018.⁶⁸

Men often face a social stigma when they take advantage of supportive work-family policies because this is not seen to be compatible with

traditional masculine norms. According to GenderEconomy.org, studies have shown the stigma is “deeply rooted in their beliefs and masculine identities rather than in their concerns about economic consequences.”⁶⁹ Furthermore, no law firm has mandatory leave policies but rather all policies are optional. This further stigmatizes and leads to gender inequality when comparing the maximum number of leave offered and the leave that attorneys take, especially men.

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As of now, 80% of states have paid family leave laws. It is not enough to have laws or work policies with low minimums of paid

leave, which leads to stigmatizing women and further gender inequality. All states must codify gender parity within their family work policies. Corporate workspaces must foster a culture that allow women to raise to the top without compromising their personal goals.

Our full research mapping sexual harassment laws and family work policies by state can be viewed here:

<https://public.tableau.com/profile/lauren.owens#!/vizhome/MappingSHLawsandFWPoliciesbyState/5-28/Sheet1>.

⁶⁸ U.S. CONGRESSIONAL RESEARCH SERVICE, PAID FAMILY LEAVE IN THE UNITED STATES, AT 2 (May 29, 2019).

⁶⁹ Sarah Thébaud & David S. Pedulla, *Masculine norms keep us from gender equality*, GENDER AND THE ECONOMY (Aug. 2016), <https://www.gendereconomy.org/masculine-norms/>.

Recognizing *Bostock v. Clayton County, Georgia & Altitude Express Inc. v. Zarda*

“Sometimes small gestures can have unexpected consequences. Major initiatives practically guarantee them. In our time, few pieces of federal legislation rank in significance with the Civil Rights Act of 1964. There, in Title VII, Congress outlawed discrimination in the workplace on the basis of race, color, religion, sex, or national origin. Today, we must decide whether an employer can fire someone simply for being homosexual or transgender. The answer is clear. An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids.”⁷⁰

While this paper discusses allyship and its role in helping women, it is important to recognize the intersectionality of the issue – how gay, transgender, and other individuals often face similar types of workplace discrimination. Allyship can be used to help eliminate workplace discrimination, but allyship on its own is often met with pushback. Here, the courts can play a significant role in identifying the types of behavior that constitute sex discrimination to help limit instances of such discrimination. The Supreme Court’s decision in *Bostock* and *Zarda* does just this.⁷¹ In this monumental 6-3 decision, the Supreme Court held that the Civil Rights Act of 1964 protects gay and transgender employees from workplace discrimination.⁷²

⁷⁰ See *Bostock v. Clayton County*, 590 U.S. 1, 2 (2020).

⁷¹ *Id.* (holding that Title VII forbids firing someone just because they are gay or transgender).

⁷² Adam Liptak, *Civil Rights Law Protects Gay and Transgender Workers, Supreme Court Rules*, N.Y. TIMES (June 16, 2020), https://www.nytimes.com/2020/06/15/us/gay-transgender-workers-supreme-court.html?campaign_id=9&emc=edit_nn_20200616&instance_id=19429&nl=the-morning®i_id=74216421&segment_id=31015&te=1&user_id=c1fe0514e302a76d50c170befe534462.

While the Civil Rights Act of 1964 was enacted to promote racial equality, it also protects individuals from discrimination on the basis of religion, national origin, and sex. In these cases, the Supreme Court considered whether “because of sex” also protects gay and transgender persons. By ruling that gay and transgender identifying people fall into the protected category, the Court essentially had the effect of creating an additional law to limit the discrimination such persons are forced to face – allowing them a greater likelihood of equality in the workplace.⁷³

Where the Courts have not yet decided or not yet created a law that protects individuals, it is on the workplace and allies to push for policies that will continue to protect all. For this reason, we propose policies below that offices can accept to help limit workplace discrimination on the basis of sex.

⁷³ *Id.*

5. Allyship as the New Gender Equality: Recommendations for Reform

Capitalize on this Moment:

Allyship helps to expand this moment. Deborah Rhode has said that, “In the thirty-five years I have spent studying gender issues, this moment seems to me unique in its potential for lasting change.” There is the need to maximize this “current momentum in pursuit of social justice.”⁷⁴

More Allyship Rather than Less Allyship:

Our interviewers were skeptical about concerns about the potential backlash sparked by the MeToo Movement. Rhode has said that:

“Half of Americans think that the recent increased focus on sexual harassment has made it harder for men to know how to interact with women in the workplace. Most women are very (26 percent) or somewhat (34 percent) concerned that the #MeToo movement is causing women to lose professional opportunities because men are reluctant to work with them. Large-scale surveys by Lean In and Survey Monkey on the effects of the movement found that almost half of male managers were uncomfortable in common workplace activities with women.”⁷⁵

What we need is more allyship rather than less. As Shultz has said, women and men of all types need to interact and work together as equals.⁷⁶

Workplace Culture:

Reforming workplace culture to promote civility, respect, accountability, and gender equity is more important than training programs. Allyship helps to define and shape culture.

⁷⁴ Rhodes, *supra* note 22, at 380.

⁷⁵ *Id.* at 415.

⁷⁶ See Schultz, *supra* note 5.

“Changing workplace culture doesn’t start at the workplace. If you are trying to make change in the workplace through policy initiative but you and your employees still have these sexist ideas that you continue to perpetuate outside of the workplace, your initiatives are almost certainly doomed from a structural standpoint. I think an important measure would be to change curricula starting from the lowest grade levels—getting rid of “great men of history” narratives, getting exposure to more female artists and authors, elevating and explaining the absolutely essential nature of social reproductive work, etc....” – Jake Romm

Authority:

Both Deborah Rhode and Vicki Schultz call for a check on authority. Rhode writes, “Managers also need to address conditions that make bias and abuse more likely. As researchers have long noted, and #MeToo revelations confirmed, those with unchecked discretionary authority are more likely to abuse it. Power often enhances individuals’ sense of entitlement and insulation from accountability.”⁷⁷

Evaluating Training Programs, Hiring Practices, and Family Work Policies:

Workplaces also should devote more effort to designing and evaluating training programs and should consult both women and their allies. What our male allies say can really help is to shape these programs.

Training programs have been a centerpiece of employer responses to sexual harassment. The EEOC has recommended training as a strategy for preventing misconduct, and the US Supreme Court decisions have suggested that it can help employers avoid liability.

Despite the millions of dollars invested in trainings, these programs do not show a reduction in sexual harassment or gender bias. The EEOC task force report found as much and documented the inadequacy and inconsistency of research findings on effectiveness; as it concluded,

⁷⁷ Rhodes, *supra* note 22, at 425.

“[m]uch of the training done over the last 30 years has not worked as a prevention tool.”⁷⁸
Poorly designed training can perpetuate the biases that these trainings are meant to combat. Deborah Rhode writes that in evaluating one of Stanford University’s early harassment education programs, a faculty member said candidly: “This appears to be a course designed by idiots for idiots.”⁷⁹

We suggest that all training programs involve women and their allies and engage them intimately in problem solving and connection building. The following are additional recommendations made by our participant allies.

Re training programs:

“In terms of interactive trainings, I have been to 1 or 2 and they have been uniformly bad. Have harassment policies that are strong enough to protect low wage worker and contractors and everyone else. These policies need to cover everyone top to bottom.” Jake Romm

Re hiring practices:

“This is such a big problem for so many entities. I think folks need to recognize their limits with respect to debiasing. Anonymity helps, but I think committees can play a big role in mitigating the biases we all have.” -Ryan Plesh

Re arbitration clauses:

“Arbitration clauses for sexual harassment must go if the culture of protecting sexual harassers and profit over people is to be eradicated. Interactive training

⁷⁸ CHAI R. FELDBLU & VICTORIA A. LIPNIC, *SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE* (EEOC 2016), <https://www.eeoc.gov/select-task-force-study-harassment-workplace>.

⁷⁹ Rhodes, *supra* note 22, at 426.

that simulates examples of sexual harassment both minor and egregious will be mandatory. Additionally, training will include a section on how to report and who to report to within the company. Sexual Harassment Policies should incorporate a hotline or blind review process, so that victims have the security of knowing that they will not be on the receiving end of punitive action.” - Justin Pendleton

“Completely getting rid of mandatory arbitration clauses across the board can be a great thing (Penn Law Women’s Association advocated for this if I’m not mistaken, you might want to check this), parties can move to arbitration if that is what they want, but I do think that forcing arbitration is certainly a way of buying or coercing people’s silence.” – Jake Romm

Re parental leave and flexible working arrangements:

“Not all companies have the same accessibility for caregiving policies, but it would be helpful to create a general framework that is accessible and fair. Parental leave, flextime, and part-time work are significant figures created to make possible for people to grow personally and professionally.” – RB

“Flexible working arrangements. Firms lose so much talent when women are forced to choose between their careers and raising a family. This coronavirus crisis is proving that a new working model is possible... Advocating for flexible hours, working from home, on-site child- care helps men and women. ” -AC

“Parental leave may be one of the hardest challenges women suffer in the workplace. Most, if not all, discrimination events I witnessed against women at workplace was in relation to women who were about to give birth and would be absent for parental leave, so that they would not be considered for an important project or even promotion. Probably not the best, but a way of trying to combat this (although not necessarily smart from an economic perspective) is to

(mandatorily) grant to male employees parental leave equal to women's. Once this practice becomes usual, not only men but also women would be considered absent for many months after having a child, so it may lead to less discrimination against women." -Pablo Arana

"Advocating for flexible hours, working from home, on-site childcare helps men and women. Observing how and when colleagues are evaluated and promoted can also be an important area where policies can be adjusted. I would try to continue with some of the policies that the firm where I was working has flexible hours and the possibility to apply to work from home." - CM

BY STANDER or UPSTANDER?

Our cohort of allies are more upstanders than bystanders.

Martha Minow, the 300th Anniversary Professor at Harvard Law School defines an upstander as the opposite of bystander: "it means someone who stands up against injustice, bigotry, violence, or other wrongdoing."⁸⁰ An upstander according to her seeks a "sense of common purpose that makes all of us more likely to stand up against wrongs and on behalf of rights."⁸¹ Rhode too recommends what she calls programs that "include bystander intervention and civility education."⁸²

As Schultz says, "[E]nding sex-based harassment means ending workplace sex segregation and inequality."

Rhode recommends a constellation of reforms in the workplace that go beyond the goal of addressing sexual harassment, calling for a broader agenda for gender equity. As Schultz says, "[E]nding sex-based harassment means ending workplace sex segregation and inequality."⁸³ This calls

⁸⁰ Lincoln Caplan, *The 'Upstander'*, HARV. MAGAZINE (Feb. 27, 2017), <https://today.law.harvard.edu/feature/the-upstander/>.

⁸¹ *Id.*

⁸² Rhodes, *supra* note 22, at 427.

⁸³ See Schultz, *supra* note 5.

for a galaxy of initiatives aimed at combatting implicit bias, challenging in-group favoritism, and reducing work–life conflicts. It also requires focus on intersectional identities and the way that gender interacts with factors such as race, class, ethnicity, and sexual orientation to reinforce patterns of subordination.

Increase Women in Positions of Leadership and Power across Industries

This calls for equal representation of women and women of color in leadership positions in corporations and industry. Women’s absence from some jobs and predominance in others fosters gender stereotypes like “men are leaders” and “women aren’t tough enough to lead,” or “men are breadwinners” and “women put their families first” – ideas that make the underlying segregation and inequality seem natural when they are not. These stereotypes foster harassment, encouraging men to view and treat women as “different” and second class.⁸⁴

⁸⁴ *Id.*

6. Conclusion:

Building a New Social Order: The Role of a Law School in Building Allyship

“That the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate.”

---John Rawls

Law Schools can play an important role in building allyship. More and more law schools have introduced mentoring as part of their mission. Women and first generation students are connected with mentors among student and alumni groups. Borrowing from David Wilkins’ obligation thesis, in this final analysis, we look at how contemporary legal education can provide a tool box for male law students to pursue a strategy of allyship. How can the classroom be modeled to support allyship. This recommendation the educational neutrality critique, but helps to build a new social order.

Law teachers and staff can start off by being allies. This goes beyond the mentorship thesis to model support for those who need it the most.

Wilkins writes in *Two Paths to the Mountaintop* argues:

*More importantly, law schools cannot be neutral about the normative issues at stake in the obligation thesis. Although educational institutions should remain neutral among competing conceptions of the good life, law schools cannot be neutral as to a lawyer's obligation to participate in the struggle for social justice. Law is a public profession licensed by the state. Moreover, as Anthony D'Amato argues: “Justice is the only legitimate goal of the legal profession, and therefore the *2026 only legitimate goal of law school study.”¹⁹¹*

This is not to suggest that law schools should endorse one particular vision of how to achieve social justice through law. There are undoubtedly a range of plausible understandings of how legal institutions and practices might help correct existing inequalities and improve the life of all Americans. As Deborah Rhode argues, however, those who claim that promoting a justice-centered conception of the lawyer's role will either unduly politicize or completely eviscerate legal education "ignore the possibility of the proverbial middle ground."¹⁹²

Providing students the training they need to be better allies or upstanders will have the added benefit of improving the law school culture in gender and in advancing the very mission of a law school in the world.

7. Other Resources:

STATES - PAID FAMILY LEAVE

In February 2020, the Bipartisan Policy Center released a report, “Paid Family Leave in the United States: A Primer on Working Family Trends and Paid Family Leave.” Full report is available [here](#). A table summarizing existing state paid family leave policies is available on page 26 of the report (click [here](#))

The National Partnership for Women and Families has a helpful table summarizing state paid family and medical leave insurance laws. The table is available [here](#), and was last updated in August 2019.

[CRS Report](#): Paid Family and Medical Leave in the United States (Congressional Research Service, updated February 19, 2020)

[Table 2. State Family and Medical Leave Insurance Program Provisions, as of February 2020](#)

STATES - SEXUAL HARASSMENT

Georgetown Law: State Regulation of Sexual Harassment

<https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2019/04/GT-GJGL190005.pdf>

National Women’s Law Center: changes in state sexual harassment laws

<https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/07/20-States-By-2020-report.pdf>

World Bank - Compendia of Legal Frameworks on Sexual Harassment in the Workplace (includes federal and state)

<https://openknowledge.worldbank.org/bitstream/handle/10986/31146/CompendiumDomesticViolencePt4.pdf?sequence=5&isAllowed=y>

LAW FIRM POLICIES

Chambers has mapped leave policies and work/life balance indexes for law

firms: <https://www.chambers-associate.com/law-firms/worklife-and-benefits>

People's Party Project has mapped NDAs/Arbitrations across 300+ law firms it appears. Their study is found here: <https://www.peoplesparity.org/coercivecontracts/>

Yale Law Women releases an annual report on the top ten firms for gender equity and family friendliness. The 2019 edition is available [here](#). The report includes data and analysis on parental and family leave policies, part-time and flexible work schedules, training, firm structure (e.g. % of female equity partners, etc.)...

Working Mother/ABA – Best law firms for women -

<https://www.workingmother.com/best-law-firms-for-women-2019>

MORE GENERAL REPORTS

ABA Commission on Women is working on a few forthcoming studies

<https://www.americanbar.org/groups/diversity/women/>

ABA report on why women leave the profession

https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf

FTI Consulting and Mine the Gap research

<https://gender.fticommunications.com/>

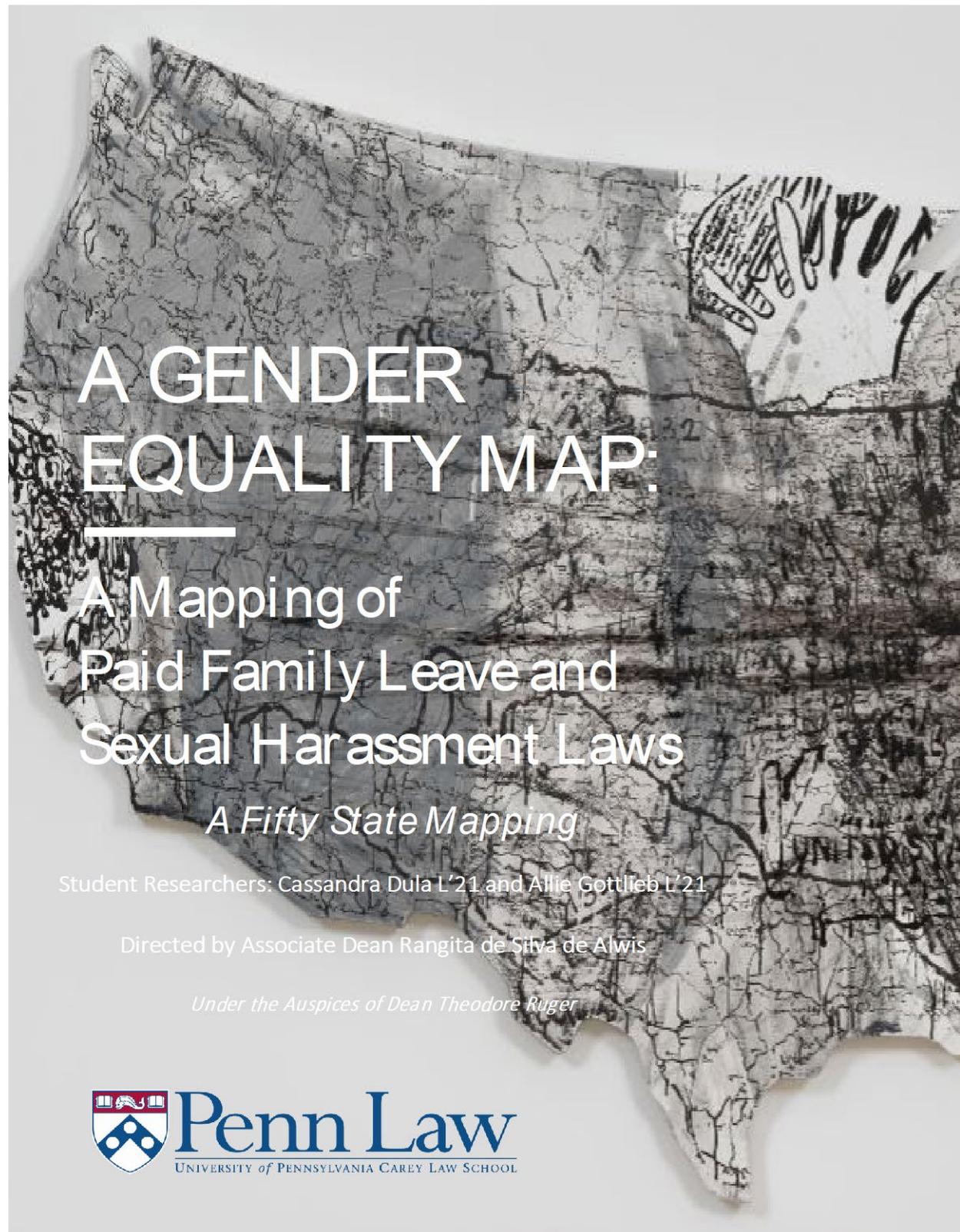
ABA women in the profession:

https://www.americanbar.org/content/dam/aba/administrative/women/current_glance_2019.pdf

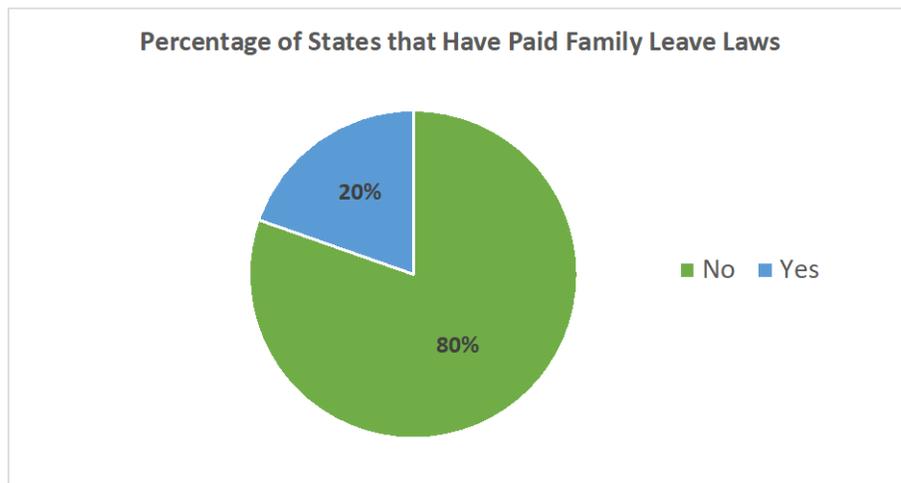
National Association of Women Lawyers - NAWL's annual

[Report on the Retention and Promotion of Women in Law Firms](#)

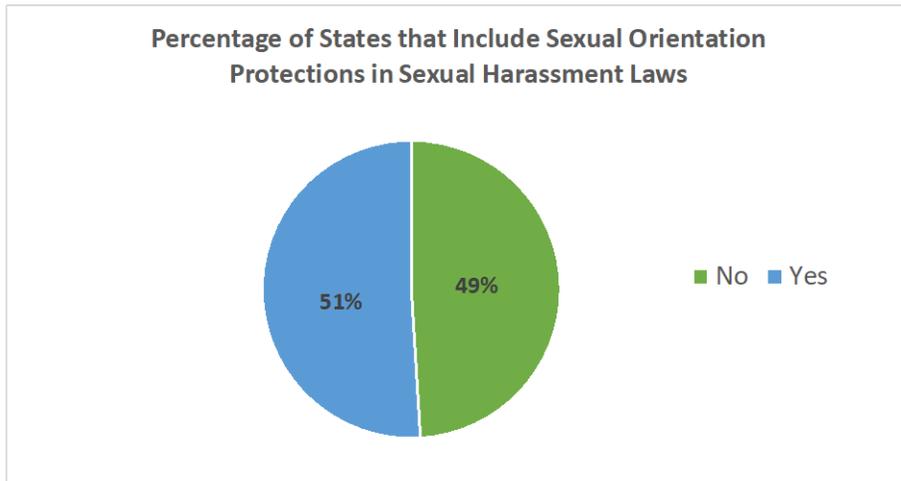
Appendix I: State Policies



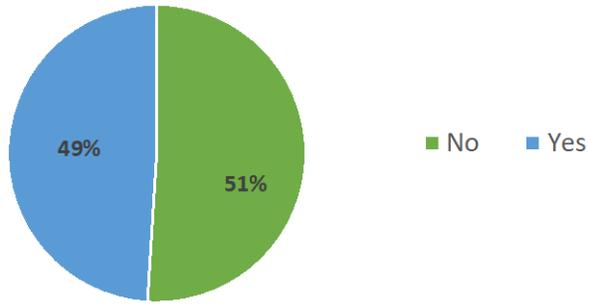
Paid Family Leave Laws:



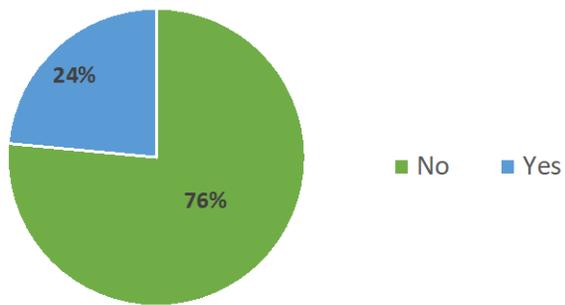
LGBTQ+ Protections in Sexual Harassment Laws:



Percentage of States that Include Gender Identity Protections in Sexual Harassment Laws



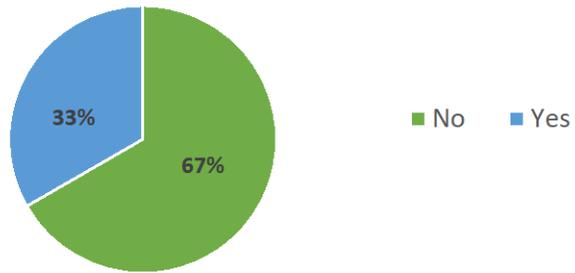
Percentage of States that Include Gender Expression Protections in Sexual Harassment Laws



Sexual Harassment Law Protections Generally:



Percentage of States that Protect Some Non-Traditional Workers (interns, independent contractors, etc.) in Sexual Harassment Laws



Appendix II: Law Firm Policies

<p>Cravath, Swaine & Moore LLP</p>	<p>Generous Paid Leave</p> <p>For both men and women, we provide four weeks of paid child care leave and, if applicable, an additional eight weeks of primary caregiver leave following a birth or an adoption.</p> <p>For women who give birth, these leaves are in addition to six to eight weeks of paid maternity leave, resulting in up to 18 to 20 weeks of paid leave benefits following the birth of a child.</p>	<p>On-Site Child Care</p> <p>Opened in 1989, our Children’s Center was the first employer-run on-site child-care facility in New York City. This special place, recently renamed The Christine Beshar Children’s Center and now managed by Bright Horizons, is available to all employees and provides back-up child care when regular child care arrangements fail—for example, if a child’s school is closed. Upon transitioning back to work after the birth or adoption of a child, associates can bring their babies to the Children’s Center full-time for up to six months, space permitting. Parents may also use the facility as back-up child-care when regular arrangements fall through. Because our Children’s Center is on the premises, parents can easily drop in to feed an infant in the nursing room or otherwise attend to their children.</p> <p>A Child-Friendly Culture</p> <p>At lunch, parents and children are welcome to dine in the Cravath Cafeteria, which has a children’s menu, high chairs and booster seats. Our parents appreciate the opportunity to introduce their children to the Firm. Parents at the Firm say this makes it easier to initiate conversations about family commitments—doctor’s appointments, soccer games, etc.—with their colleagues.</p> <p>The Firm also hosts special family-friendly events. Each year, partners, associates and summer associates bring their families and guests to our annual “Zoo Party” evening at the Central Park Zoo. Additionally, we have an annual Cravath Family Day, where employees and their families and guests have attended events such as the Big Apple Circus and School of Rock the Musical.</p> <p>Flexible Work Arrangements</p> <p>We provide flexible work arrangements to help facilitate associates’ ability to manage family responsibilities or other obligations. Part-time work arrangements are available on a case-by-case basis. All part-time associates who work from home are provided with a computer and a combination printer/fax machine. We also have attorneys who work full-time schedules, but have flexibility regarding when and where they work.</p>
<p>Wachtell, Lipton Rose Katz</p>	<p>4 months paid maternity leave + unpaid leave</p>	<p>David Katz (Partner) published an article stating that The steady increase in women directors on public company boards is a positive development for many reasons. In the context of sexual harassment allegations, gender diversity can be invaluable. The perspective and insight of female directors in board meetings adds immeasurably to substantive discussions and enhances the legitimacy—both actual</p>

		and perceived—of board decisions. Companies with all-male governance at the board and senior executive level are frequently subject to negative publicity for their lack of gender diversity, particularly when allegations of sexual misconduct or gender discrimination come to the fore.
Skadden, Arps, Slate, Meagher & Flom LLP	<p>Maternity leave has been increased to 18 weeks of paid leave following the birth of a child. All other primary caregivers are eligible for 12 weeks of paid leave, and non-primary caregivers are eligible for 4 weeks.</p> <p>parental leave policy, which will provide parents welcoming a child through birth, adoption or foster care placement with up to 12 weeks of paid leave, regardless of caregiver status. Birth mothers continue to be eligible for additional paid leave for disability, typically 6-8 weeks, consistent with our salary continuation policy. Attorneys who are employed by the Firm for at least one year and maintain a minimum work schedule of at least 60 percent qualify for paid parental leave.</p>	FRM (pronounced “firm”) provides greater flexibility to new parents who are returning from parental leave after the birth or adoption of a child. The program allows participants to design their own return schedule — either reduced hours or a combination of office and home days — during a defined period of time, up to one year. Nearly 60 percent of eligible parents have opted to utilize the FRM program since its inception.
Sullivan & Cromwell LLP	<p>Up to 18 weeks of paid leave + unpaid leave (for a total of up to 6 months)</p> <p>S&C offers four weeks of paternity/other caregiver leave with full salary for prospective fathers or lawyers whose same-sex domestic partner is expecting to give birth.</p> <p>Associates who are primary caregivers may take 18 weeks of parental leave with full salary.</p> <p>S&C offers associates 18 weeks of parental leave with full salary following childbirth.</p>	<p>Family Matters</p> <p>Paid leave for parents with full salary following childbirth or adoption</p> <p>After one year of service, eligibility for reimbursement of \$7,500 of adoption-related expenses, including travel</p> <p>Flexible work arrangements</p> <p>Back-up child-care center and child-care referral service (New York, Palo Alto and Washington, D.C.)</p>
Latham & Watkins LLP	<p>Latham has one of the most generous parental leave policies of major law firms. Birth mothers and primary caregivers are afforded 18 weeks of paid leave, while parents in other roles can take advantage of four weeks of paid leave. The firm is also flexible in arranging time off to care for an elderly parent or to tend to a family emergency.</p>	<p>In 2009, Latham introduced a way to help associates transition back to work after a parental care leave by relieving them of the immediate pressure of full-time work requirements. The PRO-RATA (Pace Reduction Option for Returning Associates to Adjust) program gives associates the automatic option of reducing their schedule by working at a reduced pace for six months upon returning to the firm following a parental care leave.</p> <p>Working Mother and Flex-Time Lawyers have named Latham & Watkins to their 2014 list of the “Best Law Firms for Women,” an annual report that honors firms with “family-friendly policies and business development and career development initiatives that are helping to retain women attorneys and advance them into the leadership pipeline.”</p>

<p>Kirkland & Ellis LLP</p>	<p>Kirkland offers partners up to six months of parental leave and associates 18 weeks plus an additional four weeks of paid time off if they're not yet ready to return. Secondary caregivers are given 10 weeks. The firm also gives assistance to adoption/surrogacy fees.</p>	<p>Kirkland offers attorneys flexible work schedules. Kirkland's approach to flexible work, including internal mentorship and support networks, supports opportunities for professional growth and advancement. We also offer resources to support attorneys in making a smooth transition to and then back from leave of absence, including a self-paced e-course designed to ease anxieties about the return-to-work process so that new parents can focus on spending time with their little ones.</p> <p>We offer working caretakers cost-effective access to in-home and center-based backup childcare and adult/elder care.</p> <p>Kirkland provides support to new mothers by providing nursing mothers' rooms, prenatal breastfeeding classes, and as opportunities for private consultation with certified lactation consultants and childbirth educators. Additionally, for nursing mothers traveling for work within the U.S., Kirkland offers a program that supports shipping breast milk home safely.</p> <p>Kirkland's Parenting Link program provides a forum for attorneys, their spouses and partners, and their clients to receive concise, practical information from parenting experts in an informal setting and to develop camaraderie with other parents with young children.</p>
<p>Davis Polk & Wardwell LLP</p>	<p>Up to 18 weeks of paid leave to primary caregivers. 12 weeks max for secondary caregivers no adoption/surrogacy assistance</p>	<p>We were one of the first major U.S. law firms to elect a woman partner, and have been at the forefront of the profession in adopting generous maternity leave and other family-friendly policies, including flextime work options and a broad range of women-focused recruiting and career development initiatives.</p>
<p>Simpson Thacher & Bartlett LLP</p>	<p>Attorneys are entitled to 18 weeks of paid (and up to 8 weeks unpaid) primary caregiver leave, and 4 weeks of paid (and up to 12 unpaid) secondary caregiver leave for births or adoptions. Primary caregivers may also take an additional eight weeks, and secondary caregivers an additional 12 weeks, of unpaid leave. The Firm maintains wellness rooms for new mothers to facilitate their transition back to work. Additionally, we offer back-up childcare for employees in our U.S. offices through Bright Horizons, a national day care center, as well as temporary in-home child and eldercare services. The firm does not provide assistance for adoption/surrogacy</p>	<p>Off-site emergency childcare (two free visits, with additional visits for a nominal fee); temporary in-home child and eldercare services on an emergency basis</p>

<p>Paul, Weiss, Rifkind, Wharton & Garrison LLP</p>	<p>Lawyers receive up to 18 weeks paid leave for new parents, combining a variety of parental, adoption, primary caregiver and disability leave time. Our Infant Transition Program gives you three full months of full-time child care for your infant in a Bright Horizons child care center. Our emergency back-up child care allows you to bring your children to more than six Bright Horizons/ChildrenFirst centers throughout Manhattan and Washington, D.C. We also provide back-up child care services in your home if a center is not open or otherwise not an option for you, or when your primary care is not available or is interrupted. Paul, Weiss offers financial assistance for adoption/surrogacy.</p>	<p>Child Care and Adult/Elder Care Assistance: The firm offers generous parental leave for both primary and secondary caregivers. There are various options for childcare including, infant transition, back-up and emergency child care. The firm offers fertility support, cryopreservation and surrogacy assistance. In addition, the firm also offers a dependent care flexible spending account, which enables lawyers to pay for certain dependent care expenses in a tax-efficient manner.</p> <p>Alternative Work Program: The firm gives lawyers the ability to work a flexible or reduced schedule for a period of time or indefinitely.</p>
<p>Weil, Gotshal & Manges LLP</p>	<p>Following the birth or adoption of a child, U.S. associates and counsel are eligible for 10 weeks of paid Parental Leave, regardless of gender or caregiver status. Birth mothers and primary caregivers of an adopted child or a child born by surrogate are eligible for an additional 10 weeks of paid Parental Leave, for a total of 20 weeks.</p>	<p>The Firm has a long-standing Flextime program for associates to adopt a reduced work schedule while continuing their commitment to practicing law. The Firm also created the role of "Flex-Time Partner," available for women and men who have made a long-term career choice to work on a flexible schedule. There are currently four flex-time partners.</p> <p>Recent additions to the U.S. Work-Life benefits include back up in-home care for child and adult dependents, and access to Milk Stork, which helps business traveling, nursing mothers store and ship their milk back home to her baby while she is away.</p> <p>This Women@Weil subcommittee provides a forum for mothers of young children, as well as hosting programs on a range of topics including kids and technology, business travel as a working parent, an infant and child CPR course, the estate planning process for parents, and a male and female associate-led discussion on navigating parenting and professional responsibilities. The group also hosts info sessions where prospective parents can ask current members of the group questions about what it is like to be a parent working at Weil and monthly informal lunches.</p>
<p>Sidley Austin LLP</p>	<p>In 2019, Sidley Austin increased paid time off for U.S. associates and counsel to 14 weeks for all new parents and 22 weeks for birth mothers.</p>	<p>Working Mother Names Sidley One of the 2018 "Best Law Firms for Women"</p> <p>Sidley has been designated as one of the 50 Best Law Firms for Women ten times. This award recognizes our longstanding, innovative and intentional programs to support women lawyers from the time they join the firm through their promotion to partnership and movement into firm leadership. These programs include conferences for women summer associates, Tips for Success panels, family-friendly policies, Working Parent Career Coaching, seminars on locating and hiring child and eldercare, education on nanny taxes, fully equipped lactation rooms and other offerings.</p>

<p>Quin Emanuel Urquhart & Sullivan, LLP</p>	<p>4 months of paid leave for attorneys who have been full-time employees for at least 12 months and who are the primary caregiver for a new born or newly adopted child</p>	
<p>Cleary Gottlieb Steen & Hamilton LLP</p>	<p>Parental Leave Policy: The Firm provides time off for the birth, adoption or permanent foster care placement of a child. All eligible employees are afforded ten (10) weeks of bonding leave. In addition, birthing parents are entitled to apply for short-term disability benefits for any period of disability following the birth, and if approved for such benefits, will receive disability leave and full salary during such period of disability in accordance with the terms of our short-term disability program. While this period is typically eight (8) weeks, it may be shorter or longer depending on the specific circumstances.</p>	<p>Lactation Room: A private, comfortable and convenient place to continue breast-feeding upon returning to work from parental leave. Emergency Child Care: A back-up child care service, located near the office, is available.</p>
<p>covington& burling LLP</p>	<p>For both attorneys and staff, the firm provides primary caregivers with 18 weeks paid leave upon the birth or adoption of a child. Non-primary caregivers receive six weeks of paid leave within four months of the birth or adoption of a child</p>	<p>[Childcare]-> offers emergency back-up care to all lawyers in the New York, San Francisco, and Washington offices, providing in-home or center-based emergency back-up care for children as well as adults. [Work-life balance group]-> created a Work-Life Balance Group, providing a forum for women and men at the firm to discuss issues of interest to lawyers who are pursuing careers while raising children (such as child care, benefits, planning for college, and part-time schedules). The group holds informal lunches periodically and hosts outside speakers to provide advice and views on a variety of issues. There is also an email group that enables attorneys to exchange information about work-life related issues. [Alternative work schedules]-> We have long had a part-time policy under which any lawyer can set up a work schedule that meets his or her needs. Currently, 50 of our lawyers are working on part-time schedules. In recent years, a number of attorneys, including four women lawyers, have become partners while working part-time.</p>
<p>Jones Day</p>	<p>the Firm gives lawyers who are primary caregivers, regardless of gender, 10 weeks of paid leave and six weeks of unpaid leave after the birth of a child. Birth mothers are eligible to receive an additional eight weeks of paid leave under the Firm’s short term disability policy (no policy for fathers). For adoptive parents, Jones Day provides eighteen weeks of paid leave, regardless of gender.</p>	
<p>white & case LLP</p>	<p>In Nov 2018, rolled out new parental leave policy for U.S. offices that offer 12 weeks of paid leave to all legal and business employees regardless of gender. Employees can take their paid parental leave any time within 12 months following birth, adoption or foster placement of a child.</p>	

debevoise & plimpton LLP	paid parental leave is 18 weeks for primary caregiver, 4 weeks for secondary caregiver. Additional 2 weeks of pre-birth leave for mothers	
williams & connolly LLP	paid parental leave is 18 weeks for primary caregiver, 4 weeks for secondary caregiver	Work Schedule Flexibility - Williams & Connolly has a flexible part-time policy that has allowed a number of lawyers, including both partners and associates, to adjust their work schedules in response to changing family demands. A lawyer on reduced workload generally will advance on a pro rata basis toward eligibility for consideration for promotion to partner.
ropes & grey LLP	paid parental leave is 18 weeks for primary caregiver, 8 weeks for secondary caregiver	same sex-couples receive the same benefits as heterosexual couples even in states that do not recognise same-sex marriages. Flex program the firm offers to allow attorneys to tailor their hours to other commitments to negotiate flexible work arrangements while going through major events, without being held back from firm's leadership ranks. It is open to attorneys of all genders, although women make up 90% of its participants.
paul hastings LLP	July 2019: Any Paul Hastings' parent, whether a birth parent, a foster parent or an adoptive parent, an attorney or professional staff, will now receive the same benefits – 14 weeks of paid leave to bond with their child, as well as other enhancements. In addition to the 14 weeks of paid leave, birthing parents will be eligible for up to 8 weeks of Childbirth Recovery, which equals a total of up to 22 weeks of fully paid parental leave. Birthing parents are free to use paid leave time at any point during the course of a pregnancy. All parents are free to use their paid leave all at once, or intermittently within a year of a birth, adoption, or foster placement.	
wilmerHale	To care for a newborn or newly adopted child, lawyers may take parental leave for up to 18 weeks paid (total leave up to 12 consecutive months) for the lawyer with primary childcare responsibility or up to four weeks (paid) for the lawyer with secondary childcare responsibility. Both parents may be regarded as "primary" as long as their leaves do not overlap.	Our Boston, New York and Washington offices offer on-site emergency child care facilities. Our Palo Alto and Los Angeles offices offer the use of off-site emergency child care facilities. For all US offices, WilmerHale offers the Back-up Care Advantage Program, which provides center-based childcare, in-home childcare and in-home elder and adult care. This program offers 20 back-up visits per dependent per calendar year. In addition to back-up care, WilmerHale offers parents who are returning to work the use of our infant transition program. The program provides 60 consecutive days of infant care at a subsidized rate during a child's first year. This program is offered in our Boston, Los Angeles, New York, Palo Alto and Washington offices.
morrison & Foerster LLP	Primary caregivers — regardless of gender — have the opportunity to take up to 20 weeks of paid parental leave following the birth, adoption, or foster care placement of a child. Secondary caregivers can take up to six weeks of paid	As a matter of policy, we automatically grant reduced-hours arrangements to all lawyers who return to work from parental leave. We also offer "transition time" to assist lawyers' transition before and after a parental leave. Back-up care is available for all of our U.S.,

	parental leave. Additional baby-bonding time is also available.	London, and Berlin offices at a minimal cost, and can be used up to 20 times per dependent per calendar year.
boies schiller flexner LLP	18 weeks for Childbearing Parent/Primary Caregiver and 4 weeks for non-primary care provider	
milbank LLP	18 weeks primary caregivers and 4 weeks secondary caregiver leave	Eligible lawyers in our US offices can take an unpaid leave for reasons relating to child or family care, or other circumstances, for up to five years with the expectation of returning to Milbank when ready. Also provides backup childcare & nursing rooms.
o'melveny & myers LLP	Birth mothers who are primary caregivers will now receive a total of 18 weeks paid leave following the birth of a child. Fathers and non-birth parents who are primary caregivers will now receive a total of 10 weeks of paid leave. Adoptive parents now have eight weeks of adoption leave, in addition to the existing four weeks of parental leave. Also, adoptive parents are now eligible for the added six weeks of "primary caregiver leave." Accordingly, adoptive parents who are primary caregivers will now receive a total of 18 weeks of paid leave for the adoption of a child.	
hogan lovells US LLP	Hogan Lovells is the leader so far with the most paid leave. They offer 20 weeks to the primary caregiver, 12 weeks to the primary caregiver fathers.	
cooley LLP	Cooley provides 12 weeks of paid parental leave beginning on the date of birth or placement of a child. For birth mothers, this benefit begins after paid medical disability (typically 8 weeks post-birth). Additional leave time – paid through accrued vacation/PTO or unpaid – is generally available.	
proskauer rose LLP	Birth parents who are the primary caregivers receive up to 18 weeks of paid parental leave, while secondary caregivers receive up to four weeks of paid leave.	Re-entry. We offer career coaching specifically designed for caregivers transitioning back to the firm from maternity leave or parental leave. Flex-time. Our lawyers can develop flexible work schedules to help achieve a better balance between their professional and personal obligations. CaRe Program. CaRe, our caregiver return program, aims to ease the transition of lawyers returning from primary caregiver leave allowing them to return to work on a 75% schedule and receive 100% of their pre-leave compensation for the first six months following their return. The Program responds directly to feedback from our lawyers that the transition back into the workplace after an extended leave presents unique challenges. CaRe eases the pressure on these caregivers, and reaffirms our commitment to supporting the needs of our lawyers at key stages of their personal lives.

<p>akin gump strauss hauer & feld LLP</p>	<p>Akin Gump's provides lawyers with up to 10 weeks of paid leave for the birth or adoption of a child. New parents may take up to ten weeks paid parental leave. In addition, birth mothers and adoptive parents providing primary care to an infant are provided eight weeks of paid medical/adoption leave.</p>	<p>The firm also offers an adoption reimbursement program. The program provides a reimbursement for qualifying adoption expenses to employees who have been employed by the firm for more than one year. Akin Gump's Washington office has an on-site back-up child-care center that provides child care during business hours to children of employees. The firm also offers an emergency back-up child care and elder care benefit, which is available to all offices. Under this program, Akin Gump employees are eligible for up to 100 hours of emergency dependent care services annually. This vital resource provides flexibility and options for attorneys whose regular child-care is temporarily unavailable, or who have responsibilities caring for aging or ill parents. In 2017, the firm launched an Agile Work Policy for lawyers. Agile work arrangements allow lawyers to work remotely on a regular basis either on a set schedule or based on a set amount of days per week. The firm provides technology and select home office equipment that enables associates and counsel to have very similar home office and work office set ups.</p>
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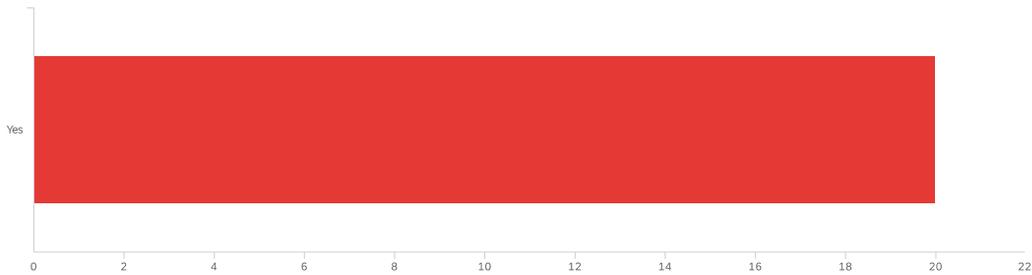
Appendix III – Implicit Bias Association Survey Results

Default Report

Ally-Ship

April 2, 2020 6:47 AM MDT

Q1 - Dear Participants, The following survey is loosely based off of the Harvard Implicit Association Test. Here, we focus specifically on gender. As this survey is completely ANONYMOUS, we ask that you please answer each question with the answer that first pops in your mind, regardless of whether you believe that answer is socially appropriate or acceptable. The data compiled and reported from this survey will at no point reveal any personal information about any of the participants or their views. Do you wish to continue?

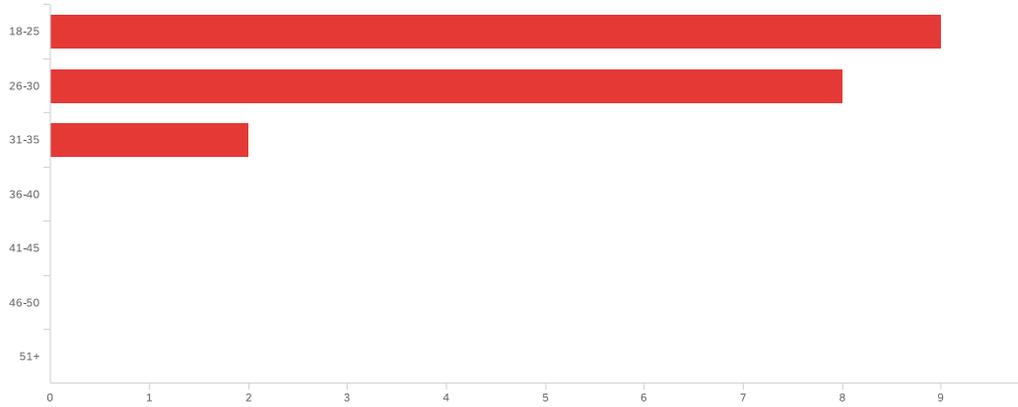


#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Dear Participants, The following survey is loosely based off of the Harvard Implicit Association Test. Here, we focus specifically on gender. As this survey is completely ANONYMOUS, we ask that you please answer each question with the answer that first pops in your mind, regardless of whether you believe that answer is socially appropriate or acceptable. The data compiled and reported from this survey will at no point reveal any personal information about any of the participants or their views. Do you wish to continue?	1.00	1.00	1.00	0.00	0.00	20

#	Field	Choice Count
1	Yes	100.00% 20

Showing rows 1 - 1 of 1

Q2 - What is your age?

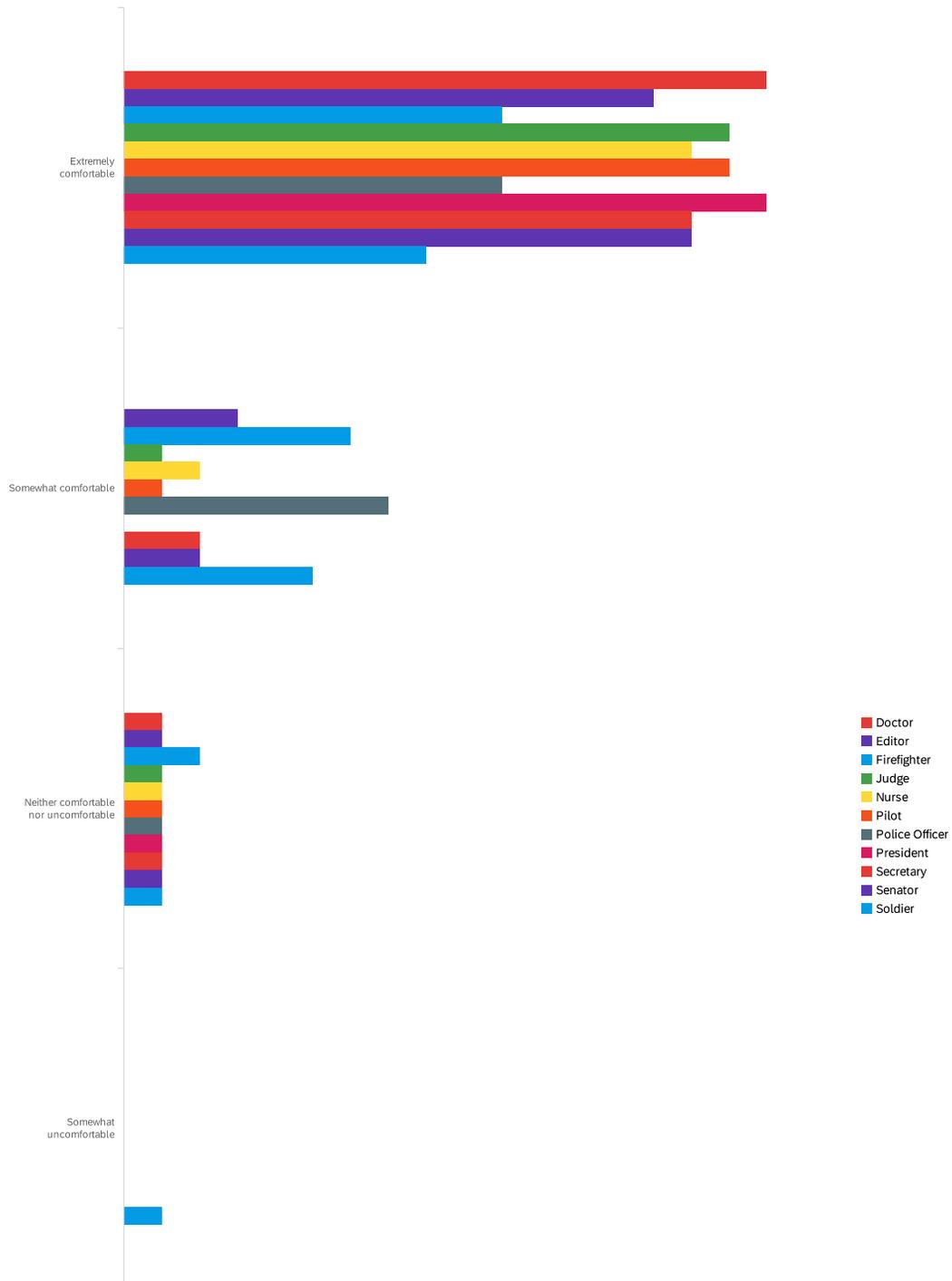


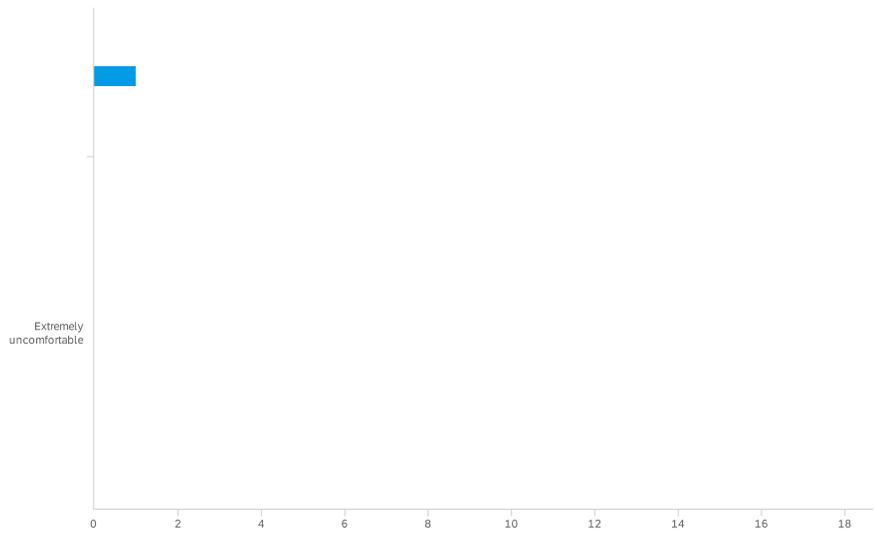
#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	What is your age?	1.00	3.00	1.63	0.67	0.44	19

#	Field	Choice Count
1	18-25	47.37% 9
2	26-30	42.11% 8
3	31-35	10.53% 2
4	36-40	0.00% 0
5	41-45	0.00% 0
6	46-50	0.00% 0
7	51+	0.00% 0
		19

Showing rows 1 - 8 of 8

Q3 - How comfortable would you feel with a woman in the following positions:





#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Doctor	1.00	3.00	1.11	0.46	0.21	18
2	Editor	1.00	3.00	1.28	0.56	0.31	18
3	Firefighter	1.00	3.00	1.56	0.68	0.47	18
4	Judge	1.00	3.00	1.17	0.50	0.25	18
5	Nurse	1.00	3.00	1.22	0.53	0.28	18
6	Pilot	1.00	3.00	1.17	0.50	0.25	18
7	Police Officer	1.00	3.00	1.50	0.60	0.36	18
8	President	1.00	3.00	1.11	0.46	0.21	18
9	Secretary	1.00	3.00	1.22	0.53	0.28	18
10	Senator	1.00	3.00	1.22	0.53	0.28	18
11	Soldier	1.00	4.00	1.67	0.87	0.76	15

#	Field	Extremely comfortable	Somewhat comfortable	Neither comfortable nor uncomfortable	Somewhat uncomfortable	Extremely uncomfortable	Total
1	Doctor	94.44% 17	0.00% 0	5.56% 1	0.00% 0	0.00% 0	18
2	Editor	77.78% 14	16.67% 3	5.56% 1	0.00% 0	0.00% 0	18
3	Firefighter	55.56% 10	33.33% 6	11.11% 2	0.00% 0	0.00% 0	18

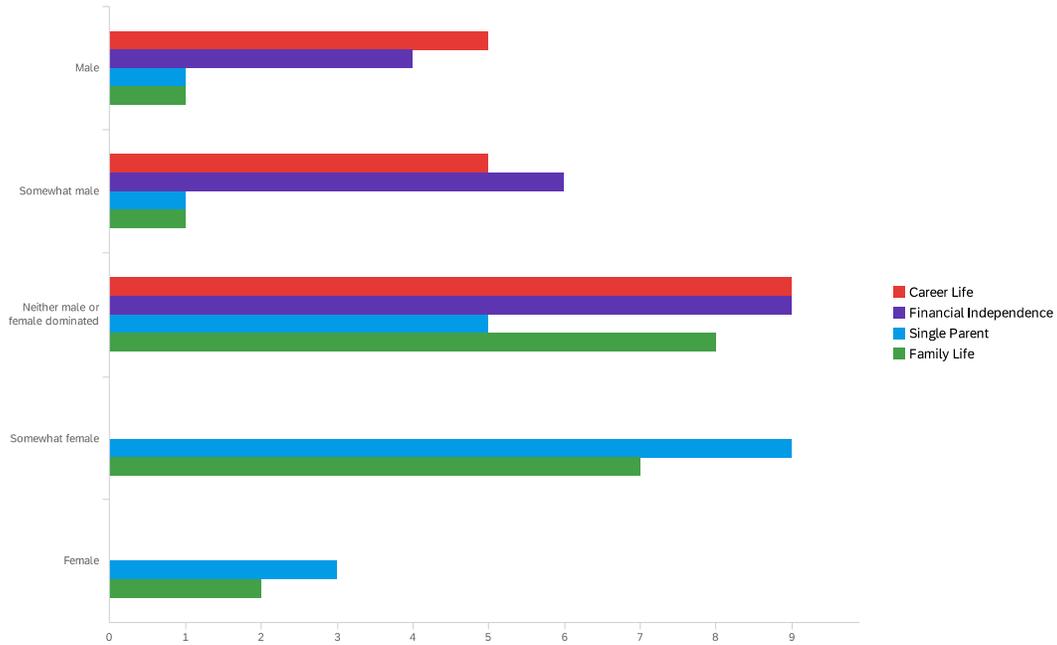
Q4 - Agree/disagree or provide your best guess regarding percentages for the following statements:(0 = disagree; 100 = agree)

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	What percentage of leadership roles do you think are held by women?	8.00	40.00	22.26	9.08	82.51	19
2	Women in leadership positions create more conflict than men in leadership roles.	0.00	50.00	5.74	14.15	200.09	19
3	Women in leadership positions are more emotional than men at work.	0.00	42.00	8.21	12.83	164.59	19

#	Field	Extremely comfortable	Somewhat comfortable	Neither comfortable nor uncomfortable	Somewhat uncomfortable	Extremely uncomfortable	Total
4	Judge	88.89% 16	5.56% 1	5.56% 1	0.00% 0	0.00% 0	18
5	Nurse	83.33% 15	11.11% 2	5.56% 1	0.00% 0	0.00% 0	18
	Pilot	88.89% 16	5.56% 1	5.56% 1	0.00% 0	0.00% 0	18
	Police Officer	55.56% 10	38.89% 7	5.56% 1	0.00% 0	0.00% 0	18
	President	94.44% 17	0.00% 0	5.56% 1	0.00% 0	0.00% 0	18
	Secretary	83.33% 15	11.11% 2	5.56% 1	0.00% 0	0.00% 0	18
	Senator	83.33% 15	11.11% 2	5.56% 1	0.00% 0	0.00% 0	18
	Soldier	53.33% 8	33.33% 5	6.67% 1	6.67% 1	0.00% 0	15

Showing rows 1 - 11 of 11

Q5 - Of the following choices, which do you associate more with a specific gender?

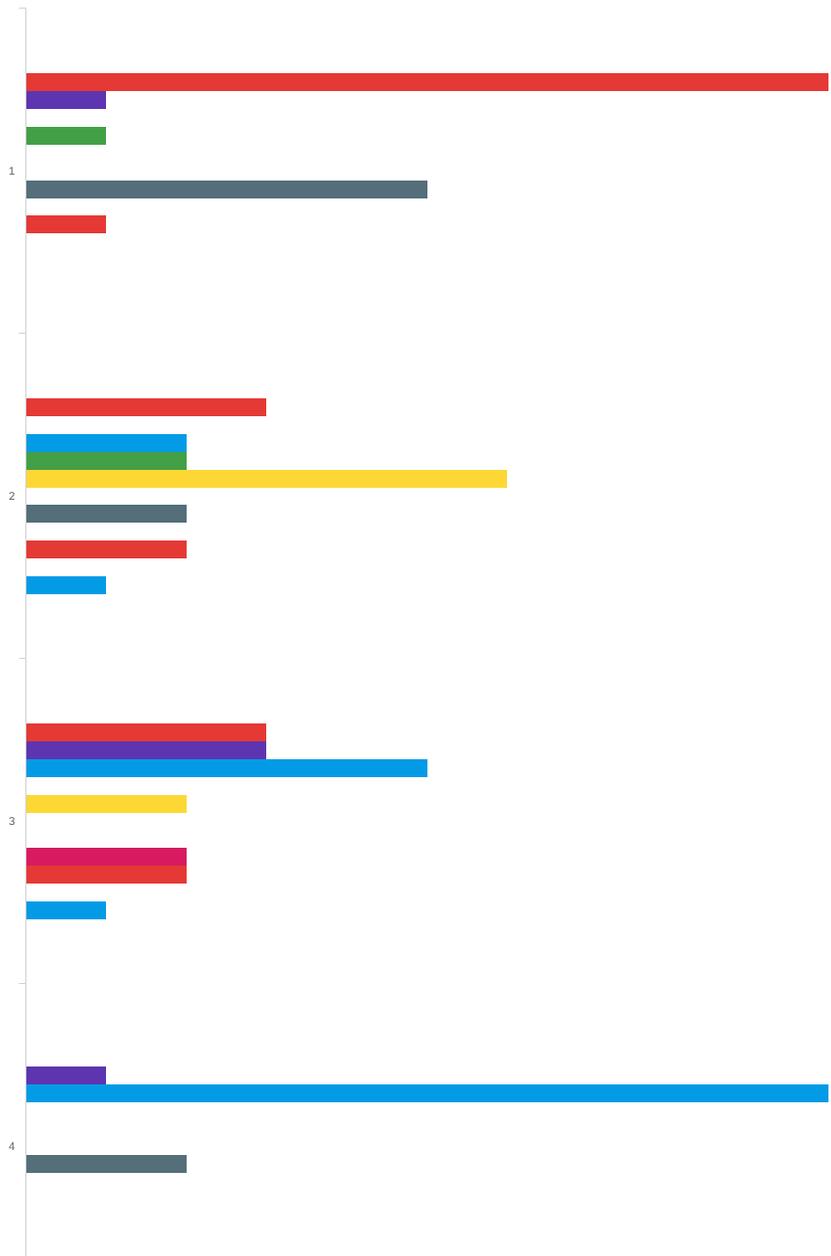


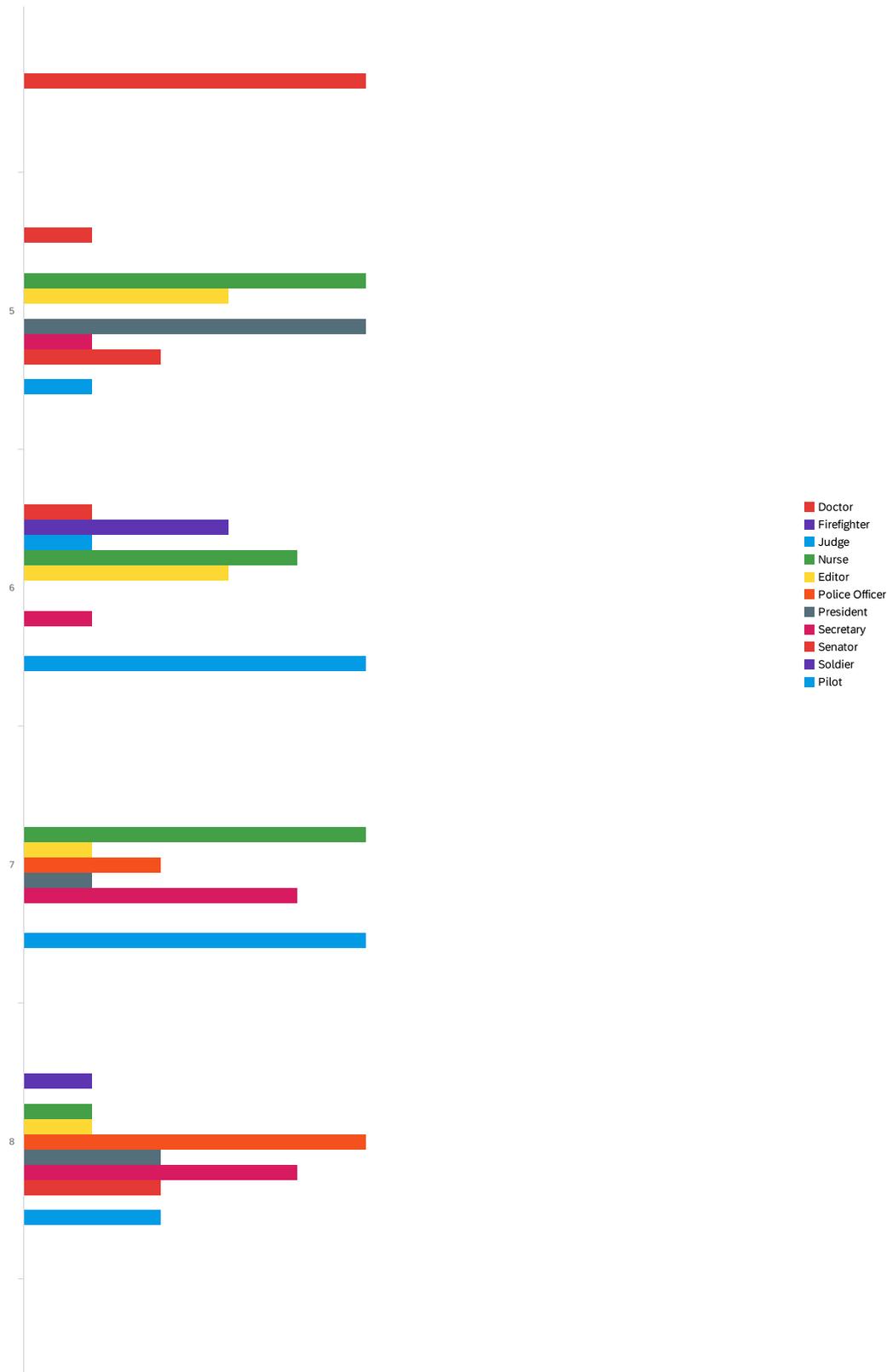
#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Career Life	1.00	3.00	2.21	0.83	0.69	19
2	Financial Independence	1.00	3.00	2.26	0.78	0.61	19
3	Single Parent	1.00	5.00	3.63	0.98	0.97	19
4	Family Life	1.00	5.00	3.42	0.94	0.88	19

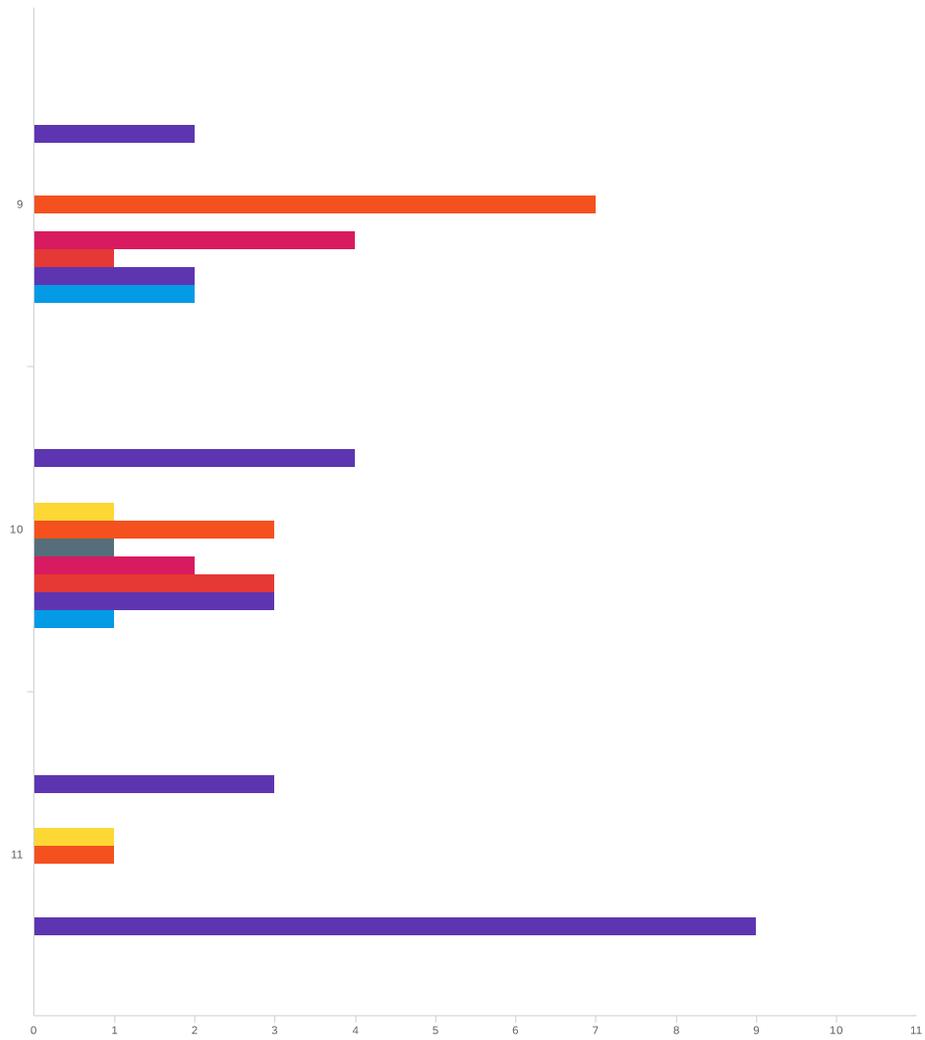
#	Field	Male	Somewhat male	Neither male or female dominated	Somewhat female	Female	Total
1	Career Life	26.32% 5	26.32% 5	47.37% 9	0.00% 0	0.00% 0	19
2	Financial Independence	21.05% 4	31.58% 6	47.37% 9	0.00% 0	0.00% 0	19
3	Single Parent	5.26% 1	5.26% 1	26.32% 5	47.37% 9	15.79% 3	19
4	Family Life	5.26% 1	5.26% 1	42.11% 8	36.84% 7	10.53% 2	19

Showing rows 1 - 4 of 4

Q6 - Imagine the following positions are held by all women. In what job do you feel most comfortable with a woman in that position? Rank the following from most to least comfortable.







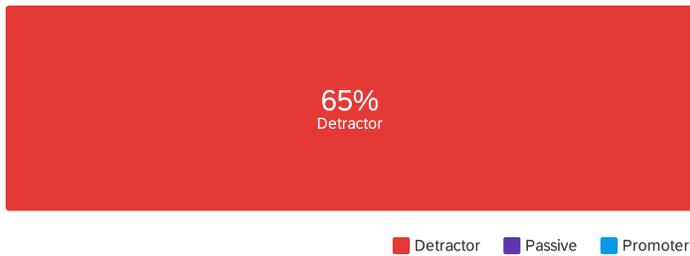
#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Doctor	1.00	6.00	2.00	1.45	2.11	18
2	Editor	2.00	11.00	4.83	2.77	7.69	18
3	Firefighter	1.00	11.00	7.28	3.23	10.42	18
4	Judge	2.00	6.00	3.61	0.89	0.79	18
5	Nurse	1.00	8.00	5.39	1.89	3.57	18
6	Pilot	2.00	10.00	6.61	1.92	3.68	18
7	Police Officer	7.00	11.00	8.78	1.03	1.06	18

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
8	President	1.00	10.00	4.17	2.73	7.47	18
9	Secretary	3.00	10.00	7.39	2.00	4.02	18
10	Senator	1.00	10.00	5.33	2.92	8.56	18
11	Soldier	9.00	11.00	10.50	0.73	0.54	14

#	Field	1	2	3	4	5	6	7	8
1	Doctor	55.56% 10	16.67% 3	16.67% 3	0.00% 0	5.56% 1	5.56% 1	0.00% 0	0.00
2	Firefighter	5.56% 1	0.00% 0	16.67% 3	5.56% 1	0.00% 0	16.67% 3	0.00% 0	5.56
3	Judge	0.00% 0	11.11% 2	27.78% 5	55.56% 10	0.00% 0	5.56% 1	0.00% 0	0.00
4	Nurse	5.56% 1	11.11% 2	0.00% 0	0.00% 0	27.78% 5	22.22% 4	27.78% 5	5.56
5	Editor	0.00% 0	33.33% 6	11.11% 2	0.00% 0	16.67% 3	16.67% 3	5.56% 1	5.56
6	Police Officer	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	11.11% 2	27.78
7	President	27.78% 5	11.11% 2	0.00% 0	11.11% 2	27.78% 5	0.00% 0	5.56% 1	11.11
8	Secretary	0.00% 0	0.00% 0	11.11% 2	0.00% 0	5.56% 1	5.56% 1	22.22% 4	22.22
9	Senator	5.56% 1	11.11% 2	11.11% 2	27.78% 5	11.11% 2	0.00% 0	0.00% 0	11.11
10	Soldier	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00
11	Pilot	0.00% 0	5.56% 1	5.56% 1	0.00% 0	5.56% 1	27.78% 5	27.78% 5	11.11

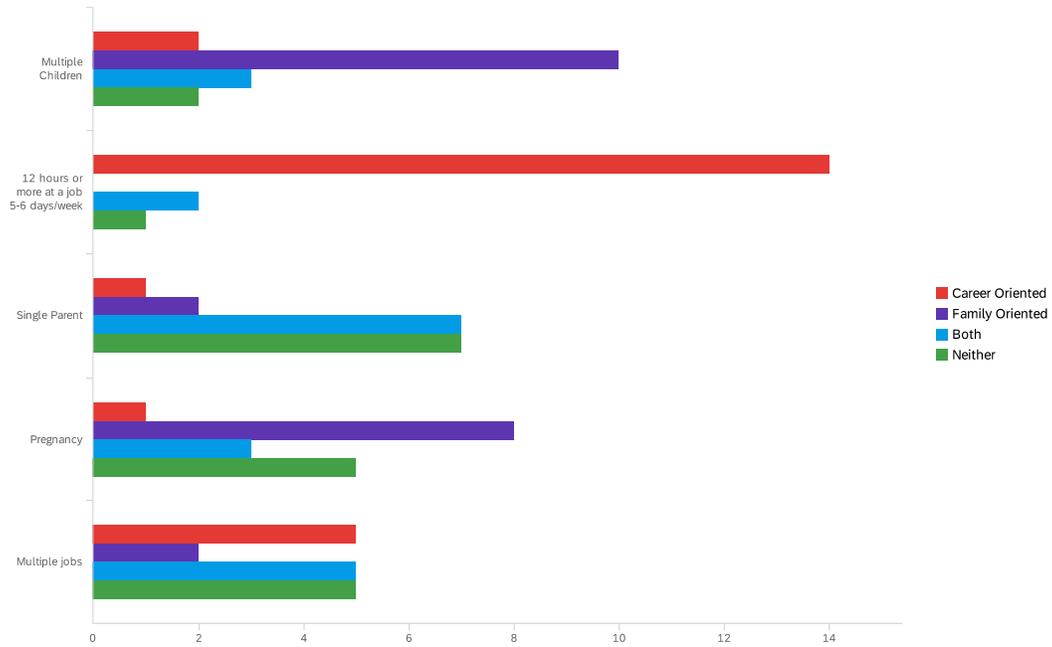
Showing rows 1 - 11 of 11

Q7 - Assuming the following individual is qualified, on a scale from 0-10, how likely are you to recommend a man with the following traits for a promotion?- Great at his job- Aggressive - Has started arguments with several coworkers- Been on the job for 5 years- Has 3 kids at home (ages: 6, 4, and 2)

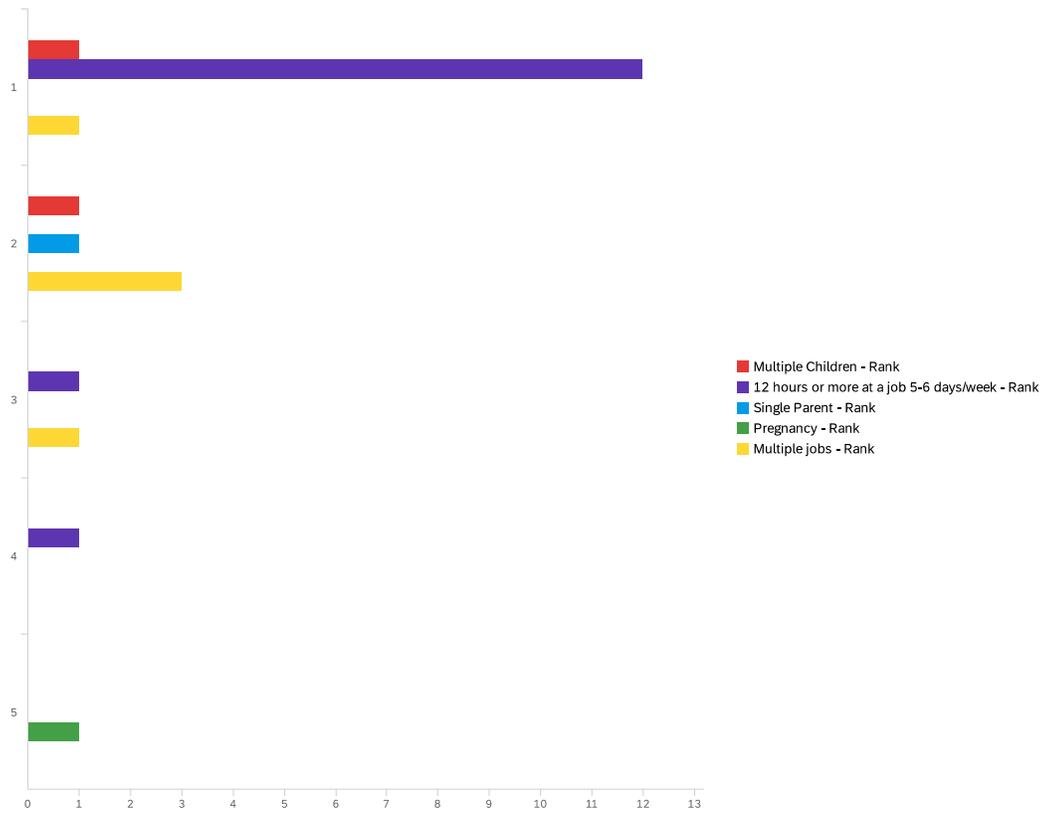


Q8 - Place the items from the list on the left into one of the categories on the right.

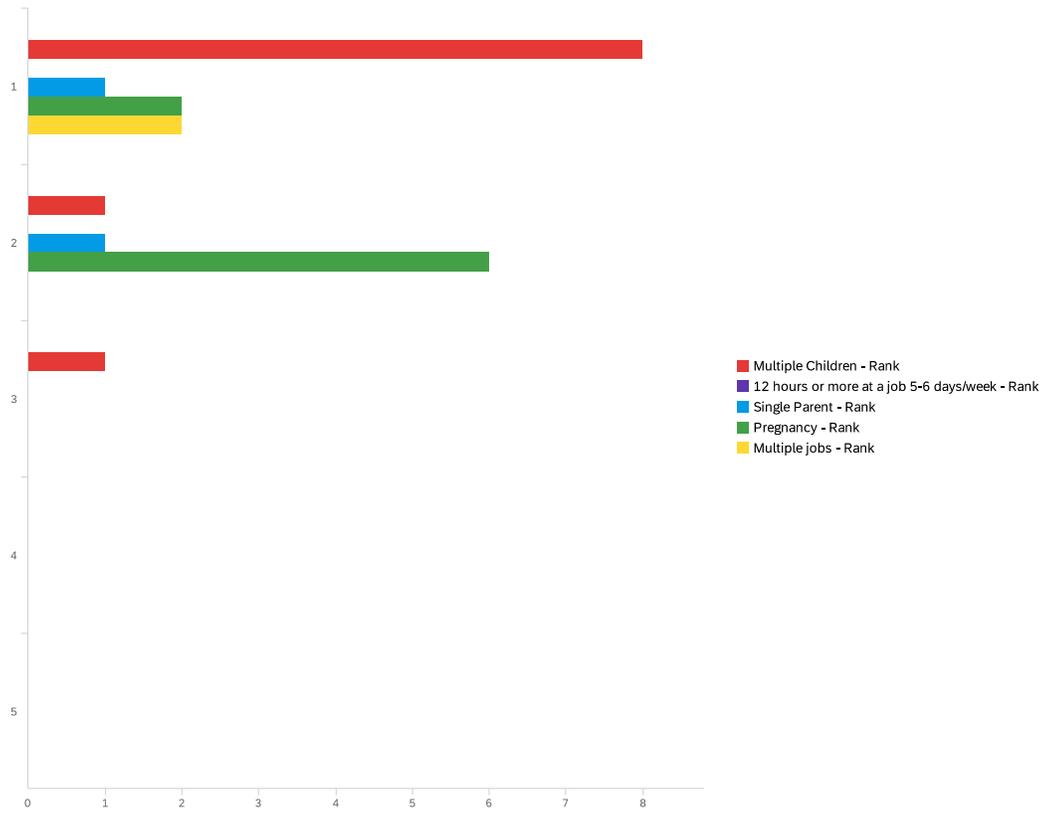
Place the items from the list on the left into one of the categories on the...



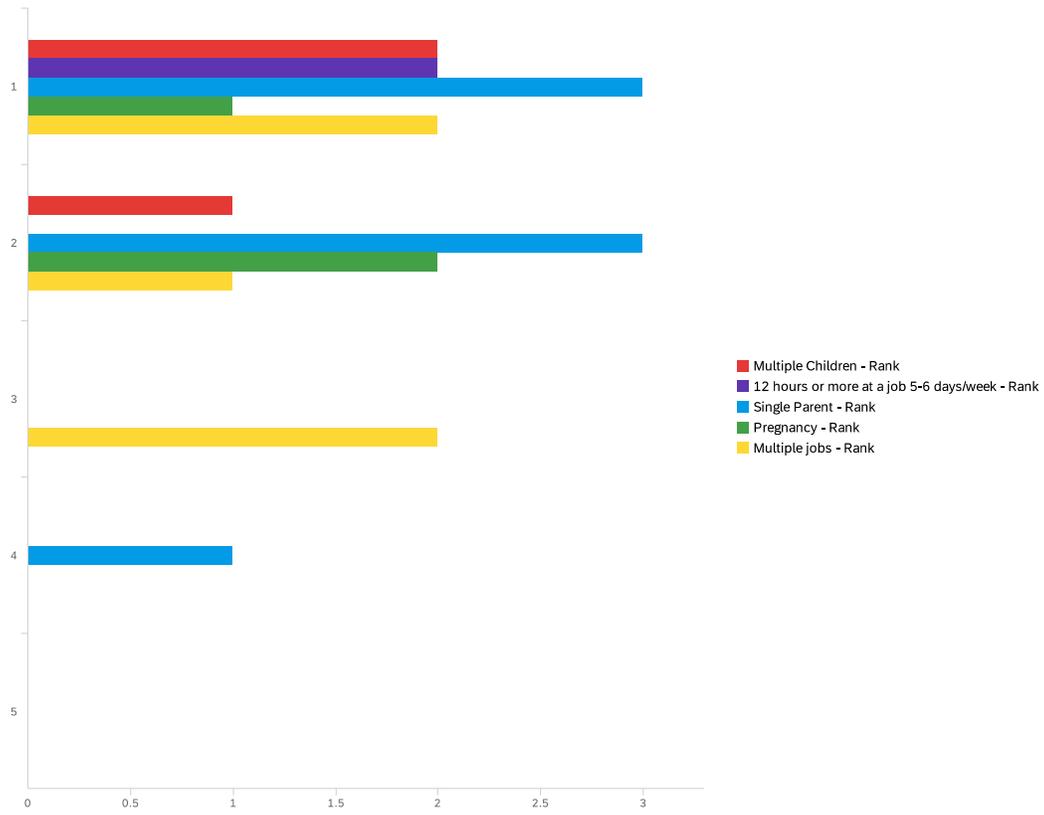
Place the items from the list on the left into one of the categories on the...



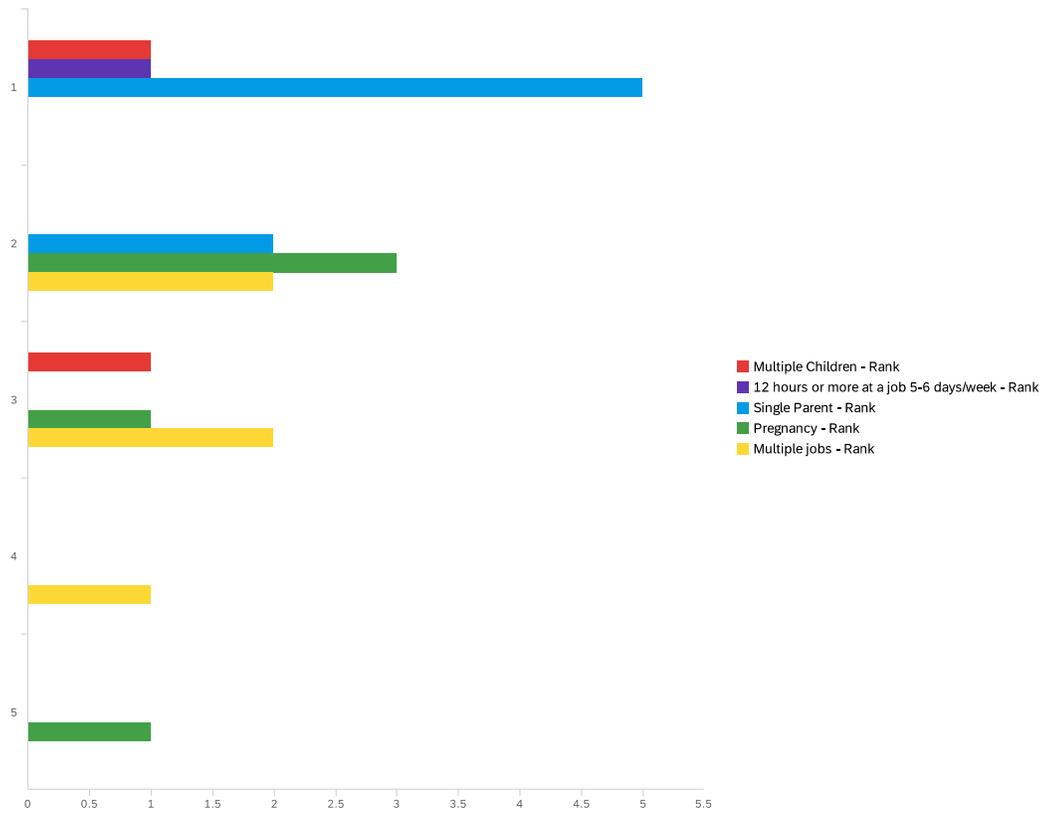
Place the items from the list on the left into one of the categories on the...



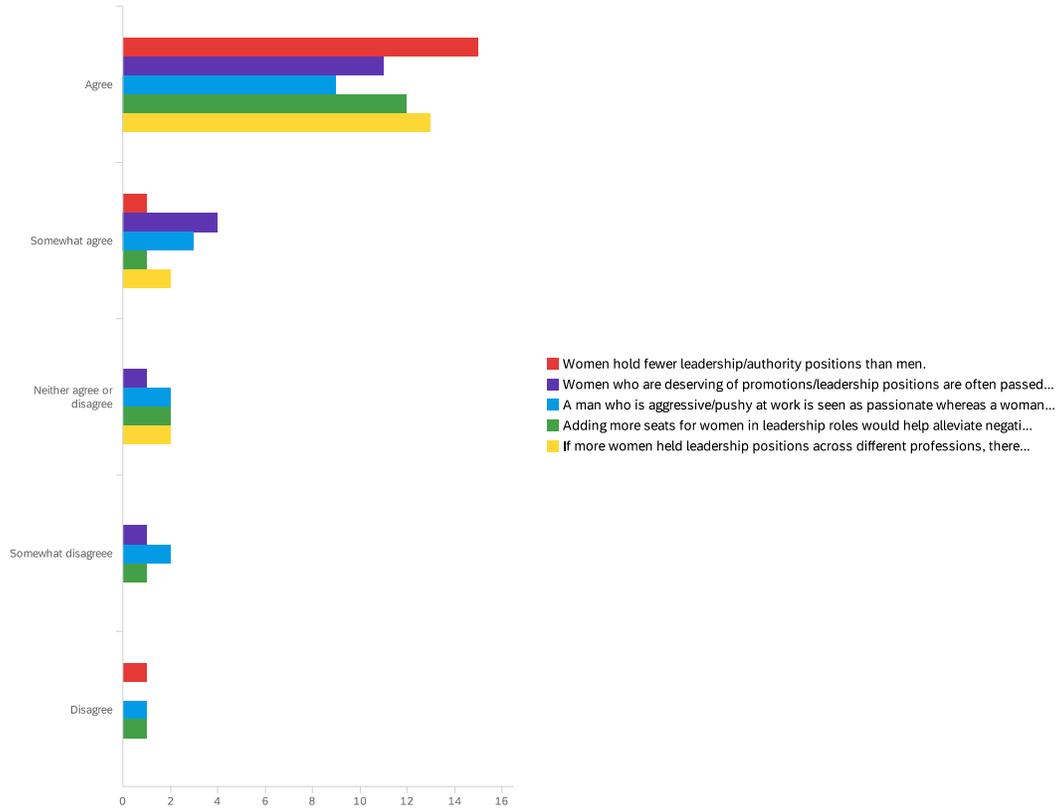
Place the items from the list on the left into one of the categories on the...



Place the items from the list on the left into one of the categories on the...



Q10 - Agree or disagree with the following statements.

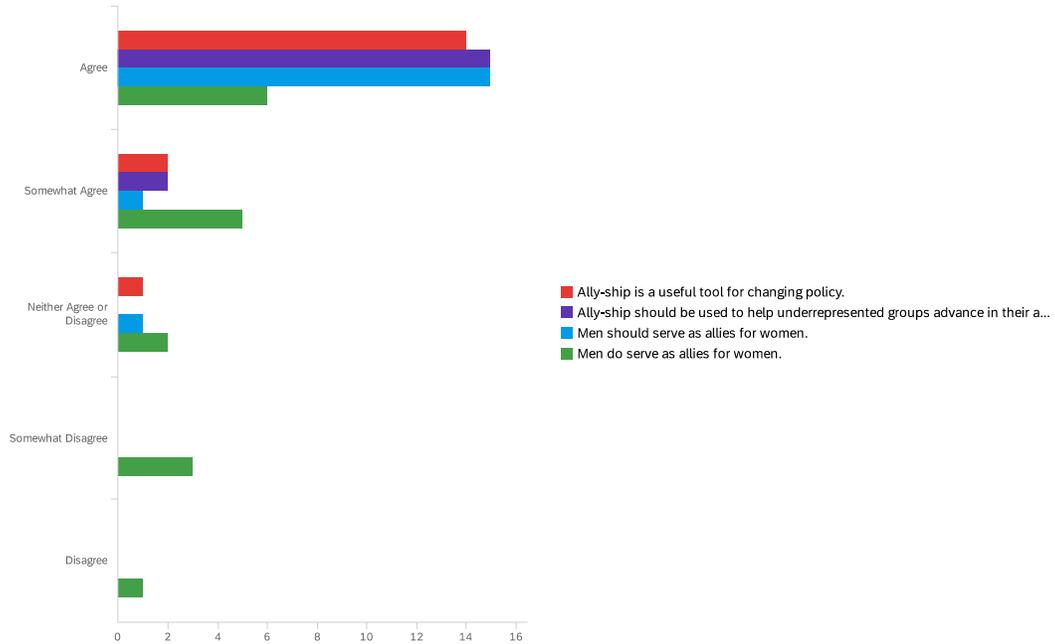


#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Women hold fewer leadership/authority positions than men.	1.00	5.00	1.29	0.96	0.91	17
2	Women who are deserving of promotions/leadership positions are often passed up for a less deserving male counterpart.	1.00	4.00	1.53	0.85	0.72	17
3	A man who is aggressive/pushy at work is seen as passionate whereas a woman as too emotional.	1.00	5.00	2.00	1.28	1.65	17
4	Adding more seats for women in leadership roles would help alleviate negative stereotypes about women.	1.00	5.00	1.71	1.23	1.50	17
5	If more women held leadership positions across different professions, there would be more opportunities for other women to advance their careers than if the number of women in leadership positions stays stagnant.	1.00	3.00	1.35	0.68	0.46	17

#	Field	Agree	Somewhat agree	Neither agree or disagree	Somewhat disagree	Disagree	Total
1	Women hold fewer leadership/authority positions than men.	88.24% 15	5.88% 1	0.00% 0	0.00% 0	5.88% 1	17
2	Women who are deserving of promotions/leadership positions are often passed up for a less deserving male counterpart.	64.71% 11	23.53% 4	5.88% 1	5.88% 1	0.00% 0	17
3	A man who is aggressive/pushy at work is seen as passionate whereas a woman as too emotional.	52.94% 9	17.65% 3	11.76% 2	11.76% 2	5.88% 1	17
4	Adding more seats for women in leadership roles would help alleviate negative stereotypes about women.	70.59% 12	5.88% 1	11.76% 2	5.88% 1	5.88% 1	17
5	If more women held leadership positions across different professions, there would be more opportunities for other women to advance their careers than if the number of women in leadership positions stays stagnant.	76.47% 13	11.76% 2	11.76% 2	0.00% 0	0.00% 0	17

Showing rows 1 - 5 of 5

Q11 - Agree or disagree with the following statements about ally-ship.



#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	Ally-ship is a useful tool for changing policy.	1.00	3.00	1.24	0.55	0.30	17
2	Ally-ship should be used to help underrepresented groups advance in their academic and professional lives.	1.00	2.00	1.12	0.32	0.10	17
3	Men should serve as allies for women.	1.00	3.00	1.18	0.51	0.26	17
4	Men do serve as allies for women.	1.00	5.00	2.29	1.27	1.62	17

#	Field	Agree	Somewhat Agree	Neither Agree or Disagree	Somewhat Disagree	Disagree	Total
1	Ally-ship is a useful tool for changing policy.	82.35% 14	11.76% 2	5.88% 1	0.00% 0	0.00% 0	17
2	Ally-ship should be used to help underrepresented groups advance in their academic and professional lives.	88.24% 15	11.76% 2	0.00% 0	0.00% 0	0.00% 0	17

#	Field	Agree	Somewhat Agree	Neither Agree or Disagree	Somewhat Disagree	Disagree	Total
3	Men should serve as allies for women.	88.24% 15	5.88% 1	5.88% 1	0.00% 0	0.00% 0	17
4	Men do serve as allies for women.	35.29% 6	29.41% 5	11.76% 2	17.65% 3	5.88% 1	17

Showing rows 1 - 4 of 4

End of Report

Appendix IV: Report on Top 30 IT Companies on Female inclusion and leadership

For the full report, visit: https://docs.google.com/spreadsheets/d/1vDKdQkbUIb_SZaqSUn-QJ5SYgJ27pR3RyXOmTlHsCi0/edit?usp=sharing.

Company Name	Quotes
Infosys	-Women Inclusivity Network "IWIN" "work towards a gender- sensitive and inclusive environment for women employees."
Cap Gemini	<p>"Gender laws are sparsely enforced and the female population faces the brunt of different forms of injustice." "Let's not tell a women she is weak because she is weak because she is female."</p> <p>"If everyone does their bit, the workplace can be a better place to thrive and prove one's worth irrespective of gender." - Vikal Agarwal, Digital Transformation""</p> <p>At Cap Gemini, it's everyone's responsibility to be inclusive from the way we conduct ourselves to how we engage with others."</p>
Cognizant	<p>"Cognizant is committed to elevating the experience of work for women through our women empowered (WE) program." (Website)</p> <p>Karen Mcloughlin- "Inclusive teams tend to produce better results faster because they operate with higher levels of organizational self-awareness, performance, and innovation."</p> <p>"Cognizant is committed to advancing diversity & inclusion in our workplace. One focus area is supporting gender diversity and leveling the playing field for women in tech careers around the world."- company statement</p> <p>- 2 women serve on Congizant's Board of Directors, and half of the Cognizant U.S. Foundation's board of directors is female."</p>

	<p>"Everybody matters and is equally important." Floris Van Den Dool, Managing Director Security at Accenture</p>
<p>IBM</p>	<p>Female CEO Ginni Rometty stepped down in April 2020</p> <p>"The lack of diversity in STEM is well documented. I feel that companies must understand that hiring a chief diversity officer and launching a business resource are not magic pills to boost diversity and inclusion. However, there must be a pervasive adoption of the understanding that diversity and inclusion are needed for sustainable business growth. Secondly, we must think about new ways on how to recruit, retain, and develop diverse talent." - Chris Staten, Member of Global Technology Services</p>
<p>Microsoft</p>	<p>Microsoft employees met with CEO Satya Nadella to discuss concerns of gender discrimination as well as sexual harassment claims in April</p> <p>"If you are not helping to create an inclusive culture, your rewards, your career trajectory and possibly even your employment will be impacted." CEO Satya Nadella</p> <p>"Each of us can ask ourselves: What can I do to help? How can I show respect and empathy for my colleagues? How can I speak up when I see non inclusive behavior?" CEO Satya Nadella</p> <p>March- Female employee asked others for advice about how to move up the ranks at the company, claiming she's been in the same position for 6 years without seeing opportunity for advancement. Hundreds of women followed, with more than 90 pages of emails reviewed by Quartz.</p> <p>Company statement; "Women at Microsoft actively helps to attract, retain, and develop women around the world. Its programs focus on sparking girl's interests in technology careers, supporting women-focused initiatives, and</p>

	<p>providing career and professional resources for women once they are employees at Microsoft."</p> <p>Yet; "HR isn't trying to enforce the inclusive culture that they're talking about. HR, Satya, all the leadership are sending out emails that they want to have an inclusive culture, but they're not willing to take any other action than talk about it." Anonymous female employee</p>
Akamai Technologies	<p>"Our inclusive culture fosters diversity of thought which translates into an innovative and collaboraitve employment." Dr. Tom Leighton, Co- Founder and CEO</p> <p>Dr. Tom Leighton supports multiple initiatives and charities, including Math Competition for Girls and Girls Who Code</p>
Apple	<p>"Women are such an important part of the workforce. If STEM related fields continue to have this low representation of women, then there just will not be enough innovation in the United States. That's the simple fact of it." -Apple CEO Tim Cook.</p> <p>Apple has partnered with Women Who Code, Black Girls Code, Girl Develop IT, National Center for Women and Informational Technology, Code2040, and Technolochicas.</p>
Cisco	<p>"Silicon Valley's issues with gender go beyond the hiring stage and back to when women and men are entering higher education. Fewer women are choosing to pursue college or graduate degrees in technical fields, which presents a big problem." -CEO Chuck Robbins.</p> <p>Out of Cisco's 12- member board, 4 (33%) are women.</p>

	<p>"You have to bring in leaders from all backgrounds, every gender, every race, who all believe in it holistically." CEO Chuck Robbins</p>
DXC	<p>"DXC's strength as a company begins with our people. By acknowledging, recognizing, and rewarding our people, we start to be an employer of choice and a great place to work and grow." CEO Mike Salvino</p> <p>DXC Accelerate program- "The program represents a strategic investment for DXC and focuses on the development of 50 top women leaders to prepare them for higher impact roles."</p>
Alphabet/ Google	<p>"Diversity is a foundational value for us. Given the scale at which we build products and the fact we do it locally for our users, we are deeply committed to having that representation in our workforce."- CEO Sundar Pichar</p> <p>James Ramore fired in 2018 after arguing in a memo that women were biologically less interested in technology.</p> <p>"It's important for the women at Google and all the people that we want to make an inclusive environment." CEO response.</p> <p>"To suggest a group of our colleagues have traits that make them less biologically suited to that work is offensive and not ok." (response)</p>
Micron	<p>"Micron's best innovation springs from our team members' diverse experiences, perspectives and backgrounds." CEO Sanjay Mehrotra</p> <p>Micron's Women Leadership Network .</p>

	<p>Micron is increasing its recruiting at universities and colleges that have high graduation rates for women and other under represented groups</p> <p>Sharawn Connors is pres. of D&I.</p>
<p>Motorola Solutions</p>	<p>"Motorola Solutions is committed to fostering an environment and culture that thrives on diversity of our people and their ideas." CEO Greg Brown</p> <p>Motorola Solutions has provided more than \$45 million in education grants through its Innovation Generation program that supports initiatives such as Girls Who Code.</p>
<p>Qualcomm</p>	<p>"It's great that we have this kind of energizing event to keep encouraging women to step up, speak up, and also remind men that they need to make some difference in order to embrace the difference." Rang He, Principal Engineer at an Intl. Women's Day Celebration.</p> <p>Qualcomm CEO Steve Mollenkopf asks speaker Verna Myers what he can do as CEO to continue improving diversity and inclusion.</p> <p>"I can see that in a next meeting, we can all take action- like to speak up if we see bias going on or do something to empower a person that might need support."- Carlos Cardenas, Senior System Engineer.</p>
<p>Salesforce</p>	<p>"Like we would have a meeting, and I would look around the room and I'm like this meeting is just men. Something is not right." CEO Mark Benioff.</p> <p>CEO Mark Benioff announced he will not hold a meeting unless 30% of participants are women.</p>

	<p>"CEO's with one button on one computer can pay every man and every woman equally. There's no excuse."</p> <p>"Business is the greatest platform for change."</p> <p>"There's a lot of subconscious bias and a lot of men, when hiring women, they pay less."</p>
Teradata	<p>"Being an ally is critical for minorities. There's nothing more powerful than having a third party reaching on your behalf." Leonardo Del Riego, Product Manager.</p> <p>"How can you run a company without getting diverse points of view and being inclusive?"- Martyn Etherington, Chief Marketing Officer.</p>
Adobe	<p>"Great ideas come from everywhere in the company. In today's ultra competitive environment, it's critical to cultivate a strong diverse workforce who bring their best ideas to work every day." CEO Shantanu Narayen</p>
Advanced Micro Devices	<p>Lisa Su- highest paid female CEO according to AP</p>
Texas Instruments	<p>- Working on hiring at least 20% women (total hires).</p> <p>"A strong market for minority and women owned businesses contributes to the stability of the regional economy because these companies create more jobs and employ more people in the communities where we work and live, attracting great talent to our backyard." CEO Richard Templeton .</p>
Amazon	<p>"Amazon has always been and always will be committed to equal rights, tolerance, and diversity." CEO Jeff Bezos. CEO Jeff Bezos added 2 more women onto the sr. leadership team, but it is still 3:19</p>

Amdocs	Company statement on diversity blog: "Underrepresentation of women in our industry is a common problem. We are working on increasing the number of women on our teams."
Analog Devices	<p>"If the members of an organization who are underrepresented do not feel free to contribute their unique backgrounds and perspectives, the value of diversity is lost. Diversity must be paired with inclusion, or the active seeking out and engagement with those diverse perspectives to achieve its full potential value."- CEO Vincent Roche.</p> <p>Women's Leadership Network: "The purpose of the WLN is to inspire and empower women to take on leadership roles within ADI and the community."</p>
CA Technologies	"We do have to be a lot more inclusive. We are losing this battle. There are 4% less females entering engineering degrees compared to 5 years ago." CEO Mike Gregoire
Inuit	<p>"Creating #BalanceforBetter starts with our leaders and we are committed to a more gender- balanced world as we walk toward powering prosperity." CEO Sasan Goodarzi.</p> <p>30% of women make up board of directors.</p> <p>Company statement: "Gender balance is not only an issue, but it also affects businesses and productivity. At Inuit, we believe it's important to support and champion all women and especially all women in STEM."</p>
Mastercard	"It is also very important to embrace all races and cultures and genders with a focused emphasis on bringing more women into the technology industry and paying them equal there male counterparts." CEO Ajaypal Banga
Xerox Corporation	"If businesses continue on this same path, the number of women in management will only increase marginally." CEO John Visentin

