

WOULD THE SHOE FIT? ASSESSING EMPLOYEE AND ORGANIZATIONAL FIT IN THE CONTEXT OF NIKE'S GENDER-BASED LAWSUITS

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It was a beautiful but chilly spring day in March 2022. Amelia Johnson (See photo Exhibit 1), an undergraduate junior at a Midwest university, was settling into her on-campus residence hall room to complete one of her assignments for her Principles of Marketing course. The task was to search for an entry-level marketing position that attracted her as a future employee, and to bring the job posting to Tuesday's class. According to her professor, this assignment had helped former students determine what type of marketing roles and what potential employers appealed to them. As a part of the assignment, students discussed the job advertisements in class and reviewed the skill and experience the organizations expected of people in the various roles. To complete the project, Amelia pondered what she wanted to do after graduation and for what organization.

Exhibit 1. Amelia Wearing Her NIKEs on the Golf Course

Source: Johnson, A. (2021). Photo of Amelia on the golf course



The author developed the case for class discussion rather than to illustrate either effective or ineffective handling of the situation. The case and its accompanying instructor's manual were anonymously peer reviewed and accepted by the *Journal of Case Research and Inquiry, Vol. 8, 2023*, a publication of the Western Casewriters Association. The author and the *Journal of Case Research and Inquiry* grant state and nonprofit institutions the right to access and reproduce this manuscript for educational purposes. For all other purposes, all rights are reserved to the author. Copyright © 2023 by Julie B. Nelsen. Contact Julie B. Nelsen, Washington State University – Vancouver, 14204 NE Salmon Creek Ave, Vancouver, WA 98686, julie.nelsen@wsu.edu.

About Amelia

As a self-described “sneakerhead” (Choi 2019), Amelia was passionate about the NIKE brand and envisioned moving to NIKE’s corporate headquarters in Beaverton, Oregon when she graduated with a degree in business administration. As a student-athlete on the basketball and golf teams, she appreciated and enjoyed NIKE products and owned a substantial amount of NIKE apparel in her wardrobe. She generally wore NIKE attire every day.

As a junior, Amelia still needed to complete three semesters of coursework, but she was getting closer to knowing what she wanted to do post-graduation. Her goals included qualifying for the Ladies Professional Golf Association (LPGA) Tour, who runs weekly tournaments for the top female professional golfers worldwide. With this goal in mind, she nonetheless wanted to explore other career options that she found appealing and thought this assignment would be insightful to clarify what roles attracted her.

Earlier in the semester, Amelia shared her research with the class on the value proposition of NIKE’s Blazer basketball shoe (Crenshaw 2021). For her presentation, she told her classmates about the history of the iconic basketball shoe and disclosed that she owned more than two dozen pairs of Blazers.

Before this assignment, Amelia had not given much thought to her future employment beyond the LPGA, but she knew that she was willing to relocate for the right opportunity. She was interested in all things sports-related and sought to find an employer who aligned with her values of trustworthiness, teamwork, responsibility, and fun. Her classroom experiences showed her that she leaned toward analytical and leadership roles. At work, Amelia wanted her voice and accomplishments to be acknowledged, similar to her experiences as an athletic team member.

Interest in NIKE

With her passion for athletic shoes and NIKE in particular, Amelia wanted to look at NIKE job postings to see if a role interested her enough to discuss with her professor and classmates. Amelia conducted a quick internet search for entry-level NIKE marketing jobs in Beaverton, Oregon, where more than 12,000 employees worked (Kish 2017). Her search directed her to a link on the NIKE corporate website, where she found 1,780 open positions (NIKE n.d.-a). Amelia sorted through the job listings, settled on a posting for a North America – NIKE Direct Digital Commerce – Platform Operations Coordinator role, and bookmarked it on her computer to bring up in class. The next day, she had a positive experience reviewing and discussing her and her classmates' selected job postings.

However, she had been surprised when, as part of the discussion, her professor asked her how she felt about working at NIKE, considering its unsettled sexual harassment and gender discrimination-related lawsuits. Amelia had not heard about the legal complaints. Amelia sought to determine if her findings affected her perception of NIKE. Would NIKE still be attractive to her as a potential employer knowing the company had some flaws? How would she evaluate NIKE as a future employer?

Employer Attractiveness Framework

To aid Amelia in assessing NIKE's suitability as an employer, Amelia's professor suggested evaluating it using Berthon *et al.*'s employer attractiveness framework as a guide (Berthon *et al.* 2005). The researchers identified five primary values necessary to make an employer attractive to a prospective employee:

1. **Social Value** – Does the organization offer a fun working environment and potentially constructive colleague relationships? Will the firm provide a positive work environment?
2. **Economic Value** – Will the firm pay me well but offer good economic benefits and job security?

3. **Interest Value** – Am I interested in the products or services provided by the employer? Can I be innovative in my work?
4. **Development Value** – Will I feel proud to work for the firm? Will it be a career-enhancing experience?
5. **Application Value** – Can I apply what I know? Will I learn from others and be able to teach others? Will I feel like I belong?

Amelia kept these values in mind while researching publications documenting gender issues in the workplace and NIKE's situation.

Workplace Gender Issues

Before delving into what happened at NIKE, Amelia searched online to learn more about gender issues in the United States (U.S.) workplaces. Her search led her to the U.S. Employment Opportunity Commission's (EEOC) website, where she discovered that between 2018 and 2021, the EEOC processed 98,411 alleged general harassment charges and 27,291 alleged sexual harassment charges (EEOC 2022).

In addition, she read that the #MeToo Movement, an attempt to effect social change surrounding sexual harassment and assault, was founded in 2006. #MeToo gained widespread attention in October 2017 due to a viral tweet. In the tweet, actress Alyssa Milano urged sexual harassment and assault victims to communicate their stories on social media. Millions did so, and since then, survivors of harassment or assault in the workplace became more vocal (North 2019).

Amelia also found that the EEOC reported a significant increase in sexual harassment charges in the two years following the #MeToo Movement's going viral (see Exhibit 2). However, both 2020 and 2021 saw a drop in filed charges. She wondered if the global pandemic had affected those numbers.

Further investigation found that women filed 62.2 percent of all U.S. harassment cases between 2018 and 2021, and 78.2 percent of U.S. sexual harassment charges during that same timeframe (see Exhibit 3).

Further searches found articles indicating that in 2021, U.S. workplace harassment proliferated the medical industry (Robinson 2021), the military (Calkins 2021), and even the video gaming sector (Browning 2021). Amelia also found that while the #MeToo movement prompted the national conversation about sexual harassment, workplace harassment often went unreported. An EEOC report indicated that nearly three out of four individuals who experienced workplace sexual harassment never reported it to a manager, supervisor, or a union representative (Feldblum *et al.* 2016). According to an article in *Fortune* magazine, some organizations spent USD \$8 billion in 2021 on diversity, equity, and inclusion (DEI) efforts but still saw few results (Williams 2021).

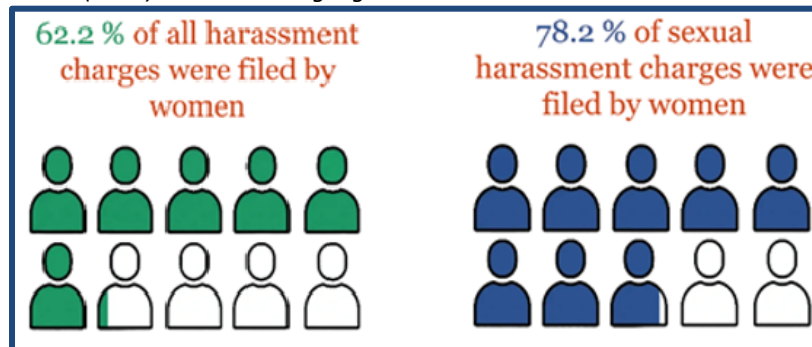
Exhibit 2. EEOC Sexual Harassment Charge Receipts, 2014 – 2021

Source: EEOC. (2022). EEOC Data Highlight: Sexual Harassment in Our Nation's Workplaces



Exhibit 3. Percent of Harassment and Sexual Harassment Charges Filed by Women, FY 2018 – FY 2021

Source: EEOC. (2022). EEOC Data Highlight: Sexual Harassment in Our Nation's Workplaces



Gender Issues at NIKE

Amelia spent an afternoon digging into the NIKE situation's regional, international, and trade publication reports. In addition to many articles, she even found a copy of the lawsuit complaints filed with the court (GBDH Legal 2018).

Before the Lawsuits

The news station coverage of NIKE's gender issues started in March 2018 when a group of female NIKE corporate employees distributed an internal survey, not approved by NIKE management, to gain insight into the women's experience at NIKE (Hess 2018). See Exhibit 4. NIKE's CEO, Mark Parker, received a copy of the survey results on March 5, 2018 (Campbell 2018). According to Amelia's research, the women of NIKE, leading up to the survey, noticed the departure of several high-ranking women.

Among those who left were Patty Ross, Vice President of Workplace Design and Connectivity and founder of NIKE's women's mentoring network, Kerri Hoyt-Pack, a long-term employee who had launched the NIKE women's brand, and Nikki Neuburger, a Global Brand Vice President for Running (Abrams 2018). *Inc.* magazine reported that Neuburger, upon departure, sent a letter to her team and CEO Parker disclosing her reasons for leaving (Zetlin 2018). Central to her message were the harassment and the exclusion of women from organizational decisions

(Creswell *et al.* 2018). Concern over the loss of female leaders prompted a group of NIKE women to distribute the unsanctioned survey that ended up on Parker's desk (Zetlin 2018).

Exhibit 4. CNBC News Clip Discussing NIKE Shake-ups

Source: CNBC (2018). *A Survey among Women at NIKE Led Two Top Executives to Resign*

<https://www.cnbc.com/video/2018/03/20/a-survey-of-female-employees-at-nike-resulted-in-two-executives-resigning-according-to-wsj.html>



CEO Parker Responds

Although the survey details were not public, Amelia found that the allegations triggered an internal investigation and a significant shake-up within NIKE's top ranks. According to *Oregon Live*, CEO Parker's formal review of the situation resulted in the resignation of two top-ranking male executives (Rogoway 2018b). In an internal message announcing these departures, Parker disclosed that he received news of "*behavior occurring within our organization that does not reflect our core values of inclusivity, respect, and empowerment*" (Bain 2018, para. 3; see Exhibit 5). The memo reported Parker as stating, "*We've heard from strong and courageous employees*" (Huebsch 2018, para. 7). Parker did not disclose the types of complaints or whom the complaints involved. However, a NIKE spokesperson said there were no allegations against

the departing male executives and declined to provide details (Morrison 2018). Later reports suggested that the male executives left because they knew about or enabled inappropriate behaviors without consequences for the perpetrators (Creswell *et al.* 2018).

Exhibit 5. Copy of Parker's Internal Message

Source: Rogoway, M. (2018b). *NIKE sheds second top executive amid inquiry into workplace 'behavior.'* Oregon Live.

Team,

Over the past few weeks, we've become aware of reports of behavior occurring within our organization that do not reflect our core values of inclusivity, respect and empowerment at a time when we are accelerating our transition to the next stage of growth and advancing our culture. This disturbs and saddens me.

We've heard from strong and courageous employees. This has been a very difficult time and we are still talking to team members to better understand what we need to change. Our culture is one based on mutual respect, inclusion and teamwork and we want Nike to be a place where everyone has an opportunity to play an important role and succeed. Behavior that is inconsistent with our values has no place at Nike and we will continue to look into matters and take appropriate action where we find behavior against our code of conduct.

We are going to be doing a comprehensive review of our HR systems and practices along with elevating our complaint process for matter of respect issues. We will increase and invest more heavily in our diversity and inclusion teams and networks and additionally will immediately put in place an enhanced process to encourage our employees to speak up and make their voices heard. We will also create a mandatory manager training program so that everyone understands what we expect and what they need to do to reinforce our core values. Any employees who wish to request a confidential meeting can send an email to [\[redacted\]](#). Additionally, employees can access our Matter of Respect hotline at [\[redacted\]](#) or from an internal Nike phone. You can also call our 24-hour, global hotline to reach a representative connected with our [Inside the Lines Alertline](#).

Restructured Leadership Team

Further, I want to share with you that in light of my desire to accelerate change, I've made the decision to restructure my leadership team into a different alignment that will allow for closer management and a sharper focus on our culture. Elliott Hill is taking on the new role of President of Consumer and Marketplace. He will be responsible for Marketing, Geographies, Nike Direct, Global Sales and Jordan Brand. Michael Spillane will continue to lead all Categories, Design, Product and Merchandising. Both Elliott and Michael will report to me. I also want to communicate that I am committed to serve as Chairman, President and CEO for Nike beyond 2020. Trevor Edwards has decided to resign as Nike Brand President and will retire in August. He will serve as an advisor to me until his retirement as we transition the organization.

I'd like to thank Trevor for his significant contributions to Nike over the last 25 years. He has helped us grow and strengthen our brand on a global scale. Elliott and Michael are both highly accomplished leaders at Nike with strong experience and, along with our leadership team, are ideally suited to steward our culture and help lead our teams forward.

I am determined to make the necessary changes so that our culture and our company can evolve and grow. We all want to create an environment where everyone can thrive and contribute to our shared success.

Sincerely,

Mark Parker Chairman, President and CEO, NIKE Inc.

CEO Parker addressed the issues via a message acquired by a reporter from Portland's National Public Radio (NPR). It stated:

"We recognize and acknowledge that there have been behaviors inconsistent with our values that prevented some employees from feeling respected and doing their best work at Nike. We are determined to take the insights that we've gained to build a culture that is truly inclusive and representative of diverse thoughts, backgrounds, and experiences. We're already taking action and will continue to drive change to elevate a culture of inclusion and respect" (Morrison 2018, para. 26).

Within the memo, CEO Parker also indicated that NIKE was undergoing a review of the company's human-resource systems and practices for elevating internal complaints expressing that *"This has been a very difficult time;"* following the organizational changes, Parker said the leadership reorganization allowed *"for closer management and a sharper focus on our culture"* (Germano 2018, para. 7). Shortly after the restructuring, Kellie Leonard, a long-term human resources employee, earned NIKE's first-ever Chief Diversity and Inclusion Officer title; she succeeded the former Vice President of Diversity and Inclusion, Antoine Andrews, who left in the fall-out of the situation (Duffy 2018). For a detailed situational timeline, see Exhibit 6.

NIKE's Culture

To understand NIKE's culture, Amelia also looked at its published Mission and Equality Statements (see Exhibit 7). These statements indicated NIKE's commitment to equity, respect, and diversity, which she appreciated.

Exhibit 6. NIKE Situational Timeline

Date	What Happened
March 2017	Patty Ross, Vice President of Workplace Design and Connectivity and Founder of NIKE's Women's Mentoring Network, left NIKE (Abrams 2018).
February 2018	Kerri Hoyt-Pack, a Vice President of Marketing and long-term NIKE employee responsible for launching the Nike women's brand, and Nikki Neuburger, Global Brand Vice President for Running, left NIKE (Abrams 2018).
1 st Quarter, 2018	Female NIKE employees distributed a survey to assess harassment and gender discrimination to fellow female employees (Fernández Campbell 2018).
March 5, 2018	Unsanctioned NIKE Female Survey shared with CEO Mark Parker (Fernández Campbell 2018).
March 15, 2018	CEO Parker announces that Edwards, the NIKE brand's president, departed NIKE (Segran, 2018).
March 16, 2018	Vice President Jayme Martin leaves NIKE. Reports say NIKE received complaints about Martin's inappropriate workplace behavior amid the investigation (Rogoway 2018b).
March 22, 2018	CEO Parker acknowledged behavioral issues at the workplace but did not comment on the investigation during NIKE's third-quarter earnings call (Reuters 2018).
April 19, 2018	Reports show that NIKE experienced nine director-level or higher male executive departures (Reuters 2018).
April 28, 2018	<i>The New York Times</i> reported on NIKE's "toxic" work culture and complaints of sexual harassment, job discrimination, and inappropriate workplace behavior (Reuters 2018).
May 3, 2018	<i>The Wall Street Journal</i> reported that CEO Parker apologized to employees in an all-staff meeting for the corporate culture and the related departures (Germano 2018).
July 23, 2018	NIKE said it would raise salaries for 10% of its workforce to correct pay-inequity issues for female and minority employees (Cowley 2018).
August 9, 2018	Two former employees filed a lawsuit against NIKE, alleging that it "intentionally and willfully" discriminated against women regarding pay and promotions and that its majority-male executives fostered a hostile work environment (Hsu 2018).
August 31, 2018	NIKE shareholders took legal action and sued the firm for failing shareholders concerning the allegations of harassment and discrimination (Butler-Young 2019).
November 18, 2018	Additional aspects of the shareholder lawsuit were released, claiming that NIKE's founder, CEO, and the Board were "regularly apprised of the nature and volume of allegations" but failed to address the issue appropriately (Scribd 2018b).
February 26, 2019	NIKE lost its first attempt to prevent the lawsuits from being allowed to be class-action based, opening NIKE up to additional lawsuit claims (Blumberg 2019).
April 15, 2019	The judge granted NIKE's motion to dismiss the shareholders' lawsuit because of filing errors (Kish 2019a).
May 17, 2019	Shareholders refiled a modified lawsuit against NIKE (McDonald 2019).
May 23, 2019	An Oregon federal court judge denied NIKE's motion to dismiss a class-action lawsuit on behalf of its current and former female employees (Phillips 2019).
October 22, 2019	CEO Parker announced his resignation. He became NIKE's Executive Chairman of the Board (Thomas 2019).
December 9, 2019	A protest occurred at NIKE headquarters, where more than 400 workers demanded better treatment for women (Neeley 2019).
January 13, 2020	John Donahoe began as the new President and CEO of NIKE (Ciment 2020).
February 2020	Upper-level diversity representation increased with internal female promotions and female board appointments, resulting in equally gendered internal executive board representation (Manning 2020).
June 2020	In a memo to employees, Donahoe wrote, "...we must continue to foster and grow a culture where diversity, inclusion, and belonging is valued and is real. NIKE needs to be better than society as a whole...." (Thomas 2020, para. 3)
September 2020	The plaintiffs asked the court to require NIKE to turn over its internal pay equity and promotions analyses. NIKE declined, and the court agreed that NIKE could protect these documents (JDSupra 2020).

Exhibit 7. NIKE Mission and Equity Statements

Source: NIKE.com

NIKE Mission Statement as of October 2021

Our mission is what drives us to do everything possible to expand human potential. We do that by creating groundbreaking sport innovations, by making our products more sustainably, by building a creative and diverse global team and by making a positive impact in communities where we live and work (NIKE n.d.-a, page 1).

NIKE Equity Statement as of October 2021

Equality isn't a game. But achieving it will be our greatest victory. Until we all win. We believe in the power of sport to unite everyone and to inspire people to take action in their communities. We are committed to creating an inclusive culture at NIKE and breaking down barriers for all athletes. We believe in the power of sport to break down barriers, overcome differences and bring people together. No matter where we come from, a love of sport unites us. It teaches us to be competitive and to value collaboration.

Creativity fuels our culture. With our open and global mindset, we're constantly curious about the world. We serve athletes in nearly every country, and we're inspired by every one of them. By listening to the unique voices of every country, culture, and community, we can unleash the potential of every athlete.

At NIKE, we are committed to an environment focused on respect, equality, inclusion, and empowerment. For NIKE to grow and evolve, we need the best and the brightest to help us play sports a daily habit and inspire consumers globally. Employees with the necessary skillsets, expertise and qualifications are critical to driving our business forward. Diversity allows for a breadth of perspectives and experiences to develop thoughtful and original ideas; it's a key component of innovation.

We value representation across our business and will continue to seek the best talent to help us grow. We will maintain our focus on increasing representation of women globally and underrepresented groups in the U.S. While we're focused on these areas in the near term, we will continue to expand representation across other dimensions of diversity over the long term (NIKE, n.d.-e, page 2).

Note: NIKE. (n.d.-a) About NIKE. <https://about.nike.com/> and NIKE. (n.d.-e). Until We All Win. <https://www.nike.com/until-we-all-win>

New York Times Exposé

Amelia was concerned about *The New York Times* exposé entitled “*At NIKE, Revolt Led by Women Leads to Exodus of Male Executives*,” which described the NIKE culture as “toxic” (Creswell *et al.* 2018b, para 1). See Exhibit 8. The interviewees reported NIKE to be a place where “male bosses felt comfortable discussing the merits of Portland and Los Angeles strip clubs” (Segran 2018, para. 2). They also indicated it to be a place where a woman reporting sexual harassment was asked to “discuss the incident with their human resources representative in an on-site outdoor cafe, where others could hear the conversation” (para. 2). As a part of their grievances, NIKE’s female employees reported being passed over for promotions, and they said that females occupied “only 38% of positions at the director level and 29% of VP roles, even though they made up half the workforce” (para. 2).

Exhibit 8. New York Times Headline

Source: Creswell, Draper & Abrams. (2018a, April 28).

At NIKE, revolt led by women leads to exodus of male executives. The New York Times

At Nike, Revolt Led by Women Leads to Exodus of Male Executives



NIKE Employees Speak Out

In one interview, Ann Wallace, a former 14-year NIKE employee who left in January 2018, recalled the positive family dynamic when she joined NIKE but said the culture changed when department management shifted. In her NPR interview, she stated, “*Certain individuals within that organization would constantly berate women, talk down to women [and] interrupt*” (Morrison 2018, para. 13). Wallace elaborated, stating that female leaders protected her from

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misogynistic behaviors before their departures. Once these women departed, it got worse, prompting her departure. When she had reported misconduct, Wallace was told that she was too sensitive.

“Which, at that point, gave me the feeling like nothing is going to be done. I didn't feel comfortable going to employee relations about this because I'd heard of a lot of people going to them and when they would speak up, it would leak out, and I didn't want any retaliation” (Morrison 2018, para. 22).

The article elaborated that, over time, NIKE's female employees became skeptical of its human resources department (Creswell *et al.* 2018a). Some said they avoided the department altogether, fearing retribution or convinced that nothing would happen; those who voiced their opinions and grievances reported coming away alienated (Campbell 2018). A former NIKE retail designer, Marie Yates, said, *“I was looking for help, and they just totally shut it down, like ‘You're the problem’ ”* (para. 38). Yates left the company in 2016. According to the legal complaint, other alarming instances occurred, such as a senior manager mentioning a female employee's breasts in an email (Scribd 2018).

Amelia was especially concerned to read about Francesca Krane, a five-year NIKE retail brand design employee who also left in 2016, who said, *“I came to the realization that I, as a female, would not grow in that company”* (Collins, n.d., para. 12). She was surprised that a male employee, former designer for NIKE's Jordan brand, D'Wayne Edwards confirmed, *“that jock kind of mentality kind of does exist, and I guess it spills over into some of the corporate processes at times”* (Morrison 2018, para. 29). He also said that not everyone recognized that *“[NIKE] is not the locker room; this is a corporate environment and there is a different way to act and behave”* (para. 30).

A *Yahoo News* article also discussed a NIKE marketing campaign gone wrong. According to internal reports, a women's NIKE shoe launch campaign approved by the former brand president, Trevor Edwards, included a commercial featuring a female athlete rotating on a stripper pole (Gray 2018). *Business Insider* reported that the women's shoe advertisement, developed in the fall of 2017, was scrapped after being perceived as sexist, costing NIKE

millions of dollars (Green 2018). The reports of workplace inequalities, biases, and harassment worried Amelia. Even so, she wanted to look further and see how NIKE reacted to the claims of harassment and inequity. She hoped NIKE showed respect for the women questioning the practices and policies.

NIKE's Response

Amelia was relieved to find that following the allegations, NIKE's Director of Global Corporate Communications, Matthew Kneller, acknowledged the company's need to improve: *"There's no doubt that we'll learn from this experience"* (Segran 2018, para. 6). In the same communication, he pointed out that Nike still dominated the marketplace:

"Nike is the number one sports brand for girls and women globally. We maintain deep connections with the best athletes all over the world. It's these relationships that give us confidence in our ability to serve these athletes" (Segran 2018, para. 6; see Exhibit 9 example of Serena Williams advertisement).

Exhibit 9. NIKE Serena William's Advertisement

Source: Smith, J. (2019, February 25).

New Nike commercial celebrates women in sports breaking down barriers. *Runner's World Magazine*.



In a separate statement about the survey and media coverage, CEO Parker said,

“It has pained me to hear that there are pockets of our company where behaviors inconsistent with our values have prevented some employees from feeling respected and doing their best work” (Creswell et al. 2018a, para. 16).

In response to questions about the situation, NIKE spokesperson KeJuan Wilkins depicted its troubles as being confined to *“an insular group of high-level managers”* who *“protected each other and looked the other way”* (para. 14). Amelia asked herself, if this behavior happened at a high level and went unaddressed, did it condone the bad behavior for everyone?

After firing several high-ranking executives, Parker began an extensive human resource review, made management training mandatory, and revised many internal reporting procedures (SBJ 2018). Regarding the complaints to human resources, spokesperson Wilkins said,

“We’re not going to comment on individual cases, but cases are often more complicated than simply listening to one side of the story. As Mark [Parker] has said, we are currently reviewing and improving our practices to re-establish trust where it has been lacking and to guard against this happening in the future” (Creswell et al. 2018a, para. 17).

Amelia considered, If I were a NIKE employee, based on this information, could I trust NIKE?

Opportunity to Change

Further digging showed that NIKE also disputed that its female workers were not involved in the creative and marketing decisions, noting that a female executive leads its women’s division. Still, spokesperson Wilkins accepted that, in some areas, *“there was more room and opportunity for the company to increase female representation in its senior positions”* (para. 27). He also indicated that NIKE was focused *“on attracting, developing, and elevating both women and people of color throughout the organization”* (para. 37). Throughout the controversy, NIKE upheld that it

“opposes discrimination of any type and has a long-standing commitment to diversity and inclusion. We are committed to competitive pay and benefits for our employees. The vast majority of NIKE employees live by our values of dignity and respect for others” (Butler-Young 2019).

Deborah Munster, Executive Director at the diversity and inclusion management company, Diversity Best Practices, noted in an interview with *Retail Dive*, "In some cases [NIKE has] gotten it very right, and this is an opportunity for them to go down the right path" (Salpini 2018, para. 22). She elaborated:

"Back in May [of 2018], they took immediate action to eliminate some of the roles and some of the people who were directly involved in the incidents. They've also apologized — I think that's all in the right direction. They do need to understand systemically how the culture is viewed within the organization. Once they can understand that and get their arms around it, it's making sure that everyone understands now how to make that better."

Amelia's research also showed that in July 2018 and November 2019, NIKE added two women to its board of directors, Cathleen Benko (NIKE 2018) and Thasunda Brown Duckett (Businesswire 2019). These changes meant that NIKE had 31% representation by women on its board of directors out of thirteen total board members (NIKE 2020).

NIKE's Lawsuits

As Amelia dug further, she learned that in August 2018, two former NIKE employees filed a legal suit, alleging that the company "intentionally and willfully" discriminated against women (Knecht 2018, para. 2). The complaint included pay and advancement discrimination allegations. It noted that its majority-male executives adopted what the plaintiffs considered a "hostile" headquarters work environment. NIKE stated that it was "unable to comment on ongoing litigation" (Salpini 2018, para. 6).

An article in Retail Dive noted,

"Nike's entire brand message is that they produce fitness and leisure apparel for everyone, that their brand is universal and appeal[s] to all demographics. Being hit by a class-action lawsuit that details a sexist and threatening culture flies full in the face of that brand" (para. 12).

Weeks after the initial lawsuit filing, additional former female employees joined the lawsuit as plaintiffs (The Fashion Law 2018b). The women's attorneys focused on earning class-action lawsuit status for the complaint, but NIKE requested the courts to dismiss the class-action pursuit arguing that this was not a systemic issue (Hsu 2018).

Class-action Lawsuit

In May 2019, the courts upheld the collective claims, allowing additional individuals to join the original plaintiffs' complaint in a class-action lawsuit (Phillips 2019). In class-action cases, plaintiffs must prove that a group of individuals sustained harm in a comparable way or suffered financial losses based on the actions of another party. Amelia found it unclear how many plaintiffs had joined the complaint since achieving class-action status, as it indicated that both named and unnamed plaintiffs sought to recover damages in the case (Butler-Young 2019).

In the legal complaint, Amelia learned that the women specified they doubted the company's capacity to regulate itself and improve its practices. They asked the court to force NIKE *"to develop and institute reliable, validated, and job-related standards for evaluating performance, determining pay, and making promotion decisions"* (Fernández Campbell 2018, para. 31). The plaintiffs sought a permanent ruling against NIKE prohibiting systems that lead to gender discrimination (The Fashion Law 2018a). As part of the pre-documentation lawsuit discovery, the plaintiffs asked the court to require NIKE to turn over its internal pay equity and promotions analyses (Russo 2020). NIKE declined to produce the reports because attorney-client and work-product privileges protected it, and in September 2020, the court sided with NIKE that it was not required to release these documents (JDSupra 2020).

A Second, Shareholder Lawsuit

More investigation revealed that a second derivative NIKE lawsuit came in September 2018 when shareholders named Phil Knight, NIKE's founder, Parker, former NIKE Brand President Trevor Edwards, and the entire NIKE Board of Directors individually in the suit (Butler-Young

2019). The investors alleged that NIKE enabled and knowingly overlooked the hostile work environment *“that has now harmed and threatens to further tarnish and impair (Nike’s) financial position, as well as its reputation and goodwill”* (Jones 2018, para. 2). A judge dismissed the shareholder lawsuit in April 2019, but it was successfully refiled a few weeks later. The re-filed suit contended that NIKE held a higher percentage of civil rights complaints about sexual harassment than other similar-sized Oregon companies (Kish 2019b).

NIKE’s Changes Leadership

In the original *New York Times* exposé, Amelia had found that more than a dozen former and current employees stated they could not see how CEO Parker was unaware of the problems. He and the head of human resources meet regularly to discuss, among other things, any active investigations of suspected employee issues (Creswell *et al.* 2018a). Some wondered whether individuals deliberately kept information from Parker. As one former employee said, if Parker did not know about the problems, *“it negates the times over the years my peers and I sought support and counsel from the people we were told we could trust to bring about change”* (para. 42). She and her co-workers risked or experienced retaliation *“for shining a light on both significant and everyday experiences that left us feeling bullied, uncomfortable, and intimidated”* (para. 42).

In late October 2019, Parker announced plans to step down as CEO (Duffy 2019). Despite the pending changes, NIKE employees were still frustrated, and more than 400 NIKE workers held an on-site protest to demand better treatment for women in early December (Neeley 2019). See a photo of the NIKE campus protest in Exhibit 10.

Exhibit 10. Protest at NIKE's Beaverton, Oregon Headquarters

Source: Neeley, L. (2019, December 18). Nike: 'Do the right thing.' Workers.org.



John Donahoe became NIKE's new CEO in mid-January 2020 (Duffy 2019). Parker, however, remained with NIKE as Executive Chairman of the Board (Debter 2019). For several years prior, Donahoe served on the NIKE Board of Directors; he joined NIKE as its new CEO after being president and CEO for two other publicly traded firms, ServiceNow and eBay (NIKE n.d.-b).

Amelia was unsure why Parker changed roles, but she speculated that a change in leadership could signal change to internal and external stakeholders. Upon taking the helm, Donahoe noted, *"It's in the periods of adversity that you can get the most done"* (Gray 2019, para. 7).

"Diversity and inclusion are considered core essentials to an innovative culture. And that's something Nike has been working on and focusing on, making progress. And it's something I care deeply about. You know that from my previous experiences, and that's something I'll continue to make a real priority" (CNBC 2020b; Watch Donahoe's CNBC interview in Exhibit 11).

Exhibit 11. Interview with New NIKE CEO, Donahoe

Source: CNBC. (2020a). Watch CNBC's full interview with Nike CEO John Donahoe

<https://www.youtube.com/watch?v=i6oXZQX8EdU>



Donahoe Becomes NIKE's CEO

Donahoe took rapid moves toward better upper-level diversity representation when he took the helm on January 13, 2020 (Ciment 2020). In February 2020, he promoted Heidi O'Neill, a 21-year NIKE employee, to the president of NIKE's consumer and marketplace; this change resulted in an internal executive board evenly representing men and women (Manning 2020). In a June 2020 memo to employees, Donahoe wrote:

"While we strive to help shape a better society, our most important priority is to get our own house in order... Simply put, we must continue to foster and grow a culture where diversity, inclusion, and belonging is valued and is real. NIKE needs to be better than society as a whole. Our aspiration is to be a leader. While we have made some progress over the past couple of years, we have a long way to go" (Thomas 2020, para. 3).

Additional NIKE organizational changes came in July 2020, including promoting three women to Vice President and General Manager roles. When asked about these changes, Donahoe acknowledged, *"Now is the right time to build on NIKE's strengths and elevate a group of experienced, talented leaders who can help drive the next phase of our growth"* (Businesswire 2020, para. 2). July 2020 brought more change as Kellie Leonard, Chief Diversity and Inclusion Officer, resigned to "pursue other interests" (Germano 2020, para. 3). After a title change to Chief Talent, Diversity, and Culture Officer, Felicia Mayo, who joined NIKE in 2019 as human

resources vice president, succeeded her in that role. Analysts thought the title change signaled a new way of advancing diversity and inclusion at NIKE by associating culture, talent, diversity, and inclusion under one leader as a deliberate structural change to impact the hiring process (Salpini 2020).

Words and Actions in Conflict

Amelia also noticed that in October 2021, NIKE successfully blocked a vote by activist shareholders, who asked them to disclose its diversity, equity, and inclusion practices to shareholders; still, NIKE reiterated its commitment to diversity despite pushing against it (Palmieri 2021). At the same time, Donahoe communicated a goal of 45 percent female representation at the vice president level and higher by 2025 and 30 percent of director level and above filled by racial and ethnic minorities in NIKE's U.S. workforce (Florsheim 2021).

More negative press coverage came in October 2021 when Mary Cain, a distance runner, filed a \$20 million lawsuit against the company and her former coach, Alberto Salazar; she alleged abuse suffered while training at the NIKE program led by Salazar (McLaughlin 2021). She stated, *"I joined Nike because I wanted to be the best female athlete ever. Instead, I was emotionally and physically abused by a system designed by Alberto and endorsed by Nike"* (Chavez 2019, para. 2). Meanwhile, NIKE's harassment and discrimination lawsuits lurked and would likely not appear in a courtroom until sometime later in 2022 (Manning 2020).

Assessing Employer Attractiveness

After completing her research, Amelia contemplated how she felt about being a NIKE employee and whether she would want to work there. She thought it essential to earn a position where her values of achievement, competition, honesty, responsibility, and learning were a good fit. Amelia remained passionate about the NIKE brand but felt let down by what had happened at NIKE. She questioned how she should interpret the allegations in the media coverage and the lawsuits and what it meant to her as a potential future NIKE employee.

She recognized that the plaintiffs, the attorneys, and the media might all have biased interests in getting their opinions heard; at the same time, she also thought there had to be some truth in the allegations against NIKE. How should Amelia interpret the allegations in the media and the lawsuits? How might Amelia assess the likelihood of NIKE being able to make positive change? What should she do in the future – apply to work at NIKE or avoid it as a prospective employer?



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Appendix. Case Vocabulary

Source: Author's notes

Class-action lawsuit	A class-action lawsuit is a legal practice that allows one or more complainants to file and prosecute a suit on behalf of a bigger group or "class" of complainants (Cornell n.d.-a).
Complaint (legal)	A legal complaint is typically the first document filed with a court in a lawsuit. It establishes a lawful request for a court to make a legal decision and judgment about a situation. It identifies the parties involved, suggests what court has jurisdiction over the case, states the plaintiff's claims, states the facts, and asks for a judgment (Molitor 2021).
Discrimination (illegal)	<i>"Discrimination is the unfair or prejudicial treatment of people and groups based on characteristics such as race, gender, age or sexual orientation"</i> (APA 2019, para. 1). Not all types of discrimination are against the law.
Discrimination (legal)	Discrimination means identifying and distinguishing based on the individualities of people or things. We all discriminate in some ways, such as intelligence, attitude, and work performance. These forms of discrimination are legal. It is not typically unlawful if discrimination is not associated with disability, race, gender, etc. (Hentze & Tyus 2021).
Diversity	In North America, <i>"diversity"</i> is often associated with race; however, that is just one dimension of human difference, which include gender, language, culture, manners, social roles, education, sexual orientation, income, skills, neurodiversity, and innumerable other domains (Berkley n.d.).
Equality	Equality implies that each group or individual is given the same resources or opportunities (GWU 2020).
Equity	<i>"Equity recognizes that each person has different circumstances and allocates the exact resources and opportunities needed to reach an equal outcome"</i> (GWU 2020, para. 2).
Inclusion	Inclusion explains how everyone in an organization thinks they are respected, welcomed, valued, and supported as team members (SHRM n.d.).
Harassment	Harassment is a type of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), or the Americans with Disabilities Act of 1990 (EEOC n.d.). It is defined as <i>"unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or genetic information (including family medical history). Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive"</i> (para. 2).
Hostile Work Environment	A hostile situation can result from the unwanted conduct of anyone with whom individuals interact on the job. The conduct renders the workplace environment intimidating, unfriendly, or offensive (DOL 2012).
Plaintiff(s)	The individual(s) who initiate(s) a lawsuit (Cornell n.d.-b.).

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