

CHARGE OF DISCRIMINATION

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (to be cross-filed with the California Civil Rights Department)

This charge is filed [REDACTED]
[REDACTED] who were discriminated against and subjected to a hostile work environment on the basis of their national origin and religion during their employment at Cisco Systems, Inc. ("Cisco"). Cisco is a networking hardware, software and telecommunications company located at 170 West Tasman Drive, San Jose, California 95134, and employs more than fifteen persons. LAAW, which represents the Charging Parties, is a non-profit public interest law firm located at 180 Montgomery Street, Suite 600, San Francisco, California 94104, and its telephone number is 415.864.8848. LAAW will disclose the identities of and contact information for the Charging Parties, who wish their identities to be kept confidential due to their fears of retaliation, to the Commission for purposes of its investigation of their claims.

The Charging Parties, along with many others, belonged to an internal group of Cisco employees who were concerned that the company's technologies were being provided to the Israeli military in support of its actions in Gaza subsequent to October 7, 2023, in violation of Cisco's own Global Human Rights Policy and Code of Business Conduct, as well as international law. This group of employees, organized around the name "Bridge to Humanity" ("B2H"), was composed primarily of Palestinian, Arab and/or Muslim employees of Cisco. Many of the Charging Parties belong to one or more of those communities.

On June 13, 2024, members of B2H's leadership, which included the Charging Parties, emailed an ["Open Letter from Concerned Cisconians"](#) to Cisco leadership. Among other things, the Open Letter demanded that Cisco cease providing its technology to the Israeli government, disinvest from specified Israeli entities, establish pay parity between its Palestinian and Israeli employees, and take other steps to come into compliance with Cisco's own standards and values as well as international law. The Open Letter was eventually signed by more than 1,700 Cisco employees. But Cisco directed that B2H's internal SharePoint web page, where the Open Letter had been made available to Cisco employees, be taken down. And in an email to Cisco affinity group leaders, it stated that B2H's email was "under review" and advised those group leaders that they could file disciplinary complaints about it to Cisco's employee relations department.

Subsequently, the Open Letter's signatories were harassed and targeted because of their support for the cause of Palestinians. For example, on July 2, 2024, one Cisco employee posted in the Connected Jewish Network (CJN) internal employee forum, open to all Cisconians, that those who signed the Open Letter should "just up and quit (not just quit Cisco, but *quit living* and make this world a better place for all.)" (emphasis added) One Cisco employee posted a comment in the CJN space indicating that he had exported a list of Open Letter signatories, even though their identities (except for anonymous signers) had been available to all Cisco employees. Another employee responded that "I'm sure those who have signed aren't very happy that [redacted] now has their names in Excel [followed by three laughing emojis]." And on July 18, 2024, yet another Cisco employee posted the names of ten B2H members and urged others to file complaints against them based on his false claim they were trying to have him fired. Members of the CJN space included numerous Cisco leaders, including some company vice presidents; none spoke out against those comments.

B2H members immediately complained to Cisco's Corporate Security about the threats posed by the above posts to their physical and digital safety. Notably, the B2H members expressed serious concern that the names could be used to dox community members and/or be released to organizations such as Canary Mission, whose database is used by Israeli intelligence agencies to target persons entering Palestine or Israel¹ and other countries in the SWANA region, or persons living in Palestine who are associated with them.² Despite the urgency and gravity of their concerns, Cisco security never responded to these concerns, and never conducted a full forensic investigation into the exporting of the list of Open Letter signatories.

In addition, on August 15, 2024, in a 76-page complaint provided to Cisco's Employee Relations and Ethics offices,³ B2H members, joined by others, thoroughly detailed and analyzed hundreds of comments posted in the CJN space by its members, beginning in late 2023, that had transformed that space "into an echo chamber for discrimination and hate speech." Among other things, this complaint noted that certain CJN members had, in their comments, "repeatedly glorified violence, joked about sending people to their deaths, likened Palestinians and those with opposing viewpoints to animals, [and] labeled Palestinians, Arabs, and Muslims as murderous, violent, terrorists . . ." Some examples provided in the complaint included:

- In response to alleged disinformation by Hamas about the October 7 attacks, one CJN member said, "And these are the 'legitimate' Palestinians we're supposed to be able to work with. [nauseous emoji face]"
- Another commenter in the CJN space, one of many who equated support for Palestine with antisemitism, wrote, "The Nazis set the Arabs up for success. . . The Arab-Israeli situation is just an extension of anti-Semitism that began in Germany."
- Still another stated that "Israeli passersby killed 2 members of a Palestinian family in Jerusalem this morning, and I for one am extremely grateful."

The complaint asked that Employee Relations examine the actions of those CJN members who had made the comments in question as well as the CJN moderators who had failed to ensure the safety of the CJN space, and that Ethics Office cases be opened to investigate how members of Cisco leadership may have been silent or complicit in the face of those actions and failures to act against this pattern of harassment. Finally, the complaint asked that Cisco "swiftly act to restore a healthy, safe environment for all employees free of discrimination and hate, and that Cisco will enact policies to ensure that our Inclusive Communities and broader workplace remain safe for all Cisconians."

¹ See, e.g., Toi Staff and JTA, "Government said to use Canary Mission blacklist to bar visitors," THE TIMES OF ISRAEL, Oct. 5, 2018 (available at <https://bit.ly/4dR2V71>).

² See, e.g., James Bamford, "Who is Funding Canary Mission? Inside the Doxxing Operation Targeting Anti-Zionist Students and Professors," THE NATION, Dec. 22, 2023 (available at <https://bit.ly/47BbFNk>).

³ "Cisco Ethics and Employee Relations Case: Due to Unchecked Discrimination, Colleagues Have Leveraged an Inclusive Community to Create a Hostile Work Environment."

Cisco only responded to the August 15 complaint more than two months later, on October 16, 2024. Cisco stated only that “some” of the multitudes of racist and egregious comments described in the complaint would be taken down. Cisco declined to take any broader actions to establish accountability for those who had posted the comments or acquiesced in their posting, or to enunciate transparent, equitable and enforceable guidelines for political activity in Cisco spaces consistent with its own values. Cisco’s decision to take only the most minimal and ineffectual steps toward ensuring a discrimination- and harassment-free workplace stood in sharp contrast with its actions in 2020, when it fired employees for posting arguably less immediately threatening comments that “Black lives don’t matter. All lives matter,” and that the Black Lives Matter movement “reinforces racism.”⁴

Based upon the foregoing, the Charging Parties allege that Cisco failed to take timely and reasonable actions to protect them, and B2H members and the allies, from harassment based on their status as Palestinians, Arabs and/or Muslims, and to prevent their future harassment. Indeed, by its actions, Cisco contributed to a hostile work environment by stigmatizing their advocacy as deserving of discipline, encouraging this harassment. And in failing to take swift and decisive action in response to this harassment, Cisco discriminatorily treated the Charging Parties and others like them less favorably than those advocating within the company for analogous social and political causes. Cisco’s actions and failures to act violated both Title VII and the California Fair Employment and Housing Act.

⁴ “Cisco Fires Workers for Racial Comments During Diversity Forum,” BLOOMBERG NEWS, July 17, 2020, available at https://finance.yahoo.com/news/cisco-fires-workers-racial-comments-100000113.html?soc_src=social-sh&soc_trk=ma.