



July 23, 2024

Ms. Norma Guzman, Director
Mr. Robert Canino, Regional Attorney
U.S. Equal Employment Opportunity Commission
San Antonio Field Office
Legacy Oaks, Building A
5410 Fredericksburg Road
Suite 200
San Antonio, TX 78229

Investigation Request: CrowdStrike Holdings, Inc.

Dear Director Guzman and Regional Attorney Canino:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. We write pursuant to 29 C.F.R. § 1601.6(a), providing that “Any person or organization may request the issuance of a Commissioner charge for an inquiry into individual or systemic discrimination” to request that the Equal Employment Opportunity Commission investigate CrowdStrike Holdings, Inc. (“CrowdStrike,” the “Company”) for violating Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2.¹

CrowdStrike Holdings, Inc. is a publicly traded corporation incorporated under the laws of the State of Delaware, with its principal executive offices located at 206 E. 9th Street, Suite 1400, Austin, Texas 78701.² It represents to shareholders, investors, and the public that it has and will continue limiting, segregating, or classifying employees or applicants for employment in ways that would deprive, or tend to deprive, white and/or male individuals of employment, training, or promotions because of their race, color, sex, or national origin.

CrowdStrike’s website, and other interviews with its executives available online, indicate that prohibited characteristics may be motivating employment decisions. For example:

¹ Copies of this letter have also been sent to each Member of the Commission, and AFL makes the same request of them pursuant to 29 C.F.R. § 1601.6(a).

² CrowdStrike Holdings, Inc., Form 10-K (Mar. 7, 2024) (available at <https://tinyurl.com/3f26xn9t>) [hereinafter *Form 10-K*].

- CrowdStrike’s website has a specific webpage highlighting “CrowdStrike’s commitment to diversity, equity and inclusion.”³
- Under the header “Building a balanced workforce,” the website states that CrowdStrike has a “commitment to building a diverse workforce” and “champion[s] inclusive recruitment initiatives.”⁴
- As part of “Building a balanced workforce,” CrowdStrike specifically mentions that its diversity-motivated initiatives include “employee resource groups, internal development programs, allyship training, speaker series, networking opportunities, and more ... empower[ing CrowdStrike] to come together to **create a workplace that reflects the diverse communities around us.**”⁵
- A quote on this website from CrowdStrike’s Chief Human Resources Officer, J.C. Herrera, states that he “believe[s] a **diverse and equitable organization is key to our success** and we have a deep commitment to listening and learning to become a stronger, **more inclusive organization** where our people feel a sense of belonging. In fact, innovating through inclusion is a big part of our values at CrowdStrike.”⁶
- CrowdStrike mentions that it runs a program called the “Women of CrowdStrike Mentorship Program,” which appears to provide mentorship opportunities on the basis of sex.⁷ No such program exists for the mentorship of male employees.
- In addition, CrowdStrike’s then-Global Lead of Diversity, Equity, and Inclusion, Sheree Haggan, stated in an interview last year that the employee resource group for Black employees, “Team BELIEVE,” which stands for “Black Employees Leading in Inclusion, Excellence, Vision, and Education” has a “mission to cultivate an inclusive and progressive atmosphere that **promotes Black diversity, culture, and advancement,** Team BELIEVE’s cross-company engagement runs deep.”⁸

³ *Diversity, Equity & Inclusion at CrowdStrike*, Careers, CROWDSTRIKE, <https://tinyurl.com/4c544chp> (last visited July 19, 2024).

⁴ *Id.*

⁵ *Id.* (Emphasis added).

⁶ *Id.* (Emphasis added).

⁷ *Debunking 3 Myths of Mentorship*, Careers, CROWDSTRIKE, <https://tinyurl.com/2s4z7fep> (last visited July 19, 2024).

⁸ Parker Pell, *How Resistance Shapes DEI&B Initiatives: Insights from CrowdStrike’s Sheree Haggan*, ABODE (Apr. 6, 2023) (emphasis added), <https://tinyurl.com/yr4w5p7k>.

CrowdStrike’s filings with the Security and Exchange Commission also indicate that it is engaging in unlawful discrimination in violation of the Civil Rights Act of 1964. For example:

- CrowdStrike openly states that “diversity” includes diversity of “gender, race, [and] ethnicity.”⁹ Accordingly, CrowdStrike uses this definition of diversity to describe that it unlawfully considers gender, race, and ethnicity, among other factors, when evaluating nominees to its board of directors.¹⁰
- To track its director diversity, CrowdStrike’s Proxy Statement includes a “Board Diversity Matrix” that tracks the sex, gender identity, race, and ethnicity of its current directors.¹¹
- CrowdStrike describes that its nine employee resource groups not only provide training on divisive topics like implicit bias, but they also create “networking opportunities.”¹² These employee resource groups are based on employees race and sex; the groups are Women of CrowdStrike, Veterans of CrowdStrike, Pride Team (LGBTQ), Green Team (Sustainability), Team BELIEVE (Black employees), AbilityStrikers (Cognitive and physical disabilities), Comunidad (Latine and Hispanic employees), Embracing Equity, and Mazel (Jewish community).¹³ These employee resource groups provide member employees “opportunities for talent development.”¹⁴ No such groups exist for employees who are not members of those defined demographics.
- CrowdStrike also states that “[s]etting a diverse workforce up for success requires a commitment to the practices of inclusion in everything that we do.”¹⁵

Title VII targets and declares unlawful employment practices that treat a person worse because of race, color, religion, sex, or national origin. That “worse” treatment must pertain to—must be “with respect to”—employment “terms [or] conditions.” 42 U.S.C. § 2000e–2(a)(1). The “terms or conditions phrase is not used in the narrow contractual sense; it covers more than the economic or tangible.”¹⁶

⁹ CrowdStrike Holdings, Inc., Proxy Statement Pursuant to Section 14(a) of the Securities Exchange Act of 1934 at 16 (May 6, 2024) (available at <https://tinyurl.com/44n8rpnr>) [hereinafter *Proxy Statement*].

¹⁰ *Id.*

¹¹ *Id.* at 6.

¹² *Id.* at 18.

¹³ Form 10-K at 19-20.

¹⁴ Form 10-K at 20.

¹⁵ Form 10-K at 19.

¹⁶ *Muldrow v. City of St. Louis*, 601 U.S. ____ (2024) (cleaned up); *Bostock v. Clayton County*, 590 U. S. 644, 658, 681 (2020).

CrowdStrike admits that considerations of race, color, national origin, and sex play a motivating factor in the Company’s employment practices. Yet these considerations, purportedly embedded in the Company’s culture and day-to-day operations, are patently illegal. *See* 42 U.S.C. §§ 2000e-2(a), (d).¹⁷ The law is that an unlawful employment practice is established when the evidence demonstrates that race, color, religion, sex, or national origin was *a* motivating factor for an employer. 42 U.S.C. § 2000e-2(m).

The Company’s self-described, ongoing employment practices are patently unlawful, deeply harmful, and immoral.¹⁸ Discrimination based on immutable characteristics such as race, color, national origin, or sex “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone.”¹⁹ Decades of case law hold that — no matter how well-intentioned — policies that seek to impose racial balancing are prohibited.²⁰ More broadly, the discrimination highlighted in this case necessarily foments contention and resentment; it is “odious and destructive.”²¹ It truly “is a sordid business, this divvying us up” by race or sex.²² A Commissioner’s charge should be issued here.

Thank you in advance for your cooperation.

Sincerely,
/s/ Will Scolinos
America First Legal Foundation

Cc: The Honorable Charlotte A. Burrows, Chair
The Honorable Jocelyn Samuels, Vice Chair
The Honorable Keith E. Sonderling, Commissioner
The Honorable Andrea R. Lucas, Commissioner
The Honorable Kalpana Kotagal, Commissioner

¹⁷ See, e.g., *United Steelworkers of Am. v. Weber*, 443 U.S. 193, 208 (1979); *Johnson v. Transp. Agency*, 480 U.S. 616, 621-641 (1987); *see also Bostock, supra* note 16, at 644.

¹⁸ *Bob Jones Univ. v. United States*, 461 U.S. 574, 593 (1983) (“racial discrimination in education violates a most fundamental national public policy, as well as rights of individuals”).

¹⁹ *Brown v. Bd. of Education*, 347 U.S. 484, 494 (1954).

²⁰ See, e.g., *United Steelworkers*, *supra* note 17 at 208; *Johnson, supra* note 17 at 621-641; *see also Bostock, supra* note 16, at 650.

²¹ *Texas v. Johnson*, 491 U.S. 397, 418 (1989).

²² *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 511 (2006) (Roberts, C.J., concurring in part).

APPENDIX

The screenshot shows the top portion of the CrowdStrike Careers website. The header includes the logo 'CROWDSTRIKE | CAREERS' on the left, navigation links 'Our teams', 'Our culture', and 'Our community' in the center, a 'JOB POSTINGS' button on the right, and a language selector 'English (US)' with a dropdown arrow. The hero section features a dark background with the title 'Diversity, equity & inclusion at CrowdStrike' in large white text. Below the title is the tagline 'A team committed to challenging the status quo' and two buttons: a red button with a play icon and the text 'Watch: CrowdStrike culture', and a white button with a black border and the text 'Go to job postings'.

CrowdStrike's commitment to diversity, equity and inclusion

At CrowdStrike, we are committed to fostering a culture of belonging where everyone feels seen, heard, valued for who they are and empowered to succeed. Our approach to cultivating a diverse, equitable, and inclusive culture is rooted in listening, learning and collective action. By embracing the diversity of our people, we achieve our best work and fuel innovation - generating the best possible outcomes for our customers and the communities they serve.

Mindful approach

Creating an experience that feels accessible and relevant to everyone.

Dedicated focus

Promoting inclusion, reducing bias and increasing cultural competency.

Conscious action

Committed to the practices of inclusion in everything we do.

Building a balanced workforce

We strive to create an environment where everyone feels seen, heard, and empowered to succeed. As part of our commitment to building a diverse workforce, we champion inclusive recruitment initiatives like our Return to Work Program, which values the diverse skills people acquire in many contexts. Through employee resource groups, internal development programs, allyship training, speaker series, networking opportunities, and more we are empowered to come together to create a workplace that reflects the diverse communities around us.



Inclusion and belonging

A diverse, equitable, and inclusive culture fuels creative excellence and innovation, helping people achieve their best work. We encourage a culture of openness that welcomes dialogue about varying diversity, equity and inclusion topics so our people can be themselves. We provide tools that help us come together to celebrate a common cause, raise awareness around issues that affect all of us, and learn to actively and mindfully involve everyone's ideas, perspectives, experiences and approaches.

[Join us at CrowdStrike](#)

"We believe a diverse and equitable organization is key to our success and we have a deep commitment to listening and learning to become a stronger, more inclusive organization where our people feel a sense of belonging. In fact, innovating through inclusion is a big part of our values at CrowdStrike."

- J.C. HERRERA, Chief Human Resources Officer



Considerations in Evaluating Director Nominees

Our Nominating and Corporate Governance Committee uses a variety of methods to identify and evaluate director nominees. In its evaluation of director candidates, our Nominating and Corporate Governance Committee considers the current size and composition, organization, and governance of our Board and the needs of our Board and the respective committees of our Board. Some of the qualifications that our Nominating and Corporate Governance Committee considers include, without limitation, issues of character, integrity, judgment, business experience, and diversity, and with respect to diversity, such factors as gender, race, ethnicity, differences in professional background, education, skill and other individual qualities and attributes that contribute to the total mix of viewpoints and experience represented on the Board, potential conflicts of interest and other commitments. Nominees must also have the highest personal and professional ethics and the ability to offer advice and guidance to our Chief Executive Officer and other members of management based on proven achievement and leadership in the companies or institutions with which they are affiliated. Director candidates must understand the fiduciary responsibilities that are required of a member of our Board and have sufficient time available in the judgment of our Nominating and Corporate Governance Committee to perform all Board and committee responsibilities. Members of our Board are expected to prepare for, attend, and participate in all Board and applicable committee meetings. Our Nominating and Corporate Governance Committee may also consider such other factors as it may deem, from time to time, are in our and our stockholders' best interests.

Diversity, Equity and Inclusion

We are committed to fostering a work environment and culture where employees are able to be their best selves, be productive and be empowered to succeed. We believe a diverse, equitable, and inclusive culture fuels creativity and innovation and promotes an environment where people can do their best work. Over the past few years, we have implemented and built upon a number of initiatives to celebrate differences and to foster inclusivity, including supporting nine employee resource groups and affiliate groups, providing resources and championing training on inclusion, understanding bias, and increased cultural competence while creating networking opportunities for all to come together to collaborate, build community and create opportunities for development.

By prioritizing diversity, equity and inclusion within our mission and core values, we strive to improve the way we operate as a global company, not only as an employer but also among our suppliers and community. CrowdStrike is proud to partner with small businesses including companies owned by LGBT*, veterans and women.

Diversity, Equity, and Inclusion

A diverse, equitable, and inclusive culture fuels creative excellence and innovation, helping people achieve their best work. We continue to strive to advance our efforts to build an equitable workplace and formally establish it as part of CrowdStrike's mission and organization.

We strive to create an environment where everyone feels seen, heard, and empowered to succeed. Through employee resource groups, internal training and development programs, allyship training, speaker series, and networking opportunities, we are empowered to come together to create a workplace that reflects the diverse communities around us.

Setting a diverse workforce up for success requires a commitment to the practices of inclusion in everything we do. What a practice of inclusion means to us is that we are creating an environment and providing tools that help our people understand how to actively involve every employee's ideas, knowledge, perspectives, approaches, and styles and how to engage all of our people via a mindful approach to organizational design and experiences that feels accessible and relevant to everyone.

Employee Resource Groups

Employee Resource Groups are an integral component of our commitment to foster community, promote a sense of belonging, facilitate organizational change, and drive a greater understanding of the diversity of perspectives we have across CrowdStrike. In addition to the Embracing Equity majority ally group, we have nine official Employee Resource Groups and Affiliate Groups, and we anticipate additional groups in the future:

- Women of CrowdStrike
- Veterans of CrowdStrike
- Pride Team (LGBTQ)

- Green Team (Sustainability)
- Team BELIEVE (Black employees)
- AbilityStrikers (Cognitive and physical disabilities)
- Comunidad (Latine and Hispanic employees)
- Embracing Equity
- Mazel (Jewish community)

Our Employee Resource Groups are employee led, self-directed, voluntary groups that align with our organizational mission, values, and goals that offer opportunities for groups to network, recommend business initiatives and process improvements, increase organizational awareness and allyship, and create opportunities for talent development. Employees who join an Employee Resource Group can:

Our Employee Resource Groups are employee led, self-directed, voluntary groups that align with our organizational mission, values, and goals that offer opportunities for groups to network, recommend business initiatives and process improvements, increase organizational awareness and allyship, and **create opportunities for talent development**. Employees who join an Employee Resource Group can:

- Network and build community with people with similar interests, life circumstances or backgrounds.
- Serve as champions for inclusion and belonging at CrowdStrike and help identify opportunities for us to become more inclusive.
- Identify initiatives and best practices throughout the organization and make recommendations to the business to help spark and facilitate change.

Nominees for Director and Continuing Directors

The brief biographies below include information, as of the date of this Proxy Statement, regarding the specific and particular experience, qualifications, attributes or skills of the nominees for director. In addition, following the biographies of the nominees are the biographies of Class I and Class III directors containing information regarding each director continuing to serve on the Board.

Our directors self-identify as set forth in the table below:

Board Diversity Matrix				
	2024 (as of February 23, 2024)			
Total Number of Directors:	9			
	Female	Male	Non-Binary	Did Not Disclose Gender
Directors	3	6	-	-
Number of Directors Who Identify in Any of the Categories Below:				
African American or Black	-	-	-	-
Alaskan Native or Native American	-	-	-	-
Asian	-	1	-	-
Hispanic or Latinx	-	-	-	-
Native Hawaiian or Pacific Islander	-	-	-	-
White	3	5	-	-
Two or More Races or Ethnicities	-	-	-	-
LGBTQ+	1			
Did Not Disclose Demographic Background	-			

To see our Board Diversity Matrix as of February 28, 2023, please see the proxy statement filed with the Securities and Exchange Commission (the "SEC") on May 5, 2023.