



2018 REVIEW REPORT

The Review included interviews with thirty-nine individuals, including both former and current staff, consultants, board members and external stakeholders, as well as documents and correspondence. Approximately fifty percent of participants had a relationship with Sunlight that coincided with at least a part of Clay’s tenure.

The opportunity to participate in the Review was extended broadly. No one who expressed an interest in participating was turned away, and multiple attempts were made to reach individuals who had expressed an interest in the process but did not respond to the initial scheduling communication. Interviews ran from the end of August through the end of November 2018.

Individuals were under no obligation to contribute to the process. Of course, because participation was not compulsory, individuals who chose not to participate may have had different perspectives or views on what is reported herein.

To encourage participation, the process was designed to provide confidentiality to participants and to ensure that each person could feel comfortable sharing their open and honest perspectives. Participants were asked general, open-ended questions and were not guided to any particular perspectives, conclusions, themes, or narratives.

To protect the participants and the process more generally, no identifying information from any participant feedback has been provided. As such, names, titles, departments, and individualized anecdotes are excluded, and the feedback is instead grouped into themes. In some cases, where quotations are indicated, the precise language may reflect slight modifications (a) to protect the identity of the speakers or (b) to provide a more precise articulation of a commonly- or frequently-made point; however, quotations do not contain any substantive changes or editorializing.

The results of the review were presented to the Board on December 6 and to the current staff on December 11. Recommendations on next steps – including for Board Governance – are provided under separate cover.



Introduction & Context Setting

Any organization, when dealing with the aftermath of a revelation regarding serious workplace culture issues, must also deal with the inevitable “mis-es”: miscommunications, misperceptions, misunderstandings, and missteps. This is because the organization and its leaders must balance competing needs. It must respond to things with sufficient nuance but also do so quickly; it must act with transparency but also be sure it creates and provides structures that provide the requisite confidentiality and privacy for stakeholders. And it must do these things while also providing the attention and resources to its ongoing work, while also providing additional attention and resources to internal needs around understanding, correction and prevention.

In the process of conducting this Review, where the balance was set has frustrated some stakeholders. Frustrations have included how long it took to begin the process, to select who would conduct the review, how the review was conducted, and what communications went out during the progress along the way. Some of those frustrations might have been avoided with different, better choices, and some were outside of Sunlight’s control – including, for instance, the availability of Counsel to complete the Review as quickly as was desired.

This Review Report is intended to honestly and faithfully recount the major themes that emerged during the review. As the organization noted at the outset:

This review will seek to identify and address the organization’s deficiencies in past policies and practices, culture, and staffing, understand the experiences of anyone who may have been victimized by a culture that failed to prevent or adequately respond to harassment and exclusion, and propose an appropriate path forward.

Taking accountability for past failures can be uncomfortable and even painful at times. But an honest reckoning with history is a prerequisite for a stable and sustainable future. And when accountability is paired with a good-faith commitment to growth and change, true progress is possible. It is in this spirit that the organization commissioned the Review and in this spirit that the following Report is provided.



A Dysfunctional Culture

The Review revealed that – although the organization has benefited from numerous women in leadership and board roles and has worked to maintain a diverse set of staff – establishing and cultivating a positive, supportive, and inclusive working environment has not been treated as a priority by the organization in the past. But culture will happen, whether or not it is intentionally nurtured in a particular direction. The culture that “happened” at Sunlight is a cautionary tale.

There was an overwhelmingly consistent narrative that Sunlight suffered from a “toxic culture” where “everything was tolerated” particularly for staff members who were seen as bringing acclaim to the organization. More than one individual with a known negative reputation was hired despite reservations from staff on that front, and bullying, bombastic, and “disruptive” interaction norms were allowed to dominate. This tolerance for aggression took troubling form across identity lines. As is so often the case, the toxicity of the culture fell more heavily on individuals whose gender, race, age, and/or parental status pushed them further to the margins.

“Sunlight never recovered from the negativity, the bullying, the territorialism that Clay brought to what was an otherwise very collaborative, good natured and even fun environment. It was permanently affected by his reign – there was more distrust and more silence even after he left. I would have to leave the office because of the outright hostility and boorishness. It is hard to describe the feelings of shame, regret and powerlessness.”

Women – particularly but not exclusively the more junior staffers and interns – were subjected to unwelcome propositions, sexually-explicit conversations, “off-color” jokes, assessments of their physiques, threats, and unwanted touching. In addition, numerous reports indicate that female employees were expected to tolerate a regular stream of demeaning and condescending comments, often saw their accomplishments overlooked or attributed to male staffers, had opportunities taken away to be given to male colleagues, and were subject to recriminations if they did not acquiesce. Although the existence of rampant and flagrant sexism reported in the review seems to have died out at Sunlight years ago, the problems persisted well beyond Clay Johnson’s tenure. There was corroboration of at least four men in addition to Clay Johnson who acted inappropriately towards women and uncorroborated¹ reports regarding an additional four men.

A Lack of Human Resources Functionality

What the organization’s leaders knew and to what degree they knew it is less clear. Some individuals reported finding a sympathetic ear and, at times, an active advocate when reporting upwards. The vast majority, however, indicated that the depth and degree of the problems in the culture were on such open display that there seemed to be no sense in risking “rocking the boat” or “burning bridges” by attempting to engage in formal reporting. To that end, it is clear that

¹ A lack of corroboration does not necessarily have bearing on truth. In some circumstances including but not limited to one-on-one conversations, corroboration is rarely possible.



2018 REVIEW REPORT

“people didn’t feel comfortable sharing things” and that staff “learned to put [our] head[s] down and keep [our] mouth[s] shut” in part because “HR issues” were perceived as being a “non-priority” or a “blind-spot” for leadership.

There was virtual consensus that systematic or professionalized policies, processes or procedures that might have ensured a safe environment or addressed specific concerns as they arose were not in place. Feedback indicated there was a pervasive sense amongst staff that attempting to raise concerns would not have mattered, with numerous individuals citing attempts they or others made to raise the alarm around culture and harassment issues to no avail. Many individuals reported that in response to raised concerns, Leadership would question, diminish, rationalize or dismiss the specific concerns or incidents. Further, there were reports of Leadership resistance to formalizing protective policies and protocols and investigative procedures.

Clay Johnson & the Organization

With respect to Clay Johnson in particular, there is ample evidence that concerns regarding Clay were raised prior to him starting with the organization and that these concerns were not given weight in the hiring or onboarding process. Instead, some opined that his “disruptive” personality was valorized as an asset – that the organization believed a “bomb-thrower” was just what it wanted and needed – without consideration for the ways in which disruption, in the light of day, is revealed to be bullying, trolling, or worse.

Further, there is no evidence of Sunlight initiating or conducting a thorough investigation into Clay and his conduct – neither in response to Sara Schacht’s alarm prior to Clay beginning with the organization nor in response to the later complaints that preceded his resignation. There is no evidence of Leadership utilizing his departure as a moment for reflection, evaluation or growth. Little was said to the staff or the bulk of the Board about Clay or the concerns regarding his behavior. Treated as a triaged crisis from which Leadership pivoted away as quickly as possible, Clay’s tenure and departure represents opportunities missed.

While Clay was at Sunlight, reports indicate that although he was “charming” at times, his conduct was such that few were surprised by the more serious and even criminal allegations made in the May 4 Huffington Post expose. In short, the weight of evidence² indicates that Clay behaved in deeply destructive ways that had serious repercussions for many of the individuals who interacted with him and for the organization as a whole. There was also significant corroboration that although Clay’s bad behavior was on open display for Leadership to see, he was “given a pass” by Leadership; staff perception was that this was because Clay was seen by Leadership and the Board as a “rock star” who could lend “credibility” to them in the technology and government spaces.

Need for Professionalizing Managerial Infrastructure

Luckily, interviews from the more recent few years indicate that some of the worst aspects of the culture of earlier eras no longer persist. Participants indicated that they “did not recognize the

² Notably, Clay himself publicly admitted to bad “destructive” behavior.



culture that was described” in the article on Clay’s tenure and spoke positively of the interactions amongst and with staff. At the same time, there was consensus that many of the structural flaws that exacerbated the culture issues addressed above continued to undermine both a healthy culture and the effectiveness of the organization more generally. Although described in a range of ways, there was consensus that – despite what was frequently noted as a baseline of “good intentions” – a “lack of managerial infrastructure” led to “institutional failures” that continue to plague the organization today and that contribute to understandable staff anxiety.

Feedback from stakeholders identified several areas for growth with respect to management infrastructure that go beyond the obvious need for more robust HR policies and protocols. First, participants from Sunlight’s history and its present concurred that the performance management system – particularly but not exclusively for the Executive Director position – needs improvement in order to ensure accountability and clarity of roles, responsibilities and expectations. Second, the approach to managerial decision-making has routinely lacked the same transparency for which Sunlight advocates in other arenas; what was regularly described as a “lack of communication” (and in some cases a resistance to open communication) from Leadership created an environment where staff felt devalued and disempowered with respect to both organizational issues and personnel issues.

“You either have a culture of power or a culture of transparency. Show there is a commitment to soliciting and processing a diversity of perspectives before decisions get made, and when decisions are made, explain them in a way that people understand what is going on and why the decision was made.”

Third, there was extensive feedback about the need to create formal, regular, and meaningful mechanisms for staff to interact with the Board. The Board was described alternately as “indifferent,” “remote,” “uncaring,” “dismissive,” “disengaged,” and “absent.” No participant spoke positively about the Board or its role in interacting with staff or – where relevant – protecting staff interests. At most, a few participants reported individual positive experiences with individual Board members.

Lasting Implications

The effects of the institutional failures and toxic culture continue to be felt deeply for former employees and consultants. Multiple participants continue to feel such pain that emotion overwhelmed them during the interviews. This was true even though the incidents relayed happened years in the past. This also was true both for victims of harassment and inappropriate behavior and for bystanders who felt “helpless” and “disempowered” in the face of what colleagues and friends encountered with no obvious avenue for recourse. Lingering over so many of these conversations were the unspoken “what if’s” – what might have been accomplished, what might have been realized, what brighter and better course might have lives taken? The grief, the rage, and the frustration were palpable and weighty.



2018 REVIEW REPORT

Even those who reported being largely unscathed by the worst aspects of a toxic culture nonetheless acknowledged and reported a reduced ability to concentrate at work because of anxieties around the general management and leadership of the organization. Rather than describing the workplace as supportive, encouraging or inspiring, the vast majority of respondents reported that interactions with leadership and managerial structures were “tumultuous,” “stressful,” “demoralizing,” “dispiriting.” That some of the managerial needs persist to the present day led to some current staffers to report that they continue to wrestle with whether they should seek different employment.

Looking Forward

Although some expressed a belief that Sunlight should be allowed to fade away, most articulated – even in the midst of anger and disappointment – a strong sense that Sunlight remains an important institution that should not only continue but grow moving forward. In fact, that sense of the significance of the organization and its potential contributions seemed to fuel much of the frustration. Participants indicated that Sunlight has the history, the profile, the expertise, and the staff to generate helpful advances in the areas of civic technology and open government – but also in the broader technology, business and political sectors. At the same time, participants indicated that for Sunlight to successfully move forward, it must fully acknowledge its history and must embrace a commitment to lead on equity and inclusion – particularly for colleagues in the technology and political networks.