

*(Music plays from 0:00:00 to 0:10:30)*

*Jenna Lehr:* Good morning and welcome to Learning Tuesday. I'm Jenna Lehr, the learning and development manager at the Research Foundation for SUNY. Dynamic, visionary, and innovative leaders often take shortcuts that can lead to ethical lapse. Saying no, and helping find a different path, are skills that are vital to success.

In this Learning Tuesday, chief compliance officer, Joshua Toas, will lead an interactive discussion with our live studio audience to help employees identify when to engage with organizational leaders and how to work through difficult conversations.

If you find you have questions after today's show, we encourage you to write to the compliance office at [RFCompliance@RFSUNY.org](mailto:RFCompliance@RFSUNY.org). You can also use the chat feature in live stream during today's episode.

I'd like to note that today will be our very last Learning Tuesday event. It's been six wonderful years partnering with Scott, Kevin, Jim, and the rest of the Viking Studio crew, most notably, Art, Mike, Jason, Beau, and Jim. Thank you, Viking Studio and Hudson Valley Community College, for your partnership.

I'd also like to assure you, our campus partners, that we will continue to bring customized video, web, and in-person training to you, so please, reach out to me directly at [Jenna.Lehr@RFSUNY.org](mailto:Jenna.Lehr@RFSUNY.org) with your training requests. I'd love to talk to you.

Without any further ado, I'd like to hand it over to Joshua to get us started.

*Joshua Toas:* Thank you, Jenna. Well, so it's been about six years since Rich Agnello and I co-hosted the very first Learning Tuesday here in this studio where we talked about ethics and the code of conduct. It's really bittersweet for me today to be here to host the last Learning Tuesday at Viking Studio.

I just want to say a personal thanks to the crew at Viking who've done an amazing job over six years to really support our learning and development activities. The level of professionalism they've helped us achieve in our learning and development content has been extraordinary and I really do appreciate it guys. Thank you very, very much for that.

Today we're here to talk about saying no to power. I've been told in my career that one of the things that I've added value in the various jobs I've held was my ability to say no or to disagree respectfully with the people I worked with and for. And recently someone said that to me and I thought, well, you know, this is a skill that others see and maybe it's not as common as I think, the ability to do it.

So it led me to think about putting together a presentation like this to help other people stand up for what they believe in, in a given set of circumstances, and maybe help prevent some ethical collapse of some sort.

So the way this is going to work is this is a discussion. Right? I really am relying on you to participate, to talk about some personal stories that you may have, things that may have happened in your career, things that may have happened in a career that you wanted to go a different way because you didn't have the courage to stand up and say something different in a group of people.

So please work with me today, have a dialogue, and we're going to get started right away with this short video.

*Javier:* Good morning, sir.

*Mr. Tyson:* Morning, Mr. Martinez. How are you this morning?

*Javier:* Fine, thank you. How are you?

*Mr. Tyson:* I don't know yet. Please, have a seat. I trust you've had time to think about our conversation yesterday.

*Javier:* Yes, sir. I did.

*Mr. Tyson:* And what did you decide? Are you on my team?

*Javier:* Mr. Tyson, I am very grateful to have a job here. I cannot do as you have asked.

*Mr. Tyson:* And why is that?

*Javier:* Because it is wrong, sir. It would be dishonoring to my God and my family to lie on that report.

*Mr. Tyson:* Do you understand what this may do to your job here?

*Javier:* Yes, sir. I do.

*Mr. Tyson:* Javier, may I shake your hand? Young man, you just gave me the right answer. I've been looking for someone to manage inventory and shipping and quite frankly, you were the last person on my list. But I need somebody I can trust. Will you take the job? We'll adjust your pay.

*Javier:* I'd be honored to, sir.

*Mr. Tyson:* Good. Then the job is yours. Now Walter will go over all the specifics with you and I'll make the announcement to the staff on Monday. Congratulations, Javier. Oh, and Javier, thanks for your integrity. It's rare. Well done, Javier. After six times I was getting discouraged.

*Joshua Toas:* Okay, so in this video we have Walter, guy in the back, Javier, and boss man. Right? And I usually show this video in my ethics training to highlight – and I ask people, would you want to work for this company? So I'll ask you, would you want to work for this company?

I see heads shaking. You would want to work for this company? Why? Let's – we'll give you the microphone.

*Female:* Honesty and integrity.

*Joshua Toas:* Okay. So is there anyone in the room who agrees that we would want to work for this company because of their honesty and integrity? Okay. Is there anyone who disagrees? No disagreement?

Jenna, can we get – you have a microphone. Great.

*Jenna Lehr:* Yeah, it feels a little bit like they were playing games, too, and they were tricking and – they were creating, like, an unethical environment to try and find out who's the most ethical – it just felt like a little bit of a trap, too.

*Joshua Toas:* Okay. So in our ethics training we talk about this a bit. Why am I showing this clip today? What does it highlight? Yes?

*Female:* It highlights that he said no to power.

*Joshua Toas:* Right. So Javier says no to power and it wound up working for his benefit. Even though, quite frankly, they conducted what I think is an unethical experiment, right, an unethical employee evaluation in order to figure out who to promote into this very – this important

position which requires someone to be very ethical, right? He said no, I'm not going to stand for it. And the consequence for him was he got the job.

What about Walter, who sat through this little episode six times. How many chances did he have to say to boss man, "Something's off here." Right? So I asked everyone here, Is this an ethical company? And almost everyone shook their head, yes. One person said, "Maybe not." And when Jenna said that, other people started to go, I get it. Right? And had I really pressed the issue for a while, I bet most of you would have gone from, I'd like to work in this ethical place, to, I'm not so sure.

Walter's there. Walter's a senior person in this organization. What could he have done differently?

*Male:*

Well, what strikes me – I'm not sure what he could have done differently during the – the time that they were looking at employees. But it just seems that there's something deeper – maybe overanalyzing this a little bit, but there's clearly – if upper management is very ethical and is – and it's very important to them that people be ethical, then why is it that six out of seven people, when given this kind of situation, failed a test? So perhaps all along they haven't been conveying the importance of ethics and integrity to their employees.

So Walter, if he's a senior member of – you know, I just feel like management somehow is not getting it done.

*Joshua Toas:*

That's a really great point and as I think about the ethics training that we do, I want to drive into that discussion for that training because I think that's a really interesting point. As I was watching this now probably for the hundredth time, I realize that maybe they're not so concerned about ethics, but they're just worried about protecting their financial stream or their inventory. That's a little different than being concerned about the ethics. Right?

But still, Walter had a number of opportunities to say, This isn't right. We are taking people who we thought – six other people who we thought would be qualified for the job. In other words, they had no history of misconduct in the organization, but we're going to play this little trap for them to see if they actually fall into it. And Walter had six or seven chances to say, This is wrong, boss man. I don't agree. Right? But it's not easy to do in the moment.

First of all, you've got to have the ability to recognize that there's

an ethical dilemma, but beyond that you've got to have the courage to say something different or to disagree with your boss. And it may not always be a matter of courage. It may be that you haven't done what it takes to set yourself – put yourself in a position to say no to your boss. So these are the things that we're going to talk about – a bit about today, some of the pitfalls, some of the ways you can set yourself up and make yourself successful, and what happens when it goes bad. Okay?

We're going to watch one more – yep? Please.

*Male:* I'm just wondering what you think would have been a better alternative to kind of vet out who's ethical and not ethical without going through an exercise like that.

*Joshua Toas:* I think these are people who worked in the organization – you know, they were doing an internal promotion, based on the clip anyway, right? So I think these are people who they had ample opportunity to review – review their work, review the type of people they are, talk to their supervisors, and do other things within their little environment to make those determinations.

And that's why I said earlier, the reality is none of these people had a history of misconduct, otherwise they wouldn't have been up for the position. So I think they created a situation where they were putting someone in a position to choose between family and work. And to me, whenever you do that as an employer, you're putting someone in a very, very difficult position.

So I don't necessarily know in the moment what I would have done differently. I think it's a great question, but I know I – I'd like to think I wouldn't have done that.

Let's watch one more video. This is an extreme example. Okay? I'm not showing this video as – as an example of everyone should stand up. Okay? I'm showing this as – in extreme. I will caution you, there's some screaming here, there is some violence in this, and it's real.

*Female Passenger:* *[Inaudible comment]*

*Male Passenger 1:* *[Screaming]*

*Female Passenger:* Stop. Oh my god. What are you doing?

*Male Passenger 2:* Hey, hey, hey, hey. Stop. Come on, come on. Better go.

*Male Passenger 3:* Oh, you busted his lip.

*Female Passenger:* No, this is wrong. Oh my god. Look at what you did to him. Oh my god. Oh my god.

*Male Passenger 2:* Good work, guys. Good work. Way to go.

*Female Passenger:* This is horrible.

*Male Policeman 1:* *[Inaudible comment]*

*Female Passenger:* Oh my god.

*Male Passenger 3:* Yeah, the police grabbed the guy. He's a older doctor. He wouldn't get off the plane.

*Joshua Toas:* Okay, so I'm not suggesting that the people on that airplane – the other passengers – should have stood up and attacked the police. All right? So let's get that out of our heads real quick. That's not what I'm suggesting. Okay? And I guess those videoing it with their cell phones and putting it online was their own attempt at civil disobedience to strike back and highlight what was wrong here.

How many – how many police officers were on this? Did anyone notice how many police officers there were?

*Female:* There was definitely one. There appeared to be a second one that was helping get him off the plane.

*Joshua Toas:* Okay. So there was a third – there were two that you could see clearly. There was a third in the back. So you had police officer – and I'm not – listen, I'm a big supporter of law enforcement. I'm not trying to knock law enforcement. I don't mean it in that way – this was just a really good example of maybe something that could've turned out differently. Okay?

You had the police officer in the front, the one that is actually physically pulling the person out of the seat and dragging him. You had one behind him, so if I'm facing the seat here, grabbing you and pulling you out, there was one behind Alexis and kind of steering her out of the seat. And the one in the front was dragging the gentleman through. There was a third police officer in the back.

I've seen this video clip a – from a couple different angles,

different people were recording it and posting it on YouTube, and although originally the third police officer seemed to grab the person, he kind of stepped back after a while and it looked like he disengaged. What could he have done differently? Is there anything he could have done in that moment to calm that situation down? Yeah?

*Female:* Without jeopardizing the situation, maybe have told the other officers, hey, hold on a second, let's reconvene, let's rethink about how to do this. Just pause it for a second.

*Joshua Toas:* Okay. Does anyone disagree? *Lorelle?*

*Lorelle:* I only disagree because of all of the situations that, you know, you're seeing on the media. There seems to be some sort of, you know, code between the brotherhood so for you to cross over that code and say or do something against what's happening, could end up negatively impacting you and how you're seen by the greater brotherhood.

*Joshua Toas:* Awesome. Thank you for that. Right? So they call it, I think, the thin blue line. Right. And again, this is not anti-law enforcement. It happens in every profession. Right? It happens in the medical profession, it happens in the legal profession, it happens in research, it happens everywhere. Where a couple people maybe cross the line and a third person's observing it and they don't want to get involved. They don't want to take that on because it puts them in jeopardy; their careers, their livelihood, their friendships. Right? So they put it in jeopardy.

But here's the thing. What happens when it's caught on video and it goes viral? Who's in jeopardy now? Anyone? All of them. Right? So people like you and I watch videos like this – I mean, let's – let's pull back.

This is a guy who was told to get off a plane. Now, we may all disagree that he shouldn't have been bumped from a plane for no reason – because the airline overbooked. Right? That's the airline's problem. But the truth is, they overbooked. He was asked to leave the plane. If you've ever read your airline ticket, it says the airline has the authority to do that. He refused to leave. Law enforcement was called. He was asked to leave, he refused. So they did what law enforcement often does, which is physically remove him.

In theory, maybe that's okay. But when it got violent against the person who was clearly not acting in a violent way – at least, not

on the video, right? It goes viral. And now it hurts law enforcement generally. It hurts the airline. It hurt the police. It hurt police that weren't even around here. Right? The consequences of not speaking up can be drastic and dire. But Lorelle you hit the – you hit it directly. One of the reasons why people don't do this is fear.

So let's talk about some of the reasons why this can be difficult. Right? What are some of the reasons why saying no to power – saying no to a colleague, disagreeing, any of these things – what are some of the reasons why it's not – it's difficult?

And any one of you who've had a situation maybe where you've struggled to do this, just share with us, please. Yep? Thank you.

*Female:* I think sometimes you question yourself. If everyone else in the room is going along with it – I mean, sometimes it's a grey area. It's not a black and white – this is 100 percent clearly the wrong thing to do. So if there's some grey area and you're the only one in the room who has issue with it, I think sometimes people tend to question themselves.

*Joshua Toas:* Yep. I think that's good.

*Female:* And I think sometimes you do not want to offend the person. So you want to be in good graces with the person, so you're answer's always going to be, yes. So for me, I would say it's just being friendly and just maybe on the side of the person.

*Female:* I would say it's similar to if you go back to the Javier clip, also. I think that it's also a matter of trust. When you have a leader, you hope that your employees are loyal to the organization and they trust you to lead them. So I think also people feel a sense of loyalty and I think that they often maybe kind of put their – their gut feelings aside and they thing, Well this – they wouldn't steer me in the wrong direction. I want to be a team player. I'm going to just go along with this. I'm hoping that this is probably the right decision to make.

*Joshua Toas:* Right. Okay. So let's talk about some of the other – and these were all – those were all very good reasons. Okay? And we're going to talk about some of them more.

So has anyone ever been in a situation where you say, You know, this is really the way this is supposed to be done. And your colleague or your supervisor says, Come on. No one really expects 100 percent compliance, 100 percent compliance isn't even

possible. Anyone ever had a conversation like that? No-one? I had one this week. No-one else has? You have. Anyone else? Does it sound familiar? We can't do it that way. The requirement's too difficult. There's no way they could have intended for this to be the outcome. Right? And listen, that's often true. Sometimes 100 percent compliance is difficult. Sometimes it is hard. No-one ever said doing it the right way was easy. If doing it the right way was easy, frankly, a lot of us probably wouldn't be here. It is sometimes harder.

Sometimes, when you're in an organization like ours, where you have a lot of federal regulations, state regulations different laws, right, different standards. Some of them are very difficult to meet. But what do we strive for? Right? We're striving to meet those standards. Do we sometimes fall short? I'm sure we do. But using that as an excuse to not do it the right way, I would argue, is not right.

But in the moment, when someone says that, it sounds reasonable. Right? You go, Oh, yeah. Yeah, okay. Yeah. They can't possibly expect us to do it that way, or, We must be misinterpreting how strict this is. Nobody would really want it this way. And you start having that conversation with somebody and it sounds very reasonable. So you back off. Right?

If you're in a service organization, and we are, or if you sell widgets. Right? Your customers expect results. Right? They expect certain outcomes. They don't want to hear about delays because there's a process you need to finalize first. Right? They want it done, they want it done yesterday. And it doesn't matter whether it's you're meeting your deadlines for how many pieces – you know, excuse me, how many widgets you're going to manufacture by the deadline or whether it's how many contracts you're going to review. Right? How many audits you're going to push out. Right? How many people are going to get on-boarded on time.

Whatever the process is, whatever the issue is, right, somebody is waiting on the other side of that transaction for you to be done. Right? And oftentimes that pressure leads us to cut corners and when someone says, Hey, they need it now. We can't wait anymore. It's difficult to say, Sorry, but it's not ready yet. It's not done right. Right? So it makes it difficult.

Oftentimes people will use this Machiavellian type of attitude where the ends justify the means. That there's a greater good. Right? So listen, I know we're doing it this way but more people

are going to be benefitted if we do it this way than if we do it the right way. So come on. We're all going to get bonuses if we get it done on time. Right? In the face of that, it becomes difficult to say no, difficult to disagree.

Do you ever get the feeling that people know more than you? People ever tell you they know more than you? Listen, I know this is your opinion, but there's some things here that I know and you don't, so we're going to just – we're going to do it this way.

Yeah? Someone want to share an example of that? You can change names and dates and all sorts of stuff. Right? Anyone. It works better if you share. All right, the next time I see a head – go ahead. Thank you.

*Alexis:* It's not –

*Joshua Toas:* Unless it was me.

*Alexis:* It's not an exact example but partially because I'm younger, I often feel like, well I – I haven't been in the workforce long enough. I don't know how things work so that's something that I'm sure, you know, people who are also – the millennial in the room often think –

*Joshua Toas:* That's a really good example. So how long have you been at the RF now, Alexis?

*Alexis:* Two long years.

*Joshua Toas:* All right. And what fool do you work with at the RF?

*Alexis:* And what?

*Joshua Toas:* And what fool do you work with at the RF?

*Alexis:* This guy.

*Joshua Toas:* Yeah, me. So, you know what? It's really – so Alexis brings up a really good point because I can tell sometimes when we're having staff meetings that she has something to say and she doesn't feel comfortable saying it. Sometimes I challenge her. Sometimes I let it slide because I don't want to put too much pressure on her. But I often can recognize when she's got some value that she's going to add but she doesn't think it's valuable. And now I know she thinks

maybe she's just not experienced enough. So I'll tell you I want your opinion even if it disagrees with me.

*Alexis:* Yep.

*Joshua Toas:* Right? And we're going to talk about, later, about doing that respectfully. Okay? Any other examples?

*Female:* You might have someone who's been there a long time say to you, This is how we've always done it.

*Joshua Toas:* Ah, the old this-is-how-we've-done-it gambit. That's my single, number one pet peeve professionally. When someone says to you, This is how we've always done it. That's usually an indication to me that I've got to dig deeper because it probably needs to be changed. There's a more efficient way, there's a more ethical way, there's a modern way, there's a rule that changed so that that old way that we've always done it doesn't even comply with the rule anymore. Okay? And that's very, very common and it's really hard to overcome that.

Particularly when you're in a meeting with four or five other people and three or four of those people are saying, This is how we've always done it. There's one person in the room who agrees with you but has – you know that person's not going to say a word. And then there's you. And you're just biting your tongue and you want to say it. Very common. Jenna?

*Jenna Lehr:* I was in a meeting with you in the last week and there was a couple of other people in the meeting too. We were planning for a learning event and everyone was getting on board with an idea and a way of going about things and I did, at the end, say, You know, I just wouldn't feel comfortable if I didn't just say – and I – and I just disagreed with the group. Essentially I said, you know, I think we're making this, you know, kind of complicated and here are some of my concerns. And then, you know, I feel like because we have a good relationship with all those people, I didn't feel that I couldn't disagree, and I feel like we were able to set up some safeguards that would allow things to work well.

*Joshua Toas:* Oh, that mic –

*Jenna Lehr:* Is this mic working? No? Okay.

*Joshua Toas:* Sorry. We're having some technical difficulties so if you're watching online, Jenna, why don't you repeat that again. It was a really good point and I want everyone to hear it.

*Jenna Lehr:* Okay. Okay, thank you, Joshua. So I was in a meeting with Joshua and some colleagues in – in the last – in the last week and we were planning for a learning event and everyone in the meeting got on board with this new idea and this new way of doing things and I'm normally someone who really loves to innovate and do things differently, but I did raise my hand towards the end of the meeting.

I said, Look, I wouldn't feel comfortable if I didn't just say that I don't feel great about this idea. I have some concerns and, you know, I can support you guys but if we're going to do it this way, I think we need to, you know, put in some dry runs or some safeguards and some things to ensure that it's successful. Or have a backup plan. And I said, you know, if everyone wants to disagree with me, that's okay but I wouldn't feel comfortable if I didn't just say that I'm not feeling great about this right now.

And I'm really thankful that Joshua and the rest of the team – it wasn't, like, Oh my gosh, she's taken the wind out of our sails. I feel like I was in that meeting to help it to be successful. But there's lots of cultures and lots of meetings that don't always feel that easy to speak up. So –

*Joshua Toas:* So there's an epilogue to that which you don't know about. The next day I woke up thinking about what you said and went to a meeting the next day about the same training that we were going to be doing and raised some concerns because I thought what you said made a lot of sense. But we're going to do it the way we're going to do it and it's going to work out great, but sometimes people don't react right away. It might take time to let it sink in. It doesn't mean you were wrong for speaking up.

In the moment, I hope Jenna felt that we were accepting of her difference. She didn't feel pressured, she didn't feel like the odd person out. Right? But now she's learned that actually one of us woke up the next morning, because that's what I think about during the night, I guess, is training meetings. And actually thought, you know, we really have to work hard to make this successful because Jenna raised a good point.

Okay, any – yep, Lorelle?

*Lorelle:* I just want to say I think what would be helpful maybe to Jenna – I know I think it would be helpful to me because I feel like – similarly to Jenna, I sometime bring a different perspective – and if you don't feel like you're being heard – like, it would – I think it would have been helpful for her to know that, you know, even though she was accepted in that moment, I don't know if you felt like it was going anywhere, but that you thought about it the next day and, you know – like, there was an impact to what she said.

So if you would have went back to her and said, you know, I really thought about what you said and did something with it. That, I think, is going to make her feel more comfortable, you know, the next time to be able to, you know, bring up a counterpoint.

*Joshua Toas:* Yeah, that's a great point. I think – at least my perspective of the meeting was that in the moment we made some modifications so that I think her concern was listed to, at least partially, but I think you're right. The follow-up's important and I thank you for raising that.

Okay, so fear. It's come up a couple of times. Oh, sorry Ryan. Yeah, please go ahead. Absolutely.

*[Crosstalk]*

*Ryan:* Oh, I was just going to – I just needed to kind of go back to that other thing. And we have some auditors in the room and I know, over the course of the years that I've been in auditing, I've always sat across the table from someone who always thought they knew more than – than I knew and probably, for the most part, they did because they were the – you know, functional level experts.

And I've always questioned myself sometimes because they've always thrown things out there like, you know, you're applying a strict interpretation of the policy or rules. That's not really how it's done or that's – that wasn't the intent when it was doing it, or, the only person who's looking at it is you so you don't really have to comment on it. So I deal with that all the time.

*Joshua Toas:* All the time. I bet you do.

*Ryan:* And I'm sure you guys deal with the same stuff that I deal with, so –

*Joshua Toas:* Yeah. No, and that's a great point. And I want to – I want to try to distinguish between someone saying to you quite overtly, There's

more information here than you know because I'm the boss and I know a lot of stuff. And I only keep you informed on what you need to know. You don't have the full picture. So when I say this is what I want, this is what I want and I know you have concerns and I appreciate that, but there are some facts that I can't – I'm not at liberty to discuss to you because, you know, we do top secret work, apparently, and – right? That's the situation I'm talking about.

I think it's interesting what you're talking about also because it's a variation on that. Right? Where it may be true that people functionally know more than the rest of us. I'm – I'm in a similar situation as Ryan is because I'm in compliance. I can't possibly have the deep knowledge that a lot of you have with respect to your functional obligations, as you don't. Right?

So it's not uncommon for someone to say, Yeah, but you don't understand. This is how it really works. Right? And I'll just tell you as a – as a direct response to what you're saying, Ryan. You and the audit team at the Research Foundation know more than a lot of people. Right? You guys do a great job and that's not knocking anyone, it's really just a way to say you guys do an amazing job and you're very knowledgeable. So I hope I'm not one of the people that have said that to you, but I probably am.

Okay, so fear. Fear is another reason why people don't do anything. It's probably the number one reason. It came up a couple of times. Right? Fear of offending your colleague. So going back to the law enforcement clip. Right? If it's true that there's that wall, right? That people band together, and won't take on or confront, at least no publicly, a colleague, right? Out of fear that they're going to be ostracized. Right? That they're going to be shunned. That someone's going to commit an act of violence against them. Or in law enforcement, someone's not going to have your back.

I spent nine years in the army. Let me tell you something, if someone doesn't have your back, you could be in trouble. And there's a lot of professions out there where someone needs to be standing at your back making sure you're protected. Okay? So that's a real fear. All right? What other fears are out there? Besides being ostracized, what else could you be scared of and may not want to talk about freely?

*Jenna Lehr:*

Job security.

*Joshua Toas:* All right. So I don't know where the microphone – yep. So job security. So specifically what?

*Jenna Lehr:* So I worked for a Fortune 15 that did layoffs every, like, six months for ten years and they're still – they're still doing them. And so it – and it was also very competitive both with external competition and also internally they would, you know, pit teams against each other.

And so it's different, with my last example where I said, Oh, I disagreed with your idea in a meeting. It's a lot different than having to say something to a VP about a deadline that they've imposed on you. When you feel like, So we've got to do everything we can to meet this deadline or meet this goal because we constantly feel like our jobs are in jeopardy and you've got to be the better team than the team next to you.

So that's a different culture and a different level of fear but if you don't give in to your fear, you have regret later.

*Joshua Toas:* So fear of losing your job.

*Jenna Lehr:* Yeah.

*Joshua Toas:* Okay. Fear of not getting promoted. Right? Fear of losing respect. Right? So I'm going to tell you a real story. This is true. Long, long time ago I worked for the State of New York directly and I had recently left the governor's office – or, I was at the governor's office and my job was to conduct background investigations of all gubernatorial appointments. Right? So similarly to what the FBI does for when the president makes appointments, New York State has a group of people that actually vet appointments to state jobs and state boards and commissions and all sorts of stuff like that. I was the person who coordinated that activity.

The very first thing we'd do when we hired – or we were going to hire a prospective candidate was send them a stack of paperwork. Right? Big application. And they had to fill it all out. And you had to put everything in there. I mean, you – you know, it was like getting a national security clearance. It was a very robust thing. And there was a financial questionnaire, and tax signoff, and all sorts of stuff.

And then the state police would take this and the state police would do a criminal background investigation and, depending on the job, right? It would be a pretty thorough background investigation. But

if you didn't fill out the paperwork, we couldn't start the process.

We were early on in this process, when we were just starting the process out, there were a lot of people already working. So they were hired, right, but they were made aware that you were going to start pending the outcome of the investigation and if there was a problem in the investigation, you were not going to be able to continue in your job.

Okay, so I sent the application and the packet to one of these people. All right? He was a high level gubernatorial appointment. All right? And he didn't respond. He didn't send the paperwork back. Now, that wasn't particularly uncommon. So I sent it to him again. And I didn't get a response.

So then I called him up. And this was before e-mail. I mean, it wasn't before e-mail but it was before the common use of e-mail. People still picked up the phone and remembered how to speak to one another. Right? So I called him up, left a message. Called him up, left a message. This went on for a period of weeks. You know, I'd leave a message and then wait a few days and leave a message and wait a few days, until, you know, it started to pile up and then I would start calling every day.

Then finally, after probably a month, I left the following message, something like this, "Hi. This is Joshua Toas from the governor's office. I've tried calling you a number of times. If I don't get your paperwork by tomorrow, don't come to work on Monday. Have a nice day." Click. My boss received a call a short time later. My boss was a deputy secretary to the governor. So he received that call from the secretary of state. The New York secretary of state who said, "Who is this guy calling my deputy secretary for X, Y, and Z, telling him not to come to work if he doesn't do this stupid paperwork?"

And my boss said, "That's my counsel and this is his job. And he's made numerous attempts to collect this paperwork and if your deputy secretary for X, Y, Z doesn't submit the paperwork by tomorrow, then tell him not to come to work on Monday. Thank you very much. Anything else?"

So at the time this secretary of state was a pretty senior person, the secretary of state's a real position in state government, responsible for a lot of things, at the time, 17 divisions of the department of state, everything from environment to codes. And at the time, fire prevention. All sorts of stuff.

I got the paperwork in eventually. There was no problem with this guy's background, he was just offended by it. He was offended by the process. Had I not said no, you can't continue here unless you do this, we would have never known whether he had a prior criminal history, maybe had done and said things that put the administration in jeopardy. That guy and I are still very good friends today, by the way.

Okay, because ultimately when he understood what the process was, he respected the fact that I did it. And had I been scared that this person, who could pick up the phone and call the governor, was going to do so to complain about me – had that frightened me, then I wouldn't have been able to do my job. I was three years out of law school when this happened. I was, I don't think, 30 years old yet – I was, like 29.

And at that point in time, because I was respectful the whole time, I was never rude, I never said anything that was inappropriate, right, the outcome was the right outcome. He filed the paperwork, there weren't any problems, he continued to do his job. I ultimately became the assistant secretary of state so he became a colleague of mine and we're still friends to this day.

Right? But that fear could have stopped me. Anyone else have any situations like that? Maybe not like that, but something similar? No?

*Male:* I have a question.

*Joshua Toas:* Yeah, please.

*Male:* So you – you made your play and you had said no to power, but how did you know that your boss was also going to back your play?

*Joshua Toas:* I didn't.

*Male:* So you – okay.

*Joshua Toas:* You know, I didn't really know. I mean, I knew that I was hired to do a particular job. I knew what the purpose of the job was, and I knew the importance of the job. And I knew that in the administration I worked for, ethics was something that was really important. That doesn't mean that at a lower level or even at a higher level there weren't some of the political scandals of that

time. They happen in every administration. But as the standard in that administration, ethics was – was very important.

And the only way you could really get an understanding of whether the people in your administration were ethical – because you couldn't personally know everybody – hundreds, hundreds of jobs. Thousands of appointments go through – was to do that. So I relied on the knowledge I had of the job and the importance of the job, and the fact that my supervisors, the people I worked with and for, said that ethics was paramount, and I relied on that information to be able to do that.

Now, had I ever seen situations where people said, you know, upon my recommendation that, Hey, this person has a background problem they didn't disclose. I think we should let this person go. Did sometimes people overrule me? On occasion. So it was possible that somebody was going to come back at me. I knew that there were some friendships directly with the governor that were at stake and I understood that someone could have literally called up the phone, called the governor, and the governor, if nothing else, would have returned the call. I knew that was going to happen.

But I relied on the fact that I was appointed to do a particular job and I was going to do it. And if it meant that I lost my job because of it, then maybe I wasn't working at the right place. And maybe the people I was working with and for weren't worthy of, quite frankly, me.

*Male:* Thanks.

*Joshua Toas:* Yeah. So fear is a real big one that often stops people in their tracks.

The desire to get along, we've talked a little bit – not wanting to make waves, people know more, I just want to get my job done. Right? You got to do what it takes to advance, which is kind of the opposite of the fear of losing your job, but it's do what you gotta do to get ahead. I want that promotion. I'm willing to do this. Kind of like the seven people before Javier, or the six people before Javier. Right? They were willing to do what it took. Right? Unfortunately, what it took wasn't right and it backfired against them.

You're only following orders. My boss told me to do it. Right? Well that – that's a pretty bad excuse. Someone told you not to do it. Right? And how about this one, I don't get paid enough money to put up with this stuff. I'm not going to challenge my boss. I'm

trying to pay bills here and I don't make enough to stand up and have that kind of – I'll say strength, but, you know, I don't mean it in a pejorative, but right? I mean, it's just not worth it to me. Right?

Okay, so we now know why it's difficult. Why does it matter? Why does any of this matter? Who cares? Oh, you're making faces. Keith, I know you have something to say. Let's give the microphone to Keith because when he makes a face like that, I know it's going to be something interesting.

*Keith:* Well, no. It was just such a – it was just – it was so much to the core of, you know, what we're supposed to be about as professionals to say, Why does this matter? So I just think it's a – it's just a very obvious statement. So I didn't really have, like, a – an agenda in making the faces.

*Joshua Toas:* But is it obvious to everyone? Is it obvious to everyone that's saying no that Jenna, who was in a meeting about learning development, right? Felt comfortable enough to disagree with the status quo, at least amongst that room. Does everyone understand why that really is important? Don't – yep.

*Jenna Lehr:* So earlier in my career there was a situation where I didn't speak up and I've always regretted it. There was, like, a whole bunch of events and sending employees all over the country and they were really close together and it was just an incredible amount of travel and super, super long days. And one of my employees got into a car accident. And I can't be, like, Well, it's my fault that he got into a car accident. But as the leader at that team that worked, you know – that was working these incredible hours and traveling all over the country from one event to another event, they were filming these different sales events.

It was something that I really took as a learning moment where I don't know that our VP of marketing at this Fortune 15 would have listened to me, but what we should have done, we should have hired some temps, we should have hired a local team, we shouldn't have covered all of them with our own staff. No-one ever blamed me, no-one ever said anything but it's something that I always have thought about. That I didn't keep my team safe and it's my job as their leader to keep them safe at work.

And so whether that's a safe ride if they're working until midnight, you know, somewhere and – you know, but there's safety things that are my responsibility and I – I should have said something to

power – at least I think so – and that's something that I've always taken away and thought about.

*Joshua Toas:*

Yep. So – and I'm glad – thank you for sharing that story. You know, a lot of times when we think of something goes wrong or you don't say no or you don't have the courage to stand up and disagree. It doesn't always mean that the outcome is going to be dire. It doesn't always mean that there's going to be some big scandal. It could be just some operational thing. Right? That you're not going to maybe achieve your business goals as efficiently as you would.

Or maybe you're going to have some negative impact that's inconsistent with your corporate values but not necessarily a crime or any violation. Maybe just inconsistent with what your organization stands for. Or maybe there'll be an unintended consequence. And maybe, maybe someone's going to be spending too much time on the road and maybe be in a dangerous situation. Right?

It doesn't always have to be something that winds you up on the front page of a Sunday paper above the fold. If – for those of you who remember what a newspaper looks like and on Sunday and they fold over – right? If you wound up above the fold, that was bad. All right? Or really good, either way.

So on the screen now we have some – some corporate scandals that some of you may know or may not know. I'll just tell you what they are real quick. I don't want to spend a lot of time on the specifics of them.

The Weinstein Company, Harvey Weinstein. Right? Mega, mega-producer of too many Hollywood films to mention but definitely films that everyone in this room and everyone watching today has heard of. Okay? Caught up in a pretty disgusting sexual harassment scandal and being tried – under indictment and being tried criminally for his conduct. Okay?

Enron, does everyone remember Ken Lay, Enron, another big financial crisis that was created by senior leaders of this company. This was a very big and mighty company that was brought to its knees because of an ethical scandal.

Volkswagen. Does anyone know what happened with Volkswagen? Yeah? What? Anyone. You – go ahead.

*Female:* Are you talking about when they did the diesel cars and they –

*Joshua Toas:* You tell me what I'm talking about. I'm talking plenty.

*Female:* I think it was when they came out with a diesel car and the criticism of diesel cars was fuel efficiency so they somehow rigged the vehicles so that they were producing greater fuel efficiency numbers than what they actually were and I think it went on for several years before they were caught. And I think they were caught and then they continued to do it.

*Joshua Toas:* Yep. Yeah, they created a software program for their – you know, computers run cars today. Right? Like everything else. They created a software program so that when – when tests were going through the California Emissions Standards which are in place in many states, the software kicked in and it tricked the system into thinking there was greater fuel efficiency than actually was required. And then, when the testing was over, it would go back to normal. So that's what happened to Volkswagen.

Ford Pinto. This was a real – this is an older one. I was four when this happened, right? But what happened with the Ford Pinto was the design of the car, when it got rear-ended – because of the placement of the gas tank – it exploded.

Now that's pretty bad. What's worse, with Ford, what they did was they kind of knew so they did a cost-benefit analysis at Ford and – and they determined that it would cost them more money to recall and fix the cars than it would to pay out the wrongful death claims. So they chose to let it – let the car out there and ultimately paid out a lot of wrongful death claims until it became public that this happened. Right? Which is kind of a horrible thing to do, all based on a cost-benefit – and financial cost-benefit.

More recently, Uber. Now Uber's been in the news a lot over the last couple years. One, because they – they fundamentally changed how public transportation works. But there's also been some accusation of sexual harassment at the highest levels and their CEO was faced – forced to resign primarily because of that.

It was interesting, we were doing some research on this topic and we stumbled upon something else that happened at Uber and it was really interesting. It was called Greyballs. Anyone know what Greyball is? Greyball – so when Uber first was created, there's a lot of states, like New York is one of them – where using taxis is highly regulated, particularly in New York City where there's the

New York City Taxi and Limousine Commission. So Uber was effectively illegal in New York State until last year when a new law was put in place to allow them.

What Greyball did was a software platform – it was an app that basically tricked regulators so that you could order an Uber – effectively, I mean, I'm paraphrasing, but you could order an Uber in a jurisdiction where it wasn't legal without the regulators knowing about it. Until they found out.

Okay, so that's the background of each one of these. What do they all – what must they all have in common?

Mr. – yep? Professor Kaplan?

*Keith:* I would say, at the very least, misplaced priorities. You're – and I guess, you know, you get to a point where you need to have pride in yourself as a human being but as a corporation as well. And I think you need to think about, you know, in all these cases, they were focused on their short-term profitability, they were focused on being number one, their marketplace success. But in none of those cases where they – were they looking at what they were doing and – as individuals or as an organization in terms of, you know, is this something I'm proud of doing.

*Joshua Toas:* Right. Okay. Good point. So you've referenced they and individuals. Who?

*Keith:* Well – we – in the – in the internal controls world, we talk about tone at the top. We talk – you know, and it all comes down, I mean, Kenneth Lay or Travis whatever-his-name-is at Uber. And Harvey Weinstein. These are all individuals who set the tone.

*Joshua Toas:* Let me – let me ask you a question. Okay. So at Ford in 1972 and '73 as they were designing the Ford Pinto and they're doing their early safety tests. Who's doing the tests?

*Keith:* Engineers.

*Joshua Toas:* People.

*Keith:* People.

*Joshua Toas:* Okay. At Uber, like, someone created a software platform to overcome regulators. Who created the platform? Who designed the software?

*Keith:* Individual employees.

*Joshua Toas:* People.

*Keith:* Right.

*Joshua Toas:* Volkswagen, same thing. Software that was created to overcome emissions tests. People. Enron. Senior leaders at the organization were aware. People. Weinstein. Anyone remember watching the news after Weinstein? And the number of Hollywood stars that came out of the woodwork. I knew. I knew. I didn't know. Right? But the number of accusations against him and the number of people that came out, it became pretty clear that if you were in the film industry, you knew. You knew.

So what these things have in common is that people knew. In Hollywood a lot of people knew about Mr. Weinstein. At Enron, maybe it was a small core group. At Volkswagen and Uber, I don't know. People, software engineers, people knew. At Ford? I guarantee you, people knew. Accountants, the white collar folks and the blue collar folks. They knew. And if anyone said no, they didn't say it loud enough.

All of these companies lost value. All of these companies lost employees. All of these companies were damaged. Had one person stood up and said no, it could have changed. It could have changed everything. Right? But for the reasons we've discussed, sometimes people are scared.

All right, so now we understand why it's difficult and we understand why it matters. Okay, so let's talk about – about how to do it.

First thing, you really do need to be prepared. Now, I was really lucky. In my time at the Research Foundation, we've had a couple of presidents. Right? A couple of very – \_\_\_\_\_ people, so to speak. People at different levels, a couple of – we've had different vice presidents of internal audit, different vice presidents of human resources, different CFOs, different general counsels, different secretaries to the board, different presidents, a couple of executive vice presidents.

When our new president came on board one or two years ago now – feels like about two, two-and-a-half years ago now – President Jeff Cheek came on board and it was really interesting. The very

first thing he said to the group of, you know, senior RF leaders was, "Challenge my paradigm." I was, like, blown away. Challenge my paradigm?

Now, I'm not sure I interpreted it the exact way that he meant it. But how it's played itself out is if you disagree with me, let me know. If you have an idea, let me know. If you want to challenge my assumptions, do it. But do it respectfully. So for me in my day-to-day job now, for the most part, this is something that's become routine and normal and I feel comfortable having real conversations with Jeff when I disagree or when I agree. Right? We're two colleagues discussing an issue. It's not personal, it's business.

I'm not saying it's 100 percent of the time across the board for everybody. But it's created a situation where at least I have comfort. But what do you do when that situation's not there? How do you get there?

Okay, so first of all what you want to do is create norms. Now, you should do this with colleagues. This isn't all about just your supervisor or just the senior person – your president, your CEO, your campus president, your PI, your department chair, your dean. Right? Your director. Your operations manager. Right? All of these people in your world are your CEO. Could be your colleague, could be your best friend, could be your spouse. It's always a good idea to have a plan on how you're going to disagree when you disagree because, guess what, you're going to disagree at times.

What I tell my team all the time is the diversity of ideas, right, is what gets us into a better place. I have an idea, Janita has an idea, they're polar opposites. We find somewhere to meet in the middle and that middle ground, or that place where we find connection, is the best idea for us. And it's get – it's created success. Right? But we know up front because we agree to disagree. So you have to have an arrangement with your colleagues about agreeing to disagree sometimes.

Okay. What about – is it okay to disagree all the time? Marie, you're shaking your head. Microphone. I know – Keith, we're going to have to get it away from him.

Marie:

No. I'll say no. And sometimes you have to compromise. So for me, my answer might be yes or no – given the situation – but there must be a compromise at times and that's all I'll say.

*Joshua Toas:*

Okay. Okay, so – so, thank you. If you're in a room and you're having a heated discussion with ten people in a meeting, which – there seems to be very big meetings that we're all involved in on a regular basis. Right? So ten people in a room, your boss is one of them. Your boss comes up with this idea. Let's say the meeting is heated. Right? It's a controversial issue.

Is that the time and the place necessarily to disagree with your supervisor? Right? I mean, it may or may not be but you've got to exercise some judgment there, right? What's the thing you don't want to do when you're disagreeing, particularly with your boss? I mean, this is generally true of anybody but particularly with your boss.

Don't humiliate your boss in public. Right? Do not do that. That is a recipe for disaster. Right? Like, that's a – that's a silly moment. I've done it. Unintentionally, unintentionally. Right? So one of the things about earning the right to disagree is to actually get a really – observe your surroundings and really get an understanding of the people you work with most regularly, particularly your supervisor, okay? How they react to situations. Learn to read them a bit. Okay? Because sometimes you can tell, now may not be the time.

Well, it was a couple months ago and I was in a meeting and there were probably 15 different opinions with five people in the room. And a couple people had really strong opinions. And it was pretty clear to everybody that maybe we just need to stop the conversation and pick it up some other time. But oh no, not me. No, I had to keep pressing. I had to keep pressing.

And I was watching people and I was particularly watching my boss and I was watching, and I observed the fact that I should just keep my mouth shut now. This is not the time. It's not that the problem was going to be with me disagreeing. The problem was going to be, this isn't the moment now. The moment for that has passed. There's not nothing going to happen today. I can wait until everything calms down and then I can go have a conversation. But I didn't.

All right? I didn't. I pressed it. And I got the reaction that I should have known was going to happen. And then I went back to my office and started boxing my stuff up. But I have a really good boss when it comes to that and it was every – everything was okay. But I knew that I had made a mistake. Fortunately for me, right, it wasn't career ending. But it could have been. I recognized the issue

and I still chose to let my mouth get the better of me. That happens with me sometimes. Okay?

So you've got to – you've got to agree to disagree and you've got to know when it's appropriate to disagree. You also have to earn the right to disagree and we're going to go into some more detail on all these. You've got to earn the right to disagree. Sometimes you've got to ask permission. I didn't have to ask for permission from Jeff because he came in on day one and said, "Challenge me." But most bosses don't do that.

A couple members of my team are here today. I think I do that. I think I mean it when I say it. I do mean it – I might not always live it, but I mean it. Right? But if your boss or your colleagues don't say it, again, agree to disagree and figure out what your norms are.

And then there's some things we're going to talk about what not to do. Like, if everybody's in a bad mood, don't do it now. Right? Okay.

So agreeing to disagree means you've got to set certain expectations. Again, I really appreciate the fact that my boss set the expectations. Okay? I like to think I do that with my team. I tell them flat out, feel free in a meeting to disagree with me publicly, it's okay. Just don't embarrass me publicly. Right? Like if – let's – but I – if we're in a meeting together and I've invited you to come to a meeting and there's a group of people, I invited you because I want your opinion and I value it.

I think I said that recently to somebody. Right? Was it you? Maybe? Yeah, maybe. Right? If you're there with me, it's because I want your opinion. If my opinion was always the greatest thing, then I would sit in a room by myself and make all the decisions. Right? We have meetings where we get together and challenge each other all the time to put the best ideas on the table.

The problem is groupthink takes over. So you get four or five people in a room, three or four start to think one way – again, let's use ten people. Eight people think one way, the ninth person disagrees but is never going to say anything, and the tenth person is always that person in the room who's disagreeing. Right?

So you've got to create the standards for that. And whether you're a frontline supervisor with a – with a team of people, whether you're managing five people, six people, ten people, 100 people, or 1,000 people. As the supervisor, as the leader there, it's incumbent upon

you to express to everybody when it's okay, how you would appreciate it, the fact that it needs to be professional but that you want – you want different opinions.

Unless of course you don't. And if you don't want those different opinions, and that's not the type of attitude you take as a leader or as a colleague, then quite frankly you're not – you're not living the RF values. Right? Because we encourage this type of thought and this diversity of thought at the Research Foundation.

But you've got to accept – you've got to agree to disagree, you've got to set the expectations, you've got to come out with a game plan ahead of time so when these things happen, you know how to treat one another.

So there may be norms. Right? It may be that I said to Alexis, "Alexis, look. I'm going to bring you to this meeting. Do me a favor. This is going to be pretty controversial, I want your opinion, but I want your opinion later. If there's something going on really that you want to say in the meeting, slip me a note, slip me something, let's figure it out because this has already been vetted quite substantially, it's controversial, I don't want you to step into anything. Let's figure it out."

It's pretty rare that I've done something like that but that would be agreeing to norms ahead of time. Right? And we've created an out. Like, if it's really something that's pressing, slip me a note. Send me a message. Okay?

There's nothing wrong with going to your new boss, your supervisor, your colleagues and saying, Hey, when I don't agree with you, what are we going to do? How are we going to work that out? Right? And again, it's not just about you and your supervisor, or you and a supervisor. It could be you and your colleague. It could be you and someone in a team. We have a lot of cross-functional groups that work at the Research Foundation, a lot of people working for common goals. People with different chains, leadership all over the place, varying degrees of people. Right?

It's not easy to disagree. It's not easy to be the odd person out. So come out with those norms ahead of time. A lot of times when we have project charters, we actually agree to different norms about the project. What would be horrible about agreeing to norms about disagreeing? Right?

The RF leadership team has norms. We have behavioral norms.

Our very first meeting we got together and said, Here are the norms. They're in writing. They're available for us. We don't always strictly adhere to them – circumstances happen, things happen – but we've made – we've made a pact to work together to work towards those norms. I would suggest that that's going to be beneficial to everybody. Yes? Microphone.

*Keith:* Just going to throw in, you know, one thing that, you know, we have in my – in my team is brainstorming. And we just, you know, as long as you have a word for it, I think that that's important to kind of remind people in other efforts that I've been involved in, you know, you say, Hey, this is going to be a brainstorming, and just, you know, you're just listing everything on the whiteboard and nobody's going to – nobody's going to shoot anything down yet. You know, we're not going to – we're not going to analyze it to death yet, but let's just get everything down.

And if you have a word, you know, a word that you can go back to, you know, I use brainstorming, but, you know, you have something like that, then people have that common – that common currency, if you will, of saying, okay, yeah. This is what this is all about. We're in brainstorm mode.

*Joshua Toas:* Yeah, yeah. Good, good. Thank you. All right – oh, yeah. Please.

*Jaime:* Just going to add to what Keith just said. On our team, I've found that I have a little freedom because I'm not one that can make a decision or voice my opinion in the moment so we may be having a deep discussion or brainstorming session and I'm lucky that my boss has recognized that in me and knows that I may be the one that sits back and doesn't say anything or is very quiet, but the next day or the second day, I'll come back and say – it's kind of like what you said – you were thinking about it and then it hit you. You know, you woke up saying, that made sense to me. My best idea might come a day or two after that brainstorming session.

So to have a boss that gives you that little bit of flexibility and maybe doesn't call you out in that moment in a meeting and expect you to be on the fly and have an answer, but takes the time to know you well enough to know that a day or two later, you're going to come in with a good answer or a solution. So trying to remember that characteristics in your team is important.

*Joshua Toas:* Jaime, that is a – a great point. Thank you so much for bringing it up. You know, we talked a little bit earlier on about understanding who you're with, understanding who's in the room. Right? At the

RF, at least different pieces of the RF – right? We do disc profile so we get an understanding of our business personality type, our professional personality type. And then at least some of the – some of the departments at the central office anyway, we look at each other's discs to try to get an understanding within the group of what our professional dynamic is like and how Ds maybe interact with Ss, and how Cs interact with Is and all that stuff.

And I have to tell you, once we started doing that, I found it unbelievably enlightening because I started to understand where some of the conflict was coming. It really wasn't about the concepts or the ideas. It was more about the way we approached things. And this is something I personally struggle with still. Right?

I know there are people who just need some time to think it through. But for those of you who know me, I might be a little bit aggressive and I may like to power through things right away and move on to the next thing. Not everyone's like that. Right? So I have to work hard at recognizing those differences and give people time to contemplate and analyze and think because they have a disc – different profile. Right? So that's a really good point. Again, understanding your environment. And thank you for sharing that.

Okay, so what if you don't get the approval to disagree? What if your boss says, Don't you ever disagree with me. Maybe not say it so overtly, although, you know, maybe they do. **Jerry?**

*Jerry:* I would have to say, maybe you're working in the wrong place and it might be time to move on if your opinion's not respected enough to be able to say no.

*Joshua Toas:* Yeah. Who agrees with Jerry? Right? Yeah. And if you worked in that place where your opinion wasn't respected like that – or, maybe worse than your opinion not being respected, it's more like your boss has an opinion and you're not authorized to disagree with it. Right? What do you start to question about your boss?

*Jerry:* Well, I guess I would start wondering about their ethics and what their opinion is of other people. And they might have too high of an opinion of themselves and not enough opinion of other folks.

*Joshua Toas:* So this wasn't a plant. I didn't ask Jerry to say this, right? But the first thing that came to his mind was ethics. You know the number one reason why people leave organizations? It's not the work that they do.

*Female:* The ethics and the culture.

*Joshua Toas:* It's the ethics and the culture. Of their supervisor and of their colleagues. It's the number one reason why people leave organizations. It's not, I don't like the work. I mean, let's face it. You may love the work today and you may hate the work tomorrow. That's the way it goes. If it wasn't work, they'd call it play. Right? But it's the – it's what you believe are the ethics of your colleagues and your supervisor. And you know who's more likely to act unethically is people who observe others acting unethically because you believe the culture is like that.

I would guess, without being an expert on Enron, that's what happened at Enron. The environment nurtured unethical activity and unethical behavior. And as a consequence, they collapsed. Right? And when you think people shutting off your opinion or shutting down your thought process, even when done professionally – right? It's – something must be going on. It's that lack of transparency. Right?

What do people assume when decisions are made behind closed doors? Even if it's the right decision, what do people assume about the process? There must be something awkward, there must be something they're hiding because it seems like a decent decision but why couldn't they make that decision publicly? Why wasn't it transparent? Why weren't we given the opportunity to talk about it openly? Right? People immediately jump to, something's wrong. It's ethics.

Yet, if you look at this quote for a second, right? Remember not only to say the right thing in the right place but more difficult still to leave unsaid the wrong thing at the tempting moment. So that story I talked about that happened to me a while back where I knew in the moment I should keep my mouth shut and I didn't? Right? That's really hard once you get going. Sometimes you can't help yourself. I usually can't help myself.

So if either – whether or not you're in a situation where you have agreed to disagree, or in a situation specifically where you don't have an agreement to disagree, where you have a boss that's not going to nurture that discussion, okay, be smart about it. Pick your battles wisely. Right? There are battles to be fought and there are battles not to be fought. The end game may be to win the war.

And I don't mean win anything. I mean to get the right outcome.

To get the best behavior. To get the most transparent process in place. Right? It's not about victory in that way. Right?

But you have to understand, how important is this particular issue? What's it going to drive towards? Right? If they do this, is it going to be a crime? Well then say something. That's a battle to pick. If they do something, it's going to, you know, mean that we make five less dollars? Maybe not. Maybe not worth it. \$5 million? Maybe worth it. Right? You've got to analyze the entire situation and figure out when you're going to pick that battle. Particularly when you have a boss who doesn't respect that opinion and doesn't respect the process. And doesn't agree to disagree.

Don't sweat the small stuff. Right? Not everything is the most important thing, even when it feels like that in the moment. When we're in the heat of the moment and we're talking about something, right, not everything is the most important thing, but it feels that way.

So Jenna, right, the other day – gonna borrow the microphone – the other day you mentioned that we were in a meeting and you wanted – you wanted to offer your opinion. And then Lorelle asked, well, it would have been good to get that feedback, you know – right? And I agree. But in the moment you probably were saying to yourself, I want to give my opinion, I feel comfortable doing it, it's not the end of the world.

*Jenna Lehr:*

Yeah, it's fine. And I said right there, it's okay. Like, I have to – you know, you brought me in this meeting because you wanted, I assumed, you wanted my opinion, so I felt like it was my duty to share it. But I – I mean, it wasn't an – I would – I always say, I'm not going to die on that hill. That wasn't a hill I'd die on. You know.

*Joshua Toas:*

Right. But in – but had you thought that we were going down a path which was going to lead us to a real bad – we were – we were talking about implementing a – another learning and development session. Right? Had you thought that the outcome of that session would have been a complete flop, we would have totally messed it up, you probably would have been stronger in your push.

*Jenna Lehr:*

Yeah, I probably would have gone back to talk to my boss – to talk to Kelly after the meeting to say – to reiterate and then, you know, and done whatever I could to, you know, to put it on track because it's my job for these things to go well even if I'm not leading them, per se.

*Joshua Toas:* Right. Right.

*Jenna Lehr:* But that wasn't one – that wasn't one of those moments. So it was okay.

*Joshua Toas:* So here – who here struggles sometimes, when you're in the moment, figuring out whether this is something big or something small? Almost everybody. Right? It's hard. It's hard. Right? How many here are, like, high D types? Type A personality? Really hard for us, isn't it? Because everything matters in the moment. Moment's over and it's, like, Ah, whatever. Right? But in that moment it's really hard.

So understand yourself. Not only should you understand the group dynamic, your supervisor, learn how to read the tea leaves, so to speak – really start to think about yourself and how you are, people's perceptions of you.

When I first started at the Research Foundation, I think the vast majority of people who had to deal with me on a regular basis couldn't stand me. Some of you are in this room right now. I'd like to believe that over time I've moderated a bit because I understand what people's perceptions of me were. All right? And people have grown to – accustomed to my style, knowing that it isn't about me.

I don't think it's about me. It's about the outcomes for the organization. Right? So we've found a middle ground. But that was a recognition by all the people involved that, oh, okay. I know my personality type. I know how aggressive I can be. I also know how people see me, so maybe I have to do something different.

And it's other people who maybe opened their eyes over time. Right? We all have to do that. I – so the point I'm making is I've earned the right. Right? Over time I earned the right and that's what you have to do. If you're going to be successful saying no to somebody, you have to earn the right to say no. It isn't just about walking in and going, I disagree. That's not going to work. Right?

If you have no background or history of competent employment, of ethical employment, right, of doing the right things, of it not being about you, of not supporting the organization, you're going to fail. Even if you're right. But don't sweat the small stuff.

Okay, so these are things that have worked for me. And it's interesting, when I was researching this to see if there was actual,

like, research out there about how to say no to power, it's really funny – when I started going through, like, lists and lists and lists of data that's been accumulated by researchers and other business writers and whatnot, I came up with very similar concepts and they were things that I applied and didn't even necessarily recognize it. Right?

So first and foremost of earning that right to disagree, be willing to make mistakes when you make them. If you're only going to point out the mistakes of others, then you're going to not get respect. You've got to be willing to stand up and admit when you're wrong. Sometimes you've got to stand up and admit you're wrong even maybe when you're not. If you're a leader, you've got to be willing to stand up and admit you're wrong when it's your team that was wrong because you're the responsible party.

So I say to my team all the time, you do something good, I'm going to give you credit for it. If you make a mistake, I'm going to take responsibility for it. Privately, we'll deal with the mistake. And what I expect of my team when they make a mistake? Admit it and fix it. Move on. Chances are it's not really that dire or drastic. Right?

I bet your boss will appreciate if you walk into your boss's office when you've messed something up and just say, Hey, I messed this up. Here's the plan to fix it. Or, I messed this up, I'm not really sure what to do. Can you help me? That's much different than making a mistake, burying the mistake, moving on, and then someone catches the mistake. Right? So earn that right by admitting when you make a mistake.

Okay, what does that help you to establish when you do that, by the way? If you can publicly admit you're wrong about something. Where's – I don't know where the microphone is, but I know we need it. Yes?

*Female:* I think it establishes credibility. So you're admitting your fault or your mistake, so therefore credibility goes a far way with that.

*Joshua Toas:* And what does that credibility really identified with? What – what is it – your credibility is directed towards what?

*Female:* Authenticity.

*Joshua Toas:* That too. Authenticity, integrity. Right?

*Female:* Yes.

*Joshua Toas:* Okay, so it also establishes that it's not about you. Listen, we all work for a lot of reasons. Some people just love it. Some of us actually want to pay our bills. Right? We work to get compensated for our work, and then when we leave work we – some of us still work at home and whatnot but we enjoy our lives. Right? That's why a lot of us work. So that we can do things to try to enjoy our friends, our family, our loved ones if we can. Right? Okay?

So of course that's about you. But when you're at work and paid to do something, it's got to be about the organization. It's got to be about our goals, our mission – our mission, vision, and values. Right? That's what it's got to be about. That credibility goes directly towards that. Because if you stand up and say, I messed up. I'm sorry. Here's the plan to fix it. You're showing the world, it's not about me. Because if it was about you, you'd cover it up.

*Female:* And that says a lot about you, for you to stand up boldly and say, I'm sorry. I messed up. It's big.

*Joshua Toas:* That's right. That's right. Acknowledge that you're biased. Right? Acknowledge that you may have a point of view. Acknowledge that the outcome matters to you. Right? Acknowledge that you've been arguing for this for years or you – this has a benefit to your department, or – acknowledge that. Right?

We all have biases inherent in who we are. Right? We can – all we can do really sometimes is acknowledge them and figure out how to manage around them. Okay? So if you have a bias, say it.

If you have a background where you may know something about an issue or something about a group or a person or a project or a team or whatever it is because of something you used to do in the past and it comes up now, and you're in a meeting, say, Hey, listen, I want everyone to know. Ten years ago I interacted with these people and I know there's an RFP right now, but I just want to put it on the table that I know these folks personally and I have an opinion about their work.

It may or may not be relevant to the RFP process. Right? But you're acknowledging it. Now, when the RFP team, which is five people, says we like this group, and you come out and say, Yeah, on paper it looks really good but here's my personal experience, you're acknowledging ahead of time that you have something. The team might say, You know what, you're so biased. Things have

changed in ten years. We're going to go forward this way. Or the team might say, Oh, you know, that's interesting. You actually worked with them. Right? But acknowledging that is a big step.

And it allows you to come out and say – or you could say the opposite. Right? I worked with this group ten years ago and they were really bad. But wow, that was a great proposal. I'm blown away by it. And the four other people in the room didn't want to go with that firm, but now you, who had a bias against them, is coming out and saying, This is the group to help us. Right? Acknowledging that bias gave you the ability to disagree with your team. Because you agreed with them. There was a shared concern, but your concern was overcome. Right? So you've earned it. These are all ways to earn the right to disagree.

Okay, so if you have a history of being biased or people questioning your bias or questioning your ethics, or a history of conflicts management – oh boy – conflicts management or history of problems, right? Then you probably haven't earned the right, at least with your boss, to disagree. Right? Because you haven't made – you don't have a history of ethical decisions. It feels like it's about you, so if you're disagreeing, it doesn't feel comfortable. Right?

Honestly, and this is just real, if you're very competent, you're probably going to be more likely to be listened to. Okay? So competence, which I believe is an ethical issue, by the way. Competency and building a set of competencies is really important. People are going to respect your work. So it's not just respecting your ethic, but it's respecting your work. Okay? They trust your professional opinions through years of competence or months of competence. Or it might be hours of competence. Whatever it is.

Being open-minded and independent. A history and ability of doing all of this. Right? So if you have a history of – you're in meetings, right, and people understand that maybe you are that person who is always the odd person out, saying, I don't agree. Okay? Any of those people in this room? Raise it up high, Lorelle.

Right? So Lorelle and I often feel like we're in a meeting and we're the only person who disagrees. Right? Sometimes we act up on it, sometimes we don't. We've learned how to deal with that. Okay? But you know what, when people trust your ethics, trust your competence, understand your biases, they start to respect that. I've actually had people come to me at meetings and say, I know you must have an opinion on that. You didn't say anything. How come?

Right?

Because you have a history of being open-minded and – and although you may be biased, you have a history of actually acknowledging your bias and actually sometimes giving opinions that you know, on a personal level you disagree with, but professionally you think is right. Right?

If you have a personal opinion and you feel strongly about something personally but professionally you want a different outcome, boy, that shows independence. That shows that you're willing to overcome your personal biases. Okay? And people around you will know that.

Now we're going to pick on the audit team. Right? Auditors audit to standard. They don't create the standards. Right? They're the standards. They don't have to agree or disagree with them. Professionally there's a job that's being done. Right? It's the same thing, regardless of the personal opinion. I'm sure there's times where Ryan thinks, This is a stupid standard. The feds have this wrong. But the feds are the ones that make the rules and that's the way it goes. You messed it up. I don't know Ryan's personal opinions on most things because it isn't about his personal opinions, it's about his professional opinions.

And people who work with me know my personal opinions, a lot of them. But they also, I hope, understand that my personal opinions don't really interfere with my professional judgment. That's the key. So learning to be independent, have strong ethics, be competent, all of this stuff is going to help you say no to power.

Okay, never, never, never, never, never, never, never, never, never, ever, never confront when you're angry. Right? That's true in life, it's not just true at work. Right? When my wife and I get into an argument and we're able to stay calm, we usually are able to enjoy the rest of our day together. When it starts to get amped up, that's it. Right? We gotta go our separate ways. She's not speaking to me for a month. My dogs are sleeping more comfortably than I am. Right? Don't confront when you're angry. Don't confront when your boss is angry. Right? It doesn't make sense. You're setting yourself up for failure there.

Don't confront during a meeting. So again, you know, you've got to balance that out with some other things we've talked about today but don't act unprofessionally, don't embarrass other people, don't be disrespectful. If the norm in the meeting is to – you're having a

conversation about the best way to proceed, then certainly, disagree. But if a decision's been made, the boss comes in and says, This is what I want. This is the way I want it. It may be that your time to disagree is either passed or you've got to do it privately. All right? Again, learn to read the tealeaves a little bit. Have an agreement with your boss about when it's okay. So the caveat with this one is it may be okay, depending on your group dynamic. Okay?

Don't disagree – again, don't sweat the small stuff. Tiny little things probably aren't worth it and while they feel big in the moment, probably not. It's not personal. And if it gets personal, you've got to calm it down. All right?

For better or for worse, there's a lot of people that I love to work with that I don't like that – personally, we don't necessarily get along. We're not friends. I have a lot of people in my career that I've worked with that I'm friends with that I don't particularly like to work with. It isn't personal. It's about the job. It's got to be about the job. It's always got to be about the outcomes.

The mission, vision, and values, whoever your organization is. If your mission is to build widgets, it's got to be about being the most efficient and the cheapest at building widgets, high quality product. Right? Mission, vision, and values. It's got to be about that. People need to know it's about that. If people think it's about you and your personal opinions, your personal desires, your willingness to climb the corporate ladder, climb on people's backs and all that type of stuff, you lose credibility.

Don't disagree in e-mail. I know sometimes we want to, like, solidify that – we want to get something on the record. Right? So maybe you can write messages saying, Per our conversation, here's what I think we agreed to. That's okay, nothing wrong with that. But don't slam your boss in an e-mail or a colleague in an e-mail and expect a good outcome.

First of all, tonally, e-mail's often read differently than other things. You can be inflecting tone into an e-mail that doesn't come off that way, number one. Number two, it's become so informal. Right? So it often comes off as disrespectful. Don't do it. Have a personal conversation. If you feel strongly about something, you should be able to look in someone's eyes and disagree. If you do all these things, you should be able to.

This is really important. Understand who the decision-maker is and

acknowledge the decision-maker. In the compliance department, I get to make the decisions. Whether I choose to do it or not on a regular basis, I get to. I'm responsible. If I said to my team, This is the way we're going and it's always the way I want it, you know, they probably wouldn't want to work for me, but I could do it. Right? I hope that's not what it's like. But you need to understand that ultimately there is a person who's responsible. That person makes the decisions.

So Jeff says to me, Challenge my paradigm. I have to understand when I've had the opportunity to disagree, when I've disagreed, when we've discussed it, and he still decides what he wants to decide. That's his call. He's responsible for that. I have to acknowledge that. It's not a challenge to his leadership, it's an operational disagreement. Okay?

Acknowledge the shared goals. Look, when you disagree with someone, sometimes they feel like maybe you don't understand the goals. You don't understand this learning and development program is important. I don't want to do it that way. You must not be – you must not want what I want. You must not share the outcomes. You must not share the values. Right? No, make it clear. Listen, I understand it's your responsibility to make the decision and you can make the decision you want to do and I'm with you. I want the successful completion of this project. I just disagree on this. Right?

Empathize. Kind of the same stuff. Understand where they're at. Understand that maybe, in my case, right? Jeff reports to a board of directors. Jeff is accountable to our customer, the State University of New York and the senior leadership of SUNY. Right? I have to understand that. All right? There are business decisions that have to get made. And the truth is I don't always know all the facts.

It's one thing if your boss says, I'm going to make a decision. You don't know everything. It's another thing if you acknowledge you may not know everything. And if you think that you may not know anything, ask. Right? Explain the consequences of going down the path your boss wants to go down. Did you think that if you did this, this might happen that's bad?

So I used to work – I was the executive deputy commissioner for a couple of state agencies and I was the CEO of a state agency and it wasn't uncommon for me to get a phone call, someone said, Yeah, on this project, this is what the governor wants. And the governor wants it by tomorrow.

Interesting. Now if I believed that the governor really was aware of the project, that would have been one thing. But rarely did I actually believe that. People often like to stand up and go, This person, the principal, the one that we've all heard of and know, wants X. So if it was possible to get the governor – what the governor wanted tomorrow in an appropriate way without breaking any rules, fine. No problem.

But oftentimes my response would have been, Okay, no problem. Question, does the governor want it done right and that might take a couple of weeks and we have to follow all the protocols, or does the governor want to be on the front page of the New York Times on Sunday above the fold? Which one would you like?

Governor would like it done right. Can you just get it done as quickly as possible and if it takes a couple weeks, we understand. Right? Explain the consequences. Explain – people don't always know. Oh, there might be a law, there might be a rule, there might be a thing. This isn't to audit standard. Whatever it is, explain. Not everybody knows everything.

You know, as you go up the leadership chain, you become more of a generalist. You can't possibly be an expert on all the things for all the people that you manage. Right? You depend on people in the pyramid. Sometimes those people actually have to manage upward and say, Here are the consequences. Oh, I didn't realize that. Thank you. Right? You just pulled my butt out of the frying pan. Thank you so much.

Discuss the facts. Is it too late? Sometimes it will be. Right? Sometimes it's too late. Sometimes you're not going to get the chance you want. But it's okay to understand once the decision was made so that for the next time, right, you can maybe get in earlier. Right?

Ask your boss. Okay, I understand, like, you've already made the decision, we've got to move on, there's no backing out now, but can you walk me through it so I have an understanding in the future? I want to understand. Right? I want to understand how you were thinking about it. I want to learn something. That's the approach. It's about your furthering your knowledge. Right?

How was the decision made? Hey, I know this was something that we had to get done by tomorrow morning and it's 5:00 but is there time to maybe do it this way? Here's my idea. Maybe there is,

maybe there isn't. Get that last little request in. Right?

So it's interesting. When you are in a situation where someone's able to manipulate your integrity. Right? I like to say that I was born with my name, it was given to me by my parents, and my integrity. And I'm the only person who can sully those. It's only me. No-one can force me to break a rule. No-one can force me to commit a crime. No-one can force me to do any of those things. All right? I'm going to make a conscious decision to do those things, to sully my name. Right?

Now, there are circumstances where you could be manipulated in ways that are very difficult to overcome. Okay? But generally speaking, you make the decisions, you make those choices. And guess what, if I get Alexis to do something wrong, I might thank her today. Thanks so much. You think I'm going to remember – if I'm the type of person that manipulates my team, think I'm going to remember her tomorrow and, like, do good things? No. Alexis is going to get used time and time again. Now we're partners in crime and she's going to get used again.

So you're only setting yourself up for further failure and a slippery slope. Right? So don't do it. It's easy to get sucked in. Everybody's doing it, I know more than you do – we talked all those factors, but if you're able – if you actually follow through on the bad conduct, now you're stuck. You can't undo it. We learned in law school, you can't unring a bell. It's true, I think. And you're going to feel like – bad. You're going to feel like bad. All right? Your conscious will get the better of you. Okay?

All right, so people who push your boundaries are not likely to do so only once. They're going to keep coming back at you and keep coming back at you and keep coming back at you. All right? There's just another reason not to do it.

Saying no to power, disagreeing with colleagues, all of these things – it's not easy. Right? It is something you have to think about, be conscious of, it's a skill that you can hone. Right? But you – but I'll just tell you that everybody can do it. It's not impossible.

Hopefully today we've talked about why it's important, we've talked about what can happen, what could go wrong, we've talked about some of the things you should do to create the environment for yourself, even when your supervisors and colleagues don't create it for you, what you can do to overcome that.

We've talked about things you shouldn't do. Don't be angry, don't do it via e-mail, don't publicly humiliate people, all those things. If you listen to some of these and think them through – the presentation will be available to you – I really think that you can be one of those people who's assessed as independent, impartial, right, and willing to step forward even in those difficult situations. Right?

It's often the most difficult thing to do the right thing, but it's still the right thing. So hopefully today you've learned some new things that will help you with that. I appreciate your participation today, for those of you that shared. I really do appreciate it. It helps the dialogue. I learned something today. Every time I talk about stuff like this, I learn. Some of the comments today helped me learn and will further my understanding of this, so I really appreciate it. To everyone else who's been watching, thanks again for joining us for the final Learning Tuesdays from Viking Studios. Appreciate it.

*[End of Audio]*