



THE BUSINESS ETHICS FIELD GUIDE

Challenge 1: Standing Up to Power

BY BRAD YARBROUGH

This series features 13 articles from Brad Agle, Aaron Miller and Bill O'Rourke, coauthors of The Business Ethics Field Guide. Each article will focus on a common work dilemma and provide real life examples and insightful solutions. For more information, please refer to our cover story interview in the November/December 2018 issue.

This edition's column features an ethics challenge common to all who work in our industry. I particularly remember an occasion when, as Vice President of a newly established company, I was asked by its President to hire an inexperienced, unqualified family member for a key position. Having just completed its public stock offering, the company was being closely watched by its shareholders and analysts. This demanded a heightened need for smart decision-making. This request presented a huge ethical dilemma made more difficult because the President was my father. How do you stand up to such pressure? The following article offers some great advice.

A common ethical dilemma occurs when an authority figure asks you to do something that is clearly understood as unethical. Would your actions be okay because the boss is asking you to do it or should you stand up to power?

Personal Experience

I was once asked by the CEO to report to a newly-hired Chief Information Officer (CIO). The CEO thought I could introduce her to the company and let her know I'd be available to explain the company culture, its processes and procedures. I met my new boss in New York City and while walking down Madison Avenue, she asked me to buy an expensive purse she saw in a store window. Moreover, she asked that I use the company credit card and list it on my expense account for her subsequent approval.

Having significant clout in the company, I could have emphatically told her that what she was asking was wrong and that we don't put personal expenses on the corporate expense account. Cleverly, I replied, "This must be a test and I'm not falling for it. Nice try, but I know that's wrong." The less threatening comeback succeeded in her flatly dropping the unethical request.

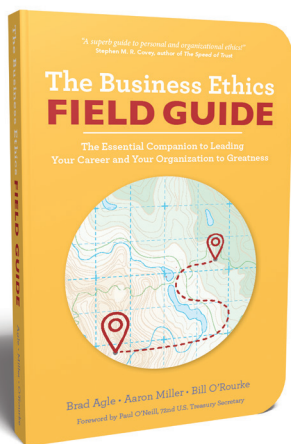
However, what about a similar situation happening to an employee who feels insecure in the organization and who really needs the job to meet family and financial obligations? It would be more difficult to stand up to their boss and risk being put in the "dog house" for a long time. Even so, an employee cannot participate in unethical conduct. In this case, the "I know this is a test and I'm not falling for it" technique is a good tactic.

A second option is to repeat the request back in a slow, exaggerated way. This might cause the boss to take accountability for the action and rescind the request. Remember that the excuse "I was just following orders" is never acceptable.

13 ETHICAL DILEMMAS

Upcoming articles in this series will take a closer look at each dilemma.

- 1 STANDING UP TO POWER**
Someone in power is asking you to do something unethical.
- 2 MADE A PROMISE**
Conflicting commitments force you to choose.
- 3 INTERVENTION**
You see something wrong. How do you proceed?
- 4 CONFLICTS OF INTEREST**
Multiple roles put you at cross purposes.
- 5 SUSPICIONS WITHOUT ENOUGH EVIDENCE**
You believe something is going on, but you're not sure.
- 6 PLAYING DIRTY**
Achieving justice but by doing something unethical.
- 7 SKIRTING THE RULES**
Bending a rule for a better outcome.
- 8 DISSEMBLANCE**
Misrepresenting the truth for better outcome.
- 9 LOYALTY**
Giving up ethical stance to protect valued relationship.
- 10 SACRIFICING PERSONAL VALUES**
Living ethically might put burden on others.
- 11 UNFAIR ADVANTAGE**
When opportunity exists to wield an unfair upper hand.
- 12 REPAIR**
When you are responsible for a mistake.
- 13 SHOWING MERCY**
You could grant forgiveness, but you don't know if you should.



“...these dilemmas can create considerable discomfort, but it’s best to face them head-on. These are opportunities to let others know what you stand for.”

Another time I was ordered to drag payables to 60 days despite contractual terms that required a 45-day payment. In this dilemma, I met with suppliers and renegotiated the contract. Some agreed to the 15-day drag. Some raised their price to cover the cost of the delay. Others needed a swing loan and I assisted by providing their bank with confirmation of a long-term contract to support the loan. Dragging the payables from 45 to 60 days without interaction with the suppliers would be unethical, but I was able to find an appropriate way to satisfy the request and honor commitments.

Peer Pressure

What if an inappropriate request comes from a peer, not a boss? There can still be perceived pressure to help them. A student told me about such an experience. On her way to a class that required students to sign in, she received a friend’s text asking that she sign her in at the class. She decided to pretend not to receive the text until after class was over.

After hearing about the dilemma, I suggested that she should not run and hide from ethical issues. Sure, these dilemmas can create considerable discomfort, but it’s best to face them head-on. These are opportunities to let others know what you stand for. She could have responded immediately to her friend saying, “No, that’s wrong. Don’t ask me to do that. I would never

ask you to do something wrong.” My guess is that her so-called friend would never ask her to do that again.

When You’re the Boss

There’s another aspect to the standing up to power dilemma. It’s when you are the power. First, don’t make unethical requests of your employees. Period. As the boss, your employees might give more deference than you deserve. Obviously, pleasing the boss is important and in that zeal, they can misinterpret questions as orders.

Once, while touring a manufacturing plant which I supervised, I asked why a wrapping machine wasn’t located closer to the shipping department since wrapping immediately preceded product shipping. I merely asked out of ignorance, but when I returned six months later, the wrapping machine was in the shipping department. I asked why and was told, “You said to move it.” I learned an important rule of communication: ask the recipient to tell you what they heard. That double communication can avoid a lot of misunderstandings.

In Summary

Most organizations have ethics resources to whom you can turn to when you are asked to do something

wrong. Use them. Use the Compliance Line if you cannot find the needed help elsewhere. Progressive organizations have integrity champions scattered throughout the organization. Learn who they are and meet with them.

A final word of advice is to plan ahead for the day when you are faced with this dilemma. Build friendships throughout the organization. Strong relationships are always helpful and the social capital is very helpful when standing up to power. Be ethical in little things. Habitual ethical conduct will eventually manifest itself in the big issues as well. Build a reputation for character and integrity. Attend the ethics training. Offer to teach it. Become an integrity resource for others. Your company and the entire industry will be better because of your effort. ☘



Brad Yarbrough is the Owner and CEO of Pilgrim Land Services, a right of way services company in Oklahoma City. With over 35 years experience in oil and gas, he has clients nationwide and an extensive network of landmen and agents.

An Early Introduction

Opening students' eyes to the right of way profession

BY PATRICK A. MCCALLISTER

In this last year, I have started to notice and be concerned about a seemingly lack of youth in the right of way profession in Indiana. Knowing that I wasn't aware of this profession while I was in high school and college, I am determined to get the information to students and make them aware of this very interesting industry.

A Great Opportunity

In September, I was fortunate enough to visit Ben Davis High School in Indianapolis to speak to six pre-engineering classes for their Project Lead the Way Program (PLTW). During these presentations, I spoke about right of way engineering and the right of way acquisition process.

The classes, totaling approximately 175 students, were made up of sophomores, juniors and seniors interested in different aspects of the engineering industry. These students have the opportunity to learn engineering concepts via hands-on activities and projects that promote problem solving skills and teamwork. The classes in this pathway include: Introduction to Engineering, Principles of Engineering, Computer Integrated Manufacturing, Civil Engineering & Architecture, Digital Electronics, and Engineering Design & Development. When I asked the students in attendance who had heard of right of way engineering or right of way acquisition before my talk, none of the students had. That response confirmed my concerns, but it also reaffirmed my continued effort to reach out to students in Indiana and introduce them to the right of way services profession.



The Presentation

During my talk with the students, I described the right of way engineering process, providing a background of why the engineering documents are needed and what goes into the preparation of these documents. I also described some of the software and skills needed to complete the right of way engineering task.

I then explained the right of way acquisition process and how the documents prepared during the engineering process plays such a key role during this phase of the project. I went over each phase of the acquisition process, explaining what each discipline goes through to complete their part of the project. I made a point to identify all of the individuals who play a part because I wanted to make sure the students understood all of the possibilities for careers in this industry. Moreover, I described some of the requirements for each of these individual roles.

The students asked great questions as they tried to get more insight into the profession, as well as information on what types of secondary education would be preferable to choose this career path. I provided background on how I arrived at this career, explaining how my original career path was not headed down the right of way profession trail. But thanks to a couple of turns, I ended up in this very interesting and wonderful profession.

Following Up

My hope is that my presentations pique the interest of some of the students to at least explore a career in the right of way profession. I always contact a school after my presentation to get feedback on how it was received by the students and if there were any discussions about it in the following days.

PLTW District Coordinator, Derrek Sorg, provided these comments: "I was extremely impressed with Mr. McCallister's enthusiasm and love for Right of Way Acquisition. You can truly see his passion through his presentation. It was an amazing opportunity for our student population to hear about great careers that get very little recognition in today's society. Our classes are buzzing about land acquisition and the careers surrounding this field." ★



Patrick McCallister, RWA, is a Right of Way Acquisition Manager in Indianapolis with 20 years experience. He is the current President of Indiana Chapter 10 and has presented at the last two International Education Conferences on the management of right of way acquisition.