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Advances in Management & Ethics Research

A Publication for Business Practitioners

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Editorial Office
Center for Practice & Research in Management & Ethics
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From the Editor

Advances in Management & Ethics Research (*AMER*) is designed to bring forward practitioner perspectives on management and ethics grounded in real-world experience. At its core, the journal seeks to advance knowledge and business practice by inspiring, promoting, and supporting a dialogue of innovation and change in management and ethics. *AMER* is intended as an ongoing forum for the exchange of ideas and perspectives at the intersection of management and ethics.

This inaugural issue brings together perspectives from leaders across business, government, and law, each addressing the challenges and responsibilities facing organizations today. The contributions in this issue reflect a shared focus on leadership, global change, and the evolving role of business in society. It is our hope that *AMER* will serve as a forum for meaningful engagement with the ideas and decisions that define ethical and effective management.

AMER is organized into three sections that reflect how ideas are shared and applied in practice. *Voices & Dialogue* captures executive conversations and perspectives. *Remarks & Commentary* presents prepared insights and reflections from leaders addressing critical issues. *In Practice* brings these ideas into action, offering practitioner-driven analyses grounded in real-world decision-making.

The *Voices & Dialogue* and *Remarks & Commentary* sections draw on live recordings and have been edited for clarity, organization, and readability. Revisions have been made to improve flow and remove redundancies while preserving the substance and intent of each speaker's message. All edited transcripts were reviewed and approved by the respective speakers prior to publication.

Information for contributors and opportunities for engagement with *AMER* can be found at the end of this issue. This inaugural issue is presented in recognition of the legacy that continues to shape the work of the PRIME Center.

Evan A. Peterson, J.D., Ph.D.
Executive Editor
Advances in Management & Ethics Research (AMER)

In Memoriam

Dedication to Fr. Gerald F. Cavanagh, S.J.

The inaugural volume of *Advances in Management & Ethics Research* is dedicated to the memory of Fr. Gerald F. Cavanagh, S.J., Charles T. Fisher III Chair of Business Ethics (1931-2022).

During his illustrious career, which spanned more than 50 years, he delivered nearly 100 presentations to audiences around the globe and published five books, more than a dozen separate chapters, some 30 peer-reviewed journal articles, and numerous encyclopedia entries, book reviews and essays. His research has also been cited more than 3,100 times by other scholars throughout the world.

His classic textbook, *American Business Values*, is required reading at business schools around the nation today and was included in Harvard's list of essential business reading. In total, more than 1,500 libraries around the world carry his books. He received honorary doctorates of humane letters from Siena Heights University and Loyola University of Maryland. In 2018, a group of scholars writing in the professional journal *Business & Society* recognized Fr. Cavanagh as one of the 12 original founders of the field.

Fr. Cavanagh's fundamental insight was that business, as the most powerful agency in society, can and should be a force for positive societal change. As his unparalleled career was ending, Fr. Cavanagh requested the establishment of a fund to continue his work in perpetuity.

The **Cavanagh Fund: Ethical Solutions to Social Problems will** sponsor research by teams of practitioners and scholars to develop pragmatic, private-sector solutions that address social problems — issues like sustainable resource use, student debt relief, food insecurity, racial injustice, global warming and others.

THE CASE FOR NET POSITIVE LEADERSHIP

PAUL POLMAN

Paul Polman is the former CEO of Unilever and co-author of Net Positive: How Courageous Companies Thrive by Giving More Than They Take. Polman ranks #1 among the world's thought leaders in business by Thinkers50. Described by the Financial Times as "a standout CEO of the past decade," Polman served as Vice Chair of the UN Global Compact, Global Commissioner of the World Resources Institute, Chair of the Saïd Business School at the University of Oxford, and member of the Advisory Group to the World Trade Organization.

I had the opportunity to bring into practice how I thought business was to really rebound. Over time, I learned to see both the influence this would have and its shortcomings. I thought I might be able to do something about that. You want businesses to solve the world's problems, not create them. We have enough problems that we keep creating. At P&G, I worked in Newcastle, running the UK and Ireland. Shipbuilding steel and coal had all gone belly up. If communities don't work, you can't recruit within them. You can't live there, given the safety issues and all the things that are missing. So, I got very involved in the community. When I was in Rio for Rio+20, Secretary General Ban Ki-moon asked me to be part of developing the Sustainable Development Agenda with a simple goal to irreversibly eradicate poverty and live in a more sustainable and equitable way.[1] We worked on that for 2.5 years and spoke with all segments of society, including women and farmers. people with disabilities. different professions, different parts of the world. I saw not only a scorecard of what needs to be included, but also an enormous opportunity for business to be part of that Agenda. We put it at the center of our business.

Drawing on his experience working with leaders across continents, Mr. Polman emphasized that many still underestimate both the pace and implications of the changes now reshaping the global landscape.

Things around us change faster than we can, and we're living in a time when they are changing even faster. If you look at humanity, we've had enormous change, but that change is accelerating at a pace that we've never seen before. If you look at history, the changes that we have had have been relatively modest, spread out over hundreds of years. Now that change is very, very condensed.

There are major shifts in global geopolitics. The global order is being reshaped at a faster pace. Many of the institutions that were designed and developed 70 years ago have never been adapted to this changing world. Technology has historically served humans, making humans better. Now, with AI, we potentially have a technology here that might be better than many

[1] *Editor's note: The United Nations Conference on Sustainable Development (Rio+20) launched the process to develop the Sustainable Development Goals (SDGs). United Nations. (n.d.). United Nations Conference on Sustainable Development (Rio+20).* https://www.un.org/en/conferences/environment/rio2012

humans, and we struggle with that. Because we waited so long, we have the planetary boundaries. Mother Earth is sending us invoices for increasingly high costs, costs which are now significantly higher globally than it would take to avoid these issues in the first place. During the financial crisis, we dealt with the financial issues but didn't address the underlying problems that caused it. At that time, banks were too big to fail, and people were too small to matter.

Then we got COVID. This was a direct result of biodiversity loss. We’ve had other diseases, such as SARS, Zika, Asian flu, but there are 10 others waiting around the corner. And again, we didn't get the lessons. We spent $18 trillion in Europe and the West to save lives, but we didn't care about the developing world. Social representation shows how we think about each other. We didn't do anything with the money to right-size the economy and start depressing these problems. No money spent on building facilities, no money spent on adaptation, no money spent on restoration. We didn’t really address the basic issue. Now we’re sadly in a situation where all these factors are coming together.

In the U.S., since COVID, you now have 1% of the billionaires who try to decide what the politics for all should be. It's so overwhelming. You have fear, anxiety, and other mental issues. That's where we need to be careful. We underestimate the effect it has on society, on undermining democracy, and on our values. We underestimate the anxiety that is created by people feeling that they don't count anymore, that they are not part of something. People feel excluded, as if they're not part of society. We underestimate technology. We can debate AI for hours, but I'm most worried about what will happen to the truth. With AI, the bigger risk is that truth and trust will decline. If you don't have trust in society, then some people might feel a decline in the basis of prosperity, the basis of the room that keeps us together. That's a very big thing because we are linear thinkers. We cannot handle exponential change effectively.

We see the cost of our failures going up exponentially. The cost of, for example, biodiversity loss is estimated at $40 trillion. Food companies will not see any profit. It's already started there, with these costs being internalized on the balance sheet. We also see an exponential decline in costs. Many CEOs I talk to don't really realize how cheap green energy is now. So you have an exponential cost of technology coming down, you have an exponential cost of not acting going up. If we don't see that, we discount future cash flows and make the wrong decision.

That's a real issue, because that takes away the sense of urgency. The issue is not that we're not moving; we're moving forward, but we're just not moving fast enough. These issues are being created faster. Another thing businesses don't seem to address is that you cannot solve these problems without including the institutions that create 80-90% of them. Business must be part of this solution, and this has not yet been fully embraced. That's a leadership issue, and that's why I'm here.

Ultimately, leadership is about courage. Courage comes from purpose, it comes from empathy, it comes from compassion, it comes from a high degree of ethics, where you realize that you cannot run a business by discharging your negative externalities on other people. I've said to CEOs, " Do you want to be responsible if you continue to have carbon emissions for the 8 million people that lose their lives every year as a result?" "Do you want to be responsible for the 389 million people who are in acute food shortage?" "Do you want to be responsible for us having plastics in our bodies because we're putting more plastics in the ocean than fish?" If you're part of the problem, the highest ethical standard is to take responsibility for it and become part of the solution. Otherwise, you can't run your businesses successfully, and I don't think that's fully understood yet. The situation is more urgent now. Mother Earth was compensating for these values; we didn't even realize it. I would put the emphasis on these things, this connection, the truth, democracy, all these things, the values, and the role of business are probably the things that we most underestimate.

And what is the result? Some leaders don't see it, but I think only 10% of Americans trust business. That's not a good number. Only 10%, the same 10% of people who work for companies, think that their leaders are moral leaders. We've seen engagement scores in the U.S. decline, especially over the last 12 months, and they're now below 20%, meaning 4 out of 5 people are not engaged at work. A lot of time and energy are not engaged, which is very sad. I recently saw a headline in the Chicago Tribune about a guy running one of the AI companies who was asked whether he was worried about job destruction. He responded to the effect of "no, I'm not worried about that, because most people are dissatisfied with their jobs now anyway."

Against this backdrop, Mr. Polman reiterated that companies must move beyond minimizing harm and instead become net positive, describing what that shift requires in practice.

It's awfully hard to do. The title of our book is *Net Positive: How Courageous Companies Thrive by Giving More Than They Take*. The notion of giving more than you take is counterintuitive for most people. Ultimately, leadership is putting yourself to the service of others, realizing that by doing so, you're better off yourself. It's an act of generosity. I've learned that the more you give, the more you receive. Some people agree with you that over time, generosity will always win. When we wrote the book, we wrote it for a different reason. We needed to give businesses ideas for taking greater responsibility and building more responsible business models. When we started writing it during COVID, my co-writer, Andrew Winston, advised us on U.S. business because I wanted what we were putting on paper to click with everybody. If no one is following you, you're not a leader. When we wrote the book, we started to think it's a movement we need to start, a change of mindset. And the change of mindset is very simple. Most companies are in the space of corporate social responsibility (CSR). I argued that we needed to move to Responsible Social Corporations (RSC) rather than CSR.

There's a big difference between CSR and being an RSC. 95% of companies write CSR reports. If you read them, sometimes you get tears in your eyes, and sometimes you must laugh, because they're more about a little bit less carbon in the atmosphere, a little bit less deforestation, a little bit less plastic in the ocean. Our planetary health is defined by 9 planetary boundaries; 7 of which we have already exceeded the maximum acceptable level. A little less is no longer good enough. The reason we have biodiversity destruction, deforestation, and species loss in our generation, the reason inequality, climate change, and food insecurity are going up, is that we think that being less bad than our predecessors makes us good. So, the book is about a mindset shift: the only acceptable business model is restoratively regenerative, which is part of what you call "net positive."

A net positive company takes responsibility for its total impact. Many companies think they can outsource technology, outsource their responsibility, but that doesn't work anymore. I always quote Viktor Frankl in the book *Man's Search for Meaning,* who said that when they built the Statue of Liberty on the east coast of the United States, they should have built a Statue of Responsibility on the West Coast. We need to take our responsibilities seriously; when you break something, you don't blame someone else. If we are in the food business, we are also in the deforestation business, the stunting (impact on nutrition)[2] business, and the food-waste business. We need to take on that responsibility. You don't create value by focusing on the quarter; you

[2] *Editor's note: Clarifying language added.*

create value over the longer term. This means you need to build your business models around all stakeholders, not just to maximize shareholder return. Your focus is on optimizing return for all your stakeholders. These two lines converge over the long term, and shareholders would be much better off investing in companies that take care of all their stakeholders.

Another aspect of net-positive companies is that they work on broader systems change. They work with civil society and governments to go beyond. This is where the notion of giving more than you take comes from. At Unilever, it doesn't serve to say, "I don't cause plastics in the oceans." Instead, the company needs to think about how it can ensure it involves others so that everybody in the value chain has a decent living, can send their kids to school, and no one goes hungry. So go beyond, work with governments and civil society, and drive broader systems change. That's where I spend most of my time now.

Net-positive companies also don't shy away from tackling the toughest challenges, such as the problem of money in politics. Stephen R. Covey, in his book *The 7 Habits of Highly Effective People,* said, "You can't talk your way out of a problem you behaved your way into." It is not one person, one vote: it's one dollar, two votes. Businesses go to Washington to lobby for their own interests. Companies say things to appear "green." CEO compensation went from roughly 20–30 times the average worker's salary in the 1960s/70s to over 300–400 times the average worker's salary today. The average American worker hasn't seen his salary rise, but education, healthcare, and housing costs have. How are businesses dealing with that? There are CEOs now asking for a trillion-dollar compensation package. We are not dealing with the issues.

These are the calls that really get the essence of net positive. Now, nobody is net positive; it's an aspiration that you must strive to. Expectations and benchmarks will change. At Unilever, we were 10% sustainably sourced when I started, the highest in the industry. We were recognized for being the best in the world. We ended up at about 90% sustainable sourcing when I left. I worked with John Ruggie, and we experimented with the business and human rights frameworks. We put in the modern-day slavery goal.[3] We worked with UNICEF, USAID, the Gates Foundation, and others to bring sanitation to schools. We started our company on the road to net positive, but the challenge is that you can't do it alone. You need functioning governments. So that's where I focus, moving from formal authority to more moral authority. It's difficult, but if you succeed there, then your influence is infinitely bigger, irrespective of the institution's size. So that life is more fulfilling for me, but there's no question that it's tougher.

[3] *Editor's note: Referring to work of John Ruggie who developed the United Nations Guiding Principles on Business and Human Rights (UNGPs). The UNGPs establish a "Protect, Respect and Remedy" framework requiring companies to identify, prevent, mitigate, and account for human rights risks in their operations and supply chains. United Nations Human Rights Council. (2011). Guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework.* https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

Viewing "net positive" as the direction of travel, Mr. Polman reflected on the kind of leadership this shift will require in the decade ahead and how it differs from traditional models.

As society evolves, new issues emerge. Leadership also needs to be involved. Very few universities teach beyond financial capital to also teach social, environmental, and human capital. Ecological thinking is not really embedded in many educational institutions. Our common home is the most important entity that we need to take care of.

When COVID came, we again saw a bifurcation in businesses that were already transparent before COVID. There were businesses that worked for the short term for shareholders, businesses that focused on the benefit of a few at the cost of the many. These were the businesses that were not so successful. Their balance sheets were over-diverse, and they needed government payouts. We saw bifurcation of leadership. We saw in this very uncertain environment, where people didn't know what to do and human health and lives were at risk, that there was a bifurcation of leadership, a higher sense of empathy, compassion, and humanity, and stronger, purpose-driven partnerships. These leaders were able to keep their followers while instilling a higher level of trust and emotional equity that they could capitalize on. These leaders were the leaders that people wanted to follow. So just as you saw bifurcation in business models, you saw bifurcation in leadership.

Now, over the last 12 months, if I may say without being too contentious, we have seen, under some pressure, leaders flip and values thrown out of the window. 180-degree changes, such as in how some in the tech world are paying to keep their models running at others' expense. There are recent court cases that have finally held tech companies accountable under the principles of net positive.[4] If you break it, you own it. So hopefully we see more of these people being helpful, that higher level of leadership that we know is more rewarding, but also a shared leadership role. Because leadership ultimately determines whether a company will succeed. We have the technologies to solve all these issues, to some extent. We certainly have the awareness of what needs to be done. We also have the solutions; everywhere we can see leaders being successful. What is holding us back is willpower and leadership. It's an issue of leadership, and we need to spend more time cultivating it now. That's really where the world's deficit is right now.

Reflecting on how he would approach the start of his career today, Mr. Polman explained where he would place his bets and what he would have the courage to do differently.

The older I get, the more obsessed I am with finding out how to stay relevant. The only fear I have is that if

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[4] *Editor's note: Referring to recent U.S. rulings against Meta and Google in March 2026 that found the companies liable for harms connected to addictive platform design and inadequate protections for young users. Reuters. (2026, March 25). Jury reaches verdict in Meta, Google social media addiction trial.*
https://www.reuters.com/legal/litigation/jury-reaches-verdict-meta-google-trial-social-media-addiction-2026-03-25/

you're no longer useful, you'll be excluded from things. I’ve looked at Desmond Tutu and Nelson Mandela. I’ve looked at Mick Jagger and Richard Branson, who appeal to all generations. I was with Simone Perez in Israel shortly before he passed on. He was in his 90s, but he was talking to me about technology like an 18-year-old from Silicon Valley. I remember saying to him, “Mr. President, it is amazing that you stay so active and so young. How do you do this?” He responded, “Paul, it's very easy when the list of things you want to do is longer than the list of things you have done.” I’ve always operated under the principle of “today is my first day.” Even when I was running Unilever, I would ride to work and tell myself, "Today is my first day." If today is my first day, I would look at the biggest issues I could have an impact on. I would take the toughest challenges that moved me out of my comfort zone. I would work with like-minded people and try to bring them together.

I would focus on the areas where I can drive people. And that's true at every level of society. In my position, I would certainly keep hope. I would not let the opposition dominate by causing me fear or anxiety. I would not be reactive; I would take my life proactively. You must take charge of your own destiny. It is better to make the dust than eat the dust. In a sense. I would work more strongly on my purpose and my anchors so that when you encounter the friction (opposition, the skeptics, the sins) that change automatically brings, you're able to walk through it with firmness and determination. There is more polarization in the U.S. right now than at any point in the country’s history because many people lack an attitude of adaptation.

You need to be adaptive as a leader; you need to be more of a bridge. I spent a week in Washington with a lot of people whom I normally wouldn't talk to. I was professional, I tried to find common ground, and I spent a lot more time adapting my own thinking to create bridges with people who think differently. This is necessary to identify areas where we can collaborate, heal some of our wounds, and move forward for our benefit and the future of the planet.

A Personal and Professional Perspective on Civil Rights

Kalpana Kotagal

Kalpana Kotagal serves as Commissioner of the U.S. Equal Employment Opportunity Commission (EEOC), where she has dedicated her career to supporting workers and championing diversity, equity, inclusion, and accessibility. Prior to joining the Commission, Kotagal was a partner at Cohen Milstein and served as a law clerk to the Honorable Betty Binns Fletcher of the United States Court of Appeals for the Ninth Circuit. She is also co-author of the Inclusion Rider, a framework designed to encourage inclusive hiring practices in the entertainment industry.

The work of the EEOC is about preventing and remedying unlawful employment discrimination. That's what we do. It has been a real privilege to join a storied institution at this particularly remarkable moment. We just celebrated the 60th anniversary of the passage of the Civil Rights Act of 1964. It was that law that founded our agency 60 years ago. We were birthed out of that movement, out of the work of civil rights pioneers and leaders like Dr. King and Rosa Parks, from right here in Detroit. The EEOC and laws like Title VII wouldn't exist but for the advocacy, struggle, organizing, and hard work of that movement, as well as major protests like the bus boycott in Montgomery or the March on Washington for Jobs and Freedom.

I'm not a historian, but I find a connection to who we are, where we came from, and where we're going from the original texts. I was reading about Rosa Parks, and she said something instructive, as I think about my own priorities. Parks focuses on the need for action with her words when she says, "we must have the courage and determination to go on with the task of becoming free, not only for ourselves but for the nation and the world." Action is a fundamental principle in my family's religious tradition of karma in Hinduism. Karma means action. We're committed to the work and action at the EEOC as we continue to press to make our nation's commitment to equal opportunity real.

That work is not done. We're busy. In fiscal year 2023 alone, the EEOC recovered more than $665 million for more than 22,000 victims of discrimination. For anybody who tells you that discrimination in the workplace is over, that we are a post-discrimination society, they're wrong. I am focused on serving vulnerable and underserved workers. Earlier this year, we made progress on a couple of my priorities. We finalized regulations that govern the enforcement of the Pregnant Workers Fairness Act, one of the few major civil rights laws passed by Congress in 30 years. We also finalized updated guidance for workers and employers on harassment in the workplace. I represented workers before I came to the Commission, including workers who struggled for fair pay, and so advancing pay equity is also a paramount priority of mine.

This year we've actually moved backward. It has been 60 years since the passage of the Equal Pay Act. This year marks the first statistically significant increase in the gender pay gap in 20 years. Women working full-time, on average, earn roughly $10,000 a year less than men. That's money for housing, health insurance, childcare, among other things. It's real money. The amount is even more significant for women of color. That's an area that I continue to be committed to and focused on, especially since research suggests a significant portion of the wage gap may be attributed to discrimination.

I have also had the chance to lead the EEOC's REACH Initiative. The Initiative, launched earlier this year, focuses on reaching vulnerable and underserved worker communities. As a child of immigrants and a Midwesterner, the opportunity to reach workers who may not know about their rights to be free of discrimination in the workplace is just critically important. I've traveled the country on a listening session tour for 10 months. It's taken me everywhere, from New Hampshire, Maine, to Texas, and from tribal lands in Minnesota to West Virginia, and Florida. I've learned more about the barriers that workers face when they seek to be free from discrimination in the workplace. I've met with workers and advocates all over the country. It's been a remarkable learning opportunity. We will take that learning back to the Commission and figure out how to implement it and how we can better serve the most vulnerable and underserved workers.

I should not leave the topic of my priorities without mentioning diversity, equity, inclusion, and accessibility. I have been and will continue to be vocal in supporting these issues. I will continue defending that work and encouraging employers to continue it. It's just critically important.

Reflecting on her time as a partner at Cohen Milstein, where she specialized in civil rights and employment law and chaired the firm’s hiring and diversity committee, Kotagal pointed to the deep connection between the most challenging cases and the ones she found most meaningful.

The things that I'm most proud of and the most challenging things go hand in hand. That's not surprising. I spent almost 17 years at Cohen Milstein. I joined the firm in 2006, fresh out of my clerkship. I had been in Seattle, clerking for Judge Fletcher (Honorable Betty Binns Fletcher of the United States Court of Appeals for the Ninth Circuit), whom I think about every day. She was one of the very first women appointed to the bench by President Carter in the late 1970s and was a pioneer in the profession her whole career. She left a legacy of over 100 clerks during her 30 years on the bench, many of whom have gone on to important and meaningful public interest careers.

I think about her all of the time because she never shied away from the hard stuff. She got right into it and encouraged us to do the same thing. When I sat down with her to talk about a case before oral argument, we'd prepare so that she would know what issues she wanted to focus on from the bench. By the time I worked for her, she was in her early eighties. She'd been on the bench for so long that she could do it with one hand tied behind her back. I would have read all the cases and dug into the record. I would write my bench memo, talk to the other chambers' clerks, and then sit down to talk to her. She would have already zeroed in on the most critical issue. She didn't really need me. But she taught me something about the importance of mentoring and teaching.

I took that commitment to Cohen Milstein where I chaired the Hiring and Diversity Committee for a decade and led the firm's fellowship program for nearly that long. I loved that work. It was very different from my practice, where I litigated complicated, massive cases. When a defendant produces terabytes of documents and data, you must figure out what to do with it. Where's the needle in the haystack? How do I find the documents that are going to prove my case?

I litigated a case for about 15 years on behalf of 70,000 women. We finally resolved it right before I left the firm. That case sat right at the intersection of forced arbitration, class certification, and employment discrimination law. This is challenging work: you have to show a court that you can bring a lot of people together in a single case, that their problems are similar enough, that their cases can be litigated together. In addition to those complex procedural issues, we also had to establish that these women had experienced discrimination. All of that went up and down to the Second Circuit Court of Appeals four times and to the Supreme Court twice. We resolved that case just before I left the firm for nearly $200 million. That was a case where women at the company found each other, figured out that they had been paid less than lesser qualified men, and came to lawyers. They found us.

One of my clients in that case lived in the farthest northern reaches of upstate New York. You could fly into Boston or New York, and then you took one of those six-seater planes, where the pilot instructs each passenger where to sit to balance the plane's weight. She was not a woman with advanced degrees. It bothered her that the guy hired after her, who had no experience selling jewelry, was getting paid more than her. It just bothered her; it sat wrong with her. The word spread through the organic network of employees at a large retail chain of jewelry stores.

This same client connected to a woman in Florida who thought that a man working in her store, who was less qualified that she was, someone she had trained, was getting paid more than her and had been promoted over her. She wanted that store manager position, and they gave it to the less qualified man, she believed. As we dug deeper, it became clearer that there was evidence of pay discrimination, discrimination in promotions, and a grotesque disregard for the dignity of women that permeated the company, in our view. We fought that case hard, and I'm incredibly proud of it. It felt righteous and meaningful.

I litigated a case right here in Detroit very early in my career. I represented nurses who alleged that various hospitals in the area were exchanging information about how much they were paying nurses in a way that suppressed nurses' wages. It was a fascinating, incredibly challenging, and righteous case.

I felt proud to represent these women who could have quit, looked for work elsewhere, or acquiesced. They didn't—not just for themselves, their families, and their dignity but also for those who came after them. They recognized that if they were silent, the behavior would continue. I could talk about my clients' bravery and tenacity all day long. The work was so powerful. I have so many memories of being a litigator that continue to move me to this day.

On mentoring and advising the next generation of lawyers, Kotagal drew on her experiences as a Harvard Law School Public Interest Fellow and as the Vanderbilt Law School Barrett Distinguished Practitioner in Residence, reflecting on both what she has learned and the guidance she offers to students navigating challenges to their personal values.

I mentioned Judge Fletcher. I have been so fortunate to have teachers, mentors, and sponsors who have seen, supported, and challenged me. They've pushed me. And so, when I was first in a position to offer support to folks who were coming up, I felt I needed to pay that forward. Little did I know what I know now, which a lot of mentors and sponsors here in the room know, that we who do that work of mentorship and sponsorship and teaching get so much more from that experience than we give. I get more than the law students and the junior lawyers I'm privileged to work with. And I wonder if that's how Judge Fletcher felt, and if what kept her on the bench for so long was the chance to teach and train generation after generation of new lawyers and to send them off into the world.

Litigation is hard. It is particularly hard to represent the little guy when you're on the plaintiffs' side when you are outmatched and outspent by your opponents. Taking on major companies and their legal teams makes litigation hard. It's an adversarial process. It is inherently antagonistic. My career, hopefully, speaks to the value of taking on systemic discrimination. It's righteous work. I'm grateful to be in a position to do it, but it can be wearing.

There have been moments where I have lost sight of the forest for the trees. The nasty email or letter from opposing counsel on Friday at 5 p.m. sits with you as you go home to your family. Those things are real. They're a real part of the work but talking to and learning from law students and junior lawyers has motivated me. It has refreshed me. It has re-inspired me. It has reminded me why I continue to do this work.

One of the things that I have noticed from this new generation of lawyers is a fearlessness, a willingness to take on injustice, an impatience and unwillingness to mince words when they see something that isn't fair. They are strategic enough to use their own power as a force for good. At Harvard as a Wasserstein fellow, I met four women, second-year law students, who had launched an organization after learning that some law firms recruiting Harvard law students were using forced arbitration provisions. The organization's early focus was to advocate for more equitable employment practices in private law firms, including eliminating the use of forced arbitration provisions, which require someone who alleges discrimination to go through private arbitration rather than bring their case in court.

I met them 6 years ago, so they've graduated and are now relatively junior lawyers. The organization they founded as law students is now one of the country's influential progressive legal organizations. They're advocating for judicial nominees and progressive legislation. They have a seat at the table on all kinds of critical questions that impact the law, and they are calling lawyers to the table. They're calling lawyers into the room to make the profession better. They're bold, fearless, and strategic. They bring the best energy, so I will continue working with younger lawyers and law students as long as they want to keep hearing from me.

I also admire how young lawyers are carving their paths and finding their way. I empathize with the impatience that young people feel in wanting to get out of school and do something. By the time I graduated from college, I had spent years studying how things work and why they work the way they do. I was ready to be part of the solution. That's when I went into professional organizing. So, I get it.

I don't have easy answers to what happens when an aspect of someone's work or their employer's priorities don't align with their values. But I can say a couple of things about it.

The first question that folks in that situation have to ask themselves is: at what level is the misalignment occurring? For example, is what's bothering you that you see a colleague treating another colleague in a way that seems wrong and unfair? In a way that appears discriminatory? If that's the friction, the misalignment between your values and your work, you must ask yourself whether you can do something about it. You must ask yourself whether you can bring your workplace back into alignment with your values. Can you speak up? Can you support that worker who's facing a hard time?

If the misalignment is happening more systematically, that's harder. If you're in a situation where the employer's goal or your work is fundamentally at odds with your worldview, it's important to think carefully about your plan for the future. What do you want to do? What fires you up? What moves you? Where do you want to be? What's your plan to get there? Could you find ways to connect with that organization? Could you use LinkedIn? Could you connect with places you want to be or people doing the work you want to do? Make a plan for the next step. The other thing is to look for ways to be involved while you're making your plan. Don't wait. There are so many things you can do. You can be part of civic life in your community. You can be part of organizations that do work that's meaningful to you. Do the work while you're making your plan. Sometimes, looking for other ways to do the work can lead you to your next step, and you can find ways to achieve greater alignment.

There are no perfect jobs. There are great jobs. Every job has its upsides and its downsides. Everybody entering the workforce must know what matters to them the most and how to be practical about their realities. Be thoughtful about the steps that you take to get there. Your career is really long. You don't have to have the perfect job right away. You don't have to have the dream job for your first job. Work through what matters to you to head in the right direction.

Kotagal also highlighted her work co-authoring the Inclusion Rider and collaborating with industry leaders to advance its implementation across film, television, music, and fashion.

This was a funny moment. Some articles in the press from that time describe how I had no idea that Frances McDormand would talk about the Inclusion Rider at the Oscars. I didn't know she knew about it. The way that all unfolded was a profound surprise to me and to the other co-authors of the Inclusion Rider.

The Inclusion Rider is a voluntary agreement encouraging more inclusive hiring practices, expanding the candidate pool, setting flexible goals and benchmarks, collecting and analyzing the data, and going through a cycle of accountability for how a production company or studio could do better. Those principles are broadly applicable. The Inclusion Rider is one of many strategies. Many folks are working in Hollywood to make it better and more inclusive, both in terms of who you see on screen, who you don't see behind the camera, and what stories get told. I'm proud to have been part of those efforts. But I want to underscore that there are lots of folks doing that valuable work.

After the Inclusion Rider broke through after the Oscars in 2018, what I said more than anything about it is that the principles it embodies are just good employment law. They're just basic principles. The Rider is a tool we wanted to offer; we never intended it to become something exclusive. We wanted folks to know that there was this way of doing things. We offered it at a moment when the narrative around diversity, equity, inclusion, and accessibility in film and television was bubbling up.

Since we first authored the Inclusion Rider and Frances McDormand talked about it in 2018, we worked with several production companies and studios to tailor its principles for particular settings. It was used in the Grammy's production. We've used the Inclusion Rider in New York Fashion Week. I believe that dozens of production companies and studios across Hollywood use the Inclusion Rider on their slate of productions or have taken it as a set of principles and developed their own. My co-author, Fanshen Cox, took the Inclusion Rider into the earliest stages of productions she has been executive producer on.

The Inclusion Rider is fundamentally about improving recruitment practices, hiring practices, and outreach to address barriers to equal opportunity that have existed in Hollywood for decades. When I was most actively engaged in that work, I had a remarkable window into how Hollywood companies were thinking about DEIA and working on DEIA. I loved the chance to collaborate at all levels of the work, from the stories chosen to the stories told. Slowing down the hiring process and challenging stereotypes in a story and casting felt particularly important.

Hollywood, the entertainment industry, perhaps more than other industries, is adept at telling stories about what it is doing in certain areas without always doing those things. Marketing and narratives are powerful forces in Hollywood. Making sure that the work continues to happen is really important. Since I joined the Commission last year, I've met regularly with business leaders about DEIA principles and practices, and I can take a lot of that learning from Hollywood and the Inclusion Rider into this next chapter.

On techniques for reaching common ground in situations involving differing ideas and perspectives, Kotagal noted:

As an advocate, my starting point is what I think is right and how to get what I feel is right for my clients. My stubbornness has served me well over the years through the adversarial nature of the litigation process. But finding common ground is critically important to continue progressing on the issues I care about.

In my experience, the most important techniques, the ones that I practice every day for finding common ground, are the ones that our achievement-oriented culture doesn't necessarily prioritize. I'm talking about listening more than you talk. Listening is hard. We reward talking, we reward extroverts, and we reward communication, which is a good thing. When you have a good idea, it's important to talk about it, but fundamentally, making progress and finding common ground requires us to be quiet. It requires us to listen to what people say, whether it's our partner, colleague, or adversary. One of the first rules of organizing I learned 25 years ago was to listen more than I talked, which lets you find out what matters to the person you're listening to.

I also have sought to prioritize humility. My parents always remind me to be humble. After the Oscars in 2018, my email exploded with requests from reporters and media organizations and invitations to speak. The first message I received was from my parents: “Good for you, but focus on the work and stay humble.” Recognizing that you don't know everything, that none of us know everything, is key to finding common ground. Taking a step back is key to opening the door to finding common ground. These are not easy skills. My experience has been that the more I practice them, the more effective I am, and the more secure and grounded I feel.

When I'm being thoughtful about my self-care and exercising the personal practices that help me sustain myself, I'm better at listening and humility. I can come from a place of empathy, which is different for everybody. Figure out what works for you. For me, it's regular meditation practice, exercise, nutrition, and sleep. I don't get all those things all the time. If I can maintain 3 of them, I am better prepared to listen. I am more humble and less defensive.

I think that's what it takes to find common ground, to feel grounded in where you are coming from—not only security in the position that you are advocating for but also in who you are, your work, your value, that you belong in the room and at the table, and that you're doing the things to sustain that sense of yourself so that you can show up as your best self in hard settings.

On the Pregnant Workers Fairness Act (PWFA) and the EEOC's updated harassment guidance, Kotagal addressed what businesses should know following recent regulatory developments.

The PWFA is amazing. It's one of the few major civil rights laws passed in 30 years. It passed on a bipartisan basis, which we should all celebrate. The PWFA advances the civil rights of pregnant and postpartum workers by expanding access to accommodations for workers. It goes without saying that ensuring that we're providing accommodations to pregnant and postpartum workers can be a lifeline for them and their families.

Before the law's passage a couple of years ago, we found that women were routinely denied modest workplace changes like light duty, water breaks, a place to sit, or bathroom breaks, with some incredibly devastating health consequences as a result. This new law allows workers to ask their employers for job changes, like time off to go to health appointments. If you're pregnant, you can get an accommodation to go to your prenatal doctor's appointments, to get light duty, to get breaks to eat, drink, or use the bathroom.

Here's the new part about it. Employers are required to provide reasonable accommodation to pregnant and postpartum workers unless doing so would cause an undue hardship, which is a significant difficulty or expense. This law was a long time coming. Congress charged us at the EEOC with writing the rules to enforce it.

After many, many months of work, we put out our final rule. Before we finalized our rule, there was a notice and comment period, during which we received over 100,000 public comments. We're a little agency. One hundred thousand comments in 60 days is a lot. We finalized our final rule in the spring of this year. It includes more than 75 examples of hypothetical situations that might arise to illustrate how this law's protections can be made real for people and their lives.

The law is already working to make pregnant people safer, to keep them in the workplace, and to protect their pregnancies at a time when they most need those jobs. We just announced a settlement of $100,000 on behalf of a worker whose employer fired her just days after she had a stillbirth and asked for time to recover. That is not an isolated story. There are stories of women who asked to go to the emergency room only for their employer to deny them the right to leave work, leading them to quit their jobs to get the care they needed. In some of these stories, they couldn't go fast enough, and they miscarried.

I am proud of how quickly we’ve gone to work to enforce the law. In the last fiscal year, we sued five employers for violations, and with that litigation, we sought to drill down the core aspects of the law. The kinds of violations that we see, for example, are employers sending workers out on unpaid leave immediately when they ask for an accommodation, rather than going through the negotiation, what we like to call the interactive process, to see whether there's some reasonable accommodation that they can provide. We've also seen employers asking for too much documentation about the condition of the pregnant worker that requires accommodation.

So, there are many things that we can focus on in the enforcement context. But we're also hearing from employers that once they understand their responsibilities, they can do it. They've done it with the Americans with Disabilities Act (ADA) for 30 years. It’s normal for people to get pregnant and have families during their working years; we should create the space for those workers to be protected.

Finally, I want to talk briefly about the Harassment Guidance. It means a lot to me as somebody who represented workers facing harassment. The Enforcement Guidance on Harassment in the Workplace was a decade in the making. We updated it with more than 75 examples drawn from the case law. These examples help workers know their rights and help employers understand their responsibilities so that they can protect their workers.

The guidance reflects some critical changes in the law, including the Supreme Court's decision in the *Bostock* case, which affirms that individuals are protected against discrimination on the basis of sexual orientation and gender identity while also dealing with emerging issues like online harassment. Online harassment did not exist in the same way the last time these guidelines were updated. We also highlight intersectional harassment: the way in which Black women face harassment is different sometimes than the way in which White women face harassment. We wanted to help people understand all the different ways harassment can occur. We also focused on harassment of vulnerable workers, like survivors of gender-based violence who might face stereotyping in the workplace. I genuinely hope that with this updated guidance, we'll be able to improve the state of work for people because workers will know their rights, and employers will know their responsibilities. People will have the tools and information they need to ensure workplaces are safe.

THE UNITED NATIONS GLOBAL COMPACT: THE FOUNDER'S PERSPECTIVE

GEORG KELL

Georg Kell is Chairman of Arabesque Group, a technology company that uses AI and big data to assess sustainability performance for use in investment analysis and decision making. Mr. Kell was the founding Director of the United Nations Global Compact, the world's largest corporate sustainability initiative. During his time at the United Nations, Mr. Kell built the UN Global Compact and oversaw the launch of its sister initiatives, including the Principles for Responsible Investing (PRI), the Principles for Responsible Management Education (PRME), and the Sustainable Stock Exchanges (SSE).

History and Introduction

We can't predict the future, but we can at least make choices about it. I want to talk about where we currently stand and how we can move ahead. I have always been a systems-minded guy, so I thrive on interconnections between different disciplines. I've never worked as a practical engineer, but I find it very helpful to make the connections, the horizontal connections, to see what's going on in one field. And how that can be relevant to another one. I have deep respect for the academic community as an idea generator and, of course, in preparing the next generation of leaders. That's the core challenge. I will address some of these issues. I will be talking more from the perspective of decision-making but also try to make it personal. I do believe that the personal dimension and the integrity dimension at the personal and organizational levels have a lot in common, and we need to be clear on that.

I consider myself a lucky guy because I've always followed my instincts. When I saw opportunities, I jumped on them, as when Kofi Annan called me to his office and said we must do something with business, I jumped at that. Annan said business is not involved in the United Nations, so you're now my guy dealing with business. I had the privilege of doing speeches for him. One of the speeches hit the front pages of newspapers. It was called the Global Compact. The speech suggested to business leaders in an era of globalization (the late 90s) that while it's great for business to go global, it's important to be aware of very simple principles and how you behave. The trick we applied, which was very opportunistic, was to think through which U.N. conventions were most relevant to business. Where are the pressure points, and where can you make the biggest contribution?

We identified four areas. One was the area of human rights, an area most businesspeople still know little about. Businesspeople are either scared of lawyers or think they have done something wrong. Another area was labor rights, an area that has evolved very well. There are many, many conventions, 200 of them. They were codified in four simple, fundamental principles and rights at work, such as no child labor, no slavery, freedom of association, and environmental principles. We cooked them up because we didn't have a solid international framework. We derived them from the

Rio Declaration on Environment, the mother of all modern evolutions, where the United Nations Framework Convention on Climate Change (UNFCCC) was born. Four years later, once the U.N. finally had a convention against corruption, we added anticorruption, the 10th principle. This was in 2003. We made a constitutional reform within the compound, so we went out into the world, winning over business leaders to embrace the principles in writing, pledge to them, and commit to communicating on progress annually.

From the early days on, I got great support from the business ethics community here in the U.S., from Notre Dame to Austin to Santa Clara. There was a lot of great thinking on business ethics, but it had yet to go mainstream. Great collaboration started to emerge all over the world. The response was very positive because most business leaders in those days wanted to improve because it was a race to the top. Remember, it was a time of optimism in the world where we still believed that there was only one way forward, and that was deeper integration: ending poverty and overcoming poverty. The borders were breaking down, and liberal orders continued to expand. Whether in China, Argentina, South Africa, or Colombia, business leaders wanted to be part of the global value chain and improve their performance in these principles. They certainly understood that once it went public or listed you got a better valuation if you could prove you had some principles in the organization. Against this background, a huge global movement started to emerge.

Currently, 80 country networks are up and running, many of them quite active. With the Ukraine country network, for example, my heart is bleeding. The Ukraine network employs 120 people. They're all safe currently. But I want to give you an idea of how the Global Compact seeds spread worldwide and how the global movement started.

I was also very lucky to have Kofi Annan’s support. He was the greatest Secretary-General I have ever experienced. He supported the invitation to CEOs of pension funds in 2004. We invited them to form a working group called Who Cares Wins. The outcome was a report, and in that report, the term ESG was codified, and another global movement started in finance. That movement wouldn't go global mainstream until 2014 when, for the first time, correlations were established between long-term valuation and good performance on the one hand and good ESG factor management on the other. The correlation of causality is still being disputed. We'll come to that in a moment with the big issue of materiality versus morality.

The world kept on moving and embracing, including on the disclosure front. GRI made enormous leaps forward as well. We always worked with sister organizations, supporting each other. We stated that if a company uses GRI indicators, it qualifies, meets, or exceeds global compact disclosure requirements. We helped each other along the way. GRI and the global compact represent a principle-based approach in the economy. The world of finance started to get interested, but then came the financial crisis. A big backlash came on concerns that in a crisis situation, these issues will go down the drain because people focus on the essentials of the country's survival. Out of the crisis, the principle-based approach was the way to regrow and rebuild trust. We got a huge boost out of the financial crisis in terms of embracing the principles worldwide, because the message was very clear. If you want to build solid organizations, you must have a solid foundation and principles recognized everywhere. In 2015, I retired. At that point, the Global Compact had 12,000 active corporate participants and 60 country networks.

My successor, currently Sanda Ojiambo from Kenya, a wonderful lady from Safaricom, is now trying to grow the initiative even further in Africa. We had a few networks there during my time with the Global Compact, six or seven, but they were almost always on life support. They never got the self-independent growth momentum going. I hope she will succeed now. This is the Global Compact.

As I mentioned with ESG, the investment side started to take off big time in 2012-2013. That's when the first Harvard and other studies came out from Asia and Europe, showing there's a correlation between good performance/good ethics and long-term returns. Wall Street embraced the long-term emphasis, as well as in London, Hong Kong, and everywhere around the world. ESG was the next big thing. The integration of nontraditional financial issues in financial analysis and decision-making. A huge race started off. And then I retired, I joined a firm which uses ESG data and AI to come to grips with the big data models.

Long Term Predictions

I want to reflect on where I see this movement going forward and how much voluntary initiatives can contribute. I want to clarify that, in the end, business is always part of society. Business alone can never really do it. Real improvements can only happen when businesses, finances, regulators, and civil societies move in the same direction. It is a wrong assumption to believe that corporate sustainability doesn't work because look at ten years, 20 years of efforts, and the world is even messier than it was 50 years ago. You could argue the world would be much worse without these efforts, but you can argue that genuine societal improvements require everybody to play a role. Businesses and investors moving in one direction helps society prepare the groundwork. This helps policymakers adopt and change framework rulemaking to improve situations overall. It certainly has a massive positive impact, but alone it cannot be the solution.

Corporations alone cannot save us from climate change. We need all players in society, including consumers. When I look forward, I want to predict where these trends will go. We have to step back and ask ourselves, what are the fundamental forces that continue to shape the framework conditions within which business and finance operate? I proposed to you there are four things. The first one, the most complex one, is political changes. And I'll come back to that in a moment, because that's outside the control of most of us. But the reality is power trumps markets. History has proven it. We are currently witnessing how history is proving this. Secondly, climate change is real, and it's getting worse. We will ultimately be forced by Mother Nature to take action. The question is, at what point and can we take action so the worst can be avoided? That risk continues enormously. The implication is very clear: Decarbonization and clean energy as fast as possible are safe, long-term future bets. It may not work out in the short run because coal is very profitable, but in the long run, it certainly will.

The third megatrend I propose to you, which has always been arguably the most important one, is technology. Technology is the mother of human progress. It has always been from the Industrial Revolution onwards. It's through technology that we can organize things differently. They can produce differently and behave differently. We will witness now the accelerated pace of digital technology, particularly in the onset of A.I. in almost everything. A key question here is the purpose of technological change and which direction we give to it. This is one of the most fundamental questions, and there are many, many ethical dilemmas involved.

The fourth megatrend is social norms and their changes. Ultimately, power is always people, how they behave, what their preferences are, and what they do; power is with all of us. We all have the freedom to choose. We all have the opportunity to go this way or that way. Certain trends are playing out; some of them play out on a global scale. For example, people increasingly want more instant everything, quicker delivery, and the most direct connectivity.

There are also enormous fragmentations happening because, in different markets and societies, we can witness very different patterns of social norm changes. I would just advise you to keep your eyes and your mind on the long-term trends that shape the framework within which you will operate. And I suggest to you today there are three such megatrends that might be irreversible and will be ever more relevant: (1) climate change, or the natural environment in general; (2) technological change; and (3) social norms change. These are the most important framework-defining forces. From that, you can go back to what it means for strategy, decision-making, and investment decisions. And where does that time horizon come in? This is where we face a real dilemma in the world of finance because, on the one hand, more and more analysts do realize that climate risks are mature, relevant, and very serious. On the other hand, with a short-term mindset, you can still make a lot of money by burning the globe.

We have this time dimension on everything we do and consider. I urge you to think as long as possible because when you have a long-term perspective on issues, you can see the net present value and consider and value what you don't see when you're looking just to the minute or the second. These things which you can't see in your short-term time frame, they may be the things that haunt you. It's not just the black swan concept and the systemic risks you're facing, it's the fundamental forces that can work against you. Be anti-fragile and apply long-term thinking. Even if the world is becoming ever more short-term, this is one fundamental lesson that I have.

Remarks on Ukraine

Now I want to cover a little bit about the current situation in Ukraine. Forgive me. Like many of you, I'm going through a traumatic reawakening because we are witnessing history unfold as I speak here. By the minute, by the second, we have to face the brutal reality that imperial mindsets and state power are still alive and kicking. We have to face the reality that state power, if unhinged and uncontrolled, is a huge, destructive, horrible, dark force.

It makes me tremble, but it makes me realize we live in a highly volatile world. For business it means a lot of dilemmas, a lot of challenges. This is not only in supply chain disruptions that are rocking the markets in energy, food, and raw materials all around the world but also in terms of strategic, forward-looking thinking. Should we now retreat even more and build everything back home. Or should we keep the ties going and hope and wish for settled peaceful arrangements? I remain a strong proponent for interdependence. The more we are connected, the less likely we will use the worst forces. It may not be enough to stop it, but it at least make it less likely that it puts a brake on it. I hope that our world will not evolve into pure, self-centered national economies.

I hope this will not be so, and that's where businesses can now step up to reinforce their traditional role as ambassadors of peace. I want to remind you of what inspired me a lot. In 1919 after WWI, the International Chamber of Commerce was created. The slogan was for members to call themselves Ambassadors of Peace because they brought talks, employment, and hope rather than war and destruction. Being in business is basically a good force because you contribute to interdependence and show through your exchanges that you're open to other mindsets. We all pay a high price. If you go into protectionist mode now, everybody would be self-destructive and wouldn't help the world. The second and probably more compelling argument is that our world is already so interdependent that we cannot afford not to collaborate. Climate change cannot be solved by one country, by one company. It can only be solved if we all work together. If China doesn't play along, whatever Europe and the U.S. do, forget about it. China already accounts for 40% of emissions. We are doomed if China is not on board, so we have an incentive.

Take health for example. We saw it with COVID, how we mismanaged the global response and how the lack of collaboration hindered a speedier or greater response. How many lives were lost because of that? Global interdependence is a reality in a new era where the human impact on our natural environment is already so big. The feedback mechanisms are so powerful now that, over time, we have no choice but to react. The incentive for collaboration hopefully will grow over time. And I hope to live through the day when heads of state and governments realize we have a new common enemy. It's climate change. You look into the mirror and discover it is in us. It has always been us. It's our behavior, it's our doing, and in the end, it's in all of us because we all have these choices on ethical terms.

Where to go? What to do? For what purpose? Then you can choose to believe that what connects us is more important than what divides us. Or do we want to rally on divisions and thrive on dividing and playing the nasty game? This is a choice we can make consciously. All of us can make it. I hope that we come back to making the right choices…

WINNING THE LONG GAME: PRACTICAL LESSONS ON ETHICAL NEGOTIATION

MIKE KAUFMANN

Mike C. Kaufmann is a board member and advisor to public and private companies and the former Chief Executive Officer and Chief Financial Officer of Cardinal Health, a global healthcare solutions company. During his 32-year career at Cardinal Health, including five years as CEO, Kaufmann led the company through record revenues, portfolio and cost structure improvements, and the challenges of the COVID-19 pandemic. He currently serves on the boards of several healthcare and industrial organizations and is an active advocate for employee engagement, leadership, and strategic thinking.

In business, the way we negotiate says a great deal about who we are as leaders. Over the course of my career, I've been part of deals that moved quickly and others that required months of back-and-forth. The setting may change, but the fundamentals don't. The best negotiations aren't about squeezing out the last dollar. They're about reaching an agreement that both sides can live with and ideally, one that strengthens the relationship.

After more than thirty years in corporate leadership, I've learned that the most rewarding deals are those that build relationships rather than simply close transactions. Whether you're sitting across from a global supplier or a community partner, the same principles apply. Successful negotiators look past price and contract terms to understand motives, constraints, and opportunities for mutual gain.

One of the first disciplines to develop is understanding the other side's "next-best alternative." Before any serious conversation, think carefully about what they'll do if they don't work with you. Can they manage the project internally? Is there a competitor offering something similar? Are there timing or budget pressures shaping their decision? Once you have that perspective, it becomes easier to find common ground and design an offer that reflects genuine value.

Timing itself often becomes an invisible variable. Many organizations face end-of-quarter or year-end goals that change how they view price or scope. Others may have unspent budget dollars that disappear if not allocated. Being aware of those cycles helps you position your proposal in a way that feels responsive, not opportunistic. The goal isn't to take advantage of the calendar—it's to align the conversation with reality.

It's also essential to identify who the real decision-maker is. The person you're speaking with may be an influencer, not the final approver. Each role has its own priorities, and understanding them helps you tailor the message. Some buyers focus only on cost, while others care about reliability, service, or partnership. When it becomes clear that a discussion is purely about price, sometimes the right choice is to step back. Protecting margins and reputation is a long-term decision, not a short-term loss.

One practical way to shape a positive outcome is to be involved before the formal Request for Proposal (RFP) is released. If you can help design or inform the RFP, you ensure that the criteria reflect what truly matters—quality, reliability, and fit, not just price. I've always encouraged teams to collaborate early when possible, providing context or data that helps the other side make better decisions. That kind of involvement isn't manipulation; it's partnership. It allows both sides to enter the negotiation with clarity about goals and constraints.

Preparation, of course, is what turns insight into execution. On major opportunities, I've always believed in rehearsing before walking into the meeting. Talk through potential objections, align as a team, and make sure your explanations connect with the audience. Avoid overly technical explanations when speaking to non-technical people; it's easy to lose the room by focusing on details that don't resonate. And before you start, be clear about your walk-away points, the terms you can accept and where you'll draw the line. Clarity under pressure helps close deals confidently and respectfully.

But once a deal is agreed upon, the real test begins. Delivering on what was promised is where credibility is earned. When problems arise, and they inevitably do, address them early. No one likes surprises. Being transparent about challenges and proactive in solving them builds trust faster than perfection ever could. Reliability is remembered long after the details of a contract fade.

The final and perhaps most important principle is to play the long game. Never agree to terms that are good for you but bad for the customer. Even if the imbalance isn’t visible immediately, it will eventually surface. Fairness is not weakness; it’s a long-term investment in your reputation. Over time, customers and partners remember who treated them with integrity. The business world is smaller than it seems, and reputations travel far.

Too often, people talk about ethics and strategy as if they occupy separate worlds, one focused on doing what’s right and the other on doing what works. In practice, they are the same. Ethical negotiation is strategic negotiation. It reduces friction, builds goodwill, and lays the foundation for sustainable success. When leaders keep their word and handle negotiations with fairness, that attitude spreads throughout the organization. It becomes part of how people think, act, and compete.

Negotiation, at its core, reveals leadership character. Every conversation tests how we balance principle with performance. You can be ambitious without being ruthless, and you can pursue profit without losing trust. For anyone starting out, my advice is simple: think beyond the deal in front of you. Consider how the relationship will look five years down the road. Integrity, like interest, compounds over time.

Winning the long game means doing things the right way, even when no one is watching. When both sides finish a negotiation feeling respected and ready to work together again, that's when you've truly succeeded.

DIMINISHING GLOBAL FREEDOM: A GROWING NATIONAL SECURITY PROBLEM

BILL PRIESTAP

HOLDEN TRIPLETT

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Two important reports were published earlier this year, neither of which received the attention it deserved. The U.S. Intelligence Community issued its Annual Threat Assessment, and Freedom House (a non-profit, non-partisan organization focused on supporting democracy), released its Freedom in the World 2024 report. The Annual Threat Assessment details the greatest threats confronting the United States, whereas the Freedom in the World report assesses the political rights and civil liberties afforded people living in 195 countries and 15 territories. (The Freedom in the World report also rates each country and territory as being either 'free,' 'partly free,' or 'not free.') While at first glance these reports might appear to have nothing in common, they are intimately related and paint a dire picture of the world.

The Annual Threat Assessment's opening sentence succinctly describes the state of the world and what it means for the United States: *"[d]uring the next year, the United States faces an increasingly fragile global order strained by accelerating strategic competition among major powers, more intense and unpredictable transnational challenges, and multiple regional conflicts with far-reaching implications."* In other words, the world is becoming more complex and dangerous, and as a result the United States is facing a host of threats.

But what is driving the increasingly perilous global threat environment? A variety of explanations have been posited – from extreme geopolitical competition, to economic decoupling, to the United States' inability to enforce global rules and norms. While these and other related explanations have merit, the root cause of the vast majority of the world's biggest security problems is aptly accounted for in the Freedom in the World report.

According to that report, ***"global freedom declined for the 18th consecutive year in 2023"*** [emphasis added]. Of the 210 countries and territories studied by Freedom House:

- Nearly 25% of countries suffered declines in freedom last year; freedom levels improved in only 10% of the examined countries.

- Only 40% of countries were rated as 'free.' The remaining 60% of countries and territories were 'partly free' or 'not free.'
- Only 20% of the world's people live in countries considered 'free,' compared to 42% ('partly free') and 38% ('not free').

Why should we care that an increasing number of countries are becoming less free? In general, 'not free' countries are led by authoritarian governments, consisting of a group of elites who are not accountable to their country's citizenry. For example, China, Russia, Iran, and North Korea, the four greatest adversaries of the United States and all of which feature prominently in the Annual Threat Assessment, were rated as 'not free' by Freedom House. Authoritarian governments do not permit a free press or criticism of their actions. They also do not respect human or individual rights, and they do not practice the rule of law as we know it. Instead, authoritarians rule *by* law – meaning that rather than their power being bound by law, the law is subservient to their agenda.

The primary (and unstated) objective of authoritarian governments is to maintain control - do whatever it takes (to include lying, cheating, and stealing), to control the populace and stay in power. Such governments obscure the truth, leading to a lack of transparency and, among other things, unpredictability. When faced with uncertainty, households and businesses often delay spending and investment, limiting innovation and economic growth.

Lack of transparency also allows the leaders of authoritarian governments to enrich themselves by any means necessary, which breeds corruption. The citizenry learns to trust less and implicitly understands that the surest way to get ahead is to bribe government officials in hopes of currying favor. In addition, believing that their governments do not care about their interests, some individuals look for any way to extract value for themselves – rules be damned. This results in more corruption, extreme and often unfair business practices (e.g., fraud, theft, etc.), and more societal instability and chaos, (if only beneath the surface). Of course, criminal organizations thrive and expand in corrupt environments, and terrorist groups flourish in unstable ones.

Ironically, as authoritarian leaders accumulate power and wealth, they thirst for even more. They also come to feel more exposed, likely a byproduct of their isolated existence, as well as an understanding that were they to lose power the system could be used against them. As cases in point, the constitutions in Russia and China were amended so that Presidents Putin and Xi could remain in power perpetually. Yet, despite the increased "security" of Putin's and Xi's positions, Russia invaded Ukraine in 2014 and again in 2022. Similarly, China has made it abundantly clear that it will reunify with Taiwan, and it has pressed spurious territorial claims over both the South and East China Seas.

Due in part to today's extensive global interconnectivity, the impact of turmoil caused by authoritarian regimes (like those resulting from extraterritorial land grabs), have ramifications far outside of the immediate geographic area in which the initial activities occur. Indeed, in the United States we often feel the impacts via increased numbers of people seeking to immigrate and higher prices for capital and consumer goods.

Russia's invasion of Ukraine has had a dramatic effect on the number of people fleeing both countries and on the price of certain commodities (like oil, gas, and wheat). Iran-sponsored Houthi rebels in Yemen continue to attack commercial ships in the Red Sea (likely at Iran's direction), leading to increased transportation costs and thus higher prices for products dependent upon global trade. Our economy, like most other countries', is heavily dependent on the ability to buy and sell materials and goods around the world, and without secure supply chains and free and open markets, we suffer.

The two reports, read together, demonstrate how as authoritarian leaders accumulate more power and the world becomes less free and more chaotic, the number and gravity of threats facing the United States increases. This is why it is so important to protect our freedoms and support other governments (however imperfect they may be), that share our democratic values. In the dangerous world in which we live, it would be a grave mistake to think that by ignoring tyranny outside our borders, we can somehow avoid its negative effects.

The Impact of AI on the Leaders of Tomorrow

Michelle Busuito

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Artificial intelligence-related concerns have dominated recent headlines, including: "A new headache for honest students: Proving they didn't use A.I." (*The New York Times*),[1] "Everyone is cheating their way through college" (*New York Magazine*),[2] and "Is it me or ChatGPT? As generative AI grows smarter, I have a down-to-earth worry: My job" (*USA Today*).[3] These headlines reflect student and employee uncertainty, prompting me to question the impact on students and young professionals as universities and businesses develop responsible AI policies. This article does not seek to challenge the use or importance of generative

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[1] Holtermann, C. (2025, May 17). A new headache for honest students: Proving they didn't use A.I. *The New York Times.* https://www.nytimes.com/2025/05/17/style/ai-chatgpt-turnitin-students-cheating.html

[2] Walsh, J. (2025, May 7). Everyone is cheating their way through college. *New York Magazine.* https://nymag.com/intelligencer/article/openai-chatgpt-ai-cheating-education-college-students-school.html

[3] Jacques, I. (2025, August 15). Is it me or ChatGPT? As generative AI grows smarter, I have a down-to-earth worry: My job. *USA Today.* https://www.usatoday.com/story/opinion/columnist/2025/05/29/ai-chatgpt-jobs-robots/83876711007/

AI in education or the workplace, but questions what the use and reliance on generative AI means for critical thinking, original thought, and the development of the leaders of tomorrow.

People have used artificial intelligence for years. I am using spell check to draft this article now, and spell check is a rudimentary form of artificial intelligence that we are all familiar with (and often appreciate). Still, even this form of AI is not infallible. If I spell “complaint” instead of “compliant”, my error is likely to go unnoticed, demonstrating the still-present necessity of a human to review to make sure the intent is clear. That assumes I know which word I intend to use and the proper meaning of that word in the context. The introduction of generative AI (often referred to as ChatGPT) has fundamentally shifted the applications of artificial intelligence. Instead of analyzing and processing existing data to perform specific tasks, generative AI models learn from existing data and use that knowledge to generate new, original content. Entire briefs, term papers, and even personal statements can be wholly AI-generated after only a few data inputs from the supposed "author." The existing and potential uses are mind-blowing.

There are countless stories of “hallucinations” using generative AI. A hallucination is when the generative AI tool creates outputs that are factually incorrect, nonsensical, or inconsistent with its training data or reality. In 2023, this was brought to light when attorneys for airline Avianca wrote a legal brief citing cases supporting its position; however, when the judge looked up the cases, he found they did not exist.[4] Many states now have court rules that address the use of generative AI in briefing, as the same misuses continue to happen. Grok, Elon Musk's generative AI technology, which is integrated directly into X, has been widely reported as responding to requests with false information. Recently, California Governor Gavin Newsom posted a photo, and when an X user asked Grok to verify its legitimacy, Grok repeatedly reported it as false or inaccurate; however, the images were later proven to be legitimate.[5] Will young professionals know how (or spend the time) to check all sources, even the AI fact-checker? Is this immediate gratification shortcut impeding the ability to critically think, question accuracy, and generate solid work product?

One of the well-acknowledged best practices of "responsible AI" policies and procedures is maintaining human involvement and oversight in the review and drafting process. Without a strong educational foundation to know what you intend the outcome to be, how will the future of the human review principle be effective? As a lawyer, you cannot edit a legal brief as a partner without having the experience of having your brief edited as an associate. In other words, it is often the DOING of the work that enables us to do it right.

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[4] Weiser, B. (2023, May 27). Here's what happens when your lawyer uses ChatGPT. *The New York Times.* https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html

[5] Doan, L., & Li, E. (2025, June 11). Fake videos and conspiracies fuel falsehoods about Los Angeles protests. *CBS News.* https://www.cbsnews.com/news/fake-videos-conspiracies-falsehoods-los-angeles-protests/

People have told me that appropriate AI use is an art form, and that learning occurs when we create appropriate and thoughtful prompts for generative AI. While this might be the case, I still argue that you cannot prompt what you do not know. And do we want Generative AI to be "creating" our content? What is the value proposition of having generative AI create a new song in the style of Taylor Swift vs having Taylor Swift write her song? (*Not to mention the intellectual property considerations, but let's save that thought for another article*).

The Generative AI Pandora's box is open; it cannot be closed, and business demands would hardly tolerate any attempted step back. Still, as business leaders and academics, our task remains the same: how will we train the young people now to be the business leaders of tomorrow? Generative AI is rapidly evolving and changing, and we as leaders must also adapt and change with it. Still, we also have a responsibility to those coming behind us to prioritize how to enable them to be successful. As such, I advocate for three solutions that I currently adopt to address this question, both in the classroom and the workplace, to foster and develop critical, independent thinking for both my students and young professionals.

First, as leaders, we must find time to meet in person and mentor students and young professionals. In-person meetings can present a challenge in the post–COVID world. Remote work is increasingly popular, making it more difficult to create these in-person connections organically, but we must be intentional.

We know that businesses are currently using and relying on generative AI to create efficiencies and save money. But who or what will truly be in charge if we do not train the next generation of leaders? It is imperative that we, as educators and business leaders, prioritize this connection to help train and educate young talent. Find time to teach in person, have office hours, or connect with young professionals on a one-on-one basis. The AI might provide an answer (and not always the right one), but it cannot replace our understanding of the context of the question, the nuance, or the human development that we as mentors and leaders must be teaching.

Second, consider strategically removing technology from classrooms and business meetings. Without the reliance and/or distraction of technology, it forces the young professional to pay attention and to absorb what is happening around them. In the classrooms, I encourage professors to prohibit phones and laptops in class, where they can eliminate distractions and force a focus on the material. Young professionals should be required to create first drafts and use AI tools on the backend. The first draft may be a marketing email, a business deck, or a legal brief – take the time to build a solid foundation before just unthinkingly relying on AI. I am not advocating for the removal of technology; however, learning without the reliance on technology should be strategically employed as a tool to foster critical thinking.

Third, for educators, I implore you to go back to traditional closed-book, closed-note exams taken in person via a scantron and/or a blue book, where appropriate. Again, I am not advocating for the elimination of technology in the classroom. To the contrary, I am seeking to prepare students for the business world, and understanding when and how to use technology is key. I teach business law, a class that is not reliant on technology and seeks to test a student's ability to learn and apply new concepts. I am not interested in a student's ability to put a prompt into an AI tool to explain a case; I am interested in the process of the student learning the case and being able to apply the holdings to other situations. With the return to in-person learning, I have resumed using closed-book tests, administered in person, to assess students' critical thinking abilities. These tests are a more effective measure of students' understanding and ability to apply concepts to real-world scenarios in my classes.

These solutions aim to strike a delicate balance between embracing efficiencies and technology while fostering original thought, critical thinking, and new ideas. If we erode – or never develop – the critical thinking skills of our upcoming young professionals, what will be the result? Will we be able to identify the pitfalls or biases of technology without the foundation to understand shortcomings and the nuances of bias? Will we rely on the judgment of technology to make business decisions, rather than the culmination of human experience? We cannot skip steps. As we consider talent attraction and retention, we must first focus on talent development, establishing foundational skills that enable humans to remain the "check" or the "control" on responsible uses of generative AI.

As I am still required to make sure "complaint" is not "compliant," we must ensure that we are equipping tomorrow's leaders to be effective captains of their ships, rather than mere passengers.

Responsible Sourcing and Community Investment

Greg Hamel

Greg Hamel serves as an Executive in Residence in the College of Business Administration at the University of Detroit Mercy. Prior to joining Detroit Mercy, he spent 35 years at Ford Motor Company, where he held a series of leadership roles culminating in responsibility for Ford's global indirect purchasing operations. In this role, he oversaw approximately $25 billion in annual expenditures for non-production equipment and services. He also led the development of Ford's supply strategy and directed North American supplier diversity initiatives.

Should we judge a charity's performance by the makeup of its board, or a sports team's performance by the immutable characteristics of its coach? Most people would not, as those factors are poor substitutes for actual performance metrics like public benefits delivered or wins and losses. And yet, in the realm of measuring responsible sourcing as it relates to minority sourcing of materials and services by major corporations, we sometimes resort to the former over the latter. Diversity in sourcing and the expansion of economic opportunities for underserved communities are universally shared goals. This proposal argues that there is a better way to measure that effort than we do today, enabled by big data, analytics, and transparency.

Business investment and employment in underserved communities are arguably a better engine for community revitalization than governmental action, as they don't require economic subtraction in the form of higher taxes to fund incentives like empowerment zones or tax abatements. It also avoids a poor history of the government picking winners and losers, and any corruption that (sometimes) accompanies it. Encouraging businesses to partner with and locate in underserved communities on their own accord is a worthy goal - especially considering the 1.5-1 to 5-1 secondary jobs multiplier depending on the industry.[6]

Aside from limited reach through executive orders (i.e., government contracting), a primary means of achieving these goals today is through influential NGOs that track, report, and reward major corporate sourcing to minority, women, and veteran-owned businesses. The largest of these industry-funded NGOs are the National Minority Supplier Development Council (NMSDC), the Women's Business Enterprise National Council (WBENC), and the Veteran-Owned Business Verification (VOB). They provide valuable coaching and support for minority-owned businesses. Still, they measure a company's commitment to the effort by the dollar value of sourcing from minority-owned, women-owned, and veteran-owned companies. There are also state-level organizations underneath these that utilize similar metrics. They have a rigorous certification program to confirm that a business is principally owned and operated by a qualifying minority leader. There are systems of carrots (industry awards and recognition)

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[6] Bivens, J. (2019, January 23). *Updated employment multipliers for the U.S. economy*. Economic Policy Institute. https://www.epi.org/publication/updated-employment-multipliers-for-the-u-s-economy/

and sticks (pressure from 3rd-party or shareholder advocacy groups) employed to move toward the desired outcome: increased minority representation in the U.S. business value stream.

This infrastructure has been in place for years and has been generally successful in ensuring that businesses make minority sourcing part of their objectives. However, there are three issues with this present state:

While the certification process tries to be rigorous and resistant to gaming, like anything else, it is not foolproof. This former purchasing executive has experienced cases in which companies were certified that should not have been.

Because the emphasis is on minority-owned private businesses only, sourcing from publicly traded companies (28% of U.S. Companies with $550M+ revenue)[7] does not register a positive credit rating, regardless of how well those companies serve the community. The same is true for privately-owned companies without a single identifiable owner (e.g., private equity owned). As a result, a very large proportion of the business community has no incentive to stretch their investments for community benefit.

Minority ownership is being used as a surrogate for minority community benefit, when that trickle-down effect may or may not be true, and in fact is not

[7] iCapital. (2024, July 25). *iCapital market pulse: The case for private equity*. https://icapital.com/insights/investment-market-strategy/icapital-market-pulse-the-case-for-private-equity/

measured. A minority-owned business is subject to the same economic factors as any other, so the physical and economic footprint of that business is, in many ways, dependent on logistics, land costs, taxes, utilities, and other factors rather than serving a community that looks like the owner. Today, sourcing a non-minority-owned supplier that invests heavily in an underserved community gets you no credit, while sourcing a minority-owned company that invests in a more affluent area does.

We could move to a more objective measure of community investment using existing corporate and government data. For example, we can geo-map the employment footprint of all of a corporation's facilities using publicly available data. We also have Census Bureau and other data on ethnicity and average household income by zip code. It would not be difficult to amalgamate this data and develop a 'responsible community sourcing score' for corporations based on how many of their facilities and employees are in underserved or lower-income areas. A company with a larger footprint in underserved areas would achieve a better score than one with a footprint in wealthier areas, possibly with a more homogeneous population. Such an index could also account for differences in 2nd-order job-creation profiles across facility types (e.g., office buildings versus manufacturing facilities). Such an index could serve as input to an overall corporate ESG score, encouraging companies to invest more in facilities in areas of greatest need as public awareness increases. And this would apply to all companies regardless of ownership, so that the leverage would be much greater. This approach perhaps offers a better way of achieving the worthwhile goal – after all, what gets measured gets done, and the simpler and more reliable the measure, the more weight it carries.

This concept seems a reasonable theory at this point, but would need to be feasibility tested and reliability tested before becoming a legitimate tool used in such a public and consequential way. It is not to say that this is a replacement for much of what the present NGO ecosystem does, which is to provide important training and coaching resources to help diverse suppliers grow and thrive; it is only to change the metric for success that has the stated shortcomings. The goal of this essay is to air this concept in the hope that some entity, be it government, academic, or ESG professional, will take the next step of proof of concept and see if there is merit in pursuing it further. This index, or scoring method, could be a more useful lever to transition our employment footprint and the community benefits that come with it into areas of greatest need and to level the economic playing field over time.

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