

INSIDE THE STAR CHAMBER: A DEAN'S REFLECTIONS ON CENTRAL ADMINISTRATION

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PREVIOUS essays in the *University of Toledo Law Review's* Deans' Issue, spanning more than a decade, have touched on various aspects of central administration: how a dean relates to central administration,¹ how a dean should educate the administration about the peculiarities of law schools,² and how to cope with the demands that the administration places on law school deans.³ Clearly it is important and beneficial to a law school dean to build trust with the central administration.⁴ The hard part is figuring out how to do it.

Although it is not uncommon for law school deans to move into central administration after completing their service as deans,⁵ it is unusual for a law school dean to have experience serving in a regular position in the central administration of her university prior to becoming dean. I was fortunate to have this experience, having taken a leave of absence from my faculty position in the law school to serve as the chief of staff and associate to the chancellor at the University of Nebraska-Lincoln for three years, after which I returned to the law school as the dean.⁶

I have found that the knowledge and experience that I gained during my time in central administration have been invaluable to me in my position as dean. It is my hope that sharing some of this knowledge and experience will be helpful to both new and experienced deans, all of whom must work with central administration and many of whom may find central administration at times helpful and understanding and, at other times, mysterious and frustrating.

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1. See, e.g., Janice C. Griffith, *The Dean's Role as a Member of the University's Central Administration*, 35 U. TOL. L. REV. 79, 79 (2003).

2. *Id.* at 86-87.

3. George W. Prigge, *Just What Does a Dean Do? The Collective Wisdom of Many Law Deans*, 39 U. TOL. L. REV. 361, 365-66 (2008); Griffith, *supra* note 1, at 89-90; Howard A. Glickstein, *A Dean's Survival Guide*, 34 U. TOL. L. REV. 75, 78-79 (2002).

4. Glickstein, *supra* note 3, at 78.

5. Examples of this abound and include Lee Bollinger (law dean to president at the University of Michigan and Columbia University), William Powers, Jr. (same at Texas), John Sexton (same at NYU), Harvey Perlman (same at Nebraska), and Lauren Robel (law dean to provost at the University of Indiana).

6. Another example of this is the current dean at the University of Oklahoma Law School, Joseph Harroz, who served as general counsel at Oklahoma prior to becoming dean but was not a faculty member.

I thought long and hard about writing this Essay now, while I am still quite close to my experience in central administration and while most of the people with whom I worked very closely—in the chancellor's office, academic affairs, business and finance, human resources, communications, athletics, the alumni association, and student affairs—are still at the University. I consider all of them my colleagues, and many of them my friends. By writing this now, I risk offending someone, or perhaps making my own job a little bit more difficult in the future.

But these are hazardous times for law school deans, and the more we understand and are able to cooperate with our university colleagues, the more effective our deanship will be.⁷ Because of the significant decrease nationally in law school applications over the past two years, many law deans are downsizing their student populations,⁸ and therefore their tuition revenue. Yet many of us are simultaneously seeking investment in our law schools so that we can prepare for legal education's uncertain future, by innovating with the content and delivery of the curriculum, increasing experiential learning, experimenting with faculty hiring and workloads, and generally improving the law school experience and outcomes for our students.

Admittedly, universities and administrations differ in significant ways, and in some rare instances, it is just not possible to get along with central administration.⁹ What follows is a description of what I believe are some common characteristics of central administration at large universities, as well as some of the lessons I learned in my role as associate to the chancellor that are relevant to my work as a law dean.

I. CHARACTERISTICS OF CENTRAL ADMINISTRATION AT A RESEARCH UNIVERSITY

Regardless of the size of the university, it is likely that the key decision makers in central administration are a relatively small group of people who see each other regularly, if not daily. This group is likely composed of the chancellor or president, and the leaders of the business and finance, academic affairs (i.e., the provost), student affairs, and communications departments. Added to this list, depending on the structure of the university, might be the leaders of external/community relations, athletics, and alumni relations.¹⁰

7. See generally Lawrence Ponoroff, *Law School/Central University Relations: Sleeping With the Enemy*, 34 U. TOLEDO L. REV. 147 (2002).

8. Joe Palazzolo & Chelsea Phipps, *Law Journal: Law Schools Apply the Brakes*, WALL ST. J., June 11, 2012, at B1, available at <http://online.wsj.com/article/SB10001424052702303444204577458411514818378.html>; Lincoln Caplan, *An Existential Crisis for Law Schools*, N.Y. TIMES, July 15, 2012, at SR10, available at <http://www.nytimes.com/2012/07/15/opinion/sunday/an-existential-crisis-for-law-schools.html>.

9. See, e.g., Jennifer Smith, *Dean Resigns in Row Over Law School Autonomy*, WALL ST. J. LAW BLOG (Aug. 8, 2012, 5:55PM), <http://blogs.wsj.com/law/2012/08/08/deans-noisy-resignation-sheds-light-on-battle-for-law-school-autonomy/>.

10. For another example of a similar administrative structure, see DUANE ACKER, *CAN STATE UNIVERSITIES BE MANAGED?: A PRIMER FOR PRESIDENTS AND MANAGEMENT TEAMS* 42-45 (2006).

Although this group might be housed in separate buildings, and might not have scheduled weekly meetings together, it is likely that they talk with each other often.¹¹ If there is an issue with implications that cross administrative responsibilities, some or all of the members of the administrative team probably meet to discuss it. I saw this many times, for example, when the issue involved a controversial speaker coming to campus, a crisis in the alumni association, a serious issue involving a fraternity, a problematic faculty member, an athletics issue, and so forth.

Why is this characteristic of central administration important to the law dean? It is important to know that if you bring a major issue to your superior, usually the provost, and the issue has any unusual implications for the university, whether about finances, public relations, or the wider community, it is quite possible that the provost will discuss it with other senior administrators. The issue will then be put into the broader context of the university and that might affect how the provost responds to you. If you do not understand this consultative environment, you will not realize all of the input that the provost might receive in reaching her decision.

On the other hand, if you can anticipate that other members of the leadership team will weigh in on your issue, you can include a broader set of considerations when you present it initially to your provost or president. For example, if you are going to embark on a new fundraising campaign and you have identified donors, it may be that many of those prospects also received their undergraduate degrees from the university and are on another university dean's list as potential donors. Another example might be a proposal to create a new law school web presence or marketing campaign that could potentially interfere with the university's attempt to create an overall brand.

By addressing issues upfront that otherwise might be raised for the first time in your absence, you may preemptively overcome potential objections and ultimately get the response you are seeking. At the least, you might help your immediate superior anticipate issues that her colleagues might raise.

Another salient characteristic of central administrators is that they are extraordinarily busy. As deans, we know how busy we are and how many issues and constituencies are pulling us in different directions. Central administrators are like deans on steroids in terms of the variety and complexity of issues with which they deal every day. Layered on top of the everyday work are the unforeseen crises that arise and move the focus away from long-term projects and routine tasks. Understanding this might give you some perspective in understanding how your own needs and emergencies fit into the oversight responsibilities of central administration.

As associate to the chancellor, I learned that these unforeseen crises arose with some regularity. There were many days when I would get up in the morning, open the newspaper, and see my plans for that day fly out the window. To illustrate this, I suggest the following fictitious headlines. These headlines are entirely fictitious, but any of them would have sent me to my email at 6:30 a.m.

11. See generally WILLIAM G. BOWEN, *LESSONS LEARNED: REFLECTIONS OF A UNIVERSITY PRESIDENT* 24-26 (2011).

to see what we were already doing about them, and when we were having our first meeting on the issue: “Fraternity fight lands two in the hospital”; “Quarterback arrested for DUI”; “University major donor offended by faculty presentation at alumni event”; “Professor accused of sexual harassment”; and “Water main breaks under freshman dorm.” These kinds of headlines might require that several top administrators cancel their schedules and deal with the issue. If you as the dean were expecting to hear back from someone in central administration about an issue that day, or perhaps that week, you may have to wait.

Even without an immediate crisis, there are tremendous work pressures on central administrators. This may be more pervasive in public universities, where budgets are tight and there is not enough staff, than in private ones, but it is probably true in most universities. The work can be so overwhelming because of the wide variety of constituencies with interests in the university.

There are student issues, which range from the Greek system to the ROTC. There are parents of students, who call the chancellor’s office to complain about professors, or who call housing to complain about their child’s roommates, and then housing calls the chancellor’s office when the parent claims to be a big donor who is going to stop giving money. There are alumni and the public at large, who call the chancellor’s office directly to complain about a coach, a theater production, an art exhibit, the chair of a department not calling them back, or—and this one is real—the balloons released by fans after the first touchdown is scored at each home football game, because the balloons are going to choke migrating birds.¹²

I could go on and on. My point is not that these things are important on some grand scale, it is just that they come into the office (and they also come into the provost’s office, the student affairs office, the financial aid office, etc.), and the office must deal with them. Deans see this on a smaller scale and, in my experience, with less frequency. Central administrators are batting this stuff away all the time, while trying to do the other parts of their jobs that include making policy, building programs, overseeing departments, dealing with budgets, fundraising, as well as significant domestic and international travel.

I am not making excuses. Good university administrators understand how to order their priorities; they understand that the academic program, the faculty, and the students are at the core of their mission and they try to create an environment where these things can flourish. But the reality of university administration is that the environment is extremely complex, and it too has to be managed in order to get anything done. There is simply a great deal of small stuff that gets in the way of pursuing the core mission on a daily basis and it cannot always be managed in a way that prevents it from taking time and energy that might be better spent on implementing core values.

These challenges are probably exacerbated at a public university, especially in a relatively small state, where so much of the information about the university is public and so many members of the community are alumni. These community

12. It turns out the balloons are biodegradable.

members not only watch the university with great interest, but also feel like they own it.

Finally, it is important to recognize that central administration is, for the most part, made up of people of good will who are loyal to the institution and want to see it flourish. Although there are exceptions, it is self-defeating to persuade oneself that the administration is out to get you, or to characterize administrators as incompetent or evil, simply because one's concerns seem to be ignored or one's suggestions are rejected.¹³ Often, the reason is some combination of lack of communication, lack of sufficient understanding of an issue, and lack of time to sufficiently focus on an issue. It is counterproductive, as well as easier, to harbor resentment than to do the hard work of figuring out what is wrong, dealing openly with it, and then persuading the university administration to see the issue from your point of view.

This is not to say, however, that those who work in central administration do not harbor misunderstandings and stereotypes of their own. As a faculty member prior to working in administration, I had, of course, heard negative things about aspects of central administration. However, I was surprised to find that this distrust was a two-way street. For every caricature I had heard in the past of administrators, as an administrator myself, I heard new caricatures of faculty, chairs, and deans. While there is some truth in both views (there are incompetent and difficult people up and down the ranks of any organization), I know from personal experience that there are many wonderful, productive faculty members, and many wonderful, competent, administrators, and there are probably more in each of these categories than most people on the other side of the administrative divide realize. This two-way ratchet of stereotyping exists for the same simple reason that most stereotypes exist; they are based on lack of understanding and communication, and on the comfort of demonizing others when things are not going your way.¹⁴

Even for administrators like myself, who came directly and recently from the faculty, it is easy to forget the challenges in the daily grind of teaching, doing research, writing grants, and meeting with students—never mind dealing with one's own personal and home life—while trying to publish and get promoted. The issues faced by university administrators can become so numerous and overwhelming that, with a little distance, it seems like being a faculty member was a breeze. At the same time, faculty members, chairs, and new deans are likely to have even less understanding of the extent of the pressures of various kinds on administration. From a distance, administration at high levels can look like a cushy, corporate job that pays too much.

Although this may sound like a finely balanced set of misunderstandings, it actually is not. Individual faculty members know what they need to do each day and, at least on most days, it does not really matter to an individual faculty

13. Ponoroff, *supra* note 7, at 150.

14. Cf. Charles R. Lawrence III, *The Id, The Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 337 (1987).

member or chair what the central administration is doing.¹⁵ On the other hand, it is critical for the administration to understand, and respect, the work of the faculty, chairs, and deans, and to express that respect. It is not just that administrators are too busy to think about this clearly; sometimes university administrators are not sufficiently familiar with the working experience of the faculty and the students, and there is no one around them on a regular basis to remind them about the issues that faculty and students face.

The extent of this problem surely varies significantly among universities, but it is important for the dean to remember this because it should affect how the dean interacts with central administration. We deans must always be aware of our need to remind central administrators of the work that is going on in a million different ways, small and large, all over the campus, and that it is this work that is most central to the mission and the proper functioning of the university. We can do this in our individual meetings with our provost, we can incorporate it into written reports, and we can work with our fellow deans at the university to bring faculty realities and concerns to the administration's attention. Of course, some administrators know this, and were once themselves deeply involved in that work. As middle managers, deans have the unenviable, but sometimes quite interesting, job of keeping those on all sides intelligently informed.

II. LESSONS LEARNED

Administrators want deans who, in addition to being good leaders of their own schools and colleges, are informed and informative team players. They need deans who can compromise when the instinct might be to dig in, and who are willing to join the administration in the goal of making the whole university, not just the law school, a better place. Of course, there are times when the dean needs to dig in and take a stand on an important issue, but those times should be carefully chosen and should never become the default position. The more good will created through cooperation and understanding, the more likely you will have allies in the administration when you need them.

Even in the digitized, fast-moving culture in which we now live, effective deaning is still all about relationships, trust, and shared vision. Thus, building relationships through mutual understanding is key, so it is a good idea to get to know as many members of the central administration as possible. And I mean get to know them—go talk with them and then touch base occasionally even when you do not need to. They will likely be pleasantly surprised that you took the time to do so. As a dean, you probably will know the chancellor or president, as well as the provost and members of her office. But there are many more key players with whom you should meet and talk, including the leadership of business and finance, human resources, student affairs, financial aid, facilities,

15. This becomes a larger problem from the faculty side when a lack of understanding is shared by a group of faculty, whether it be the faculty senate or a particular coalition of faculty or staff. As one writer put it, “[s]hared resentment is a very powerful bond....” Lisa H. Newton, *Educated Warfare: Adversary Relations in the Groves of Academe*, in *THE ETHICAL CHALLENGES OF ACADEMIC ADMINISTRATION* 100 (Elaine E. Englehardt et al. eds., 2010).

the general counsel, and campus police, to name just a few. Although you may not interact with these people often, especially if the law school has its own offices for some of these services, it is likely that at some point you will need to interact with them.

For example, although your law school might have its own code and enforcement procedures for dealing with student academic misconduct, there are some infractions that will involve the judicial apparatus of the university, such as when a student is accused of criminal activity, or if there is a perceived threat at the law school. Moreover, a student or parent might involve a university official in a law school matter, even if that is not the law school's regular procedure. Human resources deals with university employee matters and will likely be involved in your staff and faculty hiring, and some explanation of your vision for the law school might help the leaders of the budget and financial aid offices when they go over your books. It is impossible to know the future circumstance in which the mutual understanding and the relationships formed will assist you in dealing with an issue, but that circumstance is likely to arise. And just as it is good for administrators to know who you are and to have an understanding of the law school, it is good for you to have some understanding of who does what in the university administration, if only because when a problem arises, you know whom to call, and you can make that call directly to someone you know.

Something else to keep in mind is that it is useful to take great care in interpreting communications that come to you from the administration. What may sound intentionally negative when coming from the chancellor or provost is often not. A lukewarm response to an email, a phone call not returned, or a meeting postponed, may feel like a brush off, or worse; and of course, it might be. But it also might well be your boss is having a bad day or is facing any one of those headlines previously mentioned, or any one of a number of difficult issues that walked into her office that morning. I always try to remind myself of that when I am dissatisfied with a response, or lack of response, that I receive. Of course, much of the time, we understand exactly what we are being told and why, but it is helpful to remember the environment in which your contacts in the administration are operating when the message is not clear, or it is poorly delivered.

As we all know, as a dean, not only one's words, but one's countenance, mannerisms, moods, and general appearance are watched carefully by others, and all of these can send unintended messages.¹⁶ The important thing for us, as deans, to remember as we interact with central administration is that we often watch them in the same way that we are watched by faculty, staff, and students in the law school, and just like them, sometimes we draw conclusions from scarce evidence—a word or two here, an expression there. I remember occasions when people would do things and explain them to me by telling me that the chancellor really wanted it that way. When I asked the chancellor, it often turned out that he had thrown out an idea, or stated a mild preference, and it had been taken as an order. Sometimes he had said the opposite.

16. See Kent Syverud, *Three Principles of Effective Deaning*, 31 U. TOL. L. REV. 751, 753 (2000).

Law deans can help central administration move the university's agenda forward while also benefiting the law school. Seeing the campus from the chancellor's office gave me a new perspective on the law school, where it sat in the university, and how we could build our own strengths and programs through more interaction with the wider university. What I saw from a distance was a law school that was perceived as fairly isolated by others on campus, even though we did have several interdisciplinary programs, including a nationally known law and psychology program, as well as faculty who collaborated with faculty in other disciplines. Yet, at the same time, others saw us as somewhat detached from the rest of the campus and not open to broader collaboration. I discovered there were important faculty and administrators who had been on the campus for ten or more years who had never set foot in the law school, even though we had hosted several Supreme Court justices and many other important and well-known speakers. This lack of general familiarity, I believe, can only increase the potential for misunderstanding and lack of empathy for the challenges facing the law school.

Law schools have an important role to play in the university because our expertise is useful to many other disciplines. During my application process to be dean, my most memorable interview was with the other deans of the university. Although we started the conversation with the usual interview questions, halfway through, most of the deans were asking me if the law school would be willing to collaborate with their colleges. From the College of Education to the College of Engineering, the deans understood that there were important legal aspects to what they were teaching their students and to some of the research and scholarship being done by their faculty.

Of course, many law schools and individual faculty are already doing these kinds of collaborations. It seems every university is looking for ways to cross boundaries and increase interdisciplinary work, and law schools have a lot to offer that can simultaneously strengthen their own curriculum and programs, and also provide another way of demonstrating to central administration the importance of the law school in the wider university. In this age of uncertainty for law schools, making the case for how the law school is different from the other departments and colleges on campus is one important task of the law dean. But it is also important to demonstrate to central administration how the law school can add value to the university as a whole.¹⁷

In addition to joint degree programs for graduate and law students, there are ways in which the law school can contribute to the main focus of the university, which is undergraduate education. For example, at the University of Nebraska, we recently experimented with this by having a law professor teach an undergraduate course about legal and business issues for students interested in pursuing careers in writing, filmmaking, and the performing arts.¹⁸ The deans of

17. *Id.* at 755.

18. A Nebraska law professor now teaches an undergraduate course for students pursuing careers in the arts, called the Legal and Business Side of Creative Activity. Topics include what a contract is, how to read one, and when to get a lawyer. It covers copyright and trademark issues in the arts, as well as other important issues, such as what an agent is and how to get one. It also

other colleges at the university have many opportunities to work together on undergraduate curriculum. Adding the law school to the mix with a new and innovative course only for undergraduates can demonstrate your commitment to being a team player at the university.

Another way in which the law school can enhance its presence on campus is by taking advantage of the resources that a large university provides. In 2011, we renovated our main lobby at the law school. When the construction and new flooring was complete, we needed to decide how to furnish it and put in lighting. I asked the chair of the Department of Interior Design, part of the College of Architecture, if we could get some help from the students with ideas for the lobby. In the end, this became the first project for an undergraduate design class in the next semester. Five groups of students came to the law school, inspected the space, and drew up very detailed plans for the lobby. We were given these plans in a formal presentation by the students and we chose the one we wanted, complete with resources for purchasing the furniture, tables, and lights at wholesale prices. The students received course credit and experience, and we got free advice. We did a similar exercise on a smaller scale when we needed to furnish our new admissions office. This was a win-win for everyone and it brought a large group of students, as well as a few faculty colleagues from across campus, into the building and helped them become more aware of the law school. And again, it helped to further establish the law school as an integral part of the university, and hopefully to demystify it for some undergraduates.

III. CONCLUSION

As a law school dean, I am fortunate to have had a positive prior experience working in central administration and to have enjoyed collegial relationships that have continued into my deanship. In addition, the current group of deans at Nebraska is very collaborative, and we do not have a highly competitive culture among us. Because the current chancellor was once the law school dean, I have not been burdened with the need to explain the peculiarities of legal education and legal scholarship, nor to justify why it is important that the administration support a law school. But, as I like to say, the next chancellor could turn out to be a biologist who has been sued, and then it might be more challenging to interact with the administration, and to make the case for our relevance to the university.

Interacting with central administration is only one aspect of the law dean's job, and it is not the most critical or the most time-consuming. Yet much can be gained for your law school by doing it thoughtfully. The specifics of one's own institution, the personalities of the administrators, and the culture of the university will have a great influence on a dean's strategy for successfully

covers what a legal entity is and how find the resources to form a small corporation or partnership if, for example, one wanted to form a quartet or a film company. This collaborative venture, paid for by pooling resources from several undergraduate departments, cost the law school almost nothing, but provided a new and innovative course to the university. It also turned out to be a good avenue for recruiting a few future law students.

navigating these relationships. Getting to know the players on a personal level, and being attentive to the more general characteristics of central administration so that you have a reason to be broad-minded and sometimes generous in interpreting the behavior of these actors, can make these interactions smoother and more productive, and help further the interests of your law school.