

## WELCOME TO ADMINISTRATION

*Kathryn R.L. Rand\* and Steven Andrew Light†*

**I**T'S your first day as dean. Welcome to administration! We are happy to serve as your mentors as you start your first deanship. Drop in anytime with questions, challenges, or problems, and we will do our best to help. Between the two of us, we have served in mid-level and senior administrative positions, including acting, interim, and permanent deanships. Much of our experience has been reasonably predictable, including setting strategic priorities, hiring and evaluating faculty or staff, dealing with budget planning or resource reallocation, handling accreditation issues, guiding academic program changes, facilitating collaborative governance, enhancing student retention and completion efforts, fundraising, engaging alumni and community stakeholders, and supporting faculty productivity and professional development.

The responsibility of a dean, however, means that everything lands on your desk sooner or later. And by “everything,” we mean *everything*—every imaginable aspect of law school administration can become the dean’s problem at some point.<sup>1</sup> But hey, that is part of the, um, fun.<sup>2</sup>

---

\* Dean and Floyd B. Sperry Professor of Law, University of North Dakota School of Law. Rand has served as dean since 2009.

† Associate Vice President for Academic Affairs and former Interim Dean, College of Nursing and Professional Disciplines, University of North Dakota. While not a law dean, Light served as interim dean in a college with professional programs and similar academic, experiential learning, field placement, licensure, and accreditation requirements. Though a political scientist by training, Light was assigned this interim role to assist the college in navigating a difficult transition in leadership. He since has returned full-time to his prior administrative position in the Office of the Provost and Vice President for Academic Affairs.

1. Do you have any tattoos? Not yet? “The buck stops here” might be appropriate for the inside of your wrist, or, if you prefer, your forehead, since that’s what everyone will perceive. (Too bad what stops is not an actual dollar, as at least then you could fund the mythical money pot under your desk.)

2. While we believe our experiences afford us the opportunity to dispense a bit of practical advice, we ask that this Essay be taken in the lighthearted, slightly exaggerated-for-effect spirit we intend. We truly are privileged to serve those who have placed their trust in us. We care deeply about our home institution, and have an enormous amount of respect and fondness for the faculty, staff, students, alumni, and friends with whom we work every day. Our strong sense of administration-as-service to students, colleagues, and society sustains us in the extraordinary effort deaning often requires—and the opportunities to make meaningful contributions in and through higher education far outweigh the small challenges we poke fun at here.

## I. THE RED PILL

Tell us a little more about yourself. Oh, you have served as an associate dean, so you have a good handle on administration? We are sure you do, since your prior portfolio undoubtedly included key matters of academic or student affairs, and there is no replacement for experiential learning. We know you were a very successful faculty member (kudos!) and you chaired your school's self-study committee, too, so you are aware that there is more to a law school than what goes on in classrooms and faculty offices. And, we see you are raring to go—you already have some good ideas for improving communication, increasing transparency, building partnerships, seizing opportunities, fostering innovation, and guiding your school through the sea changes in legal education and the legal profession. You made each of those points during the interview, didn't you? Very persuasively, too, since you are now dean. All of those are critical areas of effective administration, and we are sure you will do quite well in implementing your vision for the law school.

We were right there with you. Not too long ago, we each were productive faculty members who participated willingly and extensively in collaborative governance with our colleagues, chairs, and deans, and so were tapped for administrative roles.

Faculty leadership is both laudable and essential, and any form of administrative responsibility broadens one's view of a university's organizational complexity. In each of our experiences, though, nothing can quite prepare you for a deanship. Like Neo in *The Matrix*, if you take the red pill, the virtual world underlying our visible world is revealed, and there is no turning back once you know the reality of things.<sup>3</sup> And the reality is, leading a law school is hard work—much harder than it appears from the vantage of most faculty, staff, students, and even associate deans.

While deaning will expand both your perspective and your responsibilities, our advice is not to see yourself as Neo, aka "The One." Sure, bring your experiences and your great ideas with you for the journey, and know that your eyes will be opened to a broader world of challenges—and opportunities—than you thought was out there when you were a faculty member or associate dean. Just never, ever, see yourself as the only one who can save the world—or even just the law school.<sup>4</sup>

Many deans enjoy the ego-validation of being in charge—and rightly so: the job is rife with challenges and opportunities, and successful solutions deserve both credit and celebration. For us, deaning also has been a humbling experience, as we have been confronted with the reality that things by-and-large work well in spite of us, we can't fix or improve upon everything, and sometimes

---

3. THE MATRIX (Warner Bros. Pictures 1999). As Morpheus said, "Unfortunately, no one can be told what The Matrix is. You'll have to see it for yourself." *Id.* The same goes for administration, and even more specifically, a deanship.

4. Remember how bad the sequels were? Overinflated sense of self clearly got to everybody involved. See THE MATRIX RELOADED (Warner Bros. Pictures 2003); THE MATRIX REVOLUTIONS (Warner Bros. Pictures 2003).

we have even managed to make problems worse. Often, we have found humility in the less-expected challenges of administration.<sup>5</sup>

We offer these pieces of advice before breakfast on your first day: *Be true to yourself, and seek help from those around you.* Your experiences as a faculty member have shaped your personal and professional identity, and are critical reasons why you are where you are now. Remember and celebrate them. And, among the best attributes of a trusted and successful leader is the abundant willingness to ask for—and to offer—help.

Sorry to get all nerdy on you with that *Matrix* reference.<sup>6</sup> Again, do stop by if something unexpected comes up. Yes, that's right, we mean it—drop in anytime!

## II. FIRST IMPRESSIONS—WELCOME TO “THIS” ADMINISTRATION

Oh, hello—that was quick! What's that? You can't believe what? On your very first day, you met with a faculty member who complained, “No one in this administration truly supports faculty,”<sup>7</sup> a staff member who griped, “This administration never listens and doesn't care about us,”<sup>8</sup> and a student who charged, “The dean's office does nothing for students”?<sup>9</sup> And none of them seemed to care that *your* administration has a whopping ten-hour history of “Never doing nothing for no one?”

Welcome to administration.

We expect you truly will be surprised by some of what you face in your first 100 days. Despite how well your interview went, and how enthusiastically your hire was received (such nice congratulatory emails from your new colleagues!), there may be no honeymoon whatsoever for a new dean.

Our advice? In your first days and weeks on the job, *don't take it personally.* You are inheriting a preexisting culture and set of challenges at your new law school, and there is no reason to internalize someone's initial sense of anything you have done, or have not done, to “fix it.” *Instead, be grateful for any and all data with which to build your mental map of the law school.* This map will help you successfully navigate and sculpt the terrain you have inherited.

5. Though perhaps occasionally uncomfortable, there is value in displaying humility, as well. One of us literally took a pie in the face at a school picnic and, while ruining a perfectly good shirt, gained a measure of trust and collegiality. A few months later, a candidate included the pie photo in a job talk as evidence of school spirit, mistaking the pie recipient for a student—and garnered a big laugh when a faculty member called out, “You know that's the dean, right?” Maybe the lesson here is the power of a Google image search.

6. Oh, we're out of date? You're a *Game of Thrones* fan? Those metaphors might be a tad inappropriate for this setting. Try this one (based on *Lord of the Rings* and borrowed from Kent Syverud, former law dean extraordinaire): as an administrator, you are like a Ranger, charged with protecting the Shire and facilitating the pleasant and productive lives of Hobbits against various external evils. Or something like that. Neither of us saw the movies (or wrote down what Kent actually said, which sounded really good at the time).

7. Happened to one of us on the first day of an administrative appointment.

8. In the first two weeks.

9. In the first month, and pretty much on a monthly basis since then. Of course, that's why you appointed an assistant dean for student life.

### III. YOUR FIRST SCREAMING MATCH

Good morning! How is your second day on the job? Uh oh. A faculty member yelled at you and stormed out of your office? You had to break up an angry altercation between two staff? You walked down the hallway and said “Hi” to a student, only to learn that she was using her cell phone to record a screaming match between a faculty member and another student, so now in addition to dealing with the faculty member, you had to pull this student into your office to tell her she is breaking the law?

Welcome to administration.

Shocking conduct, sure—but unfortunately, not surprising. We have both experienced similar situations. We have been appalled at how colleagues occasionally treat each other, and we have been called some names ourselves. Counterintuitively, faculty, staff, and even students are not always on their best behavior in front of the dean. In fact, for faculty members who move into administration, the deanship is often an astonishing and unwelcome window into the worst behavior of their friends and colleagues. Here are three strategies that might help you when faced with unprofessional conduct.

First, *never engage in the behavior you do not want to see from faculty and staff*. That is an awkward way of saying that you must unfailingly model the conduct you expect. One of our mentors once gave us this advice: “Never, never, never lose your temper.” As an administrator, you will rarely, if ever, benefit by displaying anger and you will nearly always profit by being the voice of calm reason. Oh, you will certainly get angry—any reasonable, non-sainted person would—but we urge you not to show it. It may feel difficult or even dishonest to you at first, but this is a “fake it ‘til you make it” kind of thing. You will have plenty of chances to exercise control over even the mildest of tempers, as yours surely will be tried. This strategy will deter “dean-baiting” and, both in public settings and behind the scenes, will earn you credibility with reasonable colleagues. By the end of your first year, you will respond sincerely with a serene “I’m sorry to hear that’s what you’re experiencing; can you tell me more, so I can try to improve the situation?” to statements like: “I’m leaving because you’re too blind to see that I’m sitting here with my hand up, and this town hall is a sham, anyway”; “I know you aren’t that stupid, so you must be a liar”; and “I feel sad for you because you’re doing such a terrible job as dean.” (True stories.) Modeling professional conduct is a critical part of setting expectations for professional conduct.

Second, *gather and document the data that will help you improve the environment*. When a colleague engages in unprofessional behavior, you have just learned something important. As dean, your job is to maximize the productivity of faculty and staff while minimizing the negative impact any individual has on the workplace or learning environment. You need to learn the circumstances that bring out the best and worst in your colleagues, so you can facilitate their success. You will need to exercise informed and iterated judgment in effectively managing faculty and staff. And, if it comes to the point that the negative outweighs the positive, you will need the record you have collected by

Winter 2015]

WELCOME TO ADMINISTRATION

367

memorializing unprofessional, inappropriate, or otherwise detrimental conversations and actions.

Which leads us to this rule of thumb: *if you do not want the behavior repeated, then address it directly*. Using the record you have compiled, set clear expectations and use progressive discipline pursuant to school, university, and system policy and procedures to enforce those expectations. This is the hardest part, because it requires familiarity and conversance with those policies and procedures, and ultimately, difficult conversations with your employee, who might be a faculty member who does not see him- or herself as “your employee,” but rather, as an “independent contractor.”<sup>10</sup> Since few deans have had any actual training in personnel management, including conducting fair and effective evaluations, using progressive discipline, or meting out sanctions, seek the help of a human resources professional in addressing and documenting any inappropriate conduct.

#### IV. DID YOU SEE TODAY’S PAPER?

Hello—good to see you so soon again this week! Yes, we did see today’s paper and the story about our latest alleged shortcoming—oh, and now the blogs have picked up the story and some of our own students are posting negative comments?

Welcome to administration.

Legal education is in the news as never before—even President Obama has weighed in on what law schools should do to stay relevant.<sup>11</sup> Stories abound

---

10. We have increasingly heard that phrase used by faculty to characterize their relationship with their departments as well as the university. The idea seems to be that the university cannot direct what faculty will do or how they will do it but may expect only that, at the end of the day (or academic year), the faculty will have taught classes and produced scholarship. Of course, independent contractors are self-employed ....

11. According to President Obama, one way to ensure American universities remain globally competitive while providing both a quality and an affordable education is to look for “ways we can save money that would not diminish quality.”

I believe, for example, that law schools would probably be wise to think about being two years instead of three years—because by the third year—in the first two years young people are learning in the classroom. The third year they’d be better off clerking or practicing in a firm, even if they weren’t getting paid that much. But that step alone would reduce the cost for the student.

Now, the question is can law schools maintain quality and keep good professors and sustain themselves without that third year. My suspicion is, is that if they thought creatively about it, they probably could.

President Barack Obama, Remarks in Town Hall at Binghamton Univ. (Aug. 23, 2013) (transcript available at <http://www.whitehouse.gov/the-press-office/2013/08/23/remarks-president-town-hall-binghamton-university>). *But see* Bruce Ackerman, Op.-Ed., *Obama’s Outdated View of Law School*, WASH. POST, Sept. 7, 2013, at A15, available at [http://www.washingtonpost.com/opinions/why-legal-education-should-last-for-three-years/2013/09/06/55d80c06-1025-11e3-8cdd-bcdc09410972\\_story.html](http://www.washingtonpost.com/opinions/why-legal-education-should-last-for-three-years/2013/09/06/55d80c06-1025-11e3-8cdd-bcdc09410972_story.html) (arguing that such “cost-cutting” measures would relegate legal education to doctrinal courses that do not prepare students with the needed mix of theory, interdisciplinarity, and training for the complex questions they will face on the job).

detailing law schools' struggles to navigate a dramatically changed environment in higher education and the profession, and those concerns coupled with the technological ease of spreading the word—both positive and negative—inspire an increased level of scrutiny. In our own administrative experience, we have seen national and local media and blog coverage of our respective colleges on an incredible range of topics, from the plainly newsworthy to (we would have thought) the obviously trivial: a student charged with murder, allegations of a hostile work environment, faculty and staff dissatisfaction with a former dean that culminated in reassignment, accidental misreporting of judicial clerkship placements, asbestos removal, a staff member asking colleagues to massage her injured hand, disposal of outdated regional reporters, and the number of bathrooms in the law library. (If you think that last topic garnered only local coverage, you are wrong. The national coverage occurred in—where else?—*Above the Law*.<sup>12</sup>)

Here are the strategies we have used to navigate unfavorable media coverage. You might think that the first is the most obvious—just stay out of the paper, for Pete's sake!—but it is simply not under your direct control, especially if you are the dean at a public institution. Instead, we encourage you to *expect and welcome scrutiny, and get informed about how to handle it*. The standards and expectations for public accountability are higher when the state's taxpayers expect and deserve to know how their money is being spent and how their children are being educated. Unfortunately, burying your head in the sand won't get you anything but a mouthful. (Which does not help you talk to the media, incidentally.) At a practical level, familiarize yourself with open meetings and open records laws,<sup>13</sup> identify whom in your office is your communications specialist and ensure he or she is aware that public relations (i.e., "PR," as in, reflecting well on the institution) is part of the job, and if you are embedded in a university, befriend the institution's chief communication officer and familiarize her or him with the issues facing your college.

Second, *be honest and own mistakes*. When an apparent slip of a finger on a keyboard resulted in the national headline, "North Dakota Law Tops Harvard in U.S. News Ranking!,"<sup>14</sup> it was critical to replace it as quickly as possible with

---

12. A 2012 post on *Above the Law* offered this observation: "Maybe all you need to know about the difference between top law schools and not-so-hot law schools really does come down to toilets. At Harvard, they name them after rich alumni. At North Dakota Law School, they barely have them." Elie Mystal, *Adventures at Low-Ranked Law Schools: Don't Call It a 'Toilet,' They Don't Even Have Toilets*, ABOVE THE LAW (Feb. 6, 2012, 11:17 AM), <http://abovethelaw.com/2012/02/adventures-at-low-ranked-law-schools-dont-call-it-a-toilet-they-dont-even-have-toilets/>.

13. An easily-accessible source of information is the REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, OPEN GOVERNMENT GUIDE (6th ed. 2011), available at <http://www.rcfp.org/open-government-guide>. As our state has some of the nation's most comprehensive "sunshine" laws, we've tried to internalize the advice, "Don't write anything you don't want to read in the paper." All the more reason to adhere to the recommended 24-hour waiting period before responding to nastygrams.

14. See Ashby Jones, *North Dakota Law Tops Harvard in U.S. News Ranking!*, WALL ST. J.L. BLOG (Sept. 4, 2009, 2:09 PM ET), <http://blogs.wsj.com/law/2009/09/04/north-dakota-law-tops-harvard-in-us-news-ranking/>.

this one: “North Dakota Law Dean Says U.S. News Info on Clerkships Is Wrong.”<sup>15</sup> ‘Nuff said.

Third, *get comfortable with the reality that many, if not most, media accounts do not tell the whole story.* With short deadlines, space constraints, and advertising to sell, reporters often do not incorporate nuance into stories, interview the “right” people, or include your lengthy quote that clearly explained everything. With student and personnel issues in particular, an administrator’s ability to provide information is limited and, of course, there are some stories that are not worth prolonging with more accurate facts.

Fourth, *befriend the media.*<sup>16</sup> Offer positive and newsworthy story ideas, issue press releases, call with updates on ongoing events, offer to appear on local television and radio, and generally come across as a good and open administrator.

Finally, if you are not an experienced media commentator, *get some training.* Practice giving short, simple answers. For those of us who are accustomed to “complexifying” issues in the classroom, it can be difficult to overcome the urge to start every answer with “Well, it depends. On the one hand . . .” Rehearse answering the question you want to answer, not necessarily the one you were asked. Staying “on message” is a highly useful skill that translates to a number of administrative settings. Practice keeping a neutral-but-friendly face, and in all ways, strive to look and act the part in dress and demeanor, even if it does not always work out the way you intend. One of us, in sharing a tape of his political commentary for a local television station, earned this reaction from his own mother: “You look like a sweaty Nixon in the 1960 Kennedy debate.”<sup>17</sup>

## V. KEEP THOSE SLEEVES ROLLED UP

Well, hello—we certainly are seeing a lot of you this month! You seem to be limping—you threw your back out moving furniture in a classroom?

Welcome to administration.

There is literal truth to the old saw that a dean’s job is everything, up to and including moving the furniture. We have, in our official capacity as deans and not in the context of a photo op, moved tables and chairs, carried boxes, picked up trash, cleaned up spills, scrubbed out microwaves and refrigerators, pulled weeds, and even ran out and bought toilet paper when the bathrooms were running low.<sup>18</sup> Yes, these things are not the highest and best use of your skills and talents. But moving furniture—literally or figuratively—also shows that you are “all in” this deanship, for this school.

---

15. See Debra Cassens Weiss, *North Dakota Law Dean Says U.S. News Info on Clerkships Is Wrong*, A.B.A. J. (Sept. 8, 2009, 3:20 PM CDT), [http://www.abajournal.com/news/article/north\\_dakota\\_law\\_dean\\_says\\_u.s.\\_news\\_info\\_on\\_clerkships\\_is\\_wrong/](http://www.abajournal.com/news/article/north_dakota_law_dean_says_u.s._news_info_on_clerkships_is_wrong/).

16. Within reason, of course: if a blogger calls you an idiot, as has happened to one of us, it’s okay to decline subsequent interview requests.

17. Note to self: a little powder never hurts. And, everyone is a critic.

18. The photo ops included swinging a sledgehammer in high heels and carefully supervising the medical care of a fake baby.

Here, our advice is to *find balance among participation, management, and leadership* in all areas of housekeeping. Occasionally pitching in demonstrates your investment in, as well as your respect for, the hardworking folks who regularly do all the jobs necessary for the smooth operation of the law school. Pitching in too often can interfere with your attention to the big picture—and as dean, you are uniquely and ultimately responsible for your school's big picture. It is easy to get caught up in the daily urgencies at the expense of long-term, less-urgent-feeling projects<sup>19</sup>—especially at the start of your first deanship when it seems as though each day (or hour) brings a new problem at the yellow-, orange-, or red-alert level. In our experience, administrative fire-fighting can become a comfort zone as you become adept at it, since solving the grand challenges of the legal profession, higher education, and society would require you to find some uninterrupted time in your day.

## VI. WHY IT'S WORTH IT

Congratulations—you made it to the end of your first 100 days as dean! What's that—you ran a faculty meeting that resulted in a fiscally sustainable initiative that will dramatically improve the curriculum? You judged a round of the moot court competition and were genuinely impressed with the skills of the students? You found funding to support a faculty member's idea for a joint symposium with the med school on interprofessional education? You helped to forge a partnership with the local bar association to involve students and faculty in providing pro bono services? You were tapped by the university's president to give a presentation to the city's chamber of commerce? You received an email from a new graduate thanking you for fulfilling her dream of becoming a lawyer? And you were handed a six-figure donation by a successful alum who told you to keep up the good work?

Welcome to administration!

---

19. This phenomenon, of course, is nicely illustrated in Covey's time management matrix, meant to help leaders in distinguishing between important and non-important tasks, regardless of urgency, and ultimately to focus effort on non-urgent, important work—that is, long-term strategic planning and initiatives. See STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE* 151 (1989).