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Phyllis L. Crocker

Cleveland State University, p.crocker@csuohio.edu

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THE PARADOX OF BEING AN INTERIM DEAN: THE PERMANENT NATURE OF A TRANSITORY POSITION

*Phyllis L. Crocker**

I. INTRODUCTION

BEING an interim dean is not so much about being “interim” as it is about being the dean. Some of us who start out as interim actually become the permanent dean. Some of us know from the start that we will not become the permanent dean at our own school. Still, one’s time as interim dean is much more than serving as a placeholder for a new permanent dean. Many people, especially those outside of the law school, like alumni, will see you as the dean. On the other hand, those inside the law school often will want to make sure you are viewed as temporary. What I came to understand during my eighteen months as interim dean, is this—it is important to be mindful of the temporary nature of the position, but it is also inevitable, and, I believe valuable and important both for the institution and for you, to inhabit the transitory space as though it were permanent, and to find a way to make the deanship your own.

Anyone in a new position takes some time to find his or her bearings, to feel comfortable and confident in the role. This can be especially challenging when one becomes interim dean because it is often an appointment that must be made quickly because something unexpected has suddenly happened to the current dean. In my case, the president of the university appointed our dean as the interim provost after the provost unexpectedly resigned. Our dean of four and one-half years was greatly respected, not only within the school, but also by our alumni and the legal community as a whole. It was unsettling, to say the least, that he was quite suddenly no longer our dean and that we had to find a replacement immediately.

For some time after I became the interim dean, I felt like I was merely a placeholder.¹ I had been reluctant to become the interim dean. I was comfortable as the associate dean for academic affairs—a position I had held for four and one-half years. But part of what made me see that I could be a good

* Professor of Law, Cleveland-Marshall College of Law, Cleveland State University [hereinafter C|M|LAW]. I thank President Berkman for giving me the opportunity to serve as interim dean of C|M|LAW from March, 2010, through June, 2011.

1. At graduation that year, for example, I was the master of ceremonies, but the former dean was the one who addressed the graduating class. That made sense to me—he had been their dean for their entire law school experience. The following year, even though the now-provost had been that class’s dean for two years, I realized I was the one who should address the class.

interim dean was that I had worked closely with the dean on many major law school initiatives and programs. To people outside of the law school, who had no idea what an associate dean did, we described my role as comparable to the chief operating officer of a corporation. I thought moving into a role that was similar to the chief executive officer position made sense, given our need for someone to assume that role. Recently I read an interview with a C.E.O., who had been a C.O.O., in which she explained exactly why this is not such a “natural transition”:

In the operating role, you’re very focused on the day-to-day, the tactical, to get the job done. At the C.E.O. level you’re going to step back. It’s going to be about strategy. It’s going to be about your vision. It’s going to be about values. It’s going to be about people. It’s an entirely different thought process.²

She was right: the task for me personally was not only switching roles but also switching my thinking about my role, my responsibilities, my relationships with the faculty, staff, alumni, and legal community, all the while maintaining the balance between temporary and permanent.

So how does one inhabit a temporary space as though it were permanent, while being mindful of its transient nature? Based on my experience as interim dean, one has different opportunities and challenges both inside and outside of the law school. In this Essay, I reflect on my eighteen-month tenure as interim dean by considering the key decisions I did and did not make regarding both internal and external matters. It is not easy being the interim dean, but, as I hope this Essay shows, it can be truly rewarding.

I focus on decision-making because a major part of being a dean, interim or not, is making decisions. As an interim dean, it is sometimes a fine line between when you should make a decision and when you should leave the decision for the new dean. It is good to be able to make decisions, but it is not always right to make them. I know that is true in any leadership position, but the decision on whether to make a decision can be especially sensitive as an interim dean. I had to think carefully about whether I should take certain actions or leave them for the new dean. At times I made decisions that would have long-term consequences. There were decisions I could make because I was the dean; those may have been the most challenging because they crystallized the paradox of my interim status. I could make the decision because I was the dean; at the same time, I was temporary—I held a position of trust and it was critical that I recognize the limitations of the interim position. Figuring out which category a decision fell into was not always obvious: I asked myself whether this was something I needed to decide or wanted to decide; was this something that I wanted to decide but that should really wait for the new dean; or something that I would rather have wait for the new dean but knew that I should decide?

2. Adam Bryant, *Corner Office: Stacey Allaster*, N.Y. TIMES, July 24, 2001, at BU8.

II. INTERNAL DECISIONS

As interim, it was my responsibility to make sure programs and initiatives of the school continued to move forward—that seemed the least I should do even if I was just a placeholder.³ At the same time, circumstances required that I be more than a placeholder: new matters arose throughout the year that required attention, study, and decision. Those proved to be the most challenging in terms of reconciling the temporary and permanent aspects of being interim dean. For example, during my time as interim dean, the university faced significant budget issues that every college dean had to address. That was a set of decisions I had to make, even if I would have preferred to leave them to the new dean. As interim dean, I also had to decide faculty raises. As I explain below, this was the most difficult decision I made during my time as dean; it was also a moment when I truly inhabited the temporary space as though it were permanent, and made it my own.

A. *Budget Reductions*

In the spring of 2011, the university president charged every unit in the university with developing a plan to respond to an anticipated significant reduction in the subsidy we received from the State of Ohio. The university administration would decide whether to approve our plans, or if we had to make further modifications. In short order, I had to convene and consult with staff and faculty to develop our plan; I also had to be comfortable with all facets of our plan and be a strong advocate for them with the university administration.

While some of the budget reduction decisions would have long-term consequences for the school, they could not be put off due to the time frame of the university process. Budget reductions are not usually the kind of decision for which one wants to bear responsibility. Yet, by this point—close to a year into my term as interim dean—I did not shy away from this task. I knew the school, I understood our goals, and I had come to understand the budget. I felt I was the right person to lead the law school conversations about budget reductions and to represent the law school's proposals to the university. Certainly, it was helpful to me that the person with whom I negotiated was the provost—our prior dean. But we did not see eye-to-eye on all issues: I had to make strong, persuasive arguments, backed up with data, on behalf of the law school.

3. For example, the prior dean had convened a committee to conduct a two-year study of our curriculum and academic programs. The committee was mid-way through its work and I thought it was important for the school that the process continue. I suppose someone in my position could have decided we should wait for the new dean so that s/he could be part of the decision-making regarding this kind of important issue. I thought it would be more impressive to dean candidates, and our new incoming dean, to see that our faculty took ownership of this kind of decision.

B. Faculty Raises

In the fall of 2010, six months into my time as interim dean, I had to make decisions about faculty raises. At public law schools, salary information is public, so it is often an area ripe for discussion and dissatisfaction. This was an occasion where I took the opportunity to make a significant one-time change that would have long-term effects: I substantially increased the salaries of our legal writing professors. I knew this decision could be controversial among our faculty for a number of reasons: none of the faculty had had raises in two years and increasing legal writing professors' salaries would mean less money for raises for other faculty because it all came from one pot of money; many of the salaries of the tenured/tenure track faculty were, and are, lower than their peers at other law schools; and some faculty did not think the legal writing professors' salaries were too low. The director of our legal writing program had begun a conversation with the prior dean about salaries; over the summer and early fall I continued that conversation. The director was persistent and patient, and always provided me with the data I asked for as I thought through what to do.

Often at our school, when a topic needs discussing, the faculty will meet for a brown-bag lunch. Salary raises had been discussed at brown-bag lunches in the past, and could have been such a topic this time: I anticipated we would get a pool of money for raises, and it was not obvious on what factors I should base raises as the interim dean. I could use the same rubric that the prior dean used: a combination of a percentage increase, flat amount, and merit.⁴ I could decide not to include merit as one of the factors. That had its own merit—I think that some faculty would have preferred that I not make a merit-based judgment about them since I was only interim and would be rejoining the faculty. In the end I did not arrange for a faculty conversation about raises—I was not completely sure we would get raises at all, and I was, to be honest, nervous about the faculty's reaction to the idea of substantially raising one group's salaries at the expense of others.⁵

Over time it became clear to me that how to approach raises was my decision and mine alone. It was for me as the dean, not as a placeholder interim dean, to make those decisions. It was not an interim decision because it would have lasting effects. It is true I could have decided that it was too big of a decision for an interim dean to make. Yet, compelling reasons existed not to do that. In some ways, I was the perfect person to make this kind of change, exactly because I was interim. If the reaction of the tenured/tenure-track faculty was strongly negative, the rest of my time as interim dean could be unpleasant, but then I would step down and return to the faculty. If we waited until the new dean came in, the change undoubtedly would be put off for at least a couple of years, if

4. I had conducted the annual reviews with each faculty member the preceding spring, and part of the purpose of that, historically, is to gain current information on each faculty member's activities in order to determine raises. So, I had the information that I needed.

5. Nervousness is not a good reason to avoid a faculty conversation. I know it is better to listen to the thoughts and concerns of others before making important decisions.

it were made at all. This was unlikely to be at the top of any new dean's priorities.

This was my call, but I did not act in a vacuum. I consulted my trusted advisors—who did not always agree with me. I gathered salary data for legal writing and tenured/tenure-track faculty. I had our budget director crunch numbers based on many different scenarios. And I listened to my heart. Based on all of that, I knew I was making the right decision.

This was a defining moment for me in as interim dean. It was, to be sure, a use of my power as dean; because of its lasting impact it was much more than what a mere placeholder would do.⁶ But it was one of those things that, in the long run, will be valuable to the institution, and was valuable to me. It is good for the institution for individuals to be paid more comparably to their peers. And it was good for me to know that I could wend my way through differing views and conflicting interests and make a decision that I believed in, even if I was not positive it would be well received.⁷

III. EXTERNAL RELATIONS

As a faculty member, the prospect of external relations seems the most daunting part of being a dean—it is the most unfamiliar territory to faculty. I found it rewarding and even fun. This is the area where your transient nature is least noticed. Alumni frequently said to me, “drop the interim”—meaning, “to us you are our dean.” It took me a while to fully appreciate the significance of this. To the outside world, the dean is the one who represents the law school, being interim does not affect that.

Every day I talked to, met with, and worked with lawyers and judges. Lawyers and judges in our community were in the law school every day—they were there as adjuncts, mentors to our students, guest speakers in classes or to student organizations, and panelists or presenters at Office of Career Planning events. I visited law firms throughout the year with other members of the law school staff (Development and Career Planning) to talk about new programs and initiatives at the law school. I met with our advisory councils throughout the year to keep them abreast of new developments and seek their good counsel. In all of these situations, what mattered most was the continued wellbeing of the law school—not whether I was interim.

Early on in my interim deanship, while I was still feeling like a placeholder, the development staff and I made our travel plans for the year. I thought that I should not do as much travelling to meet with alums as the dean would ordinarily do. There were cities that I knew the prior dean intended to visit, but I decided that I should not go to all of them for two reasons, one financial and the other

6. It also was something that I thought our former dean might not have done. I am not sure when I stopped asking “what would the dean do” (meaning the former dean), and started asking “what should I do,” but I was certainly at that point by the time I made this decision!

7. In the end, after I sent out a memo to the faculty explaining my decision, two senior faculty members wrote emails to the entire faculty supporting my decision. Others told me that they also supported it. I am sure some did not, and that is fine.

because, in my temporary state, I thought alums would not be interested in meeting with me. I was wrong.

The travel I did, and the graduates I met, taught me that I should have done more travel and met with more alums. What I found was that graduates of C|M|LAW were excited to talk with the current leader of the school. It did not matter that I was interim. What mattered was that I was taking the time to travel to where they lived, to spend time with them, to hear about their lives and tell them about the school. Meeting with the dean is an opportunity for graduates to reflect on their law school experience and what it means to them now.

For those of us who teach in law schools, that may not seem remarkable—because we are in a law school setting, working with students, our own law school experience is often a reference point. But for our graduates, law school is usually not something they think about regularly—especially the further out from law school they are. Also, while they were in law school, the dean was probably not someone they interacted with very much, if at all. So for the dean to want to meet and talk with them provides a welcome confluence of a number of things—they learn that someone at the school cares about them, they get to show that person how proud they are of their accomplishments, and they get to reflect on how the law school helped get them to that place. It may be the beginning of building a relationship with the alum if prior deans did not meet the person, or it may be continuing to build a relationship if a prior dean did meet the person. Whatever it is, the transient nature of being an interim dean really does not matter. At that moment, you are the representative of the law school; you are the one engaging them with the law school. Before and after you, other deans began, or will continue, the relationship.

IV. MAKING IT YOUR OWN

Our law school motto is *Learn Law. Live Justice*. We began using this motto the year before I became interim dean. Those four words resonated with our students, faculty, alumni, and the greater legal community as an expression of who we are as a law school, what we teach our students, and what we value. But a motto may be fleeting. While it was gaining traction under our former dean, it had not really taken hold. I decided it was something I wanted to talk about throughout my time as interim dean. I never quite did as much with it as I hoped to, but it helped keep me focused on core principles about our school as I thought, wrote, and talked about our school, and it continued to resonate no matter the context in which I raised it.

The idea of having a touchstone, of reminding others about core beliefs throughout the year, was not my own idea. During the summer of my deanship, prior to the start of the new school year, I read *The Unlikely Disciple*, an account by Kevin Roose of his year as a visiting student at Liberty University.⁸ In the book Roose recounts how in each of his courses the professor began each class

8. KEVIN ROOSE, *THE UNLIKELY DISCIPLE: A SINNER'S SEMESTER AT AMERICA'S HOLIEST UNIVERSITY* (2009).

with a prayer.⁹ Roose was uncomfortable with this, but at some point he realized how much sense it made: Liberty University is a consciously Christian school; a prayer at the beginning of each class was a way of demonstrating the centrality of that belief. It made me think about what could be comparable in our law school. What if I started each class by saying something about justice or equality rather than just diving into the assignment for the day? How often do we remind ourselves and our students about the privilege of being a lawyer, about the obligations we have to serve our communities, about the power and responsibility of working for justice and equality?

I decided to make a point of talking about learning law and living justice every time I addressed our students, graduates, community groups, and law school gatherings. Sometimes it would be a simple reminder about the importance of serving not only one's clients but also one's community. When Justice Sonya Sotomayor visited the law school, we decided to make the theme of her visit, "The Presence of Justice."¹⁰ At graduation, having invoked *Learn Law. Live Justice.* throughout the year, I used it a final time in my remarks to the graduating class:

Throughout this year I have talked to you, to our graduates, and friends, here and across the country about what *Learn Law. Live Justice.* means. Let me share with you what two others have said about Living Justice. Dr. Martin Luther King, Jr. said "the arc of the moral universe is long but it bends toward justice."¹¹

More recently, President Obama spoke about what Dr. King's words mean:

It bends towards justice, but here is the thing: it does not bend on its own. It bends because each of us in our own way put our hand on that arc and we bend it in the direction of justice.¹²

9. *Id.* at 31.

10. The Legal Aid Society of Cleveland, the Cleveland Hispanic Roundtable, and C|M|LAW invited Justice Sotomayor to Cleveland. The Legal Aid Society used "The Presence of Justice" as the theme for its Annual Dinner, at which Justice Sotomayor was the keynote speaker. Given our school's motto, we thought it appropriate to use the same title for her forum with students. The phrase comes from a speech by the Rev. Dr. Martin Luther King, Jr.: "True peace is not merely the absence of tension; it is the presence of justice." STEPHEN B. OATES, *LET THE TRUMPET SOUND: THE LIFE OF MARTIN LUTHER KING, JR.* 84 (1982).

11. Rev. Dr. Martin Luther King, Jr., Address to the Southern Christian Leadership Conference: Where Do We Go From Here? (Aug. 16, 1967), available at <http://www.famous-speeches-and-speech-topics.info/martin-luther-king-speeches/martin-luther-king-speech-where-do-we-go-from-here.htm>.

12. Arthur Howe, *The Arc of the Universe Is Long But It Bends Towards Justice*, OPENSALON (Jan. 19, 2009, 2:12 AM), http://open.salon.com/blog/arthur_howe/2009/01/18/the_arc_of_the_universe_is_long_but_it_bends_towards_justice (quoting Remarks in Fort Wayne, Ind. of Senator Barack Obama Remembering Dr. Martin Luther King, Jr., on the 40th Anniversary of His Assassination (Apr. 4, 2008)).

As a lawyer you will have the privilege and the responsibility to work to make this a more just society—to put your hand on the arc and bend it toward justice. Embrace that challenge.

Talking about learning law and living justice was valuable to me but, in the end, more importantly, it was valuable to others. Often someone took the time to thank me for reminding them of the importance of living justice. This was always encouraging. It also reminded me that while I was doing this for personal reasons—as a way of putting my own stamp on my time as interim dean—being interim dean was not about me but about serving the law school community. Talking about justice was one small way to do that.

V. CONCLUSION

I am grateful for the opportunity to have served as an interim dean. With all of the challenges, anxieties, frustrations and joys, it was rewarding to be part of the law school in a new way. For those of you thinking about becoming an interim dean, or those of you on the verge of being, or in the midst of being the interim dean, here is my advice: embrace the position, be respectful of its limitations, but find ways to make it your own. Within the law school, spend time with current students, faculty, and staff. Outside of the school, meet with alums in your hometown and across the country. You will be their dean.

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