

ORAL HISTORY INTERVIEW
OF NANCY ROGERS
FEBRUARY 25, 2014

Q. I am Evelyn Freeman and today is Tuesday, February 25, 2014, and I'm interviewing Nancy Rogers, whose birthdate is?

A. 1948.

Q. Same year as me. Sorry, I'll be a good interviewer. So we'll begin, Nancy, by having you describe for us the positions and the roles that you've played at OSU, in what units, and over what time period.

A. Sure. I came in 1975 as a Visiting Assistant Professor, and then became an Assistant Professor the next year. And then I did something unusual -- I stayed home for several years and taught occasionally as an adjunct professor, and was rehired as an Assistant Professor in 1983. That was to be able to spend a little more time with our pre-school children. Then I became Associate Dean and Professor in 1992. In 1999, I became Vice Provost for Academic Administration for the University. In 2001 I returned to the Law School as Dean. In 2008, with four days' notice I became the Ohio Attorney General. I was in that position for nine months, and then returned to the law faculty in a faculty position until I retired in 2012. And I still am associated with the University as an Emeritus Professor and still teaching one class a year.

Q. Thank you. Can you talk a little bit about your family or your background or your experiences that you think shaped you prior to coming to OSU?

A. Yes, after law school I was a clerk to a Federal District Judge, and then after that I was an attorney at Cleveland Legal Aid, where I was in a neighborhood office, representing low income persons. While in that position I got a call from a different law school asking if I

was interested in law teaching, and whether I might interview for that faculty. It had never occurred to me that that possibility might be open to me, and it suddenly resonated. I think it resonated in part because my family background is being a daughter of a university professor and a teacher. It felt kind of right and exciting. When my husband asked if we could move for a position he wanted in Columbus, and I was leaving Cleveland Legal Aid, instead of continuing in that field I sent a resume to Ohio State University, and was fortunate to be hired.

Q. Very neat.

A. It was very special. I'm very lucky. I think most of us who go into teaching field are lucky to be here.

Q. So in what ways do you generally identify yourself, both in terms of how you see yourself as well as how others see you in terms of gender, race, religion, class, and then tied to that, how do you feel being a female has shaped your life and how have those other identities shaped your life?

A. I think that others see me as a woman, a lawyer, and an academic. I see myself as having these identities but also as a parent, and a grandparent. I identify with my faith as well.

Q. Anything else you want to add to that?

A. Well, I think that these identities have shaped my life in a number of ways. I think that being a woman, particularly in the early years, helped me understand what it's like to feel different than others and a little bit less certain about the likelihood of succeeding for that reason. In those early years, not in recent years, but in early years, that feeling of being unusual – being the only woman or one of just a few women -- has helped me a great deal to understand other people who are feeling that same way for other reasons. I'm grateful

for those early years and for what they have given me in that regard. There was a newspaper story that I was going to be a law clerk to a Federal District Judge in the Northern District of Ohio. The story was sparked in part because my father and father-in-law were federal officials but received attention because a woman had never held that position in that district. A local radio program held a call-in program, in which you could call in your views about the appointment. And though I didn't listen to it, I remember going home the evening after the program and the woman in the apartment under me, as I was going up the stairs, stuck out her head and said, "I just want you to know we don't agree with any of those people." So I knew that there had at least been some criticism of the appointment. Then a column appeared in the newspaper supportive of the idea of a woman being able to be a law clerk for a Federal Judge. That experience was one of those I mentioned as making me realize how uncomfortable it feels when people think of a person as different, in a negative way, because of one aspect of that person's identity. I think that being a mother has affected me in a very positive way. It's made life more fun. It's affected my career choices quite a bit. Being a woman also, in those early years, made me quite determined not to fail. In those early years, I didn't have a sense that if I failed, another woman would have the same chance that I had had. And so there was a little bit more, quite a bit more, pressure to do things the right way.

- Q. It's amazing to think about, if you clerked probably in the early 70's, it's not that long ago. And to have a call-in talk show to see whether people thought it was appropriate for a woman to be doing that is really astounding. It's amazing to think about.
- A. It is amazing to think about that but also that there were so many people with courage. I think it took some courage for that Judge to hire me. Some of the comments probably

related to having a young woman in the office, even though there already was one as a secretary. The novelty of appointing a woman law clerk may have made people feel a entitled to joke about it. Yet the Judge stood firm. He could have withdrawn the offer. He could have not made the offer in the first place. But he stood strong. He was also very kind to me always.

Q. So let's think about then your experiences at OSU. Do you think being a woman shaped those experiences, and if so, how? And if not, why not?

A. I would start by saying that I have felt respected and more since I arrived at Ohio State. It was a very positive experience from the start, and the reason that I say "and more" is that when I decided because of a dual career family that I would like to carve out some time and be home with the children part of the time, the faculty at the Law School and the University as a whole supported that decision and permitted me to be on the tenure track part-time. I don't think at that time that was true in many other universities. Because of this I could contribute in the way that I wanted, teach the way that I wanted, and still have substantial time at home. That's why I say I think the University has not only been respectful and fair since the beginning in 1975, but more than that.

Q. Do you think that your other identities then shaped your experiences at Ohio State and if so, how? And if not, why not?

A. Coming to Ohio State as a lawyer makes me just a little bit different. As a lawyer, I was trained to look at both sides of issues and to think about a problem as a challenge, rather than as a heartache. Both of those things helped as I've taken on leadership positions. I think that this training has made the positions more fun for me than they might have been

for other people. And my faith gives me purpose. All of these things shaped my time at Ohio State.

Q. I think you've kind of answered this but I want to see if there's anything else you wanted to add. I think you've talked about the climate in your unit and at the University for you, but I didn't know if you wanted to add anything that you've said previously.

A. I think the climate is a little different and that too has been positive. For me as a woman, the more women who have joined the faculty and professional ranks, the more positive the climate has become. I also understand how that might be the case for other persons who believe that others view them differently because of this or a different identity group. So I would say, yes, it was positive from the start in the sense that people were always kind. It became more positive when there were more women.

Q. Can you discuss any mentors you had, either here at Ohio State or elsewhere?

A. I have never had an official mentor. But I have always had people I went to for advice who were very helpful. I will mention one. When I became Attorney General, the office was in the midst of a crisis because of the resignation under pressure by the previous Attorney General. I wanted to be able to see the big picture and to make sound decisions about the administration of the office in a very short time. Getting these decisions right in a short time was important to the public's view of the Office of Attorney General. At the same time, the regular work that any Attorney General has to do filled most of my time. And so at the very beginning I went to someone who I trusted a great deal, a former judge, Bob Duncan. Just four days after becoming Attorney General I asked if I could sit down with him. On a Saturday morning we sat down and talked. I asked him if he would be willing, not only to give me advice, but to chair a group of people who could

advise the senior leadership at the office. At the beginning we met at least twice a week. That carved out the time for the office leadership to talk with some of the best people about the management issues that office faced. When I asked him, Bob Duncan did not pause for a minute. He agreed and was a wonderful advisor and mentor. So were the others on the advisory committee. The then U.S. Attorney for the Southern District, the retired head of a law firm in Cleveland, a newspaper reporter who had covered the Statehouse and was at Ohio State studying for a brief time, and a former Chancellor for the Board of Regents, a bipartisan group, sat down, not only with me, but the senior staff to talk through those issues. As a result, the senior leadership was able to deal with management issues pretty quickly and with outside feedback.

Q. Are there any other people here at OSU that you felt really helped mentor you in some way, informally or formally?

A. Oh so many. It's just hard to think of them all. But I do remember one. It was my first year after having stayed home for a little bit and returning to the faculty. I had many doubts about how I was going to be as a teacher and whether I would succeed as a scholar. I didn't mention that to anyone. But there was a senior member of the faculty, his name was Bob Lynn, who I had admired enormously. One day I went to him and I told him that I had decided I was going to write a book, and I asked him how he wrote his books, how he organized things, how he started, the details of what he did. These were pretty elementary questions to ask a senior colleague. Bob explained his approach down to the details of how he filed things. A short time later, he stopped by my office and said, "I want to give you this note." I opened the note and all that it said was, "Nancy, you've got it, and you're going to make it." I taped the note on the little board that slides from

the desk. Whenever I was feeling self-doubt, I would pull it out and look at Bob Lynn's note. Reading it made me chuckle, made me realize I was among friends, and gave me the courage that sometimes was lacking.

Q. While you were at OSU, did you have any concerns either within your own unit or within the University about equity issues? And if so, what made you aware of these issues?

A. Most of us have felt that it was important to become a diverse University and that the progress has been slower than we would like. I was optimistic because I watched the College of Law make a transition to a more diverse faculty and staff. That change was already happening when I came and it accelerated over the next ten or fifteen years. By the time I became Vice Provost, the Law School was quite diverse, but many other units were not yet diverse. A lack of diversity affects the success of our students when it occurs. As a Dean, Associate Dean, Vice Provost, there were many situations in which diversity gains meant that we were dealing for the first time with issues that we hadn't addressed before, and these were difficult issues. Clashes of peoples' religious views with the desire to make all people feel included represented one of those very tough issues. Issues that relate to equity, relate to people's very identities, can become quite painful as well as difficult. There have also been situations in which what started as an insult, and might have been responded to with an apology, instead grew because other people said that the person who had reported the insult was over-reacting. And so then the person who had reported the insult with some courage felt very much marginalized, and angry, and the person who reported that the person who initially reported had over-reacted, felt that then the reaction was truly an over-reaction. And this conversation of "I feel insulted, you are over-reacting" could continue for a long period of time, and result

in division that was avoidable. The effort to try to make that conversation one in which people could actually hear each other, and understand each other, is one of the roles that leaders should play at the University but it is a difficult role, and there is not always a clear path to do it effectively.

Q. Were you the first woman Dean of the Law School?

A. Yes. But I would say that that was not a very monumental change. It seemed more monumental to people to have a woman as a law clerk for a federal judge in the 1970's. By 2001, many people had worn that path ahead of me. There were other law deans who were women, and there had been associate deans who were women. There were other deans at Ohio State who were women. It was a line in the story of my appointment but it was not a major challenge. If you weren't interviewing me, I would ask you if you agree since you were probably a first woman Dean at your college.

Q. Actually on our campus I wasn't the first woman Dean. I felt a little pressure because the first woman Dean was very unpopular and actually the faculty apparently got rid of her. So I was a little anxious about that, because I had heard so much about it, and everybody talked about it and made jokes about it. So I was I guess a little hyper-nervous, sensitive about it, because I wanted to make sure that the same didn't happen to me, and the faculty would respond well, and it would work out okay. But I definitely wasn't the first woman Regional Campus Dean. There had been several others, and not the first Dean at Mansfield. So it was interesting. I think you mentioned a couple really eloquent kinds of situations that occurred. Were there any specific incidents or issues that you feel comfortable talking about that shifted your awareness about equity issues, in any of the roles you were in, that you feel like you could tell us?

A. I feel that I've learned a great deal in that regard, right from the start. When I was a Legal Services lawyer, I learned how heavy the weight of being a low-income person is, and how difficult it is to emerge from that situation, and particularly to get the education that one needs to do that. I realized how hard it can be to put oneself in someone else's shoes. Coming from a middle class family, I sometimes had difficulty anticipating my clients' needs and options. It seems that I have had a life-long lesson in humility because if I didn't listen carefully, I often missed what an experience was like for someone else.

Q. Can you talk about what you feel is your most powerful experience you had at Ohio State? And that can be, power can be defined any way you want, in terms of powerful.

A. There was certainly one that was memorable and it was when I was Dean of the Law School and I went out to visit alumni and I was stopping to see a graduate of the Law School, a middle aged woman, who was a member of a law firm, a well-respected law firm. When I arrived to visit her, she said it was very unusual that I should have arrived that day because something had happened related to the Law School just the day before. She said that she was sitting in a meeting of about seven lawyers who were about to give advice on a really important matter, a matter that affected a lot of people. She said that they decided as a group that what the client proposed to do was legal. But there was a long silence because everyone in the room realized that what the client was about to do was legal but wrong. She said that she remembered what Professor Shipman had said -- that your clients will usually ask you whether something is legal, but you can always answer not just that one question but instead two questions. You can always answer not only whether it is legal but also whether it is right. The fact that one of my professors in law school had said that, she explained, gave me the courage to speak up. I said, I had

this professor who said this. She said that the fact that she spoke up and could quote a professor gave everyone else permission to do it. So they advised the client that what the client proposed to do was lawful but that they believed it to be wrong, and they explained why. Interestingly enough, the client said he was glad they had spoken up. The client decided not to do it. All of us in that room yesterday, she said, felt better about ourselves and our role in this world, and it was all because my professor had said that to me in law school. When I returned from that trip, I tried to work that story into conversations every way that I could, because it is, I think, one of our dreams to prepare our graduates so that, whoever they are, men, women, whoever, not only can they succeed in the professions they enter but also, when they do, they can apply the values that can make the world a better place. Sometimes we who are teachers are able to inspire them to achieve both of those things. That lesson is good to remember as we walk into the classroom.

Q. What a marvelous tribute to that law professor.

A. Yes.

Q. Oh my gosh, it just gave me the chills. What an incredible story. In your roles here at Ohio State, did you personally work to affect institutional change around equity issues? And if so, what did you do and what was the outcome, both personally and institutionally?

A. I'm going to mention two things. I did try to do it in a number of ways. But one that I thought as a leader was the most successful way, was to try to make the decision makers in each part of the Law School a group of diverse people, and then to encourage them to hold meetings when decisions were being made. Not just faculty. All of us know if we've been on a faculty, how having a diverse faculty results in a curriculum and in

decisions that will serve more broadly the needs of lots of different people. But I found that that same thing is true in Admissions, in how decisions are made in communications, and what goes on the website in Alumni Affairs, in the ways that events are structured to appeal to different people. Because it's so difficult, I believe, to put yourselves in the shoes of someone else, the more people in different shoes you have making decisions, the more likely you are to realize what may be problematic for someone else. It made the institution work better, but it also, I think, affected change in terms of equity issues. And I'll mention one other thing. I was determined, having had the advantage of other people having decided that it was all right to be part-time on the tenure track, to think through how we could be more flexible in other ways that permitted us to achieve our mission but also permit people to have the personal lives that they valued. As Dean, I worked with my colleagues to institute flex-time for many of the staff, as often as we could find a way to make that work.

Q. What about in your role when you were in the Provost's Office? Wasn't that a period when there was quite a bit of policy change going on in HR?

A. It was, it was. I played only a tangential role in that, because my role was slightly different at the University. In terms of equity issues I played a larger role with respect to disabilities. During that time we created the ADA Coordinator position.

Q. Oh, that was during that time period.

A. Yes. We worked out how that would work with our Disabilities Office, but also how that could be effectively set up in a university as large as ours -- to help make this University more welcoming and accessible to people with a variety of kinds of disabilities.

- Q. Can you talk a little bit about the allies who you feel supported change around equity issues as well as about any obstructionists? Don't have to mention people by name if you don't feel comfortable doing that. Or you can mention them by name if you want, and we don't have to publish this for a while.
- A. I think the vast majority of people on this campus want to see positive change in terms of equity and fairness. There always will be occasional exceptions to anything like that, but those people were largely not influential, so it didn't impede that much.
- Q. During your time at OSU, were there collective efforts around change that you participated in or observed, and if so, could you talk a little bit about those?
- A. The changes that I have mentioned were collective decisions.
- Q. Do you feel that overall the climate for women and other diverse groups changed over the time you were here at OSU?
- A. Yes, I think so. And I think that it's largely what we discussed earlier, that the more diverse the University has become, the less need there is to explain something that might affect some identity groups more than others, and therefore the more pleasant and welcoming the place feels.
- Q. You haven't really left the University yet, but at this point in time in the history of the University, what do you think remains undone relative to the progress of women and other diverse groups?
- A. I am sure there are lots of things but let me just mention one that troubles me and feels especially undone. And it relates to your field, to the field of Education. I feel as though we collectively, meaning universities and especially the public providing the resources for the schools, have not yet figured out a way or have sufficient funding to teach

students from under-served communities well enough so that the children are able to secure a solid education in the same percentages or even close to the same percentages as their peers in other communities. As a result, they cannot succeed as well in a workforce that values education. It's not a new problem, but it is a situation that is not getting much better, at least it feels to me that it has reached a plateau -- too low a plateau. For example, people throughout society interact with lawyers and judges. Lawyers tend to be in very large percentages public officials. They are prosecutors and defenders. In so many ways lawyers define the public's experience in society. But if you just pick one identity group and look for example at African Americans, there are half the number of African Americans in the legal profession as there are in this country. It does not feel like a representative government when the representation by identity group is not even roughly matching that of society. We need to work very hard on that problem.

Q. Are there other topics that you wanted to talk about that we did not cover?

A. No.

Q. Or anything else you want to add?

A. No, nothing else.

Q. So in terms of this project itself, if you have any memorabilia, like photos or newspaper clippings or special correspondence that you think might be of interest, and you might be willing to permit the Archives to photocopy, you can just let Kevlin know. And then, are there other women that you think should be interviewed? I know at this point you probably don't even know who they are, and I don't have a list of everybody, but what I've been doing is, when people suggest people, if I'm not sure, then Deb Ballam is just

kind of a coordinator. So she's great. Send the names to her and then she can find out if they have been interviewed.

A. Okay, that sounds great. I think of Elaine Hairston and I don't know whether you have her.

Q. I think that she has. I think that's one that I should definitely make sure. Anybody else in the Law School, faculty members, that you think might have insights, any other women you've worked with in Administration?

A. Well Alayne Parson. Has she been interviewed? That would have to be a telephone interview.

Q. Yes, I think so, that's another good one.

A. Nancy Rudd.

Q. Yes, I think she's been mentioned quite a bit, so I think she has, but I'll definitely make sure. These are good.

Q. We're returning because we had some other things we wanted to say. So hopefully this is recording. I think it is.

A. In the interim, we discussed the fact that so much has changed over such a short period of time, during our lifetimes. It's inconceivable for the women who graduate from any of our schools at this point to think that there could be a radio talk show about whether it's appropriate for them to be hired for a job because they are women. But the fact that these things did occur, and that a change that I never anticipated would be possible has occurred in my lifetime, has made me an optimist. Perhaps it should make others who read this optimistic because in a short time, we're talking about a period of 40-some years, an enormous change has occurred. Progress has also been made during our

lifetimes with respect to other kinds of discrimination. Dealing with equity issues requires hard work, sometimes courage, and thoughtful application of what has worked in the past. But there is reason to be optimistic that change will occur.

Q. Thank you. I think we are now going to officially end the interview. I hope that that last part recorded. Thank you.