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Corporate Governance & The CEO: Rebuilding The Relationship After the Governance Revolution

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The days when the CEO effectively chose the board, presided over it as chair, structured its agenda, and controlled information flowing to it are long gone. Whether for good or otherwise, the model of the board as a group of like-minded supporters of the chief executive has been consigned to the trash heap. Instead, more companies than ever have decided to split the role of chairman and CEO, rigorously independent boards who are not worried about truly challenging senior management have emerged, executive sessions of the board outside the presence of the CEO or senior management are the norm, management compensation is set by truly independent actors relying on outside compensation consultants, audit committees which have become far more active are commonplace, and the “lead independent director” has emerged as a fixture on the governance horizon.

What’s a CEO to do? And how is a diligent director supposed to discharge his or her role without becoming an officious intermeddler in the day-to-day affairs of the company?

The answer lies in finding a new balance, a new boardroom paradigm. That, in turn, involves developing a clearer understanding of the roles of each side of the relationship as that relationship has evolved. Most critically, however, the ideal balance can be discovered only where both sides are creative and pragmatic, so as to encourage the very best from their partner(s) on the other side of the relationship.

Many texts have been written on what the law requires, or the nature of evolving (or recently evolved) "best practices" in governance. But little has been written about what the best boards do in practice to attempt to implement these mandates and to stay abreast or ahead of evolving practices while at the same time maintaining a working relationship with the CEO. As an observer of how governance works, or often fails to work, in boardrooms both of public and private enterprises, the author's focus in this chapter is on the practical and the pragmatic aspects of the board/CEO relationship, and how it can be rebuilt after the wave of seismic changes that has washed over the governance arena in the past decade.

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