

# Our Journey Towards Board Diversity

By Sherry Magill

Anticipating her retirement as a Jessie Ball duPont Fund trustee, Jean Ludlow asked me if I had given any thought to how we might select her successor. Actually, I had — though I had not broached the subject with her, knowing how unique Jean's selection and service had been.

The year was 2000. Ms. Ludlow, the first individual trustee not personally selected by Mrs. duPont, would retire in four years after 20 years of service. I was in my eighth year as executive director.<sup>1</sup> Trained with a doctorate in American studies, I came to my work at the Fund from a small liberal arts college administrative post possessing a peculiar interest in organizational governance structures borne from helping manage relations between the college president and his board. It was a big board of 36 people — one-third appointed by the alumni, one-third by the governor, one-third by the board; with one-third rotating off annually.

The governance structure of the Jessie Ball duPont Fund lay at the other extreme: three people — two appointed by the board, one Episcopal priest appointed by the Bishop of Florida — and an investment bank serving as corporate cotrustee and represented by one individual; with no term limits.

The Jessie Ball duPont Religious, Charitable and Educational Fund was established in November 1976 as a trust operating in perpetuity under the last will and testament of Jessie Ball duPont. Mrs. duPont personally named the original four cotrustees — her

brother, her Episcopal priest, her tax man, and the bank she owned. Other than identifying one successor trustee and including a provision allowing for the ongoing appointment of an Episcopal priest by the Bishop of Florida and a Florida bank having trust powers as corporate cotrustee, she made no provisions for trustee term limits, retirements, replacements, or successors, knowing full well that she could not govern from the grave. She made provisions for her time, and she expected the people she named to make provisions for their time.

Jean's question and timing were auspicious. A long-serving clerical trustee had retired in 1998 and we were just two years into his successor's service. Although Mrs. duPont had imposed no

retirement ages, indeed had made life appointments, Ms. Ludlow and her trustee colleagues had set a retirement age of 70. Given the age of the new clerical trustee, he would serve only one term. Over the next five years, half the board would retire.

Although four years seems like a long time, I understood that this change in trustees could be a generational change for the Jessie Ball duPont Fund, that a small group of people who had served together for 15 years might be replaced by another group of people who could serve similarly. Who would they be? What would their experiences tell them about the world? What pictures would they carry around in their heads?

Before Jean posed her question, I had hired my long-time colleague and friend Mark Constantine to interview the heads of several foundations and give me a report. I wanted to know what kind of trustee leadership they thought the Jessie Ball duPont Fund needed to carry it into the next decade, what kind of trustee leadership they thought Southern philanthropy needed to lead it into the next century, and what we, as philanthropic leaders, should expect of trustee bodies.

The Constantine report inspired me beyond measure. Folks I admired also admired the Fund and expected a great deal from us. Many of these colleagues had joined us for a regional conversation we had spearheaded around race and equity issues in the American South called "Unfinished Business." I

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admit that the results from this regional conversation might not have yielded much externally, but I know this conversation contributed to what became radical, rather bold, and previously unexpected and unimagined changes in our governance structure. Unsurprisingly, the greatest outcome was internal.

Our colleagues expected us to get beyond our comfort zone and our normal Rolodex and set an example by choosing folks to serve as trustees who had experiences and backgrounds that differed from the white Anglo backgrounds of the trustees of not only the Jessie Ball duPont Fund but most of our colleague organizations as well — their's included. They were asking us to break the private foundation prevailing trustee mold. Never ask your friends for advice if you are not willing to wrestle with what they say.

I knew something my colleagues did not really understand: we were selecting only one trustee. We were not

selecting a body of trustees. We were tasked with selecting Ms. Ludlow's successor; the Bishop's appointment we could not control. But certainly we could find one non-white, non-Anglo-American person; a person from a varied background; an African-, Latino-, Asian-American; a Jew, a Buddhist, a Muslim, an atheist to succeed Ms. Ludlow.

It just did not seem wise to me to place all our collective hopes and dreams — mine and those of my colleagues in the South — of what greater diversity might bring to our trustee and staff discussions on picking just the one right single successor trustee. We needed something bolder.

I turned the Constantine report into a trustee conversation piece about trusteeship. My ambition was small: all I wanted was for the trustees not simply to pick someone they all knew just because they knew that person. I wanted them to select a trustee because that person met the qualifications. I

believed it meant something to be a trustee of the Jessie Ball duPont Fund, and I wanted that meaning documented, written down, embedded in the organization — and the way to do that was through months of trustee conversations and reflections.

Throughout our conversations, we focused again and again on conversations about the changing demographics of the American South, the people, organizations, and communities we serve through our grantmaking and on our obligations to be knowledgeable, to act with compassion, and to be sensitive to the needs of folks less fortunate than ourselves. What began as a conversation about the meaning of trusteeship; the roles, responsibilities, and qualifications of trustees; about what we wanted in a successor trustee and ultimately in all trustees evolved into a conversation about how we could do what we wished to do and be what we wanted to be with a search for just one person. How was that even possible?

The obvious obstacle was Mrs. duPont's will: the elephant in the room, the governance structure she herself created.

In the end, we petitioned the Fourth Circuit Court of Florida<sup>2</sup> to allow the trustees to double the number of individual cotrustees from two to five, not disturbing the appointment of the clerical trustee or the selection of the corporate cotrustee. Judge Aaron Bowden granted our petition and so ordered on October 30, 2003. We began a year-long trustee search the following January. Believing it critical to get outside our normal networks, we appointed a four-person search committee chaired by a sitting trustee but whose other three members — Lynn Huntley, president of Southern Education Foundation; Judy Jolley Mohraz, president of Virginia G. Piper Charitable Trust; and William Massey, Vice Chancellor for Alumni and Development, University of North

PHOTO COURTESY OF THE JESSIE BALL DUPONT FUND.



*Jessie Ball duPont Fund President Sherry Magill and Trustee Leroy Davis, who served as chair for the trustees in 2008-2009.*

Carolina, Asheville — came from outside the Jessie Ball duPont Fund. Their work culminated in our announcing the appointment of four new trustees, commencing their first terms in January 2005 and 2006. As a bonus, two of those four trustees were African American.

#### HOW IT'S GOING:

Six years into it, people ask, “so, how’s it going?”

Unfortunately, the new clerical trustee passed away unexpectedly and one of newly appointed individual trustees resigned early in his tenure because of other professional responsibilities, so we had more volatility that we would have liked. Building a healthy discourse is built on trust, and building trust takes time and familiarity. That doesn’t happen if the players constantly are changing.

Right now, we have had two years with the same people in the conversation, so that is a good thing. We are engaged in a rigorous intellectual discourse among seven individuals: three women, four men; two doctorates; four juris doctorates; one master of divinity; six baby boomers, one born during World War II; and seven Americans, all with ethnic roots in some other land with five being Anglo- and two African-, with varied personalities and personal histories. It’s a rich conversation with lots of creative tension.

I am reminded of Thomas Jefferson’s letter to Mrs. Cosway, in which his head and his heart pull him in opposite directions. Each one of these people, to a person, is pulled in different directions. And as a collective, they too are torn. That, of course, is the work of strategic philanthropy. Rationality might pull us in one direction but our charitable hearts tell us to do something altogether different. How can it be otherwise? The new diversity at the Jessie Ball duPont Fund trustee table simply has added more complexity to

what already was present. We have enhanced the creativity. It’s simply greater that it once was. These are wonderfully talented and wonderfully loving people.

#### CONCLUSION: AND FOR ME?

Everyone thinks the court case was about race. I think it was about good governance.

Although I am no stranger to conversations about race, having grown up just north of Montgomery during George Wallace’s heyday, I don’t talk much about race anymore. I lost a portion of my voice participating in the Jessie Ball duPont Fund’s “hard talk” and study circle conversations when I heard an elderly African American woman explain that she was tired of talking. She wanted someone to listen, and to act out of that listening. I trust our actions speak for themselves.

Finally, on more than one occasion, I have hired full-time staff members

and two-year fellows who neither look like me nor are members of my generation. What I notice about these younger people is that they are very much at ease crossing boundaries — racial, ethnic, and sexual orientation boundaries especially, and age boundaries, too. That intrigues me. They are not so self-conscious about skin color, theirs or anyone else’s. They socialize easily across all these boundaries. They make me smile and they give me hope.

I wish I could live long enough to see them run the world. ■

*Sherry Magill is president of the Jessie Ball duPont Fund.*

## Notes

1. Expanded position responsibilities later reflected in a title change to president.
2. The court having jurisdiction over Mrs. duPont’s will.

