

Diversifying a Foundation's Trustees

For Sherry Magill, president of the Jessie Ball duPont Fund, and her trustees it wasn't hard to realize they needed a board that better reflected the diversity of the region in which they do most of their grantmaking. "It's obvious," Magill says. "We had an all-white board and we operate mostly in the South."

Diversifying the trustees was easier said than done. The Jessie Ball duPont Fund faced a number of constraints, beginning with the leadership structure designated by Mrs. duPont's will. It only provides for four trustees (two of which are appointed externally), and when Magill raised the issue in 2000, only one of those trustees was scheduled to retire off the board in the next five years. "More than one of us asked the question," Magill says, "would it be possible for us to ask the court to expand the number of trustees?"

Although Mrs. duPont had chosen the trustees that served during her lifetime, her will made no specifications about trustees after her death, aside from continued representation from a Florida bank and Episcopal Priest. The board came to the conclusion that Mrs. duPont's lack of specification was an indication that she trusted future leadership of the foundation to adapt to changing times.

The board knew that asking the courts to reinterpret Mrs. duPont's will could bring resistance from stakeholders and onlookers alike. "We minimized potential kick-back by being extremely transparent, forthcoming, honest," says Magill. "We asked folks who could potentially be affected to be our partners." She wrote each of the duPont Fund's 330 grantee organizations to explain the approach. Every single organization agreed to give their support to the foundation's endeavor. Magill also wrote living members of Mrs. duPont's family and received support for the case.

The Fourth Circuit Court of Florida granted the request, and the Jessie Ball duPont Fund then embarked on a year-long process, using a search committee of one current trustee, two presidents of other foundations, and one university chancellor with a background in philanthropy. The search ended in selecting four new trustees, including two African Americans. "I would encourage my colleagues, if they operate under a will, to go back to that source and see what the writer really wanted," Magill says. "We are better as a result."