# Arena or Sanctuary: The New Roles of Public Institutions

Nonprofit boards are rethinking their mandates and missions in the light of evolving expectations about transparency, ethics, and community engagement. Here, Daniel H. Weiss, president and CEO of the Metropolitan Museum of Art in New York City, discusses how nonprofits and their boards are adapting—and explores the implications for orchestras.

by Jesse Rosen

e shouldn't be surprised that high-stakes, emotionally charged political divides and controversies would eventually show up in the board rooms and executive offices of arts and culture organizations. In New York City, home of the League's headquarters, we've seen the Metropolitan Museum of Art, the Whitney Museum of American Art, and the Museum of Natural History all face public controversy over the affiliations of board member and donors, and the programming choices of curators, deemed by some to be antithetical to their missions. While orchestras have not yet experienced such public outcries, the underlying tensions and conflicts are present in many of our organizations as well. With this in mind, I invited Daniel Weiss, president and CEO of the Metropolitan Museum of Art, to talk with a group of orchestra executives about what he has learned from his experiences at the Met. In his cogent remarks, Dan reframed these "problems" as extraordinary opportunities for board and executive learning and for the sharpening of mission and pursuit of excellence. Dan subsequently and kindly agreed to this interview so we could capture his views for our wider *Symphony* audience.

JESSE ROSEN: Everyone's been noticing the public commentary and controversy in the museum community, particularly around curatorial decisions but also about board members, donors, and their affiliations. Does this feel to you like a passing change in the weather, or is this a climate change, something larger going on?

DAN WEISS: I think there is genuine, fundamental change in the ways in which our organizations function in the world. And therefore, by extension, the ways in which our organizations are perceived and what expectations the public and others have of us. I think it is a seismic change and call it a paradigm shift in how we operate, how we're governed, how we're

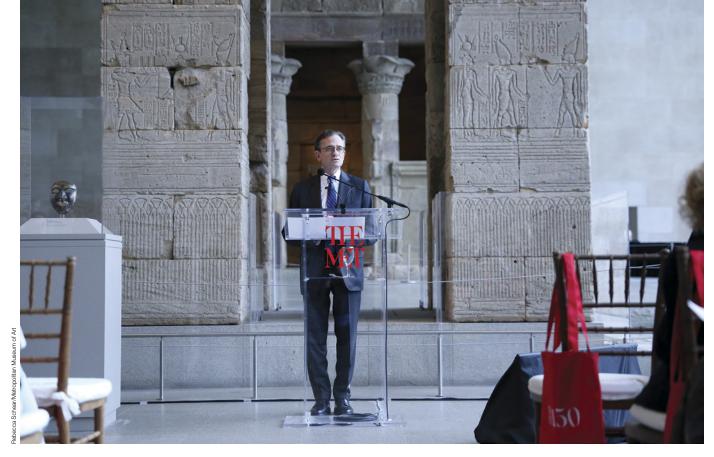


Jesse Rosen, President and CEO, League of American Orchestras

viewed, and what our obligations are to the public. More specifically, I think that we might call it the new normal, this idea that the environment we're in now is likely due to sustain for the duration. It's a significant and enduring change. It's increased as we have worked at our organizations to create increased access. We want everybody to feel welcome at the Metropolitan Museum of Art or attending an orchestra. We're participating in other kinds of cultural or civic community organizations. There is the idea that everybody's welcome. All of that presents an obligation for us to be more transparent, to provide access to information about what we do. Along with that is a greater obligation that our programming is responsive to the interests and needs of all those communities, to not just some segment of the population—maybe historically the Met was concerned with a certain narrower group than it does today. All of those parts are changing and therefore, our organization must respond to that and we are in a new normal.

ROSEN: What are some of the questions that organizations should be asking themselves in this "new normal"?

WEISS: The environment might be described in some ways by the kinds of questions or issues that are raised. There



Daniel H. Weiss in front of the Temple of Dendur at a press event launching the Metropolitan Museum of Art's 150th anniversary in 2019.

are six big ones that come up that we are obligated to think about.

The first is, who are we serving? Are we genuinely able to meet the needs of those people? That is, as audiences grow and become more complicated, are we actually modifying our programming, our approach to them in in significant ways?

The second is, who should pay for culture? This is an issue that we all face in one version or another, in that we have historic ways of generating our revenues. As audiences change, as the environment changes, so do those sources and access to resources change. But ultimately, who has responsibility for sustaining organizations that might not be primarily funded by the

government? None of our organizations are primarily funded by the government. There's a complicated set of questions that relate to it in terms of how we think about that shared obligation, particularly if we are a community resource obligated to provide programming and access to the wider community. What obligations does the wider community have to our viability?

The third is, how and when should we engage the public in controversy, especially in a society that is already polarized and increasingly incapable of strenuous debate? At the Metropolitan, we might ask by extension, are we a sanctuary or an arena? Do we think about our place as

# Metropolita in Museum of Art

Niches intended for sculptures in the monumental façade of the Metropolitan Museum of Art stood empty for over a century until September 2019, when the museum commissioned Kenyan-American artist Wangechi Mutu to create four works for the niches. The commission reflects the museum's rising engagement with the art—and the artists—of our time.

### **League Resources for Boards**

The League of American Orchestras' online Noteboom Governance Center offers a comprehensive range of support, strategies, and programs designed to strengthen governance practice in orchestras, including regional seminars, groups focusing on top-level challenges, peer exchange and learning sessions at the League's National Conference, and more. The site also includes a guide to boardroom ethics; a Diversity, Equity, and Inclusion Center; and the regularly updated Orchestra Boardroom Newsletter. Visit the Noteboom Governance Center at americanorchestras.org for more.

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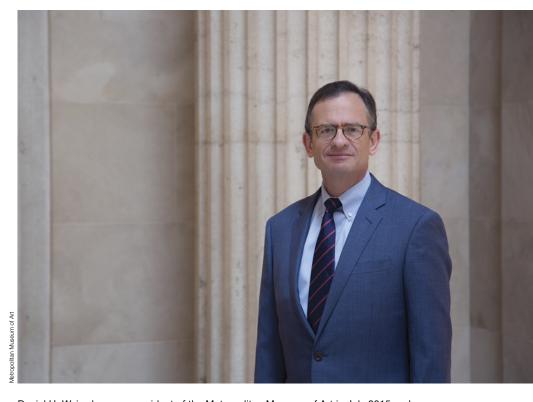
somewhere where people can go to get away from the world—or to engage the world? This is a very important question. We live in a world today that has lost the ability to discuss difficult issues in a respectful way. We don't see it in our government or in our Congress; they don't do this anymore. We see increasingly that college and university campuses are riven around these issues. And we find them on our own in art museums and other

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places as well. The question is, how do we think about building a program that is both enlightening and inspiring, while at the same time educational and challenging? My own view on the answer to that question is that we should not shy away from controversy, we should model how controversy is discussed and engaged.

The fourth is a broader one: whose museum is it? How should these institutions be governed? As increased access and programmatic diversity become central to who we are, the question being raised today is, who should be on our boards? Who's in charge of these places? Why are those people chosen to be on the board? Why not other people? How is the administrative leadership for these institutions chosen? Why isn't it more representative of the larger community? What does that even mean? The center of that question is a core one: who really has a stake in owning these institutions and governing them?

The fifth question is, whose art is it? For orchestras, the question would be, whose music are we going to perform? How should we think about those questions? And how do we make those decisions with regard to the presentation of that?



Daniel H. Weiss became president of the Metropolitan Museum of Art in July 2015 and was appointed president and chief executive officer in June 2017. Previously Weiss was president of Haverford College, president of Lafayette College, and dean of the Zanvyl Krieger School of Arts & Sciences at Johns Hopkins University, where he also served as professor and chair of the History of Art Department. A member of the Council on Foreign Relations, Weiss is vice chair of the Board of the Samuel H. Kress Foundation, a member of the Advisory Board of the Yale School of Management, and a trustee of the Wallace Foundation, the Library of America, American Federation of Arts, and the Posse Foundation. Weiss holds an M.A. and Ph.D from Johns Hopkins University, an MBA from the Yale School of Management, and a B.A. from George Washington University.

In the fine arts and art museums, the question is inflected differently, because we collect objects from around the world, and therefore we make discriminating choices about what we display and what we don't display and how we display it. In some cases, because of the ways in which museums acquire art, there are genuine questions about whether we have it in a legitimate way. We want to navigate within the law, but at the time some of these objects were acquired, the law was different. But the question is fundamentally about program: what should you be presenting and why? Where does quality fit into that—and whose estimations of quality? What obligations do you have to elevate and engage an audience in diverse access to musical achievement? And, do you have the resources to think about that?

The last of the questions is, should we decide how to draw limits on who can

participate in funding our institutions, or even more fundamentally, whose work can be included in our collection? In the musical world it might be, what does your cannon look like? These issues are increasingly relevant. Should we accept gifts from people who might have objectionable behaviors or made their money in ways that we challenge? Where do we draw that line? I think we would all acknowledge we would not accept gifts from egregious criminals. If a neo-Nazi organization wanted to give us a named gallery here at the museum, we would not spend any time at all deliberating on why we would reject that gift and acknowledge that group in any way. Let's take a less extreme example. Suppose an organization that has made its money through the development of fossil fuels wants to make a big gift to an orchestra in a community where they have challenges associated with environmental issues. Would that be a good

idea or not? What if an alcohol company wanted to make big donations? We can all imagine how that slippery slope might play out. But we would all acknowledge that there is a line.

That begs the question as to what are the rules or principles we bring to how we make decisions around those kinds of situations, and in an environment that we would call the new normal, where transparency is expected. Whatever we decide to do, we should be thoughtful about those decisions and our accountability for

ROSEN: Can you talk about how some of these issues have showed up at the

WEISS: Yes. We have faced a variety of these issues.

The governance question of who serves on our boards or the boards of other cultural institutions—we've all seen issues of that. This last year, that issue was most visible around Warren Kanders, who was vice chair of the board of the Whitney [Museum of American Art]. After a great deal of controversy [public protests due

to his company's manufacture of tear gas and other military supplies] around his membership there, although by all indications he was an excellent trustee, he stepped down. Because of the controversy, he felt he was no longer productive for the museum. So the question for all of us is, do we want to take a different view of how we vet board members? We have not faced that particular issue with the Met but everyone thinks about that, and other museums and organizations are hearing from the public.

On the issue of philanthropy, we have had a relationship with the Sackler family for more than a half century. They founded Purdue Pharma and a product that they helped develop called Oxycontin. That drug has been responsible for the death of hundreds of thousands of citizens who have used or misused it because of the potent nature of the drug.

The question before us was, should we have a relationship with the Sackler family? There were many who said we should have no relationship with the Sackler family, we should

remove their name from everywhere that it appears in the museum. The complicating factor is that there are many Sacklers, and we receive gifts from Sacklers who are not at all associated with Purdue Pharma or Oxycontin. Those gifts were given to us before the company was even invented. So, what obligations do we have to those Sacklers who are completely innocent of this? The second issue is that the Sackler case has not yet been tried in a court of law. There has been no direct finding of responsibility. The question for the Met or any other institution is, on what basis will you make a decision about their acceptability if you don't have access to information and evidence that is directly related to such a decision? There are some who would argue that the court of public opinion is sufficient—if the Sackler name is seen to be objectionable to a large por-



Recent headlines capture the new scrutiny that museums are under as public expectations evolve.

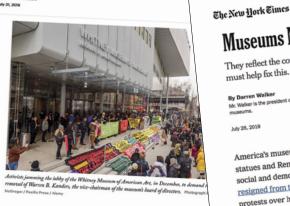


associate with art museums, but all have been implicated by recent protests at the Guggenheim and Whi

other global art institutions.

Museum heads from the Guggenheim and the Metropolitan Museum of Art addressed the politics of art Tuc

night on a panel titled "Art, Politics, and Museums: New Issues, New Actors" in the World Room at Columbia



eum to cut financial ties with the Sackler family, following p

the photographer Nan Goldin and her cr

which museums have become contested spaces in a rapidlynybody who doubts the power of artists to effect real-world change is no A nybody who doubts the power or action to the course became the late keeping up with the news. Earlier this month, the Louvre became the late

July 26, 2019 America's museums are more than repositories of ancient Greek statues and Renaissance paintings. They are guardians of a fading social and demographic order. On Thursday, Warren Kanders resigned from the board of the Whitney Museum of Art, after protests over his company's sale of tear gas grenades that were reportedly used on asylum seekers. His case reveals the extent to

Museums Need to Step Into the Future

They reflect the country's widening inequality. Their trustees

must help fix this.

tion of the population, then the Metropolitan ought to take the name down. I don't think that's good enough. First of all, whose name—all Sacklers? All Sacklers or just some Sacklers, and would we then delineate those Sacklers by putting their first name up? Those are questions to consider. At this point we've made two decisions. One, we are no longer working with Sacklers who are directly connected to Purdue Pharma, because we believe there is enough evidence to suggest that this terrible tragedy has something to do with those Sacklers. It is not helpful to our mission to be engaging with them. Therefore we are not accepting gifts from the Sackler family in that context. We have not removed Sackler names from the museum, in part because many of those names are associated with people who have nothing to do with Purdue Pharma. And second, there hasn't yet been finding a responsibility that would allow us we feel justified to remove their names because we don't know enough to condemn them in that way. So that's a work in progress for us.

All organizations need to ask that question. Even more important, perhaps, than asking it, they're obligated to answer it to the public. We are ultimately a public institution and a resource that has an obligation to be transparent. We all know that on the philanthropic question, there's a limit somewhere. We're not going to take money, as I said before, from certain

kinds of characters who are bad actors in ways that undermine our mission. But there's very reasonable basis for debate and discussion among leadership and the board as to where that line is drawn. It may be that the Metropolitan would that draw that line in a different place than the Cleveland Orchestra would. That's totally appropriate. The obligation of shared governance is deliberation, which means thoughtful review of the question and an articulation of a point of view that is accessible to the public and open to debate.

"We should not shy away from controversy, we should model how controversy is discussed and engaged."

Those are some of the ways in which the new normal has impinged on us at the Met. And no doubt, at many orchestras as well

ROSEN: In each of those instances, you say, "we decided." Can you talk about the process—who's the we in how the Met addresses these questions and what what's the nature of the internal conversation that takes place?

WEISS: One of the distinguishing characteristics of mission-driven institutions, whether they're orchestras, universities, hospitals, or art museums, is that mission-driven institutions require shared governance. My answer to the question of

who owns the museum is that it is a community resource, that the trustees have an obligation of oversight and fiduciary responsibility. The administration has a responsibility for management and so forth. On any issue that requires that sort of deliberation, my job as president is to figure out who needs to be in the conversation. Some issues require deliberation with the board, some of them with the curators, some of them with the management team. It varies. On these issues that we're talking about that relate to the place of the institution in society and how it enacts its mission, the board needs to be involved. In the case of the Sacklers, I organized a working group of trustees and senior leadership—trustees who have knowledge or expertise on these kinds of deliberative questions, people with legal backgrounds or senior leadership experience. We sat in a room and talked about these issues to try to outline various options and how they relate to our mission.

So the answer to the question is, shared governance always. How that's inflected depends on the particular issue and it is the obligation of the CEO to figure out who to bring into the conversation. Ultimately, one tries to achieve consensus on difficult issues. If you can't achieve consensus, at least you can achieve a shared understanding. Then fundamental responsibility for those decisions resides either with the CEO or with the board or both, depending on the case.

ROSEN: How has the work of the Museum changed? Is this a departure from the routine of how people come to work every day and how the board engages?

WEISS: I think that's a wonderful question, and I'll give it an answer that I hadn't quite thought about till you asked it. There is an interesting paradox here: as the environment becomes more contentious, and these obligations are being placed upon us, it's forcing us to be better at what we do and elevate our delivery of mission, our realization of mission. If one of our fundamental principles is that shared governance is the right way for us to enact our mission, as issues become more difficult, more complicated, and the

## Dan Weiss: Five Principles of Nonprofit Governance

Embrace shared governance as a decision-making tool and a resource, not a burden or an obligation. Shared governance is primarily board and senior management and then other groups depending upon circumstance.

Mission-driven institutions, at least cultural ones, are for the most part nonpartisan. We should not take positions on the current political debate—except, at the same time, we should be powerful advocates for our mission.

Transparency and accountability are positive things. We should be proactive in engaging them.

Nonprofit organizations thrive following a philanthropic model of wide participation. We should not be exclusive in who's allowed to support us.

Navigating mission is not an easy thing. We should hold to our mission even as we evolve it in balance with the world around us.



Daniel H. Weiss, leaning forward at center, at an Association for a Better New York event at the Metropolitan Museum of Art in 2019. From left: William C. Rudin, former chairman of ABNY; Steve Rubenstein, current ABNY chairman; and Errol Lewis, political journalist at Spectrum News NY1, who moderated a discussion with Weiss.

public scrutiny of those issues of those decisions is higher, then we need to do it better. That means we need to have better shared governance, better deliberation, trustees who are more capable of doing the work of trusteeship. They can't just be people who write checks—they have to be people who also engage. If you gear up to be the kind of institution that would thrive in the new normal, then you have better shared governance, you have more accountable leadership, you have more articulate representation of your positions, you have better public debate. That serves the public interest in fundamental ways. I welcome this new environment. Even though it makes our jobs harder, it makes also them more interesting, and ultimately more rewarding if we can achieve the expectations that we place on ourselves.

ROSEN: My impression is this is new work for orchestras, partly because orchestras are very production-oriented: they put on a show multiple times a week, and there's tremendous energy around execution of high-quality performances. The big hard deliberative questions that you pose are not something people usually have a lot of time for. What I'm noticing is that orchestras are having to find the space to even have these conversations, because there's such an environment of produce, produce, produce. How do you find the time and space to do this fuller examination?

WEISS: It's a great point. What draws people to the orchestra in the first place is the love of music and the love of the experience of listening to music and creating music and creating events that allow people to have that experience—all of the things associated with what an orchestra does. You didn't choose your career any more than I chose mine because I'm really into shared governance or balancing budgets. That said, one of the opportuni-

ties before us as leaders is, how do we hold on to that passionate commitment to the mission, to producing music, giving people that experience, transforming lives that way, but at the same time recognizing that the more thoughtful we are about how we do this work, the more likely we are to reach more people for a longer period of time with higher levels of quality. If that's the game we're playing, then we might think about the board not only as a place full of people who love music and who have resources, but also people who are interested in some of those questions or that the people are open enough to that kind of engagement that they'll learn in that process. It can be someone who loves music, who's smart and interested and begins to see what the board is doing. The challenge for us is connecting those groups—the board, the musicians, everybody—to why these questions matter. If we could guarantee

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them that if we do this well, everything will be better: the music will be better, the audiences will be larger, the resources will be more enduring, the program will be richer. That's the endgame. Then we figure out how to get there. If we don't do those things, we're going to see diminishment of those things and almost all of those dimensions will be less good than they were.

ROSEN: Often when people talk and think about these questions about how to engage this wider set of stakeholders, more accountability, everything you do is in the public limelight, you need to please many more constituents, the question comes up: doesn't this lead to mission creep? If we try to have something for everybody, then who are we? What do we stand for? I hear you saying that these are not opposing poles. This actually strengthens and builds mission rather than detracts from mission. Could you give an illustration of that?

WEISS: The fundamental issue there is defining mission clearly. Let's talk about the Met. The Metropolitan is a museum that aspires to be encyclopedic and comprehensive. Our goal, which is audacious, is to collect the art of every culture across all of time all over the world. We have a million and a half works of art. We have sixteen curatorial departments, we have a 2.4 million square foot building. And we don't come close to that mission. There are lots of cultures whose art we don't have represented here. We do have a lot of famous ones. But our goal, our mission is to be expansive and inclusive—but at the same time to exercise discernment, because we're also interested in excellence and education. We don't just take everything; we take things and study them and then present them to the public in ways that should enrich their understanding of that culture and the world. We have to make discerning ideas about whether that painting is good enough to hang in our galleries. If it isn't, then we shouldn't collect it. For us, it's folding those things into our mission and recognizing that realizing a mission that is so ambitious and so large-scale is expensive and messy.

We live with that; it's part of what we do. Bringing large audiences here, it's preposterous for us to imagine the right thing for us to do is to say that if you don't know about art, you shouldn't come here. Seven years ago, there was no sign outside the building that said, this is the Met. You either knew, and you're welcome to come. If you don't know, you probably shouldn't be here. That's not the world we live in anymore. For us, if that's our mission and we define it in those ways, then we know what actions we need to take to fulfill that. It includes opening our doors and having really difficult conversations about what constitutes museum-level art, say from a culture that we don't know that much about.

"We need to have better shared governance, better deliberation, trustees who are more capable of doing the work of trusteeship. They can't just be people who write checks."

Each institution needs to be able to say, in an elevator talk, what our mission is, at a level where "bringing good art to the public" ain't a mission. "Playing great music for people" is not a mission. You start with that and then you build on that. You may need to modify that over time, but it should discipline your thinking.

ROSEN: Having worked through these issues here at the Met, what do you believe are good practices for how an organization should navigate these challenges?

WEISS: It's really important when dealing with these kinds of issues where it's not obvious there's a right or wrong answer, that we should anchor our thinking in a series of principles as to how we make decisions so that they are both worthy of scrutiny but also defensible. That doesn't mean they don't change. I would identify five or six principles. The first is, as I mentioned earlier, shared governance should be at the center of this sort of decision-making. Shared governance is

primarily board and senior management and then other groups depending upon circumstance. The first principle is to embrace shared governance as a decision-making tool and a resource, not a burden or an obligation. Mission-driven institutions should make their decisions using the model of shared governance in an enlightened way.

ROSEN: When you use the term shared governance, what do you mean?

WEISS: Shared governance is primarily board and senior management and then other groups depending upon circumstance. The first principle is to embrace shared governance as a decision-making tool and a resource, not a burden or an obligation.

The second principle is to be mindful of the fact that mission-driven institutions, at least cultural ones, are for the most part nonpartisan. That means we should not be taking positions on the current political debate—except, at the same time, we should be powerful advocates for our mission. If the president makes a decision or says something that is harmful to our mission, I have a personal obligation to speak out for our museum, whether I like this president or not. In this environment, Donald Trump has on several occasions made statements that were antithetical to our mission. We've in each case stood up and said why we thought his statement or his decision was wrong, and we've done that in public. Advocacy for mission is not partisan, but getting involved in partisan questions is another matter.

The third principle is that transparency and accountability are positive things. We should be proactive in engaging them, but managing them. There are lots of ways to have debate and discussion, and there are lots of ways not to do it. I think this country today has lost that ability to respectfully disagree with each other and learn from each other in debate. Our obligation in all mission-driven institutions is to try to foster a healthier approach to that by being transparent and accountable for what we do, and then letting people come to us. A corollary to that is debate is a very healthy thing. It's not something

to be shied away from. I don't believe that controversy is something to be avoided. I don't believe we should provoke people gratuitously. But controversy is simply a manifestation of disagreement that needs to be addressed, even if you don't ultimately resolve it. If our obligation is to present creative ideas across the span of human history—and that would be true for an orchestra or a museum—we sure as hell are going to find ourselves in places where people disagree about stuff. It is at that nexus where learning can occur. Why would we run from that? To the contrary, it's an opportunity.

The next principle is that our organizations thrive following a philanthropic model of wide participation. That means we should not be exclusive in who's allowed to support us. Diversity of funding gives us independence. If no one owns us, we have much more freedom of expression. If 90 percent of our funding came from the City of New York, I can guarantee you our program will look different. Even if the mayor thought he isn't doing anything, we'd be thinking about that. Diversity of funding sources for many donors gives us a greater independence. That philanthropic model is not a club; we should not be vetting people who can support us based on whether we like them or not, or whether they are in our particular social circle. We should draw that circle much more widely and only exclude from participation those people who are really outside the norms of our mission, people who have egregious business practices or who have social values that are antithetical to our mission. Beyond that, we should take their money and use it to help advance our mission for the public good.

The last of my principles is that navigating mission is not an easy thing. It should be done in a self-conscious way. We should be articulating what our mission is even as we're evolving it. We should hold our mission in balance with the world around us and it might evolve. It may seem like a sacrosanct thing to talk about what our mission is—it's something that is enduring, but it also is a living thing. We should respond to the communities

we serve, not in a knee-jerk fashion but in a reflective fashion. In my experience, those principles have helped us to make the best decisions we can—or at least give us the basis for revising those decisions if we don't have them right. It's a work in process.

One is well served to think of this

moment as an opportunity to do things better and more thoughtfully. If you can do that, then it's going to be easier to get larger audiences and address these issues. As a nation, we need to work through this crisis of our paralysis on difficult issues and all of that. In our own institutions, we can model better behavior.

**Public Domain News** 

### Rhapsody in Blue is now public domain

(But there is a catch)

George Gershwin's masterpiece, *Rhapsody in Blue*, entered the public domain on January 1, 2020, but don't celebrate yet; the most commonly performed orchestration, by Ferde Grofé, remains under copyright until 2038.

A new edition of the orchestration by **Tim Berens**, arranger for the **Cincinnati Pops Orchestra**, is now available for purchase. Purchasing this new edition will save orchestras the expense of renting the parts and score for each performance.

**Pianist Michael Chertock**, who has performed *Rhapsody in Blue* 250 times all over the world said, "Tim Berens' new orchestration and score for *Rhapsody in Blue* are wonderfully readable and full of valuable details. This edition will open up this piece for new generations of pianists, conductors and musicians everywhere."

The parts and score were meticulously and lovingly created from Gershwin's handwritten score and the original two piano publication. The music engraving and archival quality paper conform to modern MOLA standards and greatly improve the readability of the parts.

This new edition is available in double-wind and triple-wind instrumentation. Samples of the score and parts are available at **BerensPopsLibrary.com**.

Visit **BerensPopsLibrary.com** to order a copy of *Rhapsody in Blue* for your orchestra.



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