



LSU A&M FACULTY SENATE RESOLUTION 19-03

ESTABLISHMENT OF A LEGAL DEFENSE FUND

Sponsored by the Benefits Advisory Committee

Whereas legal defense funds have long served to defend the rights and advance the interests of diverse professional and public interest groups, such as the Legal Defense and Educational Fund of the National Association for the Advancement of Colored People, the Sierra Club Legal Defense Fund, and the American Association of University Professors Legal Defense Fund;

Whereas such legal defense funds pay expenses involved in lawsuits when such groups are forced into justifiable litigation, whether as plaintiffs or as defendants, to defend their rights or advance their interests;

Whereas beginning in at least 2010 employer contributions to LSU's ORP (Optional Retirement Plan) failed to meet the legally required minimum, and university faculty members have been forced to sue the Teachers Retirement System of Louisiana and the LSU Board of Supervisors for relief (<http://upload.lsu.edu/senate/lawsuit%20regarding%20retirement.pdf>);

Whereas the plaintiffs (Profs. Kevin Cope and Roger Laine) have since 2014 paid the costs of that litigation out of personal funds and individual contributions;

Whereas that litigation might eventually result in substantial relief for the plaintiffs and all other participants in the ORP, with estimates ranging up to over \$100 million;

Whereas the lawsuit is proceeding slowly and will certainly incur further costs before resulting in a judgement;

Whereas that lawsuit is only one of several issues that involve conflict between LSU's faculty and its management, other examples including violations of academic freedom and due process for which LSU has since 2012 been under censure by the American Association of University Professors;

Whereas the foregoing conflicts are longstanding and persistent, with no indication from management of interest in working toward a resolution, so that any reasonable person would expect them to continue for the foreseeable future;

Whereas the continued underfunding of higher education by Louisiana's state government has persisted for more than a decade, so that any reasonable person would expect additional conflicts to arise between LSU's management and its faculty related to low salaries, poor benefits, scarce resources, and a deteriorating physical plant;

Whereas the faculty's ability to seek legal recourse could encourage management to seek solutions to such existing and potential conflicts through a more robust and comprehensive shared governance of the university than currently pertains;

Whereas the major impediment to the faculty engaging in justifiable litigation remains a scarcity of funding to retain lawyers;

Whereas the faculty might be able to secure funding for the purposes of such litigation through individual donations, as have already been used to support the ORP lawsuit;

Whereas the faculty might be able to secure additional funding from foundations, professional associations, private benefactors, philanthropic organizations, public appeals, and other sources;

Whereas standing as a not-for-profit corporation is necessary in order to issue tax receipts for such donations and otherwise solicit, manage, and spend funds in a transparent and appropriate manner;

Whereas the faculty of other postsecondary institutions as diverse as Kent State University, Diablo Valley College, Windsor University, Southern University, and the University of Washington have at various times created legal defense funds to defend faculty rights and advance faculty interests;

Therefore be it resolved that an ad hoc committee of this body, made up of members with relevant expertise, be timely formed to investigate the possibility of establishing a 501(c)(3) not-for-profit corporation tentatively named the "University Faculty Legal Defense Fund of Louisiana," associated bank accounts, crowdfunding campaigns on GoFundMe or similar services, and/or anything else necessary to a legal defense fund.