

## 2018-19 Report of the Faculty Senate Benefits Advisory Committee

April 25, 2019

### Membership

At the beginning of the academic year, the committee consisted of the following six members.

	Member	College	Term Ends
1	Fakhri Al-Bagdadi	Veterinary Medicine	2019
2	Roger A. Laine	Science	2019
3	Sabrina Taylor	Agriculture	2019
4	Aly Aly	Civil & Environmental Engineering	2020
5	Elecia Lathon	Education	2020
6	Andrew Sluyter	Humanities and Social Sciences	2021

Lathon and Aly resigned in February due to other obligations, leaving only four members. The terms of all of the remaining members except Sluyter will end this year. The bylaws call for 6-8 members representing a diversity of colleges (plus an additional retired faculty member).

### Meetings

Stu Irvine chaired the committee last year, but his term ended without the committee having elected a new chair. There were no meetings during the Fall semester, but after some email discussions the committee agreed to meet in January to elect a new chair.

January 24 meeting. Four of six members attended: Laine, Taylor, Aly, and Sluyter. The committee elected Sluyter as chair. The committee also discussed a list of potential issues to work on.

February 11 meeting. Lathon had already resigned, but the entire remaining committee of five attended: Al-Bagdadi, Laine, Taylor, Aly, and Sluyter. The committee determined several priority issues to work on:

- Follow up on Resolution 17-05 (Tuition Reduction and Fee Remission for LSU Faculty Children and Spouses), which the committee had introduced two years before but which had not resulted in any action after passage;
- Establish a legal defense fund to support the ORP lawsuit and, potentially, other matters;
- Follow up on previous efforts to secure full compensation for accumulated sick leave upon retirement, not just the first 200 hours.

Those priorities were followed by a diverse group of other issues of various levels of importance to different committee members:

- Improvements to health, dental, and other benefits;

- The need for additional benefits such as professional legal insurance;
- Decreasing parking fees balanced with encouraging alternatives to car usage;
- Fairer revenue sharing from patent royalties;
- Cease and desist the misrepresentation by HRM of our benefits as “outstanding” in postings for position openings.

March 27 meeting. Aly had already resigned, but a majority of the remaining four attended: Laine, Taylor, and Sluyter. The committee discussed the successful passage of resolution 19-03 (Establishment of a Legal Defense Fund), which advanced the goal of supporting and advancing the ORP lawsuit. The committee also determined to take an omnibus approach toward the remaining priorities and additional issues. Past efforts have focused on one issue at a time, such as tuition and fee remission for faculty children, involved substantial research to produce detailed resolutions supported with copious footnotes and appendixes—only to disappear into the quicksand of the management bureaucracy. An omnibus approach would include all of our priorities in a single resolution to make the case that management had the responsibility, data, and resources to analyze each issue and determine the feasibility of addressing it.

April meeting. Three of the four committee members attended: Al-Bagdadi, Taylor, and Sluyter. The committee discussed how to implement the Faculty Legal Defense Fund over the summer, this report, and a new resolution on Potential Improvements to the Faculty’s Chronically Poor Compensation for introduction in the Faculty Senate next year.

### **Accomplishments**

August-December. The committee had no activity.

January. The committee elected a chair and established priorities.

February. The chair established an email list and shared folder on OneDrive to organize and share committee and background documents. In addition, the committee drafted and introduced resolution 19-03, Establishment of a Legal Defense Fund.

March. Resolution 19-03 was read a second time and passed. The committee began work on another resolution, which takes an omnibus approach to the many remaining items on the priority list: Resolution 19-#, Potential Improvements to the Faculty’s Chronically Poor Compensation. As part of that effort, the committee made a public records request to obtain documents related to benefits negotiations between HRM and United Healthcare, and some of the requested documents are now in the committee’s possession and inform the resolution.

April. The committee finalized Resolution 19-#, Potential Improvements to the Faculty’s Chronically Poor Compensation, but decided not to introduce it until next academic year, for two

reasons. First, the second reading would have to wait until next year, by when there will have been substantial turnover on the committee as well as among senators as a whole. Second, by then there will be entirely new leadership at HRM, who might well not have as much interest in a resolution introduced before they began at LSU as in one introduced and discussed in the Faculty Senate after they take responsibility for benefits.

### **Plans**

The first priority must be to work with the Faculty Senate Executive Committee to recruit a full slate of committee members for next year. Given the ends of the terms of three members over the summer as well as the resignation of two continuing members, Sluyter will be the only member continuing into next year.

Over the summer Sluyter will do some work on establishing the Faculty Legal Defense Fund called for in Resolution 19-03, which calls for the Executive Committee to establish an ad hoc committee of appropriate senators (hopefully an accountant, an lawyer, and so on) to work on the matter.

Next academic year, the committee will introduce Resolution 19-#, Potential Improvements to the Faculty's Chronically Poor Compensation.

### **Attachments**

- Resolution 19-03.
- Draft of Resolution 19-#.

Respectfully submitted,  
Andrew Sluyter, Committee Chair



## 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.

**LSU A&M FACULTY SENATE RESOLUTION 19-#**

**POTENTIAL IMPROVEMENTS TO THE FACULTY'S  
CHRONICALLY POOR COMPENSATION**

*Sponsored by the Benefits Advisory Committee*

**Whereas** LSU benefits are among the poorest of any peer university, with chronically low contributions to the ORP (Optional Retirement Plan), high premiums for health and other insurance, and a lack of other common benefits such as tuition remission for faculty children;<sup>1</sup>

**Whereas** faculty salaries have decreased over the past decade because raises have not equaled the CPI (Consumer Price Index), and that decrease has resulted in cumulative losses in income of tens-of-thousands of dollars per faculty member as well as lower ORP contributions;<sup>2</sup>

**Whereas** such uncompetitive compensation results in low morale, recruitment challenges, and poor retention—all of which have associated hidden costs such as low participation in service, diversion of effort to generate alternate income, repeated reinvestment in hiring and start-up, and lost indirect costs for sponsored research;

**Whereas** two causes of that situation are the persistent underfunding of higher education by the state of Louisiana and lack of institutional tuition authority;

**Whereas** regardless of those or any other causes that LSU management lacks direct control over, the faculty does have many ideas to improve compensation, some of which have been the topic of previous resolutions that have yet to be acted on:

1. Add a benefit to provide tuition and fee remission for faculty children attending LSU (see Resolution 17-05<sup>3</sup>);
2. Begin participating in the Tuition Exchange ([www.tuitionexchange.org](http://www.tuitionexchange.org)), a consortium of 677 colleges and universities with reciprocal tuition remission agreements, for faculty children who attend institutions other than LSU;
3. Continue the effort to add a benefit for paid maternity, paternity, and crisis

---

<sup>1</sup> Benefits Advisory Committee, Comprehensive Report on Benefits (2009). This report from a decade ago could have been compiled yesterday given the lack of improvement.

<sup>2</sup> To illustrate, a faculty member earning a salary of \$50,000 in 2008 who was moderately productive and therefore received the average raises since then is now earning \$56,822. Adjusted for inflation using the CPI, that seemingly higher salary has a 2008 purchasing power of only \$48,792, representing a pay cut of 2.4 percent over the decade and a cumulative loss in income of \$15,362. In other words, “merit raises” over the past decade have been so low and sporadic that they have failed to reward accomplishments in research, experience gained in teaching, and service contributions to the degree that an individual’s salary is determined by the lucky or unlucky timing of their hire and promotions as much as by any measure of merit.

<sup>3</sup> “Tuition reduction and fee remission for LSU faculty children and spouses.”

- leave (see Resolution 16-08<sup>4</sup> and Louisiana Senate Bill SB 186<sup>5</sup>);
4. Use competitive bidding with insurance providers to lower premiums for health, dental, and vision coverage (see Resolution 14-10<sup>6</sup>);
  5. Increase the employer contribution to ORP and cease diversion of any portion of it to TRSL (Teachers Retirement System of Louisiana) to cover its unfunded accrued liability (see Resolutions 09-09<sup>7</sup> and 14-03<sup>8</sup>);
  6. Transfer to ORP the full fringe benefits from federal grants that involve faculty enrolled in ORP, instead of diverting some of those funds to TRSL to cover its unfunded accrued liability;
  7. Compensate faculty for all unused sick leave upon retirement, not just the first 200 hours, to compensate for low employer contributions to ORP, lack of CPI increases to TRSL, and lack of Social Security;
  8. Or deposit upon retirement all uncompensated sick leave into a pool to be drawn on for maternity and paternity leave by those with insufficient accumulated sick leave to cover the twelve weeks stipulated by the Family and Medical Leave Act of 1993 (see Resolution 16-08<sup>9</sup>);
  9. Restore Social Security payroll deductions;
  10. Implement truth in advertising so that HRM stops misrepresenting LSU benefits as “outstanding...!”<sup>10</sup> to prospective employees (see Resolution 10-04<sup>11</sup>);
  11. Publish an annual salary study by each college that reports salary means and standard deviations by rank and discipline to compare with national and regional data;
  12. Publish a study of salary inequity in each college to determine the proportion of any funding pools for hires and raises that would need to be reserved to eliminate such inequity as rapidly as possible;
  13. Reduce teaching loads for faculty members who have inequitably low salaries

---

<sup>4</sup> “Parental leave for LSU faculty.”

<sup>5</sup> “Creates the Louisiana Family and Medical Leave Benefits Act”; introduced 8.4.19; <https://legiscan.com/LA/text/SB186/2019>.

<sup>6</sup> “Halting the erosion of health plans administered by the Office of Group Benefits.”

<sup>7</sup> “Retirement plan options appropriate for higher education professionals.”

<sup>8</sup> “Retirement options for LSU faculty members.”

<sup>9</sup> “Parental leave for LSU faculty.”

<sup>10</sup> See <https://lsu.wd1.myworkdayjobs.com/LSU>: “LSU offers outstanding benefits to eligible employees and their dependents including health, life, dental, and vision insurance; flexible spending accounts; retirement options; various leave options; paid holidays; wellness benefits; tuition exemption for qualified positions; training and development opportunities; employee discounts; and more!”

<sup>11</sup> “Full disclosure of benefits for job candidates.”

- relative their rank and discipline;
14. Reduce teaching loads for major service commitments necessary to institutional shared-governance, academic credibility, and accreditation, e.g., journal editing and service on senate committees;
  15. Make parking fees proportional to salaries and eliminate all free parking;
  16. Add a benefit for hearing-aid insurance;
  17. Ensure that all medical insurance plans cover PrEP (Truvada) HIV-preventive medication;
  18. Add a benefit for professional legal insurance;
  19. Increase the faculty share of patent royalties;
  20. Restore campus phone features such as forwarding to personal mobile phones (see Resolution 17-06<sup>12</sup>);
  21. Provide complimentary or reduced fee access to use campus recreational facilities;

**Now therefore** be it resolved that the LSU Management Team designate a responsible member to liaise with relevant offices such as HRM and present a report to the Faculty Senate within the next twelve months that explains the feasibility of implementing each of the foregoing potential improvements to the faculty's chronically poor compensation.

**Now therefore** be it further resolved that the initial report be followed-up with annual reports on progress made toward implementing each of the foregoing potential improvements to the faculty's chronically poor compensation.

---

<sup>12</sup> "Consultation with faculty before any changes in IT policies."