

**APPROVED  
MINUTES OF MEETING<sup>1</sup>  
BERKELEY DIVISION OF THE ACADEMIC SENATE  
April 27, 2006**

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The spring 2006 meeting of the Berkeley Division was called to order at 3:42 p.m. on Thursday, April 27, 2006, in Sibley Auditorium, Bechtel Engineering Center, pursuant to call. Professor Alice Agogino, chair of the Berkeley Division, presided, and called the meeting to order. Fifty-six Senate members were present (the required number for quorum is 50).

**I. Minutes of Meeting**

The draft minutes of the November 8, 2005 Division meeting were presented for approval.

**ACTION:** The minutes of the meeting were approved as submitted, without objection.

**II. Announcements by the President**

UC President Robert C. Dynes was not able to attend.

**III. Other Announcements**

**A. Chancellor Robert J. Birgeneau**

Chancellor Birgeneau acknowledged outgoing Executive Vice Chancellor and Provost Paul Gray for his past leadership. The Chancellor also acknowledged Dean of Letters and Science George Breslauer who will step into the position, and recently arrived Vice Chancellor for Administration Nathan Brostrom.

The Chancellor provided an update on current issues for the University.

- Faculty recognition: Berkeley's strength was reflected in several Sloan fellowships received this year, acknowledging top junior faculty in the U.S., and a number of senior faculty inducted into the American Academy of Arts and Sciences and the National Academies of the Sciences.
- Undergraduates: Undergraduate applications increased, and enrollment is expected to grow this year. The Chancellor has taken a more proactive stance and has worked successfully with individual legislators in Sacramento to promote Berkeley's interests.
- Compensation: UC dealt with severe criticism in the local media about senior administrators' compensation this year. Improving adherence to UC policies and more transparency are needed.

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<sup>1</sup> Recordings of Divisional Meetings are available in the Academic Senate Office, 320 Stephens Hall, by appointment.

A new policy on faculty compensation will be announced by Vice Provost for Academic Affairs and Faculty Welfare Jan De Vries later in this meeting.

Berkeley has increased the minimum wage to \$11.25/hr. retroactive to April 1, improving the salaries of almost 200 staff members.

- Budget: It is believed that the Compact with the State will hold, and an increase in the operating budget is hoped for. Additional state funding has been obtained so anticipated fee increases will not be necessary.
- Fundraising: The capital campaign has been very successful but fundraising efforts need to significantly increase. Improvements to the financing of intercollegiate athletics and capital projects are now under consideration.
- Interdisciplinary initiatives: Berkeley has received sizable gifts for the health sciences and for the alleviation of global poverty. The concept of the Berkeley Diversity Research Initiative (BDRI) has relevancy to institutions around the world, and has drawn outside interest. (Chair Agogino provided an update on BDRI, saying that full proposals have been received after an initial round of selections).

**B. Chair of the Berkeley Division, Alice Agogino**

Chair Agogino presented a Powerpoint presentation summarizing Senate activities and accomplishments during the year.

- Capital campaign: The Named Fund Initiative is available to faculty who wish to donate.
- Shared governance: The Senate has been involved in several initiatives this year, including those of the living wage, information technology, and streamlining academic personnel processes.
- Faculty art: A faculty art exhibit is now on display at the Senate Office.
- Intercollegiate athletics: The Senate has been involved in discussions in the University Athletics Board regarding the large intercollegiate athletics deficit.
- Classroom technology: The Senate again calls attention to deterioration of classrooms and the urgent need for funding of technology upgrades.
- Executive and faculty compensation: The recent accusations against UC regarding senior and faculty compensation have been misleading. The faculty has developed a set of guidelines regarding compensation.
- Transition: Chair Agogino acknowledged incoming Division chair William Drummond (Journalism) and incoming Division vice chair Sheldon Zedeck (Psychology).

With several former Division chairs in attendance, Chair Agogino copresented a plaque to outgoing EVCP Gray, commending him for years of leadership in shared governance.

**C. ASUC Academic Affairs Vice President Jason Dixon**

On behalf of the Graduate Assembly (GA), Vice President Dixon announced the three recipients of the Distinguished Faculty Mentoring Award: Professor Nelson Graburn (Anthropology), Professor Ananya Roy (City and Regional Planning), and Professor John Lindow (Scandinavian). A reception will be held on May 10. The GA also urges that best practices in mentoring be promoted throughout the faculty and be included as a criterion in hiring and tenure review.

The ASUC made several recommendations to deal with current and future high enrollment problems and prevent erosion of the educational experience.

- An increase in Temporary Academic Staff funding for introductory courses.
- Provide curriculum management to assist struggling undergraduates.
- Plan for a larger student body.
- Improve classrooms, particularly in science facilities. Technology will be useful in helping to mitigate future budgetary shortfalls.

The ASUC asks for the Senate's support of these issues in the spirit of shared governance.

#### IV. Special Orders-Consent Calendar

*For proposed legislative amendments, **additions** to the current text are noted by an underline; **deletions** to the current text are noted by a strikethrough line*

##### A. Proposed amendment of Berkeley Division Bylaw 2, Membership

On May 29, 2002, the Assembly voted to recommend to the Regents that lecturers and senior lecturers with potential for security of employment (PSOE) be made Senate members, in addition to lecturers and senior lecturers with security of employment. On July 18, 2002, the Regents amended Standing Order 105.1(a), which defines Senate membership, to include lecturers and senior lecturers with PSOE. The proposed amendment to Berkeley Division Bylaw 2 is needed to make the divisional bylaw consonant with the Standing Orders of the Regents and systemwide bylaws.

Full-time Lecturers PSOE and Senior Lecturers PSOE constitute a small group within the University. They teach and perform public service, but research is not a criterion for their appointment or advancement. They are hired to meet long-term instructional needs that cannot best be met by hiring faculty in the Professorial Series. Depending on performance, Lecturers PSOE can be advanced to the Lecturer with Security of Employment (SOE) title; Senior Lecturers PSOE can be advanced to the Senior Lecturer SOE title.

#### 2. MEMBERSHIP

##### A. Members of the Division are: (Am. 9.91)

- The President;
- The Chancellor, Vice Chancellors, Provosts, Deans, Directors of academic programs, Assistant or Associate Vice Chancellor for Admissions and Enrollment, Registrar, and chief Library at Berkeley; (EC. 11.21.00; Am. 4.25.05)
- All Professor, Professors in Residence, Professors of Clinical \_\_\_\_\_, and Acting Professors;
- Associate Professors, Associate Professors in Residence, Associate Professors of Clinical \_\_\_\_\_, and Acting Associate Professors;
- Assistant Professors, Assistant Professors in Residence, and Assistant Professors of Clinical \_\_\_\_\_;
- Instructors, Instructors in Residence;
- Senior Lecturers with Security of Employment, and Lecturers with Security of Employment, Senior Lecturers

with Potential for Security of Employment, and Lecturers with Potential for Security of Employment, with full time teaching responsibilities in curricula under the control of the Academic Senate, whose duties lie primarily in Berkeley; and

- Those Vice Presidents, Deans, and Directors of statewide units who choose to enroll in this Division.
  - B. Instructors and Instructors in Residence of less than two years' service have no vote.
  - C. Membership does not lapse because of leave of absence or transfer to emeritus status.
  - D. The Committee on Rules and Elections determines whether a person meets the requirements for membership. (CC. 10.25.94)
- B. Proposed amendment of Berkeley Division Bylaw 33, Committee on Courses of Instruction, Duties**

As part of an effort to maintain efficient, effective, and transparent procedures for conducting its business, the Committee on Courses of Instruction (COCI) recently reviewed Berkeley Division Bylaw 33. The proposed addition of a fifth bullet point, under the "Duties" portion of Bylaw 33, is intended to codify the authority that has already been delegated to the Committee as part of its charge to ensure that courses are conducted and degrees awarded in an appropriate manner. The Committee feels that the adoption of this language in Bylaw 33 will not represent any significant change in Senate procedures, but it will clarify COCI's jurisdiction.

### 33. COURSES OF INSTRUCTION

#### C. Duties

- Reviews, coordinates, and takes final action on all matters relating to courses of instruction, including approval of new courses; modification, withdrawal, conduct, credit valuation, and classification of existing courses; and consults with and advises departments and individual members of the Division on courses of instruction.
- Gives full consideration to the views and conclusions of appropriate departments, departmental committees and representatives, and faculty members when matters related to their courses of instruction come before the Committee.
- Neither advises on, nor has any jurisdiction over, courses in the School of Law. [SOR 105.2(b)]
- Acts on behalf of the Division in reviewing recommendations from the colleges, schools, and Graduate Council concerning the award of degrees, certificates, and honors (See By-Law 100).
- Reviews and takes final action on requests for exceptions to Division Regulations governing courses of instruction and the awarding of degrees, certificates, and honors.

### C. Proposed amendments to Berkeley Division Regulation A207, Grade Appeals

The proposed editorial changes to Regulation A207 are offered for the sake of clarity. The if - then nature of the grade grievance process is not sufficiently emphasized in the current version of Regulation A207. Adding introductory language to the third bullet point will establish that grade grievances must first be addressed at the informal level and that only if this fails then a student may invoke the formal grade grievance process.

The Committee also felt that adding language to the end of the fourth bullet point in A207 would clarify the grade grievance deadline. Though it seems reasonable to infer that the original deadline language would apply to both the formal and informal grievance process, COCI felt that the lack of specificity on this point is not in the best interest of affected students or instructors. Thus the Committee has proposed a revision explicitly applying a one-year deadline to both formal and informal grievance procedures.

Finally, COCI proposes the substitution of “one calendar year” for “two regular semesters” in Regulation A207. This change is again offered for the sake of clarity, particularly in light of the increasing regularization of summer sessions—which COCI believes should not be applied toward the deadline imposed upon the grade grievance process. COCI has always interpreted the “two regular semester” deadline as synonymous with one calendar year and applied it accordingly, and the Committee felt that updating the language would be in the best interest of all those who will need to consult this regulation in the future.

#### A207. GRADE APPEALS

##### A. Appeal Process

- This Regulation covers grievances by students originating in units of instruction and concerning grades.
- Grounds for grievance are application of non-academic criteria, such as considerations of race, politics, religion, sex, or other criteria not directly reflective of performance related to course requirements; sexual harassment; or improper academic procedures that unfairly affect a student’s grade.
- The student must first attempt to resolve a grade grievance with the instructor in charge. If such an attempt is unsuccessful or if the student prefers, the student shall seek assistance from the student Ombudsperson (or a mutually accepted third party) and the department chair. If a grievance is resolved between a student and an instructor and the resolution requires a grade change, the Chair of the Department (or equivalent unit) in which the course was taught shall refer the case expeditiously to the Committee on Courses of Instruction. After reviewing the case, the Committee on Courses of Instruction may instruct the Office of the Registrar to make the required change in the student's record. (Am. 4.88)
- The following formal procedure may not be activated unless the student, instructor in charge, Ombudsperson (or

any mutually accepted third party), and the Department Chair have failed to resolve the dispute informally; and it has been less than one calendar year since the last day of the semester in which the course in question was taken. Neither formal nor informal grade grievance processes may be initiated after the one-year deadline has passed. (EC.00)

- The formal procedure is to be completed as expeditiously as possible:
  - at the unit level within twenty (20) working days;
  - at the Senate level within forty (40) working days; if both parties are in residence and the University is in regular session (excludes Summer Session). (EC. 4.86)
- ~~The formal process must be initiated within two semesters of the alleged offense. (Rev. 3.83)~~

**D. Proposed amendment of Berkeley Division Regulation A208, Grade Points for XB Courses**

The Committee on Rules and Elections (R&E) considered an implementation date for Regulation A208, approved by the Berkeley Division at its meeting on April 25, 2005, at the request of the Office of the Registrar and with the concurrence of the Division Chair. The question arose because Academic Senate Bylaw 312.C.4 states "Modifications of legislation shall take effect immediately following approval by the legislative agency empowered to act finally for the Senate, unless a different date is specified or required by Divisional Bylaw." Immediate implementation, however, would have created multiple problems, as outlined below.

R&E unanimously approved the following ruling: "Berkeley Division Regulation (BR) A208 is to be applied only to University Extension XB courses undertaken in or after the fall semester 2005, at which time it shall be mandatory for all eligible students. BR A208 does not apply to University Extension XB courses taken before then. BR A208 shall apply to all XB courses without exception and students shall not have the right to petition that only credits shall count."

R&E made this decision based on considerations of fairness. BR A208 must be applied equally to all students on campus. Individual students should therefore not petition either (1) to have only units and not grades counted for XB courses taken in Fall 2005 or later or (2) to have grades from XB courses taken before Fall 2005 counted in calculating their grade point average.

R&E approved the following proposed amendment.

**A208. GRADE POINTS FOR UNIVERSITY EXTENSION "XB" COURSES (En. 4.25.05)**

UC Berkeley Extension courses carrying the "XB" designation on University Extension transcripts shall be accepted for unit, requirement, and grade-point credit on the Berkeley campus, subject to the following conditions (see SR 810A):

- A. "XB" courses shall not count toward satisfaction of the residence requirement of the University (SR 630), the residence requirement of the Berkeley Division (SR A290), or of the student's College.
- B. Students in dismissed status must obtain Dean's approval prior to enrolling in "XB" courses in order to receive grade points toward graduation in their College for those courses. For dismissed students, grade points shall be counted toward graduation only upon successful readmission to their College.

"XB" courses shall be accepted for unit, requirement, and grade-point credit for only a student who: 1) has been admitted to and is a regularly matriculated student on the Berkeley campus, or 2) has taken "XB" courses through the Fall Program for Freshmen and subsequently admitted to a degree program or college at Berkeley.

Regulation A208 is to be applied only to University Extension "XB" courses undertaken in or after the fall semester 2005, at which time it shall be mandatory for all eligible students. Regulation A208 does not apply to University Extension "XB" courses taken before then. Regulation A208 shall apply to all "XB" courses without exception and students shall not have the right to petition that only credits shall count.

**E. Proposed amendment to Berkeley Division Regulation 400.A.1, Requirements For The Degree Of Bachelor Of Science In The College Of Chemistry**

Currently the Department of Chemical Engineering asks students to choose one of six options to meet graduation requirements. To provide in-depth coverage of the individual options, the department currently requires 128 semester units for graduation. The department recently voted unanimously to reduce the total graduation requirement to 120 semester units in line with the campus norm, while still retaining the option program.

**400. REQUIREMENTS FOR THE DEGREE OF BACHELOR OF SCIENCE IN THE COLLEGE OF CHEMISTRY**

- A. Requirements for the Bachelor of Science Degree
  - 1. B.S. in Chemistry: 120 units; B.S. in Chemical Engineering: ~~128~~ 120 units. None of the units for either degree may be for any course (e.g., trigonometry, high school chemistry, high school physics) which is equivalent to a matriculation subject prerequisite to a required course in the College. (Rev.3.83; 4.89)

**ACTION:** The Consent Calendar was approved without objection.

**V. Reports of Special Committees (None)**

## VI. Reports of Standing Committees

### A. **Committee on Admissions, Enrollment, and Preparatory Education**

Professor Robert Jacobsen, chair of the Committee on Admissions, Enrollment, and Preparatory Education (AEPE), presented the committee's report pertaining to freshman admissions, as the cycle for transfer students was not yet complete. As a single read process was applied this year rather than the double read, more time was made available for final review of the applications for those not clearly eligible. This was fortunate as thousands more applications were received. The higher number of eligible applications also resulted in a much higher number of scholarship applicants interviewed by the Committee on Undergraduate Scholarships and Honors, and possibly more awards.

Chair Jacobsen presented a Powerpoint presentation on admissions showing statistics for the incoming class. This is the first year for the Atkinson new SAT test and some scores are slightly lower; the significance of this difference has yet to be determined, and the class still looks very strong academically. Numbers for underrepresented minority students are very slowly increasing. Other trends include a higher number of women, and applicants who will be the first in their families to attend or graduate from college. In general, trends are positive.

### B. **Committee on Faculty Awards**

Professor Anne Middleton (English), a member of the Committee on Faculty Awards (FA), presented the committee's report on behalf of FA Chair Bob Buchanan, who was not present at the meeting. Former UC President Jack Peltason received the 2005 Clark Kerr Award for exceptional leadership in higher education at a November 8 ceremony. The 2006 Clark Kerr Award will be presented to Professor Nannerl Keohane, president of Duke University, scholar of political science, and a leader for women heads of major research universities. The award ceremony will be announced at a later date.

Professor Sheldon Zedeck (Psychology) is the recipient of the Berkeley Faculty Service Award, acknowledging his outstanding record of over 30 years' service to the Division. A reception will be held on May 2 at International House.

The FA committee welcomes suggestions for promoting awards recognizing excellence at Berkeley. The committee recommends that each unit identify a faculty liaison to FA to facilitate the nominations process. More information is available on the Division's website.

### C. **Committee on the Faculty Research Lecture**

On behalf of the chair of the Department of Mathematics, Theodore Slaman, Professor Emeritus Calvin Moore presented Professor Vaughan F. R. Jones, a recipient of the Faculty Research Lecture award and faculty member since 1985. Professor Jones's research has led to enlightening applications of von Neumann algebra to a wide range of fields. He has been widely recognized for his contributions, having received the prestigious Fields Medal in 1990, and a title from his home country of New Zealand accompanied by a citation from Queen Elizabeth.

Professor Timothy Clark announced that Professor Martin Jay (History) is a recipient of the Faculty Research Lecture for the humanities and social sciences, although he was not present at the meeting. Professor Jay is widely recognized as an influential interpreter of twentieth century intellectual history (critical theory,

or the Frankfurt School), and his writings are key in the field for their clarity, scholarship and balance. He is also known for his unpredictable explorations of ideas and new media.

**D. Committee on Faculty Welfare (Handout A)**

Professor Dorothy Hale (English), chair of the Committee on Faculty Welfare (FWEL), summarized committee activities in two primary areas during the past year.

- Family-friendly initiatives: The committee represented the faculty perspective in this campuswide initiative and fostered communication with interested campus groups. The committee made three primary recommendations which were submitted to Divisional Council:
  - The campus should fulfill its commitment to central funding of the Active Service Modified Duties Benefit (ASMD).
  - Regularize ASMD and increase access to ASMD by offering more education and communication.
  - Bring the campus childcare center under the auspices of the office of the vice provost for academic affairs and faculty welfare. Campus childcare policies should be institutionalized and developed with faculty representation and oversight, and childcare services should be better funded.
- Benefits: The committee recommends that more information on retirement policies and benefits be made available to faculty. For instance, the creation of a dedicated website compiling links to a broad range of retirement policy-related information is highly desirable.

**E. Committee on Rules and Elections**

Professor Daniel Melia (Rhetoric), chair of the Committee on Rules and Elections (R&E) and Division Secretary, announced the results of the 2006 Division election: 384 valid ballots and eight invalid ballots were received.

Divisional Council:

James Kirchner (Earth & Planetary Science)  
Stephen Mahin (Civil and Environmental Engineering)  
Patricia Zambryski (Plant & Microbial Biology)

Committee on Committees:

Allen Goldstein (Environmental Science, Policy and Management)  
Thomas Laqueur (History)  
Donald Mastronarde (Classics)  
Carlo Sequin (Electrical Engineering & Computer Sciences)

Committee on Committees of the College of Letters and Science:

George Brooks (Integrative Biology)  
Lucia Jacobs (Psychology)

The committee is looking into the possibility of instituting online voting.

**F. Committee on Teaching**

Professor Oliver O'Reilly (Mechanical Engineering), chair of the Committee on Teaching (COT), presented the 2006 teaching awards. The award ceremony had been held the previous day in the Zellerbach Playhouse.

Educational Initiatives Award:

School of Public Health undergraduate program

Distinguished Teaching Award:

Ani Adhikari (Statistics)

Ananya Roy (City and Regional Planning)

David Wagner (Electrical Engineering & Computer Sciences)

The pools for the awards were strong this year. Next year COT will contact every unit for nominations. The committee is streamlining procedures to ease the process, in particular for smaller departments. COT is also revising the applications for instructional minigrants.

**G. Disaster Preparedness Work Group**

Professor Robert Spear (Public Health) is chair of the Division's Disaster Preparedness Work Group (DPWG). The importance of redundant communication, data backups and being part of a disaster response system are lessons learned in the wake of Hurricane Katrina. The Chancellor has recommended to President Dynes the systemwide coordination of mutual aid for the UC campuses, in which faculty should take an active role.

Campus-level planning has been on-going regarding resumption of teaching and administrative business at the unit level. A pilot program for research resumption has been initiated in the School of Public Health. Chair Agogino added that a subcommittee of Divisional Council is preparing additional recommendations for disaster preparedness.

**VII. Petitions of Students (None)**

**VIII. Unfinished Business (None)**

**IX. University and Faculty Welfare (Discussion only)**

**A. Faculty compensation at UC Berkeley (Handout B)**

Discussants invited for the presentation on faculty compensation were Vice Provost for Academic Affairs and Faculty Welfare Jan De Vries and three panelists: Janet Broughton (professor of philosophy and former co-chair of the Faculty Compensation Task Force); Richard Newton (dean, College of Engineering); and Angelica Stacy (associate vice provost for faculty equity).

Vice Provost De Vries summarized changes in compensation practices over recent decades, and described a discipline-specific compensation gap which exists between Berkeley and comparable research institutions, particularly between associate and full professors. Berkeley needs to strengthen its ability to reward meritorious performance and demonstrate to the faculty that their economic interests will be addressed. As an interim goal, the campus should take steps to improve Berkeley's competitiveness. The task force's recommendations will enable the campus to have a more systematic response to compensation issues.

Vice Provost De Vries presented an update on the task force's recommendations.

- Promotion increment: Comparable to the 'salary bump' offered by other institutions at promotion to tenure, a new \$6,000 promotion increment (see Handout B) will be given upon promotion from assistant professor to associate professor (and in certain cases, for promotion to full professor).

Funding will come from various places, including by restricting the total number of faculty.

- Market increment: The task force recommended a more systematic and regular review of market increments by discipline to maintain competitiveness.
- Compensation package: A comprehensive review of the total compensation package, including non-salary benefits, is being conducted by the Office of the President.
- Targeted Decoupling Initiative (TDI): Additional funding will be provided through an extended TDI program to offset possible salary inversions in the full professor rank created by the promotion increment. However salaries will not be increased beyond the level of Professor Step VI.

The new policies will greatly improve Berkeley's competitiveness and address faculty retention issues. In open discussion period with the panelists, the following points were raised.

- Berkeley needs a systematic process which strengthens units, and which can be implemented incrementally.
- Creating equity across disciplines is not a realistic goal for Berkeley in the current market. Berkeley's first step is to address equity within disciplines.
- Faculty compensation should be decided according to specific criteria rather than ad hoc in reaction to outside offers, as the quality of the faculty body and the student:faculty ratio could be negatively affected.
- The campus is moving in a new direction with the invigorated capital campaign, and toward increasing private endowments.
- Berkeley must take action now even though the Regents' systemwide review of faculty compensation is not yet complete.
- The Chancellor was commended for his support of the new policies, developed through the process of shared governance.

#### X. New Business (None)

The meeting was adjourned at 5:45 p.m.

Daniel F. Melia  
Secretary, Berkeley Division

Handout A: Faculty Welfare annual report, April 27, 2006.

Handout B: Promotion increment, UC Berkeley's faculty compensation crisis; Jan De Vries, vice provost for academic affairs and faculty welfare, April 27, 2006.