

Approved Minutes
MINUTES OF MEETING¹
BERKELEY DIVISION OF THE ACADEMIC SENATE
Thursday, November 13, 2008

The fall meeting of the Berkeley Division was held on Thursday, November 13, 2008, from 3:00-5:00 p.m. at the Lipman Room in Barrows Hall, pursuant to call. Professor Mary Firestone, chair of the Berkeley Division, presided. The meeting commenced with announcements until quorum of 50 Senate members was attained around 3:37 p.m. and the meeting was called to order. An audio recording of the meeting will be posted on the Division's webpage.

I. Minutes (Enclosures 1 and 2)

Minutes of the November 8, 2007 meeting of the Division.
Minutes of the April 24, 2008 meeting of the Division.

ACTION: The minutes for the two Division meetings were approved as submitted.

II. Announcements by the President

UC President Mark Yudof was unable to attend.

III. Other Announcements

A. Chancellor Robert J. Birgeneau

Chancellor Birgeneau shared his delight on election night when an enormous crowd of students came to University House to celebrate Barack Obama's presidential victory with him. The Chancellor hopes President-Elect Obama will value and support UC's system of public higher education and Berkeley's outstanding faculty.

- Faculty hiring and retention: The Chancellor credited George Breslauer, executive vice chancellor and provost (EVCP), for his efforts in this year's faculty hiring effort, which has resulted in a net increase of 100 faculty. Due to the budget crisis, faculty searches for at least the next two years will be quite limited in comparison; but these extra hires will serve as a buffer to maintain the level of faculty until hopefully, the economy will have recovered. Two-thirds of faculty retention cases have been resolved.
- Rankings: Berkeley's excellence is exemplified by the predominance of its faculty throughout the history of several prestigious honors and awards, such as the Shaw Prize in astrophysics, and Sloan Fellowships for assistant professors. Also, Berkeley was the top choice for one out of nine graduate students in a survey of National Science Foundation Fellows. The Chancellor welcomes suggestions for ways to quantify the excellence

¹ Recordings of Divisional Meetings are available online at <http://academic-senate.berkeley.edu/meetings/meetings.html>, or by appointment at the Academic Senate Office. Contact acad_sen@berkeley.edu for more information.

of the junior faculty as well, particularly in the humanities, social sciences, and the professional schools.

- Hewlett Challenge Grant: Fifty-six chairs are near completion after the first year, with others still under discussion, exceeding expectations. The grant funds not only the chairholder, but also provides core support for graduate students and faculty. Chancellor Birgeneau regrets that not more than two of these chairs were committed for exceptional teachers, but hopes those individuals will work with others on campus to enrich the quality of teaching at Berkeley.
- Campaign for Berkeley: The new fund-raising campaign has been launched and has also exceeded expectations.

Primary challenges for Berkeley during the next two or three years, under tight budget conditions, will include maintaining access to the University and protecting needs-based undergraduate financial aid. Faced with a second mid-year cut, the University has decided it must protect academic programs for spring semester by borrowing from future funding. The situation is extremely urgent and Chancellor asks the entire campus community for their help at this time.

B. Berkeley Division Chair Mary Firestone

Chair Firestone welcomed systemwide Academic Senate Vice Chair Harry Powell who attended on behalf of Academic Senate Chair Mary Croughan.

Chair Firestone summarized the Division's short-term goals for the coming year:

- To improve communication between the faculty and the Senate leadership.
- To identify common goals with the administration, and to participate fully in the process of shared governance. (Chair Firestone encouraged faculty to contact her about their concerns.)
- In pursuit of these goals, the Division has initiated a new event series entitled Conversations with the Faculty, featuring key administrators. Sheldon Zedeck, vice provost for academic affairs and faculty welfare, was the first guest on October 1, and later in the month EVCP Breslauer was featured. Other events are planned for spring 2009, and suggestions for speakers are welcomed.

Chair Firestone named some long-term Senate initiatives for this year.

- To initiate discussions on crucial long-term issues and topics of concern, such as the privatization of the University.
- To form a joint Senate-administrative task force on online education and degree programs.
- To review the role of the Academic Senate and the efficiency of its organizational structure and operation.

C. Graduate Assembly Campus Affairs Vice President Triffid Abel

Graduate Assembly (GA) Vice President Triffid Abel presented the top priorities of graduate students, identified in a survey of delegates from across the campus. These are: better travel funding (particularly for students in the humanities); better mental health care; competitive stipends that cover the cost of living; and

information on how the current budget crisis will affect the University and their career opportunities beyond the University.

The GA is working with the administration to implement interim liability coverage for graduate student working groups not officially registered as Cal student groups, until systemwide insurance coverage begins in January.

The GA joined graduate representatives from other UC campuses and the student Regents in thanking UC President Mark Yudof for approving \$10M in funding for graduate student support. The GA is also grateful for the Academic Senate's support.

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 162

Given that the electronic distribution of documents is becoming the norm on campus and given the potential cost savings, the Berkeley Division has been exploring the possibility of distributing Notices of Division Meetings electronically. While there is no bylaw that addresses Notices of Division Meetings explicitly, Berkeley Division Bylaw 162.A addresses proposed legislative amendments, which are included in Notices of Division Meetings. The proposed amendment to Berkeley Division Bylaw 162.A would allow for the distribution of proposed legislative amendments by electronic or paper means. The Committee on Rules and Elections approved the amendment.

162. PRIOR NOTICE

A. Legislative Changes

The full text of proposed modification of Divisional or Senate legislation that is to be acted on at a meeting of the Division must be sent in electronic or paper form at least seven calendar days prior to the meeting. (Am. 3.89)

B. Proposed amendments to Berkeley Division Regulations 350, 352, and 353

The Haas School of Business requested amendments to Berkeley Division regulations governing admission, the Bachelor of Science degree, and dismissal. The amendments add clarifying information and update the prefix of course titles. The Committee on Rules and Elections approved the amendments.

TITLE II. WALTER A. HAAS SCHOOL OF BUSINESS

350. ADMISSION

A. Undergraduate

To be admitted to the Walter A. Haas School of Business for undergraduate work, students must have at least junior standing in one of the Colleges of the University or an equivalent thereof satisfactory to the Faculty of the Walter A. Haas School of Business, and have completed prerequisite and breadth requirements specified by the Faculty.

352. **BACHELOR OF SCIENCE DEGREE**

- A. The degree of Bachelor of Science is granted on the following conditions; the candidate must have:
1. completed at least 120 semester hours of college work, and must have satisfied the general University requirements of SR 630, 634, 636 and 638; and Berkeley Regulation 300. (CC. 4.89)
 2. completed in the Walter A. Haas School of Business, 60 semesters hours of such work as the Faculty of the School have prescribed. This total of 60 semester hours may, however, be reduced in the case of students admitted with advanced standing (see Regulation 350.B; for an exception, see SR 642). (Rev. 3.83)
 3. maintained at least a C average in all courses taken in residence at the University of California, ~~which are included in each of the following categories:~~
 - a. ~~basic upper division courses in the Walter A. Haas School of Business. (Rev. 2.86)~~
 - b. ~~courses offered in the field of emphasis in satisfaction of the requirements for the degree of Bachelor of Science in the Walter A. Haas School of Business.~~
 4. completed all core courses with a grade of C- or better. These courses include ~~BA 110, 111, 120, 130, 150, 160, and 170~~ UGBA 100, 101A, 101B, 102A, 102B, 103, 105, 106, AND 107 or their equivalent. Core courses with grades of D+ or below must be repeated. (Am. 4.1.93)
- B. The Walter A. Haas School of Business may recommend for High Honors such students as it judges worthy of that distinction in accordance with Regulation A270. (Rev. 2.86)

353. **DISMISSAL**

In the Walter A. Haas School of Business, a student is subject to dismissal if:

1. the student's grade-point average falls below 1.5 for any term, or
2. after one time on probation the student has not achieved a grade-point average of 2.0 (C average) computed on the total of all courses undertaken in the University, not including courses graded P, S, NP, U, I, and IP, or
3. the student fails to make normal degree progress.

The Faculty, or its designated agent, has the power to dismiss from the University students under its supervision, or to suspend the provisions of the Regulation and permit the retention in the University of students thus subject to dismissal, and the return to the University of students who have been dismissed under this Regulation. (En. 3.83)).

C. **Proposed amendments to Berkeley Division Regulation 952**

The School of Public Health requested amendments to Senate Regulation 952 governing the Master of Public Health degree. The increase in the minimum units of course work corresponds to changes in the accreditation criterion for all

schools of public health. Both the School's Faculty Council and the Committee on Rules and Elections approved proposed amendments.

TITLE XIII. SCHOOL OF PUBLIC HEALTH

952. MASTER OF PUBLIC HEALTH DEGREE (M.P.H.)

A. Residence and Unit Requirements

- The candidate must have completed at least one year of graduate residence and program including at least ~~24~~ 42 units of course work acceptable to the Faculty of the School of Public Health (Berkeley-San Francisco).
- With approval of the Executive Committee of the Faculty of the School, a candidate may be authorized to present an acceptable thesis in lieu of four of the ~~24~~ 42 units required.

ACTION: The Consent Calendar was approved as submitted.

V. Reports of Special Committees

A. Task Force on University–Industry Partnerships (Enclosure 3)

The Task Force on University–Industry Partnerships was co-chaired by Professor J. Miguel Villas-Boas (former chair of the Committee on Research), and Professor Christopher Kutz (vice chair of the Berkeley Division) who presented the report. The committee was charged with formulating guidelines and best practices for future University-industry collaborations, using experience gained in the Energy Biosciences Institute (EBI) contract negotiations. Vice Chair Kutz commented on the success of shared governance in this joint faculty-administrative effort, and he thanked the members of the task force and others who contributed their expertise throughout the process.

There is a growing trend toward larger University-industry collaborations, with benefits for both partners: private industry is downsizing research and development, while universities search for alternative funding as state support declines. But the University should guard against a gradual pull of research away from basic science and the public interest, by private interest's for-profit goals. The task force believes large collaborations can still be managed successfully, with transparency in governance and adherence to principles of academic freedom.

The task force made several recommendations but did not feel a prescribed form for collaborations desirable, in order to allow greater flexibility for working creatively under different situations. Some critical areas for the University are highlighted below.

- Proposal review process: Review and consultation of the proposal should be formalized. It was emphasized that the intent is to create a constructive and collaborative process between the parties, one that is not burdensome for small proposals. Several triggers for initiating Senate review were specified, such as significant funding, new FTE, substantial changes in space allocation, and ethical concerns. If a trigger was found, the Office of the Vice Chancellor for Research would refer the proposal to the Senate

for further consultation, with the possibility for a more thorough review if necessary.

- Intellectual property (IP): The campus Office of Intellectual Property and Industry Research Alliances promotes newer approaches and a public-interest maximization model for IP. The task force foresees that flexibility in developing IP models will be valuable, as this is often a key area in contract negotiations.
- Governance and oversight: A provisional model of governance is recommended, with a faculty-majority board making operational decisions. Subgrants should be submitted to peer review. Regular progress reports should be made to the Academic Senate, and periodic campus reviews conducted in parallel with the Organized Research Unit model.
- Conflict of interest (COI): Special attention should be given to ensuring transparency and identifying COI issues.
- Facilities: As central campus space is at a premium, its allocation for proprietary research should be minimized or the space rented at its real value.
- Ethical issues: Berkeley's values of non-discrimination and equity should be upheld, but may require some creativity in resolving situations with external partners.

Questions were held for the related panel discussion in Item IX. Chair Firestone commended the task force highly for its efforts in preparing the report.

VI. Reports of Standing Committees

A. Committee on Admissions, Enrollment and Preparatory Education

Professor George Johnson, chair of the Committee on Admissions, Enrollment and Preparatory Education, noted the success of Berkeley's comprehensive review process over the past 10 years. Monitoring of outcomes has shown improvement in the average time to graduation for both freshmen and transfer students. Unfortunately, thousands more applications are received than there are openings. The national economic budget crisis will probably affect decisions students make about their college plans.

A new freshman eligibility proposal is being considered by the Regents, and has been vetted through Academic Council and Office of the President. It is expected to be approved, and implemented within the next several years. This policy differs from current policy in several ways.

- The new policy will ensure eligibility for review at a UC campus rather than guarantee admission.
- The SAT subject tests will no longer be required.
- There will be minor changes in the coursework required at the time of application.

The selection process for those guaranteed admission under the new policy has yet to be determined, pending data from the class graduating in 2007. Once the

systemwide Board of Admissions and Relations with Schools has reviewed the data, an updated proposal will be sent to the Regents.

The 2008/09 enrollment levels (including the current level of overenrollment) will be continued this coming year.

B. Divisional Council

Chair Firestone presented an update from Divisional Council. The Senate has worked with the Office for the Protection of Human Subjects (OPHS) over the past few years to improve the approval process for human subjects proposals and to improve communication with the faculty. Item X.A brings Berkeley Division Bylaw 17.B up to date regarding changes in the nominations process for the Committee for the Protection of Human Subjects. Audience questions were deferred to that item on the agenda.

VII. Petitions of Students (None)

VIII. Unfinished Business (None)

IX. University and Faculty Welfare

A. The implications of increasing dependence on private funding for research, teaching and service at Berkeley

A panel of Berkeley faculty and administrators considered the potential impacts for the University of an increased reliance on private funding. Vice Chair Kutz moderated the discussion with panelists: EVCP Breslauer; Janet Broughton, Dean of Arts and Humanities; Fiona Doyle, Executive Associate Dean, College of Engineering; Carla Hesse, Professor of History; and Richard Mathies, Dean, College of Chemistry.

The decline of state and federal funding has created a crisis that threatens Berkeley's academic excellence. Private funding is needed to help fill the gap. For instance, private funding is crucial for equipping state-of-the-art scientific laboratories, providing students with the invaluable laboratory skills and preparation they will need in careers in research. The proximity of industrial partners on campus stimulates the intellectual atmosphere for both researchers and students. External funding increases the University's responsibility to act with transparency and to increase efficiencies, and to maintain the quality of teaching.

Panelists raised some points of concerns for the University in pursuit of private support.

- The Senate must actively ensure that the University's mission and the public interest remain foremost in determining the direction of research and teaching, rather than donor interest.
- Safeguards and monitoring of University-industry collaborations should be put in place. The task force report (Item V.A) is a significant step toward understanding the risks and institutionalizing the review process for collaborations.
- Private funding can lead to a corporatized academic environment, and has already changed the nature of research on campus. Industry favors

short-term, goal-oriented research rather than the 'blue sky' (curiosity-driven and innovative) research often conducted on campus.

- The creative process in the arts, humanities, and social sciences is very different than in the sciences. The University must keep open the definition as to what constitutes research, and protect against defining goals solely in instrumental, scientific terms. Concern was expressed that big science may out-compete these disciplines in fund-raising, however EVCP Breslauer is confident the social sciences and humanities will attract donor attention. He emphasized that the administration strives to balance support across all disciplines.
- Long-term gifts and endowments must allow flexibility to accommodate changing directions in research.
- Negative aspects to fund-raising include the faculty time taken away from research and teaching, and the variability of fund-raising success among units.

Highlights of the audience comments included the following.

- Continued oversight and monitoring by the Senate is crucial for the success of collaborations with industry, and must be ensured. Vice Chair Kutz noted that this issue will be considered in the Senate's upcoming organizational review. Regarding recent contracts, the EBI will report to the Academic Senate in January, and a review will be conducted in five years (parallel to the review of organized research units). Oversight for the partnership with King Abdullah University of Science and Technology has not yet been determined.
- The University must protect support for the arts, social sciences and humanities, and other academic units that are not as closely aligned with donor goals. A pool of funds for these areas should be created, for example, with a set-aside from donor funds.
- Current overhead rates are not adequate to cover expenses and should be increased. Higher gift fees might also be considered. Charges for access to Berkeley's rich pool of intellect might be levied on private partners. A portion of the charges should directly benefit the home unit.
- Units that are not as successful in fund-raising should get a greater proportion of non-restricted state funds over those units with stronger donor support.
- The University should not depend upon private funding to replace lost state funding. Some expenses, such as teaching, may not attract donors but are fundamental to the University's success and functioning.
- The establishment of future University-industry collaborations should always be open for debate.
- Bringing private industry on campus increases potential COI issues. Current COI procedures ensure a separation of on-campus intellectual activities from those off-campus. Until the procedures sufficiently address on-campus collaborations, it is recommended that faculty

terminate their existing activities (e.g. consulting) with private companies with which they become involved in research collaborations on campus.

X. **New Business**

A. **Proposed amendments to Berkeley Division Bylaw 17.B, duties of the Committee on Committees**

The proposed amendment of Berkeley Division Bylaw 17.B would change the role of the Committee on Committees from making appointments to the Committee for the Protection of Human Subjects (CPHS) to making nominations. The Office of the Vice Chancellor for Research would then make the appointments. The Berkeley Division proposes to permanently transfer responsibility for the administration of the CPHS from the Division to the Office of the Vice Chancellor for Research. The CPHS is no longer a standing committee of Graduate Council. The proposed bylaw amendment effectively transfers responsibility.

The Committee on Research (COR) has worked closely with Senate leadership and the Office of the Vice Chancellor for Research to monitor CPHS on behalf of the Senate, receiving annual reports from the CPHS chairs; briefings from the staff of the Office for the Protection of Human Subjects; and conducting a survey of campus researchers. Based on COR's recommendation, DIVCO supports the proposed amendment.

17. **COMMITTEE ON COMMITTEES**

B. **Duties**

This Committee appoints:

- The Chair, Vice Chair, Secretary and Parliamentarian of the Division;
- All other Standing Committees;
- Special Committees as the Division may direct;
- Faculty Representative to the Senate of the Associated Students of the University of California, who also serves as a member of the student Search and Selection Committee and the Grievance Board, as provided in By-Law 13.C;
- Student members to Committees on Educational Affairs (By-Law 13);
- Nominees for appointment to administrative committees when called upon by the Chancellor; ~~in particular,~~ nominees to all positions on the Chancellor's Committee for Animal Care and Use, except for non-Senate and outside University members;
- ~~All Senate members of the Graduate Council's Standing Committee for Protection of Human Subjects;~~ appoints a Senate member for its Chair in consultation with the Chair of the Graduate Council and the Vice Chancellor for Research; appoints its student members in accordance with By-Law 13.C. (En. 4.88; Am. 11.13.03)
Nominees to all non-chair positions on the

Committee for the Protection of Human Subjects,
except for non-Senate and outside University
members.

- ~~Student members to Committees on Educational Affairs (By Law 13).~~

The Office of the Vice Chancellor for Research is legally responsible to the federal government for oversight of research involving human subjects conducted at Berkeley. This change gives the vice chancellor greater oversight over the membership of CPHS. The bylaw change was removed from the consent calendar at a Division meeting in 2005/2006 by request. Since then, the Senate has worked diligently with the OPHS to improve the turnaround times for proposals, and communication with the faculty.

ACTION: The bylaw change was approved as submitted.

The meeting was adjourned at 5:14 p.m.

Daniel Melia
Secretary, Berkeley Division