

**APPROVED**  
**MINUTES OF MEETING<sup>1</sup>**  
**BERKELEY DIVISION OF THE ACADEMIC SENATE**  
**October 24, 2002**

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The Berkeley Division met at 3:10 p.m. on Thursday, October 24, 2002 in Sibley Auditorium, Bechtel Engineering Center, pursuant to call. Professor Catherine Koshland, Berkeley Division Chair, presided. Quorum was made and the meeting was called to order.

Chair Koshland presented the agenda for the October 24, 2002 meeting of the Berkeley Division as noticed. There was no objection to the agenda.

**I. Minutes of Meeting**

**ACTION:** The minutes of the April 25, 2002 meeting were approved as submitted.

**II. Announcements by the President**

President Richard Atkinson was unable to attend the meeting.

**III. Other Announcements**

**A. Chancellor Robert M. Berdahl**

Chancellor Berdahl was unable to attend the meeting.

**B. Chair of the Berkeley Division, Catherine Koshland**

Chair Koshland discussed key Senate projects of the past year and issues for the current year:

- Two documents have been created in collaboration with the administration to guide the Long Range Development Plan and are now in final review: the Strategic Academic Plan, and the New Century Plan.
- Key initiatives from the Strategic Academic Plan:
  - A revised academic program review process is now being piloted in some departments;
  - The review of the delivery of undergraduate education has resulted in a number of initiatives.
  - Approximately 60 FTE have been allocated for new initiatives from FTE's allocated for new enrollment. Ten areas for new interdisciplinary initiatives have been identified in the strategic planning process.
- Key management issues:
  - Disaster preparedness: disaster recovery pilot programs are being implemented in some departments, and will later to be expanded across campus.
  - Budget: two important planning principles, ensuring access and maintaining excellence, have been identified by the Senate and administration.
  - A statewide faculty workload audit was completed last year and is now being reviewed at the systemwide level.
- Admissions: comprehensive review has been established throughout the system, and the BOARS report to the Regents is expected shortly. Discussion continues on admissions tests (SAT I and II).

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

- Senate structure: the Senate continues to collaborate with the administration and strives to improve communication between the two. The Senate has existed in its current structure for about ten years and might now benefit from an internal review.
- Academic freedom: recent and proposed legislative changes, such as the Racial Privacy Initiative and the USA PATRIOT Act, have implications for the management of courses of instruction and research.

**C. ASUC Academic Affairs Vice President Tony Falcone**

Chair Koshland introduced ASUC Academic Affairs Vice President Tony Falcone who presented the following comments:

- Of greatest concern to the ASUC is the lack of engagement between students and the University; ASUC is working to improve communication between students, faculty and the administration. One such effort, in coordination with Vice Chancellor Padilla and Chair Koshland, is to stimulate campus dialogue on Middle East issues. Students should have a larger voice in decision-making that affects their campus lives; ASUC is involved in long-range campus planning.
- Faculty contact has been identified as a primary influence in student satisfaction. ASUC's pilot student mentorship program is one way of increasing quality interaction.
- ASUC strives to enhance student life directly through its course evaluation guide, Cal-FACTS, and by offering over \$50,000 in grants.
- Improvement of such basic services as parking and housing should be given much more significance with respect to the University's academic mission.

**IV. Special Orders-Consent Calendar**

*For proposed legislative amendments, additions to the current text are noted by an under line; deletions to the current text are noted by a strike through line.*

**A. Proposed amendment of Berkeley Division By-law 13.C.1:**

**13. Composition of Committees**

**C. Committees on Educational Affairs.**

**1. Composition**

These Committees shall be composed of faculty members appointed from the Berkeley Division by the Committee on Committees, unless otherwise provided for in these By-laws, and shall include student members:

Academic Freedom  
Academic Planning and Resource Allocation  
Admissions, Enrollment, and Preparatory Education  
Computing and Communications  
Courses of Instruction  
Educational Policy  
Ethnic Studies Curricula  
Graduate Council  
International Education  
Library  
Prizes  
Special Curricula  
Special Scholarships

Status of Women and Ethnic Minorities  
Student Affairs  
Teaching  
Undergraduate Scholarships and Honors  
University Extension

(CC. 11.88, 9.91, 3.92, CC. 10.25.94)

**B. Proposed amendment of Berkeley Division By-law 23.B:**

**23. PRIVILEGE AND TENURE**

**A. Membership**

This Committee has five members.

**B. Duties**

- This Committee takes cognizance of all matters affecting the privilege or tenure of officers of instruction of the Division.
- The principles and procedures governing its conduct are set forth in Senate ~~By-Law 335~~ By-Laws 334, 335, 336, and 337.

**ACTION:** The consent calendar was approved without objection.

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

**VI. Reports of Standing Committees**

**A. Committee on Faculty Awards**

Chair Koshland introduced Professor of Law Harry N. Scheiber, former chair of the Committee on Faculty Awards, and current chair of the Jefferson Memorial Lectures Committee. Professor Scheiber presented the Committee on Faculty Awards' report on behalf of the committee chair, Professor Jay Keasling.

Professor Scheiber reported on the presentation of the Clark Kerr Award to the historian John Hope Franklin, who is James B. Duke Professor Emeritus at Duke University. Professor Scheiber acted on behalf on the Academic Senate, Berkeley Division, in presenting the Kerr Medal and an accompanying citation to Professor Franklin at a ceremony last June at the John Hope Franklin Center for Interdisciplinary and International Studies on the Duke University Campus. A citation accompanying the award recounted Professor Franklin's remarkable career as an historian of Southern U.S. history, of the Constitution and race relations, and of African-American history, and cited his distinguished role as a leader in historical research and training during his faculty service at Fisk University, Brooklyn College, the University of Chicago, and Duke University. Also cited were his presidencies of numerous scholarly and educational organizations, including Phi Beta Kappa, the American Studies Association, and the Organization of American Historians, and his chairmanship of President Bill Clinton's national commission on race relations. The citation further stated that "in manifold ways Professor Franklin's scholarly career, his humanity, and his influence are exemplary of the qualities that Clark Kerr represented in higher education."

Sending his thanks and greetings to the Berkeley Division, Professor Franklin said the award meant a great deal to him for two reasons: because of his admiration for

President Emeritus Clark Kerr, who always stood, he said, for what he considers the highest ideals of academic life, and because of the great admiration he has for UC Berkeley and its unique contributions to higher education in America and the world.

**B. Committee on Research (Handout A)**

Chair Koshland introduced Professor James Evans, chair of the Committee on Research (COR), to present the committee's 2001-02 annual report to the Berkeley Division. Highlights of the annual report included:

- The committee processes nearly 1,500 applications per year.
- The Research Bridging Grant Program has been very successful in assisting faculty members in changing the direction of their research in midcareer.
- The travel grant application process is now online, and a similar system for research enabling grants is underway.
- COR's collaboration with the Townsend Center has improved access to bridging grants for faculty in the humanities.

**C. Committee on Academic Planning & Resource Allocation/Committee on Educational Policy (Handout B)**

Chair Koshland invited Professor Evan Williams, chair of Transportation & Parking (a subcommittee of the Committee on Academic Planning & Resource Allocation [CAPRA]), to present a resolution on parking proposed by CAPRA and the Committee on Educational Policy. The resolution states:

- Over 1,300 parking spaces have been lost over the past 15 years, many due to new construction. The campus does not fully fund the replacement of lost parking spaces.
- The University community uses alternative transportation at a higher rate than regional workers in general, but three independent consulting reports have concluded that alternative transportation will not be the final and sole solution; more parking is still needed.
- The current parking plan does not adequately consider the projected growth of the campus.
- Parking fees are expected to nearly double within ten years. The cost of parking permits is unusually high compared to other academic institutions and the operating costs are significantly higher than similar operations.

The resolution urges the Chancellor to:

- recognize that the current state of parking is a critical problem and threatens the academic mission of the university.
- form a joint oversight committee consisting of administration, faculty, staff and student representatives to direct parking and transportation.
- review policies in parking administration and planning.
- more thoroughly assess and address parking in long-term campus planning documents, particularly regarding increasing costs, parking replacement, and campus growth.
- A minimum of 1,100 new parking spaces over the 1999/2000 level should be included in the New Century Plan and the Long Range Development Plan. There should be a proportionate increase in parking with future growth of the University.
- Parking and Transportation should be reimbursed for the actual cost of parking lost due to new construction and there should be no exceptions to the parking replacement policy.

The resolution has been approved by Divisional Council and will be sent to the Chancellor on behalf of the Division.

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

**VIII. Unfinished Business (None)**

**IX. University and Faculty Welfare**

**A. Discussion: Academic freedom in a post-9/11 environment. Introductory remarks by Robert Post, Professor of Law.**

Chair Koshland introduced Robert Post (Professor of Law and general counsel of the American Association of University Professors [AAUP]), to present on academic freedom.

Professor Post distinguished between First Amendment rights, which protect individuals against the regulations of state actors, including state universities, and academic freedom, which is primarily lodged in the corporate body of the faculty, and which protects faculty against regulations from public and private universities. At root academic freedom is a form of professional self-governance, and, like all such self-governance, it depends upon the application of professional standards.

Neither academic freedom nor First Amendment rights require the university to regulate speech only in a content-neutral manner. All forms of student evaluation, all forms of peer evaluation, most competitive grants, depend upon content-based regulations of speech. The essential point is that such regulations must be consistent with the educational mission of the university, which in turn depends upon giving faculty the utmost freedom to express themselves within the range of professional competence and ethics.

Professor Post reviewed the history of academic freedom in the U.S. The first major statement of academic freedom was written in 1915. Academic freedom includes three basic elements: freedom of inquiry and research, freedom of teaching, and freedom of extramural utterance and action. These freedoms, however, are bounded by the limits of professional notions of ethics and competence. Academic freedom does not shield faculty from sanctions for incompetent or unethical behavior. In the UC system such behavior is defined in Section 015 of the Academic Personnel Manual (APM). Academic Freedom requires that faculty be the primary judge of such behavior, which in the realm of teaching is established by Standing Order 105.2 of the Regents, which delegates to the Senate the power to "authorize and supervise all courses and curricula."

Currently, the USA PATRIOT Act, passed after the events of 9/11, gives the U.S. government greater access to private information, and has implications for individual freedoms. Many provisions of this Act are limited by the "sunset provisions" which require them to be reenacted again in five years. The systemwide and divisional Senates and the AAUP are in the process of determining the implications of the Act for universities.

A question and answer period followed Professor Post's remarks, addressing points of academic freedom pertaining to the faculty. The following is a summary of points covered.

- Governmental withdrawal of funding does not automatically constitute a violation of academic freedom; however, the prohibition of a particular type of research may.
- The APM currently offers an inadequate account of academic freedom, distinguishing "interested" from "disinterested" scholarship, and awarding

academic freedom only to the latter. The proper distinction should be between "competent" and "incompetent" scholarship.

- Student academic freedom rights include the freedom to learn and to be judged on the basis of the knowledge of a subject, rather than on political opinions.
- The exclusion of some students from class field trips on the basis of their country of origin may be an infringement of the student's academic freedom, depending on the situation.
- Faculty were encouraged to be alert to potential impacts on academic freedom, personal privacy and First and Fourth Amendment rights by new legislation or changes in governmental policy in the wake of 9/11. A distinction between endogenous and exogenous pressures to the University can be made. Endogenous pressures could include, for example, the controversy over divestment from Israel. Exogenous pressures might result from increased regulation by the federal government of research and access to information in response to security threats. Senate members are asked to send comments to the Senate leadership on relevant issues.

**X. New Business (None)**

Handout A: Committee on Research, 2001-02 Annual Report to the Berkeley Division.

Handout B: Recommendations and Resolutions Related to Parking, dated October 23, 2002.

The meeting was adjourned at 5:10 p.m.

Roberta J. Park  
Secretary, Berkeley Division