



## NOTICE OF MEETING\*

### BERKELEY DIVISION OF THE ACADEMIC SENATE

Tuesday, November 8, 2005, 4:00 p.m. – 5:30 p.m.

Sibley Auditorium, Bechtel Engineering Center

Items on the agenda for the fall meeting of the Berkeley Division include:

- **Announcements**

President Robert Dynes makes his first presentation to a meeting of the Berkeley Division. This will be an opportunity for him to discuss the critical issues facing the University, and for Senate members to ask him questions.

Chancellor Robert J. Birgeneau will address the Division on the state of the Berkeley campus.

Division Chair Alice Agogino

ASUC Academic Affairs Vice President Jason Dixon

- **Reports of standing committees**

Committee on Admissions, Enrollment, and Preparatory Education

Subcommittee on Transportation and Parking

- **Proposed legislation**

Proposed amendment of Berkeley Division Bylaw 17.B, duties of the Committee on Committees

Proposed amendment of Berkeley Division Bylaw 37.B, duties of Graduate Council

Proposed enactment of Berkeley Division Bylaw 91, School of Public Health

Proposed withdrawal of Appendix II of the Manual of the Berkeley Division

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\* Communications may be directed to the Academic Senate e-mail address: [acad\\_sen@berkeley.edu](mailto:acad_sen@berkeley.edu).

- **Information items (Information only)**

Memorials for deceased Senate members are published in *In Memoriam* at two online locations:

UC Academic Senate (editions 2002+)

<http://www.universityofcalifornia.edu/senate/inmemoriam/welcome.html>

UC History Digital Archives (editions 1928-2001)

[http://sunsite.berkeley.edu/uchistory/archives\\_exhibits/in\\_memoriam/index.html](http://sunsite.berkeley.edu/uchistory/archives_exhibits/in_memoriam/index.html)

The Committee on Memorial Resolutions received memorials for the following Berkeley faculty this year. The authors are listed at the right:

Gunther Barth (History)	Robert Middlekauff, Richard M. Abrams, Thomas Barnes
William J. Bouwsma (History)	Thomas A. Brady, Jr., Gene Brucker, Randolph Starn
Leo Brewer (Chemistry)	Rollie J. Myers, Gerd M. Rosenblatt, Herbert L. Strauss
Shiing-Shen Chern (Mathematics)	Hung-Hsi Wu, Shoshichi Kobayashi, Alan Weinstein
C. West Churchman (Business)	Frederick Balderston, Edwin M. Epstein, Ernest Koenigsberg
Alan Dundes (Anthropology)	Stanley Brandes, John Lindow, Wolfgang Mieder
Ernest Greenwood (Social Welfare)	Jill Duerr Berrick, James Midgley, James Steele
Morgan Harris (Molecular & Cellular Biology)	Harry Rubin, Howard Bern, William Lidicker
A. Carl Helmholz (Physics)	Leroy Kerth, Howard Shugart, George Trilling
William Kornhauser (Sociology)	Bob Blauner, Todd Gitlin, Jeff Manza, David Matza, Philip Selznick
Adrian Kragen (Law)	Jesse H. Choper, Babette B. Barton, Louise A. Epstein, John K. McNulty
Walter B. Lawrence (Civil and Environmental Engineering)	William J. Oswald
Tung-Yen Lin (Civil & Environmental Engineering)	Karl S. Pister, Ben C. Gerwick, Edward L. Wilson

Stewart Madin (Public Health)	Neylan A. Vedros, Sanford S. Elberg, Constantine Tempelis
Czeslaw Milosz (Slavic Languages and Literatures)	David Frick, John Connelly, Robert Hass
Donald Noyce (Chemistry)	Andrew Streitwieser
Thomas C. Smith (History)	Irwin Scheiner, Andrew E. Barshay, Mary Elizabeth Berry
Wilbur Somerton (Mechanical Engineering)	Kent S. Udell, George Cooper, Clayton Radke, Paul Witherspoon
Lawrence Stark (Optometry/ Electrical Engineering)	Elwin Marg, V. V. Krishnan, Steven L. Lehman
Dow Votaw (Business)	Edwin M. Epstein, Earl F. Cheit, Michael Conant
Charles Wilke (Chemical Engineering)	John Prausnitz, Harvey Blanch
Richard Wollheim (Philosophy)	Hans Sluga, Alan D. Code, Barry Stroud
Reginald E. Zelnik (History)	Yuri Slezkine, Victoria E. Bonnell, Nicholas V. Riasanovsky
Professor Norman Phillips (Chemistry) chairs the Committee on Memorial Resolutions.	

## ORDER OF BUSINESS

### I. Minutes

Minutes of the April 25, 2005 meeting of the Division (attached).

### II. Announcements by the President

President Robert C. Dynes

### III. Other Announcements

A. Chancellor Robert J. Birgeneau

### B. Berkeley Division Chair Alice Agogino

C. ASUC Academic Affairs Vice President Jason Dixon

### 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 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 reflects this change and effectively transfers responsibility. Divisional Council approved it for the consent calendar.

#### 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).~~

**B. Proposed amendment of Berkeley Division Bylaw 37.B, duties of Graduate Council**

The Graduate Council (GC) is unique among the committees of the Berkeley Division in that it has bylaws that supplement its bylaw in the Berkeley Division Manual. These supplemental bylaws were originally adopted in 1961 and establish standing committees of the Graduate Council to carry out work related to graduate education. The members of these standing committees are mostly not GC members and do not report on any regular basis to the GC. Since these bylaws were last updated in 1995, the previous GC chair and Senate staff undertook a revision of these bylaws. The GC chair consulted with the Committee on Rules and Elections (R&E) regarding the proposed revisions. R&E suggested an amendment to the GC's Divisional Bylaw to allow for the appointment of non-GC members to these standing committees. GC members unanimously endorsed the proposed amendment. Divisional Council approved it for the consent calendar.

37. GRADUATE COUNCIL

B. Duties

- The Council exercises administrative and coordinating functions in the Graduate Division at Berkeley in accordance with Senate By-Law 330.
- The Council may delegate its authority for the approval of graduate courses, numbered 200-299, to the Divisional Committee on Courses of Instruction. (EN 4.22.03)
- The Graduate Council may adopt bylaws setting out the membership and procedures for appointment of its standing committees.

**C. Proposed enactment of Berkeley Division Bylaw 91, School of Public Health**

The Faculty Council of the School of Public Health (SPH) requests the proposed withdrawal of Senate Bylaw (SB) 235, which establishes the SPH as a faculty directly subject to the jurisdiction of the Assembly of the Academic Senate. Given that the SPH is no longer jointly established with UC San Francisco, the SPH wishes to disestablish itself as a faculty of the Assembly and establish itself as a faculty of the Berkeley Division. The proposed bylaw, coupled with the withdrawal of Senate

Bylaw 235 effectuates the change. It was reviewed by the Committee on Rules and Elections, and approved for the consent calendar by Divisional Council.

91. SCHOOL OF PUBLIC HEALTH

In addition to ex officio members, Bylaw 64, members of this Faculty are:

1. All members of the Division who are members of the School of Public Health.
2. The Chancellor at UC San Francisco.

**D. Proposed withdrawal of Appendix II of the Manual of the Berkeley Division**

Because the disciplinary procedures laid out in Appendix II of the Manual of the Berkeley Division have been entirely superseded by the current provisions of APM 015, (Faculty Code of Conduct), APM 016 (University Policy on Faculty Conduct and the Administration of Discipline), and the hearing procedures of the Divisional Committees on Privilege and Tenure (Senate Bylaw 336), the committee on Rules and Elections has proposed removing all the now non-functional text of Appendix II, leaving only a small introduction to deal with cross-references. It was reviewed by the Committee on Privilege and Tenure, and approved for the consent calendar by Divisional Council.

**APPENDIX II OF THE MANUAL OF THE BERKELEY DIVISION**

**PROFESSIONAL CONDUCT AND FACULTY DISCIPLINE  
And DISCIPLINARY PROCEDURES FOR THE BERKELEY CAMPUS**

~~Academic Senate By-law 336 and Appendix IV of the *Manual of the Academic Senate* The following Codes, approved by the Berkeley Division of the Academic Senate on February 11, 1971, are the statements of the Berkeley Division for the guidance of its members with respect to conduct and disciplinary procedures. It should be noted that Regental and other University policies also affect the subject matter of these Codes.~~

~~The Assembly of the Academic Senate approved a statewide Code of Professional Rights, Responsibilities and Conduct of University Faculty, and University Disciplinary Procedures on June 15, 1971. This Code is printed as Appendix V to the *Manual of the Academic Senate*.~~

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R. A. COCKRELL, *Secretary*

February 7, 1973

Last revision 4/4/94

**PROFESSIONAL CONDUCT AND FACULTY DISCIPLINE**

*Title 1.*

~~The central function of a university, as an institution of higher education, is to provide an environment conducive to extending, sharing and critically examining knowledge, wisdom and values. This is a vital function in a free society, and to help~~

discharge it effectively, the faculty member of the University must himself be free to seek and teach the truth as he sees it. This is the basis on which his privileges and protections—including the protection of tenure—rest. It also imposes on him certain professional responsibilities to his students, his colleagues, and the institution of which he is a member. Central guides for professorial conduct are contained in the following 1966 Statement of Professional Ethics issued by the American Association of University Professors.

**I. The professor, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognizes the special responsibilities placed upon him. His primary responsibility to his subject is to seek and to state the truth as he sees it. To this end he devotes his energies to developing and improving his scholarly competence. He accepts the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. He practices intellectual honesty. Although he may follow subsidiary interests, these interests must never seriously hamper or compromise his freedom of inquiry.**

II. As a teacher, the professor encourages the free pursuit of learning in his students. He holds before them the best scholarly standards of his discipline. He demonstrates respect for the student as an individual, and adheres to his proper role as intellectual guide and counselor. He makes every reasonable effort to foster honest academic conduct and to assure that his evaluation of students reflects their true merit. He respects the confidential nature of the relationship between professor and student. He avoids any exploitation of students for his private advantage and acknowledges significant assistance from them. He protects their academic freedom.

III. As a colleague, the professor has obligations that derive from common membership in the community of scholars. He respects and defends the free inquiry of his associates. In the exchange of criticism and ideas he shows due respect for the opinions of others. He acknowledges his academic debts and strives to be objective in his professional judgment of colleagues. He accepts his share of faculty responsibilities for the governance of his institution.

IV. As a member of his institution, the professor seeks above all to be an effective teacher and scholar. Although he observes the stated regulations of the institution, provided they do not contravene academic freedom, he maintains his right to criticize and seek revision. He determines the amount and character of the work he does outside his institution with due regard to his paramount responsibilities within it. When considering the interruption or termination of his service, he recognizes the effect of his decision upon the program of the institution and gives due notice of his intentions.

V. As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Conduct which is responsive to these guidelines obviously furnishes no occasion for discipline, but not every departure from these ideal specifications exposes a faculty member to disciplinary sanctions as distinct from other expressions of disapproval by colleagues. *The general principle governing discipline is that it may be imposed on a faculty*

~~member for conduct, not justified by the foregoing guides, which significantly impairs the University's central function as an institution of higher education.~~

## *Title II*

~~In accordance with the general principle governing discipline, the following categories indicate the kinds of conduct which may be open to University discipline. They should not, however, be construed as an exhaustive list of acts which warrant discipline.~~

### ~~A. Failure to meet scholarly responsibilities.~~

- ~~(1) Intentional violation of canons of intellectual honesty, such as plagiarism or other intentional misappropriation of the work of others.~~
- ~~(2) Discrimination, in the exercise of the responsibilities of a faculty member, on political grounds, or for reasons of race, religion, sex or ethnic origin.~~
- ~~(3) Failure to meet the responsibilities of instruction, including: (a) persistent intrusion of material which has no relation to the subject of the course; (b) arbitrary denial of access to instruction; or (c) use of arbitrary criteria in evaluation of student work.~~
- ~~(4) Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.~~
- ~~(5) Failure to disqualify oneself from exercising professional responsibility over a student in cases where a conflict of interest exists, particularly if the conflict of interest involves a sexual or familial relationship between the faculty member and the student. (En. 4/4/94)~~

### ~~B. Breaches of responsibility within the University community.~~

- ~~(1) Intentional disruption of functions sponsored or authorized by the University.~~
- ~~(2) Intentional breach of University rules, which is either persistent or which significantly impairs the central function of the University as an institution of higher education; or incitement of others to violate University rules when such incitement creates a clear and present danger that such violation will occur.~~
- ~~(3) Unauthorized utilization of University resources or facilities on a significant scale for pecuniary gain or for political or sectarian activity.~~
- ~~(4) Misrepresentation of personal views as a statement of position of the University or an agency of the University; mere identification of a faculty member in a public forum as a member of the University or of its agencies shall not constitute misrepresentation.~~
- ~~(5) Conviction of a crime based upon an act which demonstrates unfitness to be a member of the faculty.~~

~~C. Nothing in this Title II is intended to or shall be construed as reflecting a position by the Division or its members on the propriety or impropriety of a strike by members of the faculty.~~

## *Title III.*

The authority to discipline faculty members in appropriate cases derives from the mutual recognition by the faculty and administration of the University's mission as an institution of higher learning. This includes a responsibility of the University to protect and encourage the faculty in contributing to teaching, learning, research and public service and implies that the function of discipline is to preserve conditions hospitable to pursuit of the administration's central tasks. Such conditions, as they relate to the faculty, include:

- (1) Free inquiry and exchange of ideas.
- (2) The right to present controversial material relevant to a course of instruction.
- (3) Enjoyment of constitutionally protected political or religious expression.
- (4) Participation in the governance of the University, including
  - (a) approval of course content and manner of instruction;
  - (b) establishment of requirements for matriculation and for degrees;
  - (c) appointment and promotion of faculty and officers of the administration, including chairmen of departments;
  - (d) discipline, including dismissal, of members of the faculty, and the formulation of rules and procedures for discipline of students;
  - (e) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement; and
  - (f) determination of the forms of departmental governance.
- (5) The right to be judged by one's colleagues and in accordance with fair procedures, in matters of promotion, tenure and discipline, on the basis of the faculty member's professional qualifications and professional conduct, excluding any political or religious test or mere membership in any organization.

In the administration of discipline, as in the governance of the University generally, the University must seek to protect and foster these conditions.

## DISCIPLINARY PROCEDURES FOR THE BERKELEY CAMPUS

### *Title I.*

1. — (a) The following procedures shall govern the discipline of members of the faculty and, except as herein otherwise provided, no discipline of any type shall be imposed on a member of the faculty except in accordance with these procedures.
  - (b) Communications to faculty members by department chairmen or comparable officers of administration, not authorized to impose discipline, shall not be subject to these procedures.**
  - (c) These procedures are not applicable to communications by administrators at a level higher than department chairmen which are not intended to be disciplinary in nature; a faculty member who receives a communication from such an administrator which has not gone through these procedures shall not be regarded, for any purpose, as having been disciplined by such communication.

- (d) ~~Actions which do not constitute discipline, e.g., failure to reappoint at the expiration of a term appointment, or which are not subject to these procedures may nevertheless provide the occasion for a claim of violation of privilege or tenure under Senate By Law 112 (d). The procedures set forth herein are not intended either to enlarge or diminish the right to a hearing in such cases. In the event a hearing is held in such cases, however, the provisions of Titles VII, VIII, and IX below shall be applicable.~~

*Title II.*

2. — (a) ~~There shall be a Panel of Counselors, consisting of a chairman and four to seven members appointed by the Committee on Committees and approved by the Chancellor. The chairman shall, if feasible, be a former member of the Committee on Privilege and Tenure.~~
- (b) ~~Members of the Panel of Counselors shall serve as mediators in disciplinary cases as set forth in paragraphs 5 and 6 below.~~
- (c) ~~Members of the Panel of Counselors may also be requested by the Committee on Privilege and Tenure to make preliminary investigations and reports, and to act as hearing officers in non-disciplinary cases under the provisions of Senate By Law 112 (d).~~
- (d) ~~Members of the Panel of Counselors may also be requested by the Committee on Privilege and Tenure to assist a complainant in a grievance case or a defendant in a disciplinary case, when the Committee determines that there is an urgent need for such experienced assistance. A member who has served as a mediator or hearing officer in a case is disqualified from assisting a complainant or defendant in the same case. A member who has provided assistance to a complainant or defendant is disqualified from serving in other capacities in the same case. (En. 10/22/79)~~

*Title III.*

~~3. *Designation of an administrative officer to investigate allegations and process formal charges.* The Chancellor shall designate an administrative officer to investigate allegations, wherever originating, of faculty misconduct and to process charges against faculty members in accordance with the provisions herein. Except as provided in paragraph 7, the Chancellor shall not participate in such investigations or in the processing of charges against a faculty member.~~

~~4. *Conference with the faculty member.* If, following his preliminary investigation, the administrative officer intends to recommend to the Chancellor that a complaint be filed against the faculty member, he shall, before making such recommendation, notify the faculty member in writing of such intention, and invite the faculty member to reply to the allegations against him in a personal conference. The faculty member and the administrative officer shall each be entitled to bring a representative of his choice to such a conference.~~

~~5. *Appointment of a counselor.* Following receipt of such a notification, either party may request the chairman of the Panel of Counselors to appoint a counselor from among the Panel to aid in exploring the facts and the issues and resolving differences between the parties through informal mediation. If the chairman determines that the other party concurs in the request, he shall make such an appointment.~~

~~6. Confidentiality of counselor's mediation.~~ In order to promote a free exchange of views, all aspects of the counselor's mediation shall be strictly confidential. Without limiting the foregoing:

- ~~(a) The counselor shall not disclose to either party any statements made to him by the other party without that other party's explicit consent; shall not make known any observations, conclusions, or recommendations he may have concerning the case to any person except the parties; and shall not discuss any aspect of the case with the chairman or any member of the Committee on Privilege and Tenure or testify before said Committee; and~~
- ~~(b) The parties and their representatives shall not directly or indirectly make known to any other person any observations, conclusions, or recommendations submitted to any of them by the counselor.~~

*Title IV.*

~~7. Recommendation to the Chancellor.~~ If the administrative officer and the faculty member arrive at a mutually agreeable settlement, the administrative officer shall report that fact to the Chancellor, and shall recommend that the matter be disposed of in accordance therewith. If discipline is to be imposed upon the faculty member pursuant to the settlement, or if there is no settlement, but the faculty member has informed the Chancellor that he does not intend to contest the proposed discipline the Chancellor may thereupon impose such discipline. If the matter is not thus resolved, the administrative officer shall recommend to the Chancellor whether a complaint should be filed with the Committee on Privilege and Tenure (hereafter referred to as the "Committee"). The Chancellor shall, within 14 days of receipt of such recommendation, determine whether such a complaint shall be filed; if one is, he shall have no further contact with the matter (unless he appears as a witness) until the Committee has transmitted its findings and conclusions to him.

~~8. Complaint.~~ If the Chancellor determines that a complaint should be filed, the administrative officer shall prepare the complaint, which shall contain a plain and concise statement of the facts and specify the discipline proposed. The complaint shall then be filed with the Committee.

~~9. Service of complaint.~~ Upon receipt of the complaint, the chairman of the Committee shall promptly deliver a copy to the faculty member or send it by registered mail to his last known place of residence.

*Title V.*

~~10. Answer and Notice of Hearing.~~

- ~~(a) In any case in which the discipline proposed in the complaint is dismissal, demotion or suspension, the faculty member shall have 14 days from the date of receipt of the complaint in which to file an answer in writing with the Committee, setting forth his position with respect to the conduct alleged and the discipline proposed. Upon receipt of the answer, or upon failure of the faculty member to file an answer, the Committee shall set a date for the hearing upon at least 10 days' notice, as required by Senate By Law 112 (C) (2).~~
- ~~(b) In all other cases, the time for filing an answer shall be 7 days from the receipt of the complaint. Upon receipt of the answer the Committee shall set a date for a hearing upon at least seven days' notice. If no answer is filed within such period, the Committee may, in its discretion, either set a date for a hearing as aforesaid~~

~~or report to the administrative officer who filed the complaint, the faculty member and the Chancellor, that no answer has been filed, in which case the Chancellor may thereupon impose the discipline proposed in the complaint.~~

~~11. *Method of Notice; Extensions of Time.* Notices under paragraph 10 shall be given either personally or by registered mail. The chairman of the Committee, on written application filed with him, may grant a reasonable extension of time for the filing of an answer in any case.~~

*Title VI.*

~~12. *Prehearing conference.* Prior to the hearing, and with due notice, the Committee may, on the request of a party or on its own initiative, conduct a prehearing conference, at which time it may require the parties to define the issues, to outline their arguments, and to designate the witnesses they intend to call.~~

~~13. *Sufficiency of complaint or defense.* If it appears to the Committee that there is a substantial question as to the sufficiency of the complaint, or the sufficiency of any issue raised by the faculty member as a defense, the Committee may entertain formal argument on such question prior to the hearing.~~

~~14. *Hearings.* Hearings before the Committee shall be conducted under the rules set forth in Academic Senate By Law 112 (C) (2) (e):~~

~~"(e) *Hearing.* At the time and place fixed, the committee shall hold a hearing on the charges. The committee shall consider only such charges as are set forth in the complaint. No member of the committee shall sit on a matter that involves a member of his department or equivalent unit. A majority of the committee shall constitute a quorum for the conduct of the hearing. Except as hereinafter provided, the hearing shall be conducted according to such rules as the committee may from time to time establish but it need not be conducted according to technical rules relating to evidence and witnesses. Any oral or documentary evidence may be received if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, but the committee shall as a matter of policy provide for the exclusion of irrelevant or unduly repetitious evidence. All findings, conclusions, and recommendations of the committee shall be supported and in accordance with substantial evidence. Mere uncorroborated hearsay, however, shall not constitute substantial evidence. No evidence other than that presented in the Complaint and Hearing shall be considered by the committee or have weight in the proceedings, except that notice may be taken of any judicially noticeable fact. Parties present at the hearing shall be informed of matters thus noticed; and every party shall be given reasonable opportunity on request to refute such matters. Every party shall have the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The defendant shall be entitled to be present at all sessions of the committee when evidence is being received and to have with him a representative of his own choice who may act as counsel. Likewise the person preferring the charges shall be entitled to be present when evidence is being received and to be represented during the hearing by any person of his choice. A full record of the hearing, by recording tape or otherwise, shall be made and upon request a transcript thereof shall be furnished to the parties concerned."~~

~~Provision of a copy of a tape recording of the hearing shall be deemed to constitute compliance with the foregoing requirement concerning a transcript.~~

~~15. *Committee assistance in obtaining testimony.* If a member of the faculty, administration, student body, or staff declines to accept the request of a party to testify as a witness~~

before the Committee, such party may apply to the Committee for assistance. If the Committee determines that the testimony of the prospective witness will relate to facts which are material to the issues, and not reliably obtainable in any other way, the Committee may request him to testify before it.

## **Title VII**

*16. Findings.* The Committee shall make findings as to all of the relevant facts. On all disputed questions of fact, the findings shall be based on the evidence taken at the hearing and shall be made on the principle that the party making an allegation which is disputed shall have the burden of proving it by a preponderance of the evidence.

*17. Conclusions.* The Committee shall also determine whether, upon the basis of the facts found, there is cause for discipline.

*18. Appropriate discipline.* If the Committee determines that cause for discipline exists, then it shall also determine what discipline is appropriate in light of the gravity of the offense and all of the facts and circumstances, including the discipline proposed in the complaint; except that if the discipline proposed in the complaint is other than dismissal, demotion, or suspension, and the Committee finds that there is cause for discipline, the proposed discipline shall be accepted by the Committee unless it concludes that such discipline is unreasonable.

*19. Panels.* In any case in which dismissal, demotion, or suspension is not proposed in the complaint, the Committee may hear the case by a panel consisting of the chairman and two members selected by the Committee on the principle that all members shall serve on an equal number of panels in an academic year and, within that principle selected by lot. The panel's findings and conclusions shall be submitted to the full Committee before being issued. The full Committee shall have no authority to revise the findings of fact made by the panel but may revise the panel's conclusions, provided that the Committee shall not alter the result initially reached by the panel without having first entertained argument by the parties. A panel's determinations, not revised by the full Committee, shall be deemed the findings and conclusions of the Committee for purposes of these procedures.

*20. Transmittal of findings and conclusions.* The Committee's findings and conclusions shall be transmitted in writing to the administrative officer who filed the complaint, to the faculty member, and to the Chancellor. If the complaint proposed dismissal, demotion, or suspension, a copy shall also be transmitted to the President of the University and the Chairman of the University-wide Committee on Privilege and Tenure, as required by Senate By Law 112 (C) (2) (f)

## *Title VIII.*

21. — (a) The administrative officer and the faculty member may each appeal the Committee's determination to the Chancellor within seven days from receipt thereof. After such appeal has been heard, or if there is no appeal, after the expiration of such seven-day period, the Chancellor may impose the discipline specified by the Committee. If in the opinion of the Chancellor there are serious and compelling reasons which require a result different from that reached by the Committee, he shall prepare a written statement setting forth such reasons, and his specific objections, and return the case, with such statement, to the Committee, transmitting a copy of the statement to the persons named in paragraph 20. Within seven days after receipt of such statement, the Committee shall reconsider the case, taking into account the reasons and objections of the Chancellor. On such reconsideration, the Committee shall entertain argument by

~~the parties, either orally or in writing, on any issues not fully presented at the first hearing. It shall not, however, revise its findings of fact except insofar as it determines that the reasons and objections of the Chancellor require additional findings of fact on matters not fully considered at the first hearing, in which case the Committee shall receive evidence with respect to such matters. The Committee shall then submit its findings and conclusions on reconsideration, which will be distributed in the same manner as the original findings and conclusions. The Chancellor shall then make his final decision, taking into account the Committee's action on reconsideration.~~

- ~~(b) A comparable procedure shall be followed in any case in which the discipline in question can be imposed only by The Regents on recommendation of the President.~~

~~*Title IX.*~~

~~22. (a) Until the proceedings have been completed, public statements about the case by either the faculty member or administrative officers should be avoided so far as possible except for such simple announcements as may be required, covering the time of the hearing and similar matters, except that the faculty member may release, without comment, a copy of the complaint against him.~~

- ~~(b) Hearings shall not be open to the public, but the Committee may, in its discretion, permit the administrative officer and the faculty member each to designate a limited number of observers, who shall be subject to the obligation of confidentiality described herein.~~

- ~~(c) The Committee's findings and conclusions and the record of the hearing shall remain confidential after the proceedings have been completed, except where the faculty member authorizes their release.~~

- ~~(d) Public statements about the case by any party or his representatives or observers shall be deemed to constitute a waiver of the right to confidentiality as to those matters to which such statement relates.~~

~~*Title X.*~~

~~23. The Divisional Committee on Privilege and Tenure shall compile annually and submit to the Division a report describing its rulings and decisions during the previous year, and the grounds therefor. This report shall not name the faculty members involved in any case or provide any more identifying detail than is required to fully inform the Division of the nature of the Committee's actions and rulings.~~

**Title XI.**

24. Notwithstanding the foregoing, the Chancellor may suspend a member of the faculty on an interim basis with full pay without having first pursued the procedures provided herein, if in the judgment of the Chancellor there is a clear probability that the faculty member's continued assignment to his regular duties will be immediately and seriously harmful to the University community, provided, that in any such case (i) the Chancellor shall embody such judgment, and the reasons therefore, in a written statement to the faculty member; (ii) the suspension shall terminate unless the administrative officer files a complaint against the faculty member within five days after the suspension becomes effective; and (iii) the Committee on Privilege and Tenure shall begin hearings on the case within seven days after the complaint is filed, unless the faculty member asks for an extension; and shall insure that the hearings are completed expeditiously; and shall transmit its findings and conclusions within seven days after the hearings are concluded.

- V. **Reports of Special Committees (None)**
- VI. **Reports of Standing Committees (Discussion only)**
  - A. **Committee on Admissions, Enrollment, and Preparatory Education**
  - B. **Subcommittee on Transportation and Parking**
- VII. **Petitions of Students (None)**
- VIII. **Unfinished Business (None)**
- IX. **University and Faculty Welfare (No additional items)**
- X. **New Business (None)**

**DRAFT**  
**MINUTES OF MEETING<sup>1</sup>**  
**BERKELEY DIVISION OF THE ACADEMIC SENATE**  
**April 25, 2005**

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The Berkeley Division met at 4:10 p.m. on Thursday, April 25, 2005, in Sibley Auditorium at the Bechtel Engineering Center, pursuant to call. Professor Robert Knapp, chair of the Berkeley Division, presided. Chair Knapp commenced with the Announcements in the absence of a quorum.

At the conclusion of the Chancellor's remarks, quorum was announced and the meeting was called to order. Chair Knapp presented the agenda as noticed. The agenda was moved, seconded, and approved. A motion was made to reorder the agenda to address Item X.A (resolution on privatization) after the Consent Calendar and before the discussion items. The motion was seconded and approved.

A motion to adopt the amended agenda was seconded and approved.

**I. Minutes of Meeting**

The draft minutes of the November 13, 2003 Division meeting and the October 21, 2004 Division meeting were presented.

**ACTION:** The minutes of both meetings were approved as submitted, with no objection.

**II. Announcements by the President**

President Robert Dynes was unable to attend the meeting.

**III. Other Announcements**

**A. Chancellor Robert J. Birgeneau**

Chancellor Robert J. Birgeneau addressed the faculty, reporting on his first year as chancellor. In meeting with the campus community during the past seven months, he has been especially impressed with the ambition for excellence in the students, and particularly in the faculty. Recurring themes include leadership, connection to the world, the inclusion of California's diverse ethnic and racial groups, and concerns about the budget.

**Budget:** The Chancellor will continue to work to improve the budget and is hopeful that the Compact with the State will bring gradual recovery over the next five years.

**National laboratories:** Lawrence Berkeley National Laboratory has been renewed without special conditions. The outlook is favorable for bids on the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory, although the University has not yet decided whether to bid on the latter.

**Long Range Development Plan (LRDP):** The LRDP was approved by the Regents and an agreement with the City of Berkeley is anticipated.

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

AFSCME strike (April 14): The Chancellor and the executive vice chancellor and provost met with the strikers on the picket line. The administration will respond to the union's request for a living wage.

Student support: The Chancellor will work to increase support for both undergraduate and graduate students.

The Chancellor had two observations about Berkeley. The undergraduate student population does not reflect the state's diverse population. Also, he feels the students are "engaged and engaging," in part due to the faculty's efforts.

An audience member suggested to the Chancellor that as large early morning classes impact local commute traffic, the campus could take a positive step by scheduling these classes in the afternoon. The Chancellor took the suggestion under consideration.

**B. Chair of the Berkeley Division, Robert Knapp**

Chair Knapp presented several current issues before the Division.

- Faculty compensation plan
- Admissions
- Diversity Initiative - a report will be made later in the meeting
- Scholarly Publications Symposium - a report will be made later in the meeting
- Shared governance - Chair Knapp expressed his appreciation for the Chancellor's collaborative spirit this past year

Professor Robert Anderson is retiring as Division Parliamentarian, and was commended for his dedicated service to the Division since 1996 in that capacity. Parliamentarian Anderson was presented with an inscribed plaque and gavel, and was treated to a limerick written in his honor by Chair Knapp.

**C. ASUC Academic Affairs Vice President Rakesh Gade (Handout A)**

ASUC Vice President Rakesh Gade expressed his appreciation for the dialogue between the students and faculty over the past year. The students learned positive lessons during the add/drop deadline issue, even though they were somewhat disillusioned over the implementation of the change.

The vice president highlighted several issues on which the ASUC will focus next year and urged the Senate's support.

- Student mentorship: the ASUC has been developing a graduate/undergraduate mentorship program, which has been so successful it has stimulated the development of similar programs in some departments. The ASUC hopes this program will be a model for an official campus mentoring program next year.
- Undergraduate education: The ASUC wants to improve student input on policies affecting all undergraduates. Under the guidance of Vice Provost for Undergraduate Education Christina Maslach, the ASUC is forming an advisory committee to serve as a forum and point of coordination toward that purpose.
- Course evaluation system: ASUC has participated in the development of a model system for course evaluation, which should be available in May. The ASUC asks for the Senate's continued support in its development.

Finally, Vice President Gade commended the Chancellor for his efforts to increase campus diversity.

#### 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 to Berkeley Division Bylaw 2, membership of the Berkeley Division

Amendment proposed to allow for variations in title of the Admissions Officer.

###### 2. MEMBERSHIP

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

- The President;
- The Chancellor, Vice Chancellors, Provosts, Deans, Directors of academic programs, ~~Assistant~~ Assistant or Associate Vice Chancellor for Admissions and Enrollment, Registrar, and chief Librarian at Berkeley; (EC. 11.21.00)
- All Professors, 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 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. Proposed amendment to Berkeley Division Bylaw 19(B), duties of the Committee on Faculty Awards

Amendment proposed by the Committee on Faculty Awards to reflect current duties.

###### 19. FACULTY AWARDS

###### B. Duties

This committee nominates candidates for the Clark Kerr Award, the Berkeley Faculty Service Award, and other awards, honors, and prizes.

###### 1. Clark Kerr Award

- From time to time it nominates to the Divisional Council Division, for presentation of the Clark Kerr Award, an individual considered to have made an extraordinary and distinguished contribution to the advancement of higher education.
- The Award consists of a medal bearing the profile of Clark Kerr and a suitable inscription.
- Cost of the Award is borne by voluntary contributions from the Faculty or other funds available to the Division, but not by State moneys.

### 2. Berkeley Faculty Service Award

- Annually the committee solicits nominations and recommends to the Divisional Council, a member of the Berkeley Division who has given outstanding and dedicated service to the Berkeley campus.
- This Award consists of a monetary award equivalent to that of the Distinguished Teaching Award, and a commendation modeled on the Berkeley Citation.

### 3. Other awards, honors, and prizes

- For some external awards, the committee supplies nominees to the Office of the Chancellor upon request.
- In other cases, the committee interacts directly with schools, colleges, and departments through their designated award committees or individuals to identify nominees.
- The committee encourages schools, colleges, and departments to nominate their faculty for appropriate external awards and, if desired, to establish a mechanism for nominations.

### 2.—— Nominees for External Faculty Awards

## C. Proposed amendment to Berkeley Division Bylaw 28, name and duties of Committee on University Welfare

Amendment proposed by the Committee on University Welfare to reflect current duties.

28. ~~UNIVERSITY WELFARE~~ FACULTY WELFARE

Duties

~~This Committee reports to the Division from time to time on matters of University and Faculty welfare not assigned to other committees, including administrative practices.~~

**This Committee works with campus administrators on matters concerning the general welfare of the faculty, such as conditions of employment, salary policy, benefits, dependent care, housing, and retirement; it reports and recommends to the Division on these issues.**

**D. Proposed amendment to Berkeley Division Bylaw 31(A), membership of the Committee on Admissions, Enrollment, and Preparatory Education**

Amendment proposed by the Committee on Admissions, Enrollment, and Preparatory Education to allow for variations in title of the Admissions Officer.

31. ~~ADMISSIONS, ENROLLMENT, AND PREPARATORY EDUCATION~~  
(Am.10.25.94)

A. Membership

This Committee consists of at least six Senate members, normally serving three year staggered terms, the ~~Assistant~~ Assistant or Associate Vice Chancellor-Admissions and Enrollment, as a voting member, two student members, the Director of Undergraduate Admissions, as a non-voting member. The student members are appointed, and shall serve, in accordance with the provisions of Bylaw 13C. (Am. 10.25.94; 10.17.95; 11.4.96; 10.21.99; EC. 11.21.00)

**E. Proposed withdrawal of Berkeley Division Bylaw 36, Ethnic Studies Curricula, Council for**

Withdrawal of an outdated Division bylaw proposed by the Committee on Rules and Elections. The Council for Ethnic Studies Curricula was established prior to incorporation of the Ethnic Studies Department into the College of Letters and Science, which now performs its functions. The Council has had no members appointed and has not met in ten years. With the abolition of this bylaw, its subordinate enabling legislation should also be withdrawn (see item J below.)

36. — ~~ETHNIC STUDIES CURRICULA, Council for~~

A. — ~~Membership~~

~~This Council consists of fifteen members:~~

- ~~• — Two Senate members from each program in the Department of Ethnic Studies; One each from the:~~
  - ~~— Council for Special Curricula~~
  - ~~— Committee on Courses of Instruction~~
  - ~~— Committee on Educational Policy~~

———— College of Letters and Science

- ——— Three Senate members at large, one appointed by the Committee on Committees, and two by the Ethnic Studies Executive Committee; and
- ——— Two student members. [9]

B. ——— Duties

- ——— Fixes requirements for programs leading to a degree of Bachelor of Arts in Asian American, Chicano, Native American, and Ethnic Studies.
- ——— Recommends for degrees students who have satisfied requirements of the appropriate program in the Department of Ethnic Studies (See Regulations 650-655).

**F. Proposed withdrawal of Division Bylaw 41, Special Curricula, Council for**

Withdrawal of an outdated Division bylaw proposed by the Committee on Rules and Elections. The Council established requirements for degrees in temporary and experimental programs (as defined in the bylaw). The Council has had no members appointed and has not met in ten years. With the abolition of this bylaw, its subordinate enabling legislation should also be withdrawn (see item M below).

41. ——— SPECIAL CURRICULA, Council for (CC. 3.92)

A. ——— Membership

- ——— The Council for Special Curricula has nine Senate members and two student members. [13]
- ——— At least one Senate member shall be chosen from each of the following:
  - ——— Committee on Courses of Instruction
  - ——— Committee on Educational Policy
- ——— The Registrar serves as its secretary, non-voting. (Am. 9.91, 3.92)

B. ——— Duties

- ——— Fixes requirements for experimental and temporary programs leading to the degrees of Bachelor of Arts or Bachelor of Science, as specified in Regulation 1075 ("temporary", in this case, is limited to those programs being discontinued); and
- ——— Recommends for degrees students who have satisfied these requirements, substituting in such capacity for the faculty of a college or school.

**G. Proposed amendment to Berkeley Division Bylaw 42, name and duties of Committee on Special Scholarships**

Amendment proposed by the Committee on Special Scholarships to reflect the current charge and duties.

42. SPECIAL SCHOLARSHIPS STUDENT DIVERSITY AND ACADEMIC DEVELOPMENT

B. Duties

~~This Committee devises, operates and aids a number of programs, ranging from pre-college to graduate level, to: encourage and aid disadvantaged students to enter and succeed in work at this and other colleges and universities; and increase representation of such students in fields where they are underrepresented.~~

This committee advises, aids, and reviews academic preparation and development programs (from pre-college to graduate level) in order to help such programs encourage and aid students of the highest academic promise who have encountered restricted educational opportunities due to racial, ethnic, and/or gender preferences or other social or economic conditions.

This committee seeks to aid the development of the full potential of such students, particularly in those areas of study and work in which students who have encountered restricted educational opportunities are poorly represented, and thereby to promote student diversity on campus and in the professions.

This committee encourages and aids members of the Berkeley faculty to participate in achieving the goals outlined above.

**H. Proposed amendment to Berkeley Division Bylaw 43(A), membership of the Committee on the Status of Women and Ethnic Minorities**

Amendment proposed by the Committee on the Status of Women and Minorities to allow for the appointment of a Vice Chair.

43. STATUS OF WOMEN AND ETHNIC MINORITIES

A. Membership

This Committee consists of at least ~~five~~ six Senate members, one of whom is a Vice Chair, and of two student members, and the Associate Vice Provost for Faculty Equity, ex officio, as a voting member. (Am. 4.25.02)

**I. Proposed enactment of Berkeley Division Regulation A208**

Proposed enactment of Berkeley Division Regulation A208 to allow unit, requirement and grade point credit for XB University Extension courses, proposed by the College of Letters and Science.

A208. GRADE POINTS FOR UNIVERSITY EXTENSION "XB" COURSES

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.

**J. Proposed withdrawal of Berkeley Division Regulations 650 – 655 governing Ethnic Studies Curricula**

Withdrawal of outdated Division regulations governing Ethnic Studies Curricula proposed by the Committee on Rules and Elections. (See item E above.)

~~TITLE VII. COUNCIL FOR ETHNIC STUDIES CURRICULA~~

~~650.— ADMISSION~~

~~Admission to the Department of Ethnic Studies, by permission of the Department Chair, shall be for students admitted to the University; and, at the discretion of the Chair, Council for Ethnic Studies Curricula, for students on special admission status.— Admission to programs in the Department shall be upon conditions determined by the Faculties of the respective programs of the Department.~~

~~651.— STUDY LISTS~~

~~— The Council for Ethnic Studies Curricula will appoint an academic adviser for each program in the Department.— To be accepted, study lists must meet approval of the appropriate adviser.~~

~~652.— REGISTRATION AND UNIT LIMITATIONS~~

~~A.— A student who has attempted more than 130 semester units will require permission from the Chair of the Council for Ethnic Studies Curricula to register.(SRs 540, 542, 544, 546)— (CC. 1.93)~~

~~B.— Limitations~~

~~1.— Subject to provisions of Regulation A230, no more than a total of 16 units in courses numbered 197, 198 and 199 may be used to meet requirements for a Bachelor's degree.— (Am. 3.83)~~

~~2.— For Field Study (197) and Group Study (198) courses, the Committee on Courses of Instruction may, on the advice of the instructor(s) and department(s) concerned, authorize exceptions to the above limitations.~~

~~• — For independent Study (199) courses, Chair of the Council for Ethnic Studies Curricula may authorize exceptions to the above limitations.— (En. 3.83)~~

3. — Upper division courses required for a major cannot be taken on a Passed/Not Passed basis without permission of the Chair of the Council for Ethnic Studies Curricula.

#### 653. — DEGREE PROGRAMS AND REQUIREMENTS

- A. — All students taking a Bachelor of Arts degree in the Department of Ethnic Studies must satisfy the general University Requirements of SRs 630, 634, 636, and 638; and Berkeley Regulation 300. — (CC. 4.89; 1.93)
- B. — The student must complete at least 120 units with a C average overall and a C average in the upper division courses in the major program.
- C. — Each major will require a core of 14 units of program courses.
- D. — Programs in the Department will require not more than 40 nor fewer than 27 upper division units for the degree. The list of such courses will be determined on a yearly basis by a selected committee of the Faculty in the program and approved by the Council for Ethnic Studies Curricula. (Am. 3.83)
- E. — Students who fulfill the departmental degree requirements for any of the degrees offered in the Department of Ethnic Studies shall be recommended for graduation by the Chair of the Department. Approval of the recommendation will be granted by the Council for Ethnic Studies Curricula.

#### 654. — MAJOR AND MAJOR PROGRAMS

- — A Student may declare a major as soon as the student wishes and must declare a major in the semester immediately succeeding the semester in which he or she attains 90 units.
- — A student may change majors within the Department with the approval of the Chair of the Department. (Am. 3.83; EC.00)
- — Changes in major programs can be approved only by the Council for Ethnic Studies Curricula. The Council may delegate power to approve variances from major programs requested by the Chair of the Department.

#### 655. — HONORS

- A. — Honors with the Bachelor's Degree can be granted upon completion of an honors research project to be undertaken under the direction of a committee of faculty members as formed by the Chair of the Department. That committee will establish criteria for Honors for the student's project. (See Regulation A270)
  - — To declare intention to seek the degree with Honors, a student must have reached junior standing, have a 3.3 GPA overall, and a 3.3 GPA in the major.
  - — Such declaration must be made no later than the second term of the senior year.

~~B. Honors at graduation may be awarded to students who meet the minimum criteria of Regulation A270.B. (Am.4.89)~~

**K. Proposed amendment to Berkeley Division Regulation 807(C), unit requirements for the Bachelor of Arts Degree**

Amendment proposed by the College of Letters and Science to clarify the regulation governing community college units.

807.C. Other Units

"300" and "400" Courses

- A maximum of 6 units of "300" and "400" courses may be counted toward the A.B. Degree.

Physical Education Courses

- A maximum of 4 units of Physical Education activities courses may be counted toward the A.B. Degree.

Community College Units

- ~~Unit credit from a community college will not be allowed after the student has completed 70 units toward the degree.~~ No more than 70 units of community college course work shall be counted toward the A.B. degree. (Rev. 2.85)

**L. Proposed withdrawal of Berkeley Division Regulations 850 – 852 and proposed enactment of Berkeley Division Regulations 850 and 851**

Amendments proposed by the School of Information Management and Systems to update regulations.

SCHOOL OF LIBRARY AND INFORMATION STUDIES

~~850. ADMISSION~~

- ~~To be admitted to the School of Library and Information Studies, students must have received the A.B. Degree from the University of California or its equivalent, and must be eligible for admission to graduate standing without deficiencies.~~
- ~~If the number of candidates exceeds the capacity of the School, the Faculty will exercise its discretion in selecting those to be admitted.~~

~~851. MASTER OF LIBRARY AND INFORMATION STUDIES DEGREE~~

- ~~The degree of Master of Library Science (M.L.I.S.) will be conferred upon students who have been admitted to the School of Library and Information Studies in accordance with provisions of Regulation 850, and who have completed, with an average grade of B or higher, a~~

program of 28 units of courses approved by the Faculty of the School.

- In exceptional cases credit obtained for comparable work indicating superior scholarship in a graduate school other than that of the University of California may, with the approval of the Faculty of the School and of the Graduate Council of the Berkeley Division be accepted to the extent of not more than four units toward fulfilling the minimum requirement for that degree.—(Am. 3.83)

#### 852. DOCTOR OF LIBRARY AND INFORMATION STUDIES DEGREE

The degree of Doctor of Library and Information Studies (D.L.I.S.) will be granted on the following conditions:

- A. The candidate must have completed at least two years of graduate study in residence at the University of California.
- B. The candidate must have completed a program of study approved by the Faculty of the School.
- C. The candidate must have passed a qualifying examination in the field or fields of librarianship appropriate to the candidate's proposed dissertation.

The candidate may also be required to pass an examination in the reading knowledge of one or more foreign languages if in the judgment of the Faculty such knowledge is essential to successful completion of the proposed dissertation.

- D. The candidate must submit an acceptable dissertation dealing with a problem of professional application, of such character as to show ability to conduct independent investigations.
- E. Procedure with respect to the dissertation shall conform to that provided for the Ph.D. Degree under Plan B (Regulation 2006)—(Am. 3.83)

#### SCHOOL OF INFORMATION MANAGEMENT AND SYSTEMS

##### 850. ADMISSION

Admission to the Graduate School of Information Management and Systems is limited to students who hold the Bachelor's Degree, or its equivalent, from a college or university of recognized standing, who have established their eligibility for graduate standing at the University of California, and who comply with such other requirements regarding preparation for advanced study in the field of information management and systems as may be prescribed by the Faculty of the School of Information management and Systems.

##### 851. MASTER OF INFORMATION MANAGEMENT AND SYSTEMS

The Degree of Master of Information Management and Systems (M.I.M.S.) be granted under the following conditions. The candidate must have:

- A. Fulfilled the requirements for admission in accordance with the provisions of Regulation 850.
- B. Completed a two-year program of graduate study, or the equivalent, as specified by the Faculty of the School. This program will consist of graduate and upper division courses in the School

and related departments of the University, which are designated to develop knowledge and skills in the methods and substance of information management and systems.

- C. Completed, with an average grade of B or higher, the approved number of courses required by the Faculty of the School. In exceptional cases, credit obtained for comparable work indicating superior scholarship in a graduate school other than that of the University of California may, with the approval of the Faculty of the School and the Graduate Council of the Berkeley Division, be accepted to the extent of not more than four units toward fulfilling the minimum requirements for the degree.
- D. Completed a final project prepared in accordance with the rules of the Graduate Council under the conditions as stated by the Faculty of the School of Information Management and Systems.

#### M. Proposed withdrawal of Division Regulation 1075, Special Curricula

Withdrawal of outdated Division Regulation governing Special Curricula proposed by the Committee on Rules and Elections. (See item F above.)

#### ~~Title XVII. COUNCIL FOR SPECIAL CURRICULA~~

#### ~~1075. SPECIAL CURRICULA~~

##### ~~A. Admissions~~

- ~~• Students in special curricula must have been duly admitted to a relevant College or School, and must register in that academic unit.~~
- ~~• Procedures for study list approval must conform to the practices of the College or School and to any additional provisions of the Council for Special Curricula.~~
- ~~• The Council prescribes conditions for admission to each special curriculum.~~
- ~~• The total number of students admitted to special curricula in any one calendar year must not exceed five per cent of the graduating class of the preceding year, except by express consent of the Berkeley Division.~~

##### ~~B. Curriculum~~

- ~~• A special curriculum leading to the Bachelor of Arts or Bachelor of Science degree may be established by the Council upon favorable vote of at least two-thirds of its members, incorporating an experimental or temporary program of courses which the Council finds to possess intellectual content and quality appropriate to part or all of a four year curriculum, but to have no college or school ready to accept it.~~
- ~~• At the time each such special curriculum is established, the Council must prescribe requirements for graduation that are to be met by students who follow the experimental or temporary program either in full or in part, corresponding as closely as practicable to requirements for a relevant school or college and~~

~~conforming to general requirements of the University and the Berkeley Division.~~

- ~~• Immediately after establishing a special curriculum, the Council must report its action to the Berkeley Division, and arrange for publication of curriculum requirements in the General Catalog or in other suitable announcements.~~

#### ~~C. Degree Requirements~~

- ~~• The Council's recommendations for degrees, to be awarded in the Council's name, have identical standing with recommendations from schools and colleges.~~
- ~~• Each student completing a special curriculum to the Council's satisfaction is recommended by the Council for the Bachelor's degree, either in accordance with the Council's established requirements or under suspension of certain requirements. However, if the requirements for a special curriculum are accepted by the relevant College or School, or if a student completing a special curriculum also satisfies regular degree requirements of that College or School, the degree is recommended by that academic unit rather than by the Council.~~
- ~~• Students in a special curriculum must complete degree requirements within eight years after starting in it.~~

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

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

### VI. Reports of Standing Committees

#### A. Committee on Faculty Research Lectures

The chair of the Committee on Faculty Research Lectures (FRL), Professor Anthony Long, recognized the two recipients of the lectureships, selected by the committee unanimously: Professor Nicholas Cozzarelli (Molecular and Cell Biology) and Professor Barry Stroud (Philosophy).

Professor Randy Schekman (Molecular and Cell Biology) was introduced, and described Professor Cozzarelli's research on the mechanism and role of DNA enzymes in cell growth. This work has important implications for the development of drugs to inhibit cell growth. In other areas, Professor Cozzarelli has also been a leader in efforts to promote and increase free access to scientific literature.

Professor Alan Code, chair of the Department of Philosophy, presented Professor Stroud, who is very highly regarded in his field and has received international recognition and honors for his work. One of his three most recent books, *The Quest for Reality: Subjectivism and the Metaphysics of Colour*, was the subject of a major international conference, and a symposium at the American Philosophical Association meeting. The wide range of Professor Stroud's research in philosophy is impressive.

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

Professor Bob Buchanan, chair of the Committee on Faculty Awards (FA), announced that Lee Bollinger, president of Columbia University, is the recipient of the Clark Kerr Award for 2004-05. President Bollinger's accomplishments, in particular his work in affirmative action, reflect the spirit of Clark Kerr. The award was presented at a dinner ceremony in March.

The Berkeley Faculty Service Award is presented annually to a Berkeley Senate member who has provided extraordinary service to the campus. Professor Calvin Moore (Mathematics), was selected as this year's recipient from a field of many strong candidates. This year, FA developed the guidelines for this recently established award.

An audience member commented that the College of Chemistry's faculty awards committee has developed a database for tracking prizes and nominations, which has benefited the faculty.

During the past year, FA provided information on individual external awards to academic units throughout the campus.

## **C. Committee on Rules and Elections**

Professor Daniel Melia, chair of the Committee on Rules and Elections, announced the results of the Division election. This year, 428 valid ballots and nine invalid ballots were received.

Senate members elected to the Divisional Council

Paula Fass, History  
Judith Innes, City & Regional Planning  
Bernard Sadoulet, Physics

Senate members elected to the Committee on Committees of the Berkeley Division

John Arnold, Chemistry  
Stanley Brandes, Anthropology  
Patricia Buffler, Public Health  
Jennifer Chatman, Business Administration

Senate member elected to the Committee on Committees of the College of Letters and Science

Douglas Dreger, Earth & Planetary Science

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

Professor David Stern, chair of the Committee on Admissions, Enrollment, and Preparatory Education (AEPE), presented the committee's annual report, noting that the undergraduate admissions policy and procedures are basically unchanged from last year.

Last year Berkeley was challenged by the chair of the UC Regents for allegedly circumventing Proposition 209, which prohibits discrimination or preferential treatment based on race, sex, color, ethnicity or national origin. In response, Berkeley commissioned a study by Professor Michael Hout (Sociology) of freshman admissions for 2004-05. Additional data from 59 previously unrecorded variables was coded for the analysis of 8,000 applications. The results of the statistical study supported Berkeley's admissions procedure, and demonstrated that comprehensive review conforms to admissions policy guidelines. It was found that academic factors, rather than ethnic identity, had greater significance in determining admissibility. In addition, it was found that the reading and scoring process did not circumvent Proposition 209. Professor Hout's study is soon to be released to the public.

Chair Stern reported the results of the admission cycle for Fall 2005.

Walter Robinson was hired in January as the new director of undergraduate admissions. Professor Bob Jacobsen (Physics) will succeed Chair Stern as chair of AEPE next year.

In response to a question from the audience about the success of students admitted under comprehensive review, Chair Stern stated that AEPE is compiling the data on these students for analysis by a new joint administrative/Senate task force.

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

**VIII. Unfinished Business (None)**

**IX. University and Faculty Welfare**

**A. Diversity Project**

Professor Alice Agogino, vice chair of the Division, reported on progress of the Diversity Project over the past two years. A diversity forum was held in March with campus speakers and reports on diversity efforts at other institutions. The Chancellor announced that a significant number of faculty research positions would be created to advance diversity research at Berkeley. The Berkeley Diversity Research Initiative Working Group has now been created to identify new diversity research initiatives, to define an organizational structure for diversity efforts on campus, and to determine next steps. Vice Chair Agogino and Dean George Breslauer (College of Letters and Science) co-chair the working group.

**Symposium on Scholarly Publishing**

Professor Nicholas Jewell (Public Health) reported on the Symposium on Scholarly Publishing, held on March 30, and jointly sponsored by the Division, the University Library, and the executive vice chancellor and provost's office.

There is a crisis in scholarly publishing and access to research. Berkeley, as a premier research institution, should take a strong leadership role in a 'revolution' in scholarly publishing. Ways of changing faculty behavior will be key, as the system of faculty reward and peer review is intricately linked to scholarly publishing and the award of federal grants and contracts.

The Senate can take steps such as the following, toward improving its own system.

- Create an institutional repository for publications, with open access and electronic linkages to the faculty review process
- Create open access publishing tools and initiatives for the benefit of faculty
- Add staff positions for support related to open access and copyright issues
- Adapt the traditional publishing and peer review process to electronic publishing

**X. New Business**

**A. Resolution on the Privatization of the University of California**

Professor Emeritus Charles Schwartz (Physics) moved the resolution calling for the establishment of a committee to study the privatization of the University of California.

The motion was seconded. A procedural motion was made to outline the parameters of the presentations, allocating 10 minutes each to two speakers in favor and two opposed to the resolution. The procedural motion was seconded and approved.

Professor Schwartz introduced the resolution, co-sponsored by 10 Senate signatories.

WHEREAS the University of California has experienced serious budget cuts in recent years due to fiscal problems of the State; and

WHEREAS many public universities throughout the nation are experiencing difficult financial times, which some observers see as not just temporary problems; and

WHEREAS a steep and continuing increase in student fees has been the main response to this financial strain on the University; and

WHEREAS comparisons have begun to appear between the situations of public universities and private universities; and

WHEREAS there appears to be a widespread lack of understanding about these interrelated issues; be it therefore

RESOLVED, that the Berkeley Division of the Academic Senate hereby creates a Special Committee, to be appointed by the Committee on Committees with the following charge.

1. To study, both qualitatively and quantitatively, various questions related to the subject of possible privatization of this public university, such as:
  - a) What attributes of a distinguished Public research university are similar to those of a Private one; and what attributes are different?
  - b) How have these similarities and differences evolved over time?
  - c) What future signposts could one identify as marking significant steps in a transformation from Public to Private?
2. To conduct open forums to advance discourse on these questions.

**3. To present a written report to the Division, perhaps with recommendations, by the end of the next academic year.**

Professor Schwartz explained that the intent behind the resolution is primarily to stimulate the consideration of privatization. The Chancellor is on record opposing privatization. Professor Schwartz also reviewed some significant factors in the history of student fees. Professor Susan Ervin-Tripp (Psych), another of the signatories, also spoke in favor of the resolution, stressing the hardship created for students by high fees and the potential for losses in student diversity.

There were no speakers in opposition to the resolution.

The floor was opened to general debate. In response to a question, Professor Schwartz stated that the sponsors did not specify whether the resolution pertained to the UC system or the Berkeley campus, but that this should be determined by the proposed committee.

**ACTION:** The resolution was defeated by a vote of 18 for, 25 against, with no abstentions.

Chair Knapp asked for additional New Business, but no items were presented.

The meeting was adjourned at 5:50 p.m.

Daniel F. Melia  
Secretary, Berkeley Division