



NOTICE OF MEETING*
BERKELEY DIVISION OF THE ACADEMIC SENATE
Thursday, November 5, 2009, 3:00 p.m. – 5:00 p.m.
Booth Auditorium, School of Law

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

- **Intercollegiate athletics at UC Berkeley**
A panel, including members of the University Athletics Board, other concerned faculty, and campus administration, will discuss intercollegiate athletics at UC Berkeley.
- **Resolution on Intercollegiate Athletics at UC Berkeley**
Professors Alice Agogino and Brian Barsky will introduce a resolution on the future of intercollegiate athletics at UC Berkeley
- **Announcements**
Chancellor Robert J. Birgeneau
Division Chair Christopher Kutz
ASUC Vice President for Academic Affairs John Tran
- **Reports of special committees**
Faculty Budget Working Group
Task Force on Enrollment
- **Proposed legislation**
Proposed Amendment to Berkeley Division Bylaw 100 (Degrees, Certificate, Honors)

* Communications may be directed to the Academic Senate e-mail address: acad_sen@berkeley.edu.

- **Information items (Information only)**

In Memoriam

In Memoriam is a compilation of commemorative statements honoring deceased members of the Division, their lives, and service to the University. Memorials are produced by various sources, including colleagues of the deceased and the Office of Public Affairs, and are published by the systemwide Academic Senate in *In Memoriam*. The Committee on Memorial Resolutions has approved memorials for the following Berkeley faculty since April 2009. The authors of the memorials are listed in the column to the right.

Ernest W. Adams (Philosophy)	Charles Chihara, Branden Fitelson
Alfred Arteaga (Ethnic Studies)	Laura E. Pérez
Sumner P. Davis (Physics)	Bruce B. Birkett, Maria L. Hjelm, J. David Jackson, Howard A. Shugart
David A. Freedman (Statistics and Mathematics)	Ken Wachter
Jon Gjerde (History)	Yuri Slezkine, David A. Hollinger, James Vernon
Ernest Koenigsberg (Business Administration)	Andrew W. Shogan, Richard K. Lyons
David N. Lyon (Chemical Engineering)	C. Judson King, Harry Chiladakis, Norman E. Phillips
John B. Neilands (Molecular and Cell Biology)	Howard K. Schachman, Jack F. Kirsch
James L. Pierce (Economics)	Roger Craine
Irving Putter (French)	Basil J. Guy, Leonard W. Johnson
Frederick Sterling Sherman (Mechanical Engineering)	William Z. Lidicker Jr., Stanley A. Berger, Ómer Savaş
Herbert Davis Simons (Education)	Paul Ammon, Sarah Freedman, Derek Van Rheenen
Michael E. Smith (Law)	John E. Coons, Sanford H. Kadish, Stephen D. Sugarman
John Robert Stallings Jr. (Mathematics)	Robion Kirby, George M. Bergman

Ian Donald Turner (Architecture)

Richard Bender

John R. Whinnery (Electrical Engineering
and Computer Sciences)

Theodore Van Duzer, Charles K. Birdsall

Jeffery Allan Winer (Molecular and Cell
Biology)

W. Geoffrey Owen, David T. Larue, Christoph
Schreiner

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

Professor John Polt (Spanish & Portuguese)
2009-10 Chair, Committee on Memorial Resolutions

ORDER OF BUSINESS

Call to order – 3:10 PM

I. Minutes

Minutes of the April 23, 2009 meeting of the Division (Enclosure 1)

II. Announcements by the President

President Mark Yudof is unable to attend.

III. Other Announcements

A. Chancellor Robert J. Birgeneau

B. Berkeley Division Chair Christopher Kutz

C. ASUC Vice President for Academic Affairs John Tran

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 100 (Degrees, Certificate, Honors)

Candidates for certificates that do not conform to Senate Regulation 735, which governs certificates of completion of graduate curriculum, are to be recommended to the Chair of the Committee on Courses of Instruction (COCI), Chancellor, or President for approval. Responsibility for approving candidates for certificates that do not meet the criteria stated in Senate Regulation 735 resides with the academic units offering these certificates. The proposed amendment clarifies COCI's responsibility in this regard.

100. Degrees, Certificates, Honors

- The Division delegates to the Committee on Courses of Instruction its authority to recommend to the Chancellor at Berkeley, for transmittal to the President of the University, candidates for Degrees, Certificates that meet the criteria stated in Senate Regulation 735, and Honors.
- In its review of doubtful cases, the Committee shall consult with the recommending officer.
- After forwarding its recommendations, the Committee shall report such action at the next regular meeting of the Division.

V. Reports of Special Committees (Discussion only)

- A. Faculty Budget Working Group**
- B. Task Force on Enrollment Planning**

VI. Reports of Standing Committees (Discussion only)(None)

VII. Petitions of Students (None)

VIII. Unfinished Business (None)

4:00 PM

IX. University and Faculty Welfare (Discussion only)

A. Intercollegiate athletics at UC Berkeley

A panel, including members of the University Athletics Board, other concerned faculty, and campus administration, will discuss intercollegiate athletics at UC Berkeley.

4:45 PM

X. New Business

A. Resolution on Intercollegiate Athletics at UC Berkeley

Professors Alice Agogino and Brian Barsky will introduce the following resolution on the future of intercollegiate athletics at UC Berkeley, on behalf of the undersigned faculty:

Whereas, Although it is widely believed that the Department of Intercollegiate Athletics (DIA) earns a profit for the Berkeley campus, its financial statements reveal that it significantly outspends its revenues every year, depleting precious campus resources;

Whereas, For the most recent 5-year period for which the DIA has released detailed data (2003-08) its cost to campus has been at least \$10 million every year except for 2007-08 for which the cost was \$7.4 million;¹

Whereas, Current estimates for the most recent fiscal year (2008-09) indicate that the cost to the campus is expected to be a record high of approximately \$13.5 million and is expected to be even higher for the current fiscal year (2009-10);²

¹ Computed from UC Berkeley Senate CAPRA estimates and DIA financial statements as shown on: http://budgetcrisis.berkeley.edu/?page_id=16

² The DIA has not provided us detailed financial information for the 2008-2009 fiscal year; only this estimate.

Whereas, The DIA has cost the campus approximately \$160 million since 1991;¹

Whereas, The DIA is authorized to operate as an Auxiliary Enterprise on a financially self-supporting basis;³

Whereas, The DIA's services are provided directly to only approximately 900 among 35,000 students (or 2.5%) at the Berkeley campus;

Whereas, Student-athletes are given a wide range of special privileges and perquisites not accorded to regular students, including course enrollment priority, exclusive tutoring, exclusive conditioning and practice facilities, subsidized superior residence facilities, personal transportation, hotel stays before home games, and more;

Whereas, The Berkeley campus is about to incur a much larger \$457 million debt risk through external financing of \$321 million⁴ to renovate the California Memorial Stadium and \$136 million⁵ to construct the Student-Athlete High Performance Center (SAHPC), a facility with access that will be restricted to only 450 student-athletes, less than 1% of the students, staff, and faculty on campus;⁶

Whereas, This \$457 million dollar debt is being arranged to be repaid by the DIA, despite the fact that the DIA operates at a loss;

Whereas, Recreational activities and facilities, which could benefit the mental and physical health of all students, staff, and faculty in the UC Berkeley campus community, are underfunded and understaffed;

³ [Auxiliary Enterprises](http://www.ebudget.ca.gov/StateAgencyBudgets/6013/6440/program_description_50.html) "are those non-instructional services provided to individuals, primarily students, in return for specific user charges. These services include student housing, **intercollegiate athletics**, food services, and parking. Auxiliary Enterprises are self-supporting and are not subsidized by the state", Governor's Budget 2009-10; http://www.ebudget.ca.gov/StateAgencyBudgets/6013/6440/program_description_50.html

⁴ Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing, Berkeley Campus, Meeting of the UC Regents, Sept. 17, 2009, document GB, page 3.

⁵ Amendment of the Budget for Capital Improvements and the Capital Improvement Program and Approval of External Financing, Student Athlete High Performance Center, Berkeley Campus, Meeting of the UC Regents, Feb. 3, 2009, document GB1A, page 3.

⁶ *ibid.*, page 9.

Whereas, The scholarly literature⁷ shows that it is a misconception that intercollegiate athletics earns money for universities and even the NCAA reports that increased spending on athletics does not increase alumni donations to the university (which prompted the NCAA president to advise college presidents to reconsider their institutional spending on sports),⁸

Whereas, Refereed journal articles conclude that the evidence shows increased giving to athletics often brings with it a decline in academic fundraising at the same institution;⁹

Whereas, Only one-third of Cal's men's basketball players and one-half of the football players graduate¹⁰ and Cal's football graduation rate is near the bottom of the Pac-10 Conference;¹¹

Whereas, The second largest line item (after health care) in the annual student registration fee (paid by both undergraduate and graduate students) is for Intercollegiate Athletics, amounting to \$2 million annually, provided to the DIA by non-athlete students to benefit the approximately 900 athletes and to subsidize ticket prices for event attendees;

Whereas, Competitive intercollegiate athletics is not part of the core UC mission of "undergraduate education, graduate and professional education, research, and other kinds of public service, which are shaped and bounded by the central pervasive mission of discovering and advancing knowledge"¹²; and

Whereas, The university is facing historically severe financial pressures, putting core-central activities at risk; be it therefore

RESOLVED, that:

⁷ List of references at: http://budgetcrisis.berkeley.edu/?page_id=16.

⁸ The *Empirical Effects of Collegiate Athletics*, reports commissioned by the NCAA, by Robert E. Litan, Jonathan M. Orszag, and Peter, R. Orszag, 2003 and by Jonathan M. Orszag and Peter, R. Orszag, 2005.

⁹ Jeffrey L. Stinson and Dennis R. Howard, "Scoreboards vs. Mortarboards: Major Donor Behavior and Intercollegiate Athletics", *Sport Marketing Quarterly*, 2004,13, pp. 129-140.

¹⁰ 2008 NCAA Division I Federal Graduation Rate Data, http://web1.ncaa.org/app_data/inst2008/107.pdf

¹¹ "In classroom, Bears must finish what they start", by Tom FitzGerald, *San Francisco Chronicle*, Sunday, November 30, 2008, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/11/30/SPKG146T55.DTL>

¹² University of California Academic Plan, 1974-1978

1. *The faculty recommends that the Chancellor put Intercollegiate Athletics on its intended self-supporting basis, taking immediate action to effect the following:*
 - a. All funding of Intercollegiate Athletics from campus subsidies and the use of student registration fees cease immediately (or as soon as possible to the extent permitted by existing contract constraints).
 - b. The DIA cease annual deficit spending and the Berkeley campus not permit Intercollegiate Athletics to spend beyond its actual annual direct revenues.¹³
 - c. All DIA coaching compensation be subject to full furlough unless the DIA has a net annual profit based on direct revenues¹³ large enough to cover the furlough amounts.
2. *The faculty recommends that the Chancellor take immediate action to ensure that Intercollegiate Athletics develop a viable plan, by the Spring meeting of the Berkeley Division of the Academic Senate, to retire the cumulative debt to the Berkeley campus.*
3. *The faculty recommends that the Chancellor and the development staff urge donors to prioritize academics at the Berkeley campus.*
4. *The Academic Senate establish a Senate Intercollegiate Athletics Oversight Committee composed solely of Senate members to oversee the DIA operations, to promote transparency and clarity, and to confirm the satisfactory accomplishment of the above items.*

Respectfully submitted,

Alice M. Agogino, Professor of Mechanical Engineering
Brian A. Barsky, Professor of Electrical Engineering & Computer Sciences
Leslea J. Hlusko, Associate Professor of Integrative Biology
Jere H. Lipps, Professor of Integrative Biology
Margaretta Lovell, Professor of Art History
Laura Nader, Professor of Anthropology
Michael O'Hare, Professor of Public Policy
Loy Volkman, Professor Emerita of Plant and Microbial Biology

Adjourn – 5:00 PM

¹³ Direct revenues do not include any campus subsidies or student registration fees.

Draft Minutes
MINUTES OF MEETING¹
BERKELEY DIVISION OF THE ACADEMIC SENATE
Thursday, April 23, 2009

The spring meeting of the Berkeley Division was held on Thursday, April 23, 2009, from 3:00-4:30 p.m. in Sibley Auditorium, Bechtel Engineering Center, pursuant to call. Professor Mary Firestone, chair of the Berkeley Division, presided. Quorum of 50 Senate members was met and the meeting was called to order.

A request to reorder the agenda was approved, to accommodate the schedules of UC President Mark Yudof and Chancellor Robert Birgeneau who were arriving from another engagement. It was announced that the audio recording of the meeting would be posted on the Division's webpage. The Chancellor's faculty town hall on the budget was scheduled to immediately follow this meeting.

I. Minutes (Enclosure 1)

Minutes of the November 13, 2008 meeting of the Division were presented.

ACTION: The minutes were approved as submitted.

II. Announcements by the President

UC President Mark Yudof was introduced to make his first address to a Berkeley Division meeting. He is also a professor in the School of Law and has taught at Berkeley. He focused his remarks on the current fiscal crisis and how funding shortages will affect the UC system.

UC's \$3B budget will be reduced by \$450M this year, and federal stimulus funding has helped to offset further state cuts. President Yudof feels that rather than specifying cuts at the campuses, the President's role is to ensure that academic programs are prioritized and that each campus has a set of guiding budget principles, a plan, and a consultation process in place. Campuses will have some autonomy in deciding how to optimize their cuts. He commended Berkeley for its collaborative, thoughtful approach to budget cuts, citing faculty hiring as a model for setting campus priorities.

All levels at UC will be affected by the budget cuts. A student fee increase is expected. Merits will be awarded, but salary scales will not be increased. The Office of the President (UCOP) has taken cuts in funding, travel, and staffing.

Employee contributions to the UC Retirement Plan (UCRP) will recommence in December 2010. President Yudof countered criticism that has been made of the plan's management. Though a lack of employee contributions during the past two decades and the dip in the market have contributed to the plan's current condition, the President emphasized that the state needs to provide much stronger support for its human capital, to maintain California's economic strength and quality of life. He is taking this crucial point to the State Legislature and federal government as well.

President Yudof is also preparing a proposal that would set into place an emergency process for the implementation of furloughs or salary reductions by the President. This would require high-level consultation with the campuses and the approval of both the President and Board of Regents.

President Yudof responded to further questions from the audience on these topics and made the following points.

- He is still undecided on the question of differential fees for the campuses.
- He hopes to protect retirement benefits for current employees.
- President Yudof is optimistic that the state economy will recover and we will get through this rough time, but structural issues need to be addressed.

III. Other Announcements

B. Chancellor Robert J. Birgeneau

Chancellor Birgeneau focused his comments on issues outside of the budget, which would be addressed at the town hall immediately following the Division meeting.

- Blum Center for Developing Economies: Groundbreaking has just been held for this new center that will focus on the alleviation of global poverty. It has attracted an immediate and enthusiastic level of interest on campus. Richard Blum has generously provided funding for the center.
- Association of American Universities (AAU): The Chancellor has just returned from the AAU spring meeting where he made a number of contacts. He is optimistic about the future because the administration under President Barack Obama closely shares UC's values, and he noted that a number of Berkeley faculty have been tapped to serve in Washington.
- Faculty awards: Berkeley's excellence is reflected in its faculty honors; the Chancellor named several who have recently received national and international recognition.
- Research: Graham Fleming was selected as vice chancellor for research from a field of very strong candidates.

D. Berkeley Division Chair Mary Firestone

Chair Firestone recognized Systemwide Academic Senate Chair Mary Croughan and Vice Chair Harry Powell (Vice Chair Powell will become chair of the systemwide Academic Senate in fall 2009). Berkeley Division Vice Chair Christopher Kutz (Law) will become 2009-10 Division chair, and Executive Associate Dean of Engineering Fiona Doyle (Materials Science & Engineering) will serve as Division vice chair.

Committee on Rules and Elections member Gary Holland was introduced to present the Division's election results. A total of 404 valid ballots were received.

Senate members elected to the Divisional Council:

Steven Goldsmith (English)
Mary Ann Mason (Social Welfare/Law)
Bernard Sadoulet (Physics)

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

Susanna Elm (History)
Costas Grigoropoulos (Mechanical Engineering)
Jonathan Leonard (Business)
Susan Maslan (French)

Chair Firestone presented an update on the Division's activities.

- Budget: A small, strategic faculty advisory group was formed to meet regularly with the administration during the early, decision-making stages of budget discussions. Besides Chair Firestone and Vice Chair Kutz, other members of the working group are: John Ellwood, chair of the Committee on Academic Planning and Resource Allocation (CAPRA); Elizabeth Deakin (CAPRA vice chair); Alexis Bell (CAPRA member); Chris McKee, chair of the Committee on Budget & Interdepartmental Relations (BIR); and Carla Hesse (past BIR chair). Chair Firestone feels the group has worked effectively to convey faculty concerns to the administration, though the options for dealing with budget cuts have been limited and little has changed since last fall.
- Task force update:
 - Final exams: A joint Senate/administrative task force has been formed on final exams and will report to the Division later this year. Kristie Boering, chair of the Committee on Courses of Instruction, and Christina Maslach, vice provost for undergraduate education, serve as co-chairs of this task force.
 - Textbook affordability: Dennis Lieu, chair of the Committee on Student Affairs, and Barbara Gross Davis, assistant vice chancellor for equity and inclusion will co-chair this joint Senate/administration task force.
 - Senate structure: A task force is examining the efficiency and effectiveness of the Division's standing committee structure and operations. Chair Firestone, along with former Division chairs Alice Agogino, Ronald Gronsky, and Robert Knapp, will report later this year.
 - Honorary degrees: A systemwide task force has developed a proposal to grant honorary degrees to students of Japanese ancestry who were interned during World War II and were therefore unable to complete their degree programs. As UC does not normally grant honorary degrees, the proposal must be approved by the Academic Senate's executive council and then by the Regents. It is hoped the proposal can be ratified for award in spring 2010.

- Distinguished Teaching Award: Five Distinguished Teaching Awards were presented this week. The recipients are: Maximilian Auffhammer, Assistant Professor of Agricultural and Resource Economics and International and Area Studies; Mitchell Breitwieser, Professor of English; Matthew Francis, Associate Professor of Chemistry; Goodwin Liu, Associate Dean and Professor of Law; and Andrew Stewart, Nicholas C. Petris Professor of Greek Studies, History of Art and Classics, and co-Curator of Greek and Roman Antiquities of the Phoebe Apperson Hearst Museum of Anthropology. The Committee on Teaching was commended for their efforts.
- Berkeley Faculty Service Award: Robert Anderson (Economics and Mathematics) was selected by the Committee on Faculty Awards for his outstanding and dedicated record of service to the Division over a period of 15 years. The Committee on Faculty Awards was also commended for their efforts.
- Faculty Research Lecturers: Two Faculty Research Lecturers were selected: Walter Alvarez (Earth and Planetary Science) and Leslie Kurke (Classics and Comparative Literature). FRL Chair Professor John Clarke was also thanked.

E. ASUC Vice President for Campus Affairs Carlo de la Cruz

Vice President de la Cruz was unable to attend due to a family emergency.

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 amendments to Berkeley Division Regulation A251 (Disposition of final examinations)

An amendment is being proposed to Regulation A251 to give instructors and departments the option of either providing students copies of their final examinations or allowing students the opportunity to review the exams under suitable supervision. Students retain their right to review their final examinations, either by copy or in person. Campus legal counsel has been consulted in drafting this proposed amendment. Both the Committee on Rules and Elections and Divisional Council approved the proposed amendment.

A251. Disposition of Final Examinations

It is the responsibility of instructors and/or departments to return to the students their final examinations or copies of them, or to retain their students' final examinations or copies of them, for a period of thirteen months after the dates of such examinations. In the latter case, it is also their responsibility to provide a student access to his or her final examination, either by providing the student with a copy of the final examination or by making arrangements for the student to review it under suitable supervision. If the student is unable to review the final examination under suitable supervision, then a copy of it shall be provided to him or her, under the supervision of the instructor or his or her designee. A student has the right to pay for and retain a photocopy of his/her examination.

(Am. 4.4.94)

ACTION: The Consent Calendar was approved as submitted.

V. Reports of Special Committees (None)

VI. Reports of Standing Committees

A. Committee on Admissions, Enrollment and Preparatory Education

Professor George Johnson, chair of the Committee on Admissions, Enrollment and Preparatory Education (AEPE), reported that the freshmen eligibility proposal has been adopted by the Regents and will apply to freshmen entering in fall 2012. This will not greatly affect Berkeley, which already uses comprehensive review, although there may be an increased number of applications.

Berkeley has distributed its 2009/10 freshman admissions offers; it is hoped the yield will remain around 42 percent.

Berkeley is overenrolled by around 2,000 FTE students and AEPE is concerned about the quality of education. With the fiscal crisis and recent changes in resident/nonresident targets and other influencing factors, AEPE feels it is time to undertake a broad and detailed reconsideration of Berkeley's admissions and enrollment policies to ensure an optimal balance. AEPE recommends a task force be formed and looks forward to participating in this effort.

VII. Petitions of Students (None)

VIII. Unfinished Business (None)

X. University and Faculty Welfare (None)

X. New Business (None)

The meeting was adjourned at 4:22 p.m.

Daniel Melia
Secretary, Berkeley Division