



## **NOTICE OF MEETING\***

### **BERKELEY DIVISION OF THE ACADEMIC SENATE**

**Thursday, April 27, 2006, 3:30 p.m. – 5:30 p.m.**  
**Sibley Auditorium, Bechtel Engineering Center**

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

- **Announcements**

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

- **Discussion of faculty compensation at UC Berkeley**

Vice Provost for Academic Affairs and Faculty Welfare Jan de Vries will provide an update on the work of the Faculty Compensation Task Force and the status of implementation of the Task Force's recommendations. A panel of respondents will offer their perspectives on the Task Force's recommendations. An open discussion will follow the panel presentation.

- **Reports of standing committees**

Committee on Admissions, Enrollment, and Preparatory Education

Committee on Faculty Awards

Committee on the Faculty Research Lecture

Committee on Faculty Welfare

Committee on Rules and Elections

Committee on Teaching

Disaster Preparedness Working Group

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

- **Proposed legislation**

Proposed amendment of Berkeley Division Bylaw 2, Membership

Proposed amendment of Berkeley Division Bylaw 33, Committee on Courses of Instruction

Proposed amendments to Berkeley Division Regulation A207, Grade Appeals

Proposed amendment of Berkeley Division Regulation A208, Grade points for XB courses

Proposed amendment of Berkeley Division Regulation 400.A.1, Degree requirements for a B.S. in Chemical Engineering

- **Information items (Information only)**

**A. *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 written by colleagues of the deceased and published by the systemwide Academic Senate in [\*In Memoriam\*](#). The Committee on Memorial Resolutions approved memorials for the following Berkeley faculty this year; the authors are listed at the right:

James M. Carman (Business)

Louis P. Bucklin, David A. Aaker

Mark Christensen (Energy & Resources)

Richard B. Norgaard, I. Michael Heyman, Ronnie Lipschutz

Vernon DeMars (Architecture)

Richard Peters, Henry Lagorio

Bent Hansen (Economics)

George A. Akerlof, Pranab Bardhan, Roger Craine

August Carl Helmholtz (Physics)

Leroy Kerth, Howard Shugart, George Trilling

Martin Malia (History)

Hugh McLean, David Engerman, Nicholas Riasanovsky

Sheldon Margen (Public Health)

Dale A. Ogar, Joyce C. Lashof, John E. Swartzberg, Leonard J. Duhl

Luis Monguio (Spanish and

Dru Dougherty, Charles Faulhaber,

Portuguese)	John Polt
John Rowe (Anthropology)	Christine Hastorf, Suzanne Calpestri, E. A. Hammel
Ruggero Stefanini (Italian Studies and Near Eastern Studies)	Nicolas Perella, Steven Botterill, Gary Holland
Abraham Taub (Mathematics)	Alexandre J. Chorin, Calvin C. Moore, Beresford N. Parlett

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)

Professor Norman Phillips (Chemistry) chairs the Committee on Memorial Resolutions.

**B. Compensation Principles Recommended to the University Of California by the Academic Senate of the University of California Adopted by the Assembly of the Academic Senate, February 8, 2006 is available online at:**

<http://www.universityofcalifornia.edu/senate/assembly/feb2006/assmb.comp.principles.0206.pdf>

## ORDER OF BUSINESS

### I. Minutes

Minutes of the November 8, 2005 meeting of the Division (attached).

### II. Announcements by the President

President Dynes is unable to attend.

### 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 2, Membership

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

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

## 2. MEMBERSHIP

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

- The President;
- The Chancellor, Vice Chancellors, Provosts, Deans, Directors of academic programs, Assistant or Associate Vice Chancellor for Admissions and Enrollment, Registrar, and chief Library at Berkeley; (EC. 11.21.00; Am. 4.25.05)
- All Professor, Professors in Residence, Professors of Clinical \_\_\_\_\_, and Acting Professors;
- Associate Professors, Associate Professors in Residence, Associate Professors of Clinical \_\_\_\_\_, and Acting Associate Professors;
- Assistant Professors, Assistant Professors in Residence, and Assistant Professors of Clinical \_\_\_\_\_;
- Instructors, Instructors in Residence;
- Senior Lecturers with Security of Employment, and Lecturers with Security of Employment, Senior Lecturers with Potential for Security of Employment, and Lecturers with Potential for Security of Employment, with full time teaching responsibilities in curricula under the control of the Academic Senate, whose duties lie primarily in Berkeley; and
- Those Vice Presidents, Deans, and Directors of statewide units who choose to enroll in this Division.

B. Instructors and Instructors in Residence of less than two years' service have no vote.

C. Membership does not lapse because of leave of absence or transfer to emeritus status.

D. The Committee on Rules and Elections determines whether a person meets the requirements for membership. (CC. 10.25.94)

### **B. Proposed amendment of Berkeley Division Bylaw 33, Committee on Courses of Instruction, Duties**

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

represent any significant change in Senate procedures, but it will clarify COCI's jurisdiction.

### 33. COURSES OF INSTRUCTION

#### C. Duties

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

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

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

The Committee also felt that adding language to the end of the fourth bullet point in A207 would clarify the grade grievance deadline. Though it seems reasonable to infer that the original deadline language would apply to both the formal and informal grievance process, COCI felt that the lack

of specificity on this point is not in the best interest of affected students or instructors. Thus the Committee has proposed a revision explicitly applying a one-year deadline to both formal and informal grievance procedures.

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

## **A207. GRADE APPEALS**

### **A. Appeal Process**

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

course in question was taken. Neither formal nor informal grade grievance processes may be initiated after the one-year deadline has passed. (EC.00)

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

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

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

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

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

R&E approved the following proposed amendment.

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

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

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

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

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

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

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

semester units in line with the campus norm, while still retaining the option program.

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

##### **A. Requirements for the Bachelor of Science Degree**

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

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

##### **VI. Reports of Standing Committees (Discussion only)**

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

**B. Committee on Faculty Awards**

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

**D. Committee on Faculty Welfare**

**E. Committee on Rules and Elections**

**F. Committee on Teaching**

**G. Disaster Planning Working Group**

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

##### **VIII. Unfinished Business (None)**

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

**A. Faculty compensation at UC Berkeley**

Vice Provost for Academic Affairs and Faculty Welfare Jan de Vries will provide an update on the work of the Faculty Compensation Task Force and the status of implementation of the Task Force's recommendations. Janet Broughton, professor of Philosophy and former chair of the Committee on Budget and Interdepartmental Relations; Richard Newton, Dean, College of Engineering; and Angelica Stacy, Associate Vice Provost for Faculty Equity will offer their perspectives on the Task Force's recommendations. An open discussion will follow the panel presentation.

##### **X. New Business (None)**



*DRAFT*  
**MINUTES OF MEETING<sup>1</sup>**  
**BERKELEY DIVISION OF THE ACADEMIC SENATE**  
**November 8, 2005**

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The fall 2005 meeting of the Berkeley Division was called to order at 4:18 p.m. on Tuesday, November 8, 2005, in Sibley Auditorium, Bechtel Engineering Center, pursuant to call. Professor Alice Agogino, chair of the Berkeley Division, presided, and called the meeting to order. Chair Agogino noted that the meeting length had been shortened by a half hour to accommodate Senate members with childcare responsibilities.

**I. Minutes of Meeting**

The draft minutes of the April 25, 2005 Division meeting were presented for approval.

**ACTION:** The minutes of the meeting were approved as submitted, with no objection.

**II. Announcements by the President**

UC President Robert C. Dynes is a former chancellor of UC San Diego, and was named president of the UC system in 2003. President Dynes declined to comment on the recent resignation of Provost M.R.C. Greenwood. He spoke on his view of the four highest priorities for the University system.

- UC budget: The 2006/07 budget proposal to be presented to the Regents includes the following highlights.
  - Funding to commence a five-year plan of incremental salary increases for faculty and staff.
  - Funding for enrollment growth of 5,000 students systemwide.
  - Multi-year funding to restore the faculty/staff ratio to its former level before the budget cuts of the past several years.
  - Funding for financial aid initiatives, including increased return to aid.
  - A request to make permanent the state funding for academic preparation.

The proposal includes the fee increases for undergraduate, graduate, and professional school students as agreed upon in the Compact with the governor.

- Long range planning for UC: A planning group convened last spring has been asked to envision the State of California and a premiere university in 2025. They are asked to identify the steps that UC must take to reach those goals.

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

- Faculty diversity task force: The President has formed the President's Task Force on Faculty Diversity to examine the current state of faculty diversity on each campus, make comparisons with similar institutions, identify areas of focus, and determine next steps. A final report will be presented to the President and the chancellors in mid-January, and a systemwide summit is planned for spring 2006. Comment may be made on the task force website.
- 10+10 Universities: President Dynes visited China and is making efforts to formalize UC's collaborations with a group of premier Chinese institutions; he calls this the 10+10. UC will benefit from the intellectual exchange. UC's governance and structure, and the California Master Plan for Education can serve as a model for these Chinese institutions, which aspire to grow and expand.

President Dynes responded to a few audience questions.

- He clarified that members of the Academia Sinica are involved in the 10+10 collaborations.
- President Dynes was asked about UC's response to the report, *The Decline of UC as a Great International University*. UC is focused on the decline in funding for graduate programs. (It appears that funding, rather than visas, is a greater roadblock for Chinese graduate students). UC has included a proposal in the 2006-07 budget to allow residency status for international students after advancement to candidacy; the President is confident this will be approved.
- President Dynes elaborated further on the faculty diversity study timeline.

### III. Other Announcements

#### A. Chancellor Robert J. Birgeneau

Chancellor Birgeneau welcomed new Senate members, then summarized key issues for the faculty and administration.

- Faculty appointments: The Chancellor announced a net increase of about 18 FTE faculty appointments since last year.
- Compensation: Some improvement in faculty compensation was possible with funding from the student fee increase. A strategic decision was made to hire fewer faculty at a more competitive rate of compensation. The administration is following up on the report of the task force on faculty compensation.
- Capital campaign: A financial model for endowed chairs is being developed.
- Fundraising and privatization: Fundraising efforts have been very successful under the direction of Vice Chancellor for University Relations Donald McQuade and Associate Vice Chancellor for University Relations Scott Bidy. The Chancellor noted that private donations must be consistent with the principles of academic freedom and the scope of UC's public status, or they would not be accepted.
- Renovation of the Memorial Stadium: A plan for the southeast quadrant has been developed and will soon be made public. The Chancellor clarified that athletics improvements will be funded by donations, and

not at the expense of the academic programs. The plan includes facilities shared with the business and law schools.

- Interdisciplinary initiatives: Three initiatives have been established this year – a stem cell initiative; the Berkeley Diversity Research Initiative (co-chaired by Division Chair Alice Agogino and Dean of Social Sciences George Breslauer); and an initiative targeting the alleviation of global poverty. The Chancellor emphasized his feeling that Berkeley should take a leadership role, particularly on the latter two issues.
- Senior administration leadership: An advisory committee, including Senate representation, has been formed to identify a successor for the position of executive vice chancellor and provost. UC experience is highly desirable.

The Chancellor responded to some questions from the audience.

- In solicitation of alumni donors, the capital campaign promotes Berkeley's unique stature as a leading public research institution. Individual campus units will be able to identify their own priorities, and donor interests will also be taken into account. The Chancellor emphasized the need to assist economic accessibility for undergraduates by funding financial aid.
- Funding of endowments is favored for the long-term benefit, over funding of immediate needs.

Vice Chancellor McQuade responded to a question regarding temporary gift tax relief instituted in the wake of the Hurricane Katrina disaster.

Chair Agogino noted that the Chancellor will speak on "Passion for Public Education" at the Haas School of Business the following day.

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

- Committee updates: Chair Agogino briefly reviewed the standing committees of the Division and noted that articles highlighting Senate activities are planned in the *Berkeleyan*.
- Clark Kerr Award: The Division will present the Clark Kerr Award to Jack Peltason, 16<sup>th</sup> president of the University of California, at a ceremony following the meeting. President Peltason was recognized in the audience.
- Shared governance: Chair Agogino reviewed recent collaborations between the Senate and the administration.
  - Faculty compensation: The faculty compensation task force's report is under review and a report from the provost is expected in the spring.
  - Streamlining personnel processes: A cumulative online database for biobibliographic data is under development that will eventually replace the 'biobib'.

- Berkeley Diversity Research Initiative: An open session will be held in early December, by which time the Request for Proposals should be released.
- Disaster Preparedness Work Group: The recent hurricanes have highlighted the importance of disaster recovery planning. The decentralized character of research presents special problems for the campus. Faculty expertise will be needed in recovery efforts. An update by the Senate work group on disaster planning will be made in the spring.
- Faculty art: A new display of faculty art in the Division office was announced, prepared in coordination with the Department of Art Practice.

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

Vice President for Academic Affairs Jason Dixon discussed the students' support for the redevelopment of Lower Sproul Plaza, which could address serious seismic and safety issues and make better use of the area. Lower Sproul has great potential as a central hub of student services which are now located around the campus. A permanent location for the Multicultural Center is overdue. Redevelopment would raise the quality of student life and contribute to the strength of the university. The ASUC asks for the Senate's support in working with the administration to make this project a priority for the campus.

**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**

By request , Item A, Proposed amendment of Berkeley Division Bylaw 17.B, was moved from the Consent Calendar to New Business for discussion.

**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 members 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.~~

**ACTION:** Items B, C and D on the Consent Calendar were approved without objection.

## V. Reports of Special Committees (None)

## VI. Reports of Standing Committees

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

Professor Robert Jacobsen, chair of the Committee on Admissions, Enrollment, and Preparatory Education (AEPE), summarized the double read process used in comprehensive review last year. He recognized the campus admissions officials, staff and the approximately 100 readers who are involved in the review process annually. The range of academic indicators was higher last year, and more students from lower-performing high schools were admitted, demonstrating that the process is resulting in improved access to students.

In a change of procedure this year, applications for those students who will clearly be admitted or who will clearly not be admitted after the initial review will not be read an additional time. All applications will still be included in multiple reviews that take place after the reading process. This change is intended to focus attention on those who need further consideration to be properly evaluated.

### B. Subcommittee on Transportation and Parking

Professor Evan Williams, chair of the Division's Subcommittee on Transportation and Parking, also serves on the Chancellor's Joint Oversight Committee on Parking. He reported the reality that there is insufficient parking on campus, and this shortage has impacted the University's academic mission. Alternative transportation is promoted and shuttle operations are also being improved, but will not completely solve the problem. Much of lost parking has been due to construction, and the current replacement policy falls far short of recovering the actual cost. The joint oversight committee urges the adoption of its recommendations:

- Revise the parking replacement policy to reflect the true cost of replacement.

- Restrict the use of parking revenues for transportation needs only.
- Integrate parking and transportation issues into the planning process for new construction.

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

**VIII. Unfinished Business (None)**

**IX. University and Faculty Welfare (No additional items)**

**X. New Business**

**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).~~

This item was moved from the Consent Calendar. A motion was made to refer the amendment back to Divisional Council for reconsideration. The motion was seconded with no discussion and approved by a vote of 25 in favor, none opposed.

The meeting was adjourned at 5:35 p.m.

Daniel F. Melia  
Secretary, Berkeley Division