

**UNIVERSITY OF CALIFORNIA
MANUAL**

**BY-LAWS OF THE
BERKELEY DIVISION
OF THE
ACADEMIC SENATE**

2017 VERSION
(Last Revision 05/03/17)

PART I. BERKELEY DIVISION¹

1. FUNCTIONS

The Berkeley Division is a committee of the Academic Senate.

It has authority to:

- Organize, select its own officers and committees, adopt rules for the conduct of its business;
- Receive and consider reports and recommendations from the Faculties of colleges and schools located wholly or partly on the Berkeley Campus, from its Divisional committees, from local administrative officers, and from other Divisions;
- Originate and take final action on legislation substantially affecting only the Division;
- Establish Faculties in schools and colleges located wholly on the Berkeley Campus;
- Transmit directly to the President resolutions on any matter of University concern, with copies to the Assembly of the Academic Senate;
- Initiate Memorials to The Regents; and
- Submit reports and recommendations to the Senate or to the Assembly concerning changes in Senate legislation and such other matters as it may deem appropriate.

2. MEMBERSHIP (Am. 9.91, 4.25.05, 4.27.06)

A. Members of the Division are:

- The President;
- The Chancellor, Vice Chancellors, Provosts, Deans, Directors of academic programs, 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, 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.

BY-LAWS OF THE BERKELEY DIVISION

2. MEMBERSHIP (continued)

- 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)

3. OFFICERS OF THE DIVISION (Am. 10.89, 10.25.94, 10.17.95)

A. Chair

Term

The Chair of the Division is appointed by the Committee on Committees to serve for a term of one year beginning with the first day of instruction in the Fall Term. Normally, the Chair succeeds to this office and to Chair of the Divisional Council after having served the previous year as Vice Chair both of the Division and of the Council.

Duties

- Presides at meetings of the Division and of the Divisional Council.
- Sits, upon invitation or at his or her discretion, without vote, in deliberations of any committee of the Division.
- Serves, *ex officio*, as a member of the Assembly of the Academic Senate and of the Academic Council, and as Chair of the Divisional Committee on Assembly Representation.
- Refers matters to the officers or agencies of the Division and of the Administration, as appropriate.

B. Vice Chair

Term

The Vice Chair of the Division and of the Divisional Council is appointed by the Committee on Committees to serve a term of one year beginning with the first day of instruction in the Fall. The Vice Chair will normally succeed to the positions of Chair of the Division and of the Divisional Council.

Duties

- Serves as Chair when the Chair is temporarily unable to serve.
- Performs such duties as assigned by the Chair of the Division.

C. Secretary

Term

The Secretary of the Division is appointed by the Committee on Committees to serve for a term of two years, subject to reappointment, beginning with the first day of instruction in the Fall Semester.

Duties

- Prepares the Call and Minutes for each meeting of the Division in accordance with Senate By-Laws.
- Assumes the duties of Chair in case of absence of both the Chair and Vice Chair.
- Performs such duties as assigned by the Chair of the Division.
- Maintains a complete file for the Senate of minutes, reports, and agendas of all Divisional committees and other Senate agencies.

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3. OFFICERS OF THE DIVISION (continued)

D. Parliamentarian

The Committee on Committees appoints the Parliamentarian to serve at the pleasure of the Divisional Council.

4. DIVISIONAL COUNCIL² (En. 10.89; CC. 3.92, 5.1.14, 05.03.17; Am. 11.13.03, 11.8.07, 4.22.10, 10.29.14, 4.22.15; EC 05.03.17)

A. Composition

The Divisional Council shall be composed of eighteen members as follows:

1. The Chair and the Vice Chair of the Division, who are also Chair and Vice Chair of the Divisional Council.
2. Chairs of the following Committees:
 - Academic Planning and Resource Allocation
 - Admissions, Enrollment, and Preparatory Education
 - Budget and Interdepartmental Relations
 - Committees
 - Courses of Instruction
 - Diversity, Equity, and Campus Climate
 - Faculty Welfare
 - Graduate Council
 - Research
 - Undergraduate Council
3. Six At-Large members elected by the Division.

The Secretary of the Division serves as non-voting secretary to the Council.

B. Terms

1. The Chair serves for one year.
2. The Vice Chair will serve one year as Vice Chair and the next year as Chair of the Division and of the Divisional Council.
3. Committee Chairs, *ex officio*, normally will serve the same term as the tenure of their Chairs. A Committee Chair may designate a Senate member of that Committee to serve in his or her stead on the Divisional Council (with approval of the Committee on Committees) for a period of one year.
4. At-Large members, half to be elected every year, will serve two-year terms. They cannot serve consecutive terms.
5. Terms begin on the first day of instruction of the Fall term, unless otherwise designated in Divisional legislation.
6. A partial term counts as a full term.
7. A vacancy occurring between regular elections is filled by the Committee on Committees.

C. Duties

The Divisional Council has the following responsibilities and authority.

1. Proposes legislation as needed.
2. Acts on behalf of the Division on matters other than legislative matters retained by the Division.
3. Receives and distributes to the appropriate agency or agencies reports from Standing and Special Committees of the Division and from academic

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4. **DIVISIONAL COUNCIL (continued)**

program and Organized Research Unit review committees.

4. Coordinates activities of Divisional Standing and Special Committees.
5. Proposes and approves establishment of Special Committees and task forces.
6. Places items it considers routine on a Consent Calendar to be submitted to a meeting of the Division. Should the meeting not attain a quorum, the Consent Calendar would be taken as approved.
7. Informs members of the Division of its agenda and actions by regularly circulated reports, public forums, Divisional newsletter, or other appropriate channels.
8. May order a ballot by mail, in the event that a quorum was not achieved at a Divisional meeting, on any matter, including legislation that was presented in the Notice for that meeting. (En. 9.91; EC 4.26.05)

5. **MEETINGS (CC. 10.89; Am. 4.24.08)**

A. Regular

The Division holds two regular meetings each academic year, one early in the Fall term and the other in the Spring when the Divisional Council presents its State of the Campus Message. The Chair and the Secretary arrange the schedule of regular meetings.

B. Special

- A Special Meeting of the Division may be called by the Chair. Upon written request of twenty-five voting members a Special Meeting must be called by the Chair or, in his or her absence or disability, by the Vice Chair.
- The call to a Special Meeting must be sent to all members of the Division at least five days of instruction prior to the meeting.

C. Emergency

- With the concurrence of a majority of the Divisional Council, an Emergency Meeting may be called by the Chair or, in his or her absence or disability, by the Vice Chair.
- The call to an Emergency Meeting must be communicated at least 48 hours prior to the meeting to the Chair of each academic department for transmittal to members of the department.

6. **QUORUM**

Fifty voting members of the Division are required for a quorum.

9. **DIVISION ELECTIONS (En. 11.8.07)³**

A. General Provisions

Subject to provisions in these By-Laws, all Divisional elections and ballots are to be conducted by paper or electronic means. If an election is conducted electronically, Berkeley Division members may request a paper ballot from the Secretary in writing. The Division Secretary, in consultation with the Committee

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9. DIVISION ELECTIONS (continued)

on Rules and Elections, shall decide whether the election or ballot will be conducted by paper or electronic means.

B. Notice of Election

Not fewer than 30 days of instruction prior to the election, the Secretary must send to each voting member of the Division a Notice of the Election.

C. Nominating Petitions

- Nominating Petitions must be filed with the Secretary within 10 days of instruction after the Notice of Election has been sent.
- A Nominating Petition must be signed by five voting members of the Division, and must state the departmental affiliation of the nominee and nominators.
- The nominee must certify acceptance.

D. Voting

1. By paper ballot:

- At least 14 calendar days before the Election, the Secretary must mail to each voter a list of all nominees, stating their nominators and departmental affiliation of each.
- The list of nominees must be accompanied by a ballot listing the nominees alphabetically, a plain envelope in which the voter is to enclose the marked ballot, and a further envelope addressed to the Secretary to be used for return of the sealed ballot.
- The voter must be notified that:
 - All ballots must be returned to the Secretary no later than the date of election;
 - A ballot is invalid if more names are marked than there are vacancies to be filled, or if the ballot lacks the signature of the voter in the space provided on the return envelope;
 - A voter who spoils a ballot may, by tearing it across once and returning it to the Secretary, obtain another. (EC.00)

2. By electronic ballot:

- At least 14 calendar days before the Election, the Secretary must make available to each voter an electronic ballot of all nominees, stating their nominators and departmental affiliation of each.
- Each voter will have access to a secure, web-based voting system that is administered by the Academic Senate office.
- The voting system will authenticate the identity of each voter and separate the identity of each voter from his or her vote to maintain the confidentiality of the voting process.
- The voting system will be designed so that once a vote has been cast, neither the voter nor anyone with access to the system can change the vote.

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9. DIVISION ELECTIONS (continued)

- If a Senate member prefers a paper ballot, the Berkeley Division will make one available upon written request. If a voter submits both an electronic and a paper ballot, the electronic ballot will take precedence and the paper ballot will be destroyed prior to the count.

E. Election of At-Large Members to the Divisional Council

- At-Large members shall be elected at the same time as members of the Committee on Committees and in the manner outlined in this By-Law, except that the number of nominations must be at least twice as many as there are places to be filled; the Committee on Committees will add the necessary number of nominees to complete the slate if the number of Nominating Petitions received from the membership is fewer than the number required.

F. Election of Committee on Committees Members

- Committee members are elected in accordance with Senate and Berkeley Division By-Laws.
- Candidates receiving votes on at least 35% of the valid returned ballots are to be declared elected.
- If more candidates receive votes on at least 35% of the valid ballots cast than there are vacancies to be filled, those having the highest percentage are to be declared elected.
- If fewer candidates receive votes on at least 35% of the valid ballots cast than there are vacancies, a second ballot must be taken. It must list the nominees not elected but receiving the highest percentage on the first ballot, but not to exceed twice the number of remaining vacancies. (CC. 12.6.07)
- Those receiving the highest percentage on the second ballot are to be declared elected for such vacancies as exist. A tie for the last vacancy is broken by lot.

PART II. COMMITTEES

Title I. Appointment and Term

10. APPOINTMENT

- Unless these By-Laws specify otherwise, the Committee on Committees appoints all committees of the Division and designates their chairs.
- It may also appoint a panel of alternates (prescribing their order of priority) to serve whenever a regular member is temporarily unable to serve.
- All appointments by the Committee on Committees are subject to confirmation by the Divisional Council. (CC. 10.89)

11. TERM

Committees are appointed each year to serve for a term of one year, beginning with the first day of instruction of the Fall term, unless otherwise specified.

Title II. General Functions and Responsibilities; Composition

- 12. GENERAL FUNCTIONS AND RESPONSIBILITIES**
- A.** Committees may make such studies and recommendations as they deem appropriate, consistent with their original charge.
 - B.** Members of the Division have the right to be heard by appropriate Divisional Committees.
 - C.** Each Committee is responsible to the Division and has the obligation to report its actions to the Division, but has the right to report concurrently to the Assembly of the Academic Senate.
 - When committees make recommendations and render advice to the President, Chancellor, other administrative officers, departments, or individual members of the Division, they are to report their recommendations to the Division when such report is in the best interest of the University.
 - D.** Committees may adopt rules for the conduct of their business consistent with the By-laws and Regulations of the Division.
- 13. COMPOSITION OF COMMITTEES (Am. 4.90, 10.90, 10.24.02, 11.3.10)**
- A. Classification of Committees**

Standing Committees of the Berkeley Division of the Academic Senate are divided into two categories:
Committees on Faculty and Senate Affairs, without student members;
Committees on Educational Affairs, with student members.
 - B. Committees on Faculty and Senate Affairs**

Membership
These Committees shall be composed solely of Senate members appointed by the Committee on Committees, with the exception of the Committee on Committees and the Divisional Council as noted:

 - Assembly Representation
 - Budget and Interdepartmental Relations
 - Committees⁴
 - Divisional Council⁵
 - Faculty Awards
 - Faculty Research Lecture
 - Faculty Welfare
 - Memorial Resolutions
 - Ombudspersons
 - Privilege and Tenure
 - Research
 - Rules and Elections

(CC. 10.89, 10.25.94, 4.25.05, 05.03.17; EC. 11.91, 3.92, 05.03.17)

13. COMPOSITION OF COMMITTEES (continued)

C. Committees on Educational Affairs

1. Composition

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

- Academic Freedom
- Academic Planning and Resource Allocation
- Admissions, Enrollment, and Preparatory Education
- Computing and Information Technology
- Courses of Instruction
- Demonstrations and Student Actions
- Diversity, Equity, and Campus Climate
- Library
- Prizes
- Teaching
- Graduate Council
- Undergraduate Council
- Undergraduate Scholarships, Honors, and Financial Aid

(CC. 11.88, 9.91, 3.92, 10.25.94, 6.26.06, 5.2.12, 10.29.14, 05.03.17, EC. 05.03.17)

2. Student Participation

Student members shall be eligible to serve on all standing sub-committees of those Committees listed in By-Law 13.C.1.

3. Student Selection and Appointment

a. Selection

During the summer, student members for each of the Committees on Educational Affairs will be selected by the ASUC student groups through their vetting process and presented to the Committee on Committees as a list of nominations to be appointed according to the Divisional process used by the Committee on Committees and Divisional Council. Names of student members shall be sent to the Committee on Committees by September 1 of the academic year in which they are to serve.

b. Nonfulfillment

Failure of the ASUC to provide student nominees for Divisional Senate Committees, as specified above, shall not interfere with the ongoing functioning of Berkeley Divisional Committees.

c. Grievance Board

Complaints by a Divisional Committee against a student member or by a student member against the Committee to which the student has been appointed shall be referred on the initiative either of the student or of the Committee Chair for resolution to a Grievance Board composed of the Chair of the Committee on Committees, the Faculty Representative to the ASUC, and the Chair of the Graduate Assembly.

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13. COMPOSITION OF COMMITTEES (continued)

d. Absentee Members

Upon three unexcused consecutive absences, student members will be automatically withdrawn so that their absences will not affect quorum.⁶ (En. 11.3.10)

4. Voting Procedure

- On all formal votes in committees attended by student members, the student opinions will be recorded separately and so reported whenever the recommendation of the committee is presented to the Division, to other Academic Senate bodies and to administrative officers advised by such committee. (CC.3.89)
- When the committee is acting for the Senate, student members do not vote.

**Title III. List of Standing Committees on Faculty and Senate Affairs:
Their Powers and Duties⁷**

These Committees are composed solely of Senate members.

15. ASSEMBLY REPRESENTATION (Am. 10.25.94, 4.24.08)

Membership

This Committee consists of:

- Chair of the Division, who is its Chair;
- Those other members of the Division who are *ex officio* members of the Assembly of the Academic Senate;
- Appointed Divisional representatives to the Assembly (as prescribed in Senate By-Law 105.A.4) appointed for two-year staggered terms; at least half of whom shall be elected members of the Divisional Council; and
- At least six alternate Divisional Representatives, designated by the Division Chair to serve in the absence of a regular Representative. (Legislative Ruling 4.71)

16. BUDGET AND INTERDEPARTMENTAL RELATIONS

A. Membership

This Committee has at least seven members.

B. Duties

It represents the Division in all matters relating to appointments and promotions and makes recommendations to the Chancellor on appointments, promotions, salaries, and other matters related to the quality of the faculty.

C. Term

Its term of office begins on July 1.

17. COMMITTEES (CC. 10.89, 3.92; Am. 11.8.07, 11.13.08, 11.3.10; EC 12.08)

A. Membership

- This Committee has eight members, who are elected in accordance with Senate and Division By-Laws.
- It chooses its own Chair, who is also a member of the Grievance Board as provided in By-Law 13.

B. Terms and Vacancies

- Four members are elected each year to serve for two years beginning the first day of instruction in the Fall.
- When a vacancy in its own membership occurs, the Committee, subject to confirmation by the Divisional Council, may appoint a member of the Division to serve the unexpired part of the term.
(CC. 10.89)
- The Committee is instructed to give consideration to nominees not elected but receiving the highest vote in the immediately preceding election.

17. COMMITTEES (continued)

C. 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 on 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; nominees to all positions on the Chancellor's Committee for Animal Care and Use, except for non-Senate and outside University members;
- Nominees to all non-chair positions on the Committee for the Protection of Human Subjects, except for non-Senate and outside University members. (En. 11.13.08)

19. FACULTY AWARDS (Am. 4.25.05)

A. Membership

This Committee has at least seven Senate members from various disciplines.

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, 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.

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19. FACULTY AWARDS (continued)

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.

20. FACULTY RESEARCH LECTURE

A. Membership

- This Committee consists of the most recent Faculty Research Lecturers, to a maximum number of ten.
- In each academic year, it elects its chair for the following year.

B. Duties

This Committee is to nominate for approval by the Divisional Council two members of the Division who have made distinguished records in research, each to deliver a lecture upon a topic of his or her choice. (CC. 10.89)

21. FACULTY WELFARE⁸ (Am. 4.25.05, 5.1.14)

A. Membership

This committee has a chair and a co-chair, one of whom should be an emerita/emeritus. The committee has at least twelve voting members, of whom one-third should be emeriti.

B. Duties

This committee confers with campus administrators on matters concerning the general welfare of both regular and emeriti faculty, such as conditions of employment, office space, salary policy, benefits, dependent care, housing, and other matters pertaining to either or both of the constituents. The committee reports and recommends to the Division on these issues.

22. MEMORIAL RESOLUTIONS (Am. 12.87, 9.91, 11.21.13)

A. Membership

This Committee has at least five members.

B. Duties

- This Committee is responsible, on behalf of the Division, for preparation and publication of commemorative statements concerning the lives and services to the University of deceased members of the Division, and other members of the University community whom the Committee, at its discretion, may choose to memorialize.
- It may appoint such subcommittees as may in each case be appropriate.

23. OMBUDSPERSONS (Am. 3.92, 10.19.00)

A. Membership

This is a committee of at least three.

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23. OMBUDSPERSONS (continued)

B. Duties

Members of the committee hear complaints, except as noted below, from academic personnel regarding actions by members of the Division and other officers of the University, by students, or by staff.

C. Procedures

- They are not required to hear, to investigate, or to act on complaints, but may do so if they choose; they may refer complaints to other agencies of the University.
- When investigating a complaint, they may question members of the Division and may have access to relevant documents of the Division or its agencies, except for the confidential files of the Committee on Budget and Interdepartmental Relations.
- After completing their investigation, they may make recommendations to appropriate agencies of the University.
- Files of the Committee shall be confidential. Reports or public statements of the Ombudspersons Committee will, under no circumstances, make reference to specific information in confidential personnel files.
- The Ombudspersons will not hear complaints that fall within the jurisdiction of the Committee on Privilege and Tenure unless referred to them by that Committee but they may take cognizance of complaints alleging improper procedures by the Committee on Privilege and Tenure.

24. PRIVILEGE AND TENURE (Am 10.24.02, 4.29.07)

A. Membership

This Committee has at least seven members.

B. Duties

- This Committee takes cognizance of matters in accordance with Academic Senate Bylaws 334, 335, 336, and 337.
- The principles and procedures governing its conduct are set forth in Senate By-Laws 334, 335, 336, and 337.

25. RESEARCH (Am. 4.29.04, 11.14.06, 5.1.14, 11.1.16)

A. Membership

This Committee has a Chair and at least nine Senate members.

B. Duties

- This Committee advises the Division in matters pertaining to the research mission of the Division and the University;
- Confers with and advises the Chancellor and the Vice Chancellor-Research on faculty perspectives regarding research policy matters;
- Administers and allocates funds designated for emeritus faculty in support of research and scholarship according to established policy; and

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25. RESEARCH (continued)

- Participates in reviews of Organized Research Units and makes recommendations to the Divisional Council based on these reviews.

26. RULES AND ELECTIONS (Am. 10.25.94, 11.8.07; EC 05.03.17)

A. Membership

This Committee consists of at least three Senate members. The Secretary of the Division shall serve as chair of this committee.

B. Duties

1. This Committee prepares and reports to the Division, or to any of its Faculties, such changes and additions to their By-Laws and Regulations as it deems advisable;
 - Formally supervises all changes and additions to the By-Laws and Regulations proposed by other committees or by individuals;
 - Edits and publishes the Manual of the Berkeley Division at such intervals as it deems expedient; and
 - Determines whether a person meets the conditions for membership in the Division.
2. By vote of the Division, issues of interpretation of Divisional legislation may be referred to this Committee for decision and report.
 - Such decisions are subject to review by the Division, either when the report is made or on petition signed by twenty-five voting members of the Division. The final date for filing such petition is ten days after the minutes of the Division reporting the decision are placed in the mail.
 - If the Division disapproves the report of the Committee, the Committee must at once draft legislation which expresses the intent of the Division.
 - This Committee supervises all elections of the Division and voting on propositions submitted to the Division by mail or electronic ballot. (Senate By-Law 340 and Berkeley Division By-Law 9)
 - Unless otherwise specified in these By-Laws, election is by a plurality of votes cast.

**Title IV. List of Standing Committees on Educational Affairs:
Their Powers and Duties⁹**

These committees include Senate and student members. Student members are appointed, and shall serve, in accordance with provisions of By-Law 13.C.

- 29. ACADEMIC FREEDOM** (Am. 10.29.14)
- A. Membership**
This Committee has at least five Senate members and two student members.¹⁰
- B. Duties**
The duty of this Committee is to study and report upon any conditions within or without the University which, in its judgement, may affect the academic freedom of the University, with particular reference to the acceptance of positions and resignations from positions in the University, and to the reputation of the University and of individual members of its faculty.
- 30. ACADEMIC PLANNING AND RESOURCE ALLOCATION** (Am. 9.91, 3.92, 4.24.08, 5.3.16, 05.03.17)
- A. Membership**
This Committee has at least twelve members, including a Chair, a Vice Chair, at least six Senate members, and the following four *ex officio* voting members: Vice Chair of the Divisional Council, Chair of the Library Committee, the President of the Associated Students of the University of California (Berkeley), and the Campus Affairs Vice President of the Graduate Assembly.¹⁰
- B. Duties**
1. Confers with and advises the Chancellor on policy regarding academic and physical planning, budget, and resource allocation, both annual and long range.
 2. Initiates studies in planning and budget matters, and if necessary to accomplish the study, authorizes establishment of ad hoc committees.
 3. Maintains liaison with other Committees of the Division on matters relating to budget and planning.
 4. Reports regularly to the Divisional Council and to the Division.
- 31. ADMISSIONS, ENROLLMENT, AND PREPARATORY EDUCATION** (Am. 10.25.94, 10.17.95, 11.4.96, 10.21.99, 4.25.05; EC. 11.21.00, 05.03.17)
- A. Membership**
This Committee consists of at least six Senate members, normally serving three year staggered terms, the 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.¹⁰

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31. ADMISSIONS, ENROLLMENT, AND PREPARATORY EDUCATION (continued)

B. Duties

- This Committee considers and reports on matters involving admissions and enrollment at Berkeley.
- This Committee exercises in the Division responsibilities regarding preparatory education that are assigned by the systemwide Senate Committee on Preparatory Education and by the Division. (EC 6.00)

32. COMPUTING AND INFORMATION TECHNOLOGY (Am. 4.22.03, 05.03.17)

A. Membership

This Committee consists of at least six Senate members; at least two student members; and the Associate Vice Chancellor for Information Technology and Chief Information Officer, *ex officio*, as a non-voting member.¹⁰

B. Duties

- The committee reviews policies, practices, and proposals and makes recommendations, to the Division and to the Administration through Divisional Council, regarding the development and management of information technology for instruction and research.
- It advises the Division and the Administration on the acquisition, utilization, and security of computers, information systems, and electronic communications, and related facilities and resources.

33. COURSES OF INSTRUCTION (Am. 10.25.94, 4.29.97, 11.13.03, 4.27.06, 11.3.10, 11.7.12; EC 05.03.17)

A. Membership

- This Committee consists of at least thirteen Senate members, the Secretary of the Division and the chair of the Subcommittee on the Breadth Requirement in American Cultures as *ex-officio* members, three student members, and the Registrar, *ex officio*, as a non-voting member.¹⁰
- To implement the Breadth Requirement in the study of American Cultures, the Division orders its Committee on Committees to provide members for a panel of at least nine, two of whom will be student members, which will decide what courses satisfy Regulation 300. This panel is to function as a Subcommittee of the Division's Committee on Courses of Instruction. The Chair of this Subcommittee will serve, *ex officio*, as a member of the Committee on Courses of Instruction. The terms of reference of the Subcommittee on the Breadth Requirement in American Cultures are in Regulation 300, interpreted according to guidelines implicit in the Report of the Special Committee on Education and Ethnicity. (Res.4.89)

33. COURSES OF INSTRUCTION (continued)

B. Term of Office

The term of office of the Committee begins on Monday of the third week of instruction in the Fall term.

C. Duties

1. 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.
2. 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.
3. Neither advises on, nor has any jurisdiction over, courses in the School of Law. [SOR 105.2(b)]
4. 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).
5. Reviews and takes final action on requests for exceptions to Division Regulations governing courses of instruction and the awarding of degrees, certificates, and honors.

34. DEMONSTRATIONS AND STUDENT ACTIONS (En. 5.2.12; Eff. Fall 2012)

A. Membership

This Committee consists of at least seven Senate members and two student members.¹⁰ The Chair and Vice Chair are designated by the Committee on Committees from among the appointed members.

B. Duties

This Committee represents the Division in matters relating to demonstrations, protests, and similar actions on campus.

35. DIVERSITY, EQUITY, AND CAMPUS CLIMATE (En. 5.1.14, Am. 5.3.16)

A. Membership

This Committee consists of at least twelve Senate members, two student members, and, as *ex officio* non-voting members, the Vice Chancellor for Equity and Inclusion and the Associate Vice Provost for the Faculty.¹⁰

B. Duties

1. Encourage and aid departments in strengthening their efforts to foster and achieve equality of opportunity for academic personnel, students, and academic programs;
2. Undertake studies of institutional policies and practices that relate to equity and diversity; recommend changes to the Berkeley Division and relevant campus units accordingly;
3. Review information on the status of affirmative action, campus climate, and diversity provided by the campus and University administrators; make recommendations regarding said findings to the Divisional Council;

BY-LAWS OF THE BERKELEY DIVISION

35. DIVERSITY, EQUITY, AND CAMPUS CLIMATE (continued)

4. Report to the Division annually on the progress of the campus in achieving equality of opportunity and a supportive campus climate for underrepresented and otherwise excluded groups;
5. Advise, aid, and review academic preparation and development programs (from pre-college to graduate level) in order to help such programs encourage and aid students who have encountered restricted educational opportunities;
6. Maintain liaison with relevant administrative committees and councils, and with University committees concerned with issues of affirmative action and diversity;
7. Represent the Division on all matters concerned with student affirmative action and diversity including efforts to monitor and to increase the number of students from underrepresented groups who enter undergraduate, graduate, and professional programs. In this regard, the committee will promote efforts to support these students in the successful completion of their programs; and
8. Nominate to the Division annually the recipient(s) of the Leon A. Henkin Citation for Distinguished Service.

37. GRADUATE COUNCIL

A. Membership

- The Graduate Council shall comprise the Dean of the Graduate Division, *ex officio*, at least twelve other Senate members, and three graduate students.¹⁰
- The Chair and Vice Chair are designated by the Committee on Committees from among the appointed members.

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 standing committees. (En. 11.8.05)

39. LIBRARY

A. Membership

This Committee has two student members; number of Senate members not specified.¹⁰

B. Duties

- Advises the Chancellor regarding administration of the Library; and
- Performs such other duties relative to the Library as may be committed to the Division.

BY-LAWS OF THE BERKELEY DIVISION

40. PRIZES

A. Membership

This Committee has two student members; number of Senate members not specified.¹⁰

B. Duties

This Committee supervises the award of such prizes, not otherwise provided for, as are restricted to students on the Berkeley Campus.

45. TEACHING (CC. 10.89, Am. 3.92, 4.29.04, 5.1.14; EC. 10.20.14)

A. Membership

This Committee has at least five Senate members, of whom a minimum of two should be past recipients of the Distinguished Teaching Award, and two student members, one undergraduate and one graduate.¹⁰

B. Duties

- Encourage and aid departments to strengthen their efforts to foster, recognize, and reward good teaching;
- Nominate members of the Faculty for approval by the Divisional Council to receive Distinguished Teaching Awards and other awards as appropriate. Upon request from the Chancellor or members of the Chancellor's cabinet, solicit and submit nominations of faculty members as potential recipients of external awards for teaching;
- Advise the administration on the allocation of resources for instructional improvement and development; and
- Undertake special activities to improve teaching and learning on campus.
- Study issues concerning teaching on the campus and make recommendations to the Berkeley Division.

47. UNDERGRADUATE COUNCIL (En. 10.29.14, Am. 05.03.17)

A. Membership

This Committee consists of at least twelve Senate members, including a chair and a vice chair, the Vice President for Academic Affairs of the Associated Students of the University of California (Berkeley), *ex officio*, and at least two undergraduate student members.¹⁰ The Chair of the Committee on Undergraduate Scholarships, Honors, and Financial Aid is an *ex officio* member of this Committee.

B. Duties

- Considers and reports upon matters involving questions of undergraduate education.
- Advises the Senate on matters related to undergraduate curriculum development.
- Initiates proposals involving questions of undergraduate educational policy.
- Makes recommendations to the Divisional Council on the establishment and disestablishment of curricula, colleges, schools, departments, institutes, bureaus, and the like.
- Participates in campus program review of academic departments and units

BY-LAWS OF THE BERKELEY DIVISION

47. UNDERGRADUATE COUNCIL (continued)

and the majors they sponsor, paying special attention to matters involving

- undergraduate education.
- Reviews proposals for new undergraduate majors and specializations.
- Advises the Senate on issues related to the quality of undergraduate student life, including residential living, mentorship and counseling, and health and wellness.
- Through the Committee on Undergraduate Scholarships, Honors, and Financial Aid, recommends to the Chancellor policies related to awarding undergraduate financial aid and scholarships, and setting criteria for the award of undergraduate honors.

48. UNDERGRADUATE SCHOLARSHIPS, HONORS, AND FINANCIAL AID (Am. 4.88, 11.13.03, 5.2.12)

A. Membership

This Committee has at least 15 Senate members and two student members.¹⁰

B. Duties

- Recommends to the President, through the Chancellor, award of such undergraduate scholarships as are restricted to students on the Berkeley Campus.
- Recommends to the Chancellor policies related to the awarding of all undergraduate financial aid on the Berkeley campus.
- Determines criteria for award of undergraduate honors and Honors with the Bachelor's Degree.

PART III. FACULTIES¹¹

Title I. General Functions and Powers

60. FACULTY GOVERNMENT

Each Faculty conducts the government of its College or School, subject to the following limitations:

1. A Faculty is a committee of the Division, is responsible to the Division, and may from time to time be instructed by the Division.
2. A Faculty may adopt By-Laws and Regulations consistent with the By-Laws and Regulations of the Division, which are submitted as an informational item to the Division and printed as an Appendix to the Berkeley Division Manual.
3. A Faculty selects its officers, except for the executive officers of the College or School, who are administrative appointees.
4. A Faculty may delegate its authority to committees or to its officers.
5. Instructors of less than 2 years' service have no vote (Senate By-Law 55).

62. FACULTY POWERS

1. Graduate study and higher degrees are subject to the rules and coordinating powers of the Graduate Council.
2. A Faculty is not responsible for student discipline.
3. A Faculty may recommend to the Division amendments of the By-Laws and Regulations.

64. FACULTY MEMBERSHIP (EC. 6.30.94; EC. 1.1.99)

The following are *ex officio* members of the Faculty of each School and College:

- The President of the University
- The Chancellor at Berkeley
- The Executive Vice Chancellor and Provost
- The Dean of the respective School or College as listed below.

Title II. List of Faculties and Their Membership

70. WALTER A. HAAS SCHOOL OF BUSINESS (Am. 9.91)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of the Department of Business Administration.
2. One representative designated by each other Department giving courses required in the curricula of the Walter A. Haas School of Business or giving courses that form part of special programs accepted in the School.

72. COLLEGE OF CHEMISTRY (Am 9.91, CC. 10.89, EC.11.91)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. Deans of the Colleges of Engineering, Letters and Science, and Natural Resources; Dean of the Walter A. Haas School of Business, Deans of the Schools of Pharmacy (San Francisco), and Public Health.
2. The Department Chair, or a representative designated by the Chair, from the Departments of:

Entomological Sciences	Nutritional Sciences
Geology and Geophysics	Plant Biology
Integrative Biology	Soil Science
Molecular and Cell Biology	
3. The Chairs of the Biology, Physical Sciences, Humanities, and Social Sciences Councils.
4. Department and Division Chairs in the College of Engineering;
5. Departmental representatives designated by the Department Chair as follows:
 - Three from the Department of Mathematics;
 - Three from the Department of Physics.
6. All members of the Division who are members of the Department of Chemistry and Chemical Engineering.

74. GRADUATE SCHOOL OF EDUCATION (CC. 7.1.06)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of the Department of Education;
2. Members selected from among the departments, colleges and schools of the Berkeley Campus, representing subjects taught in the public schools and disciplines which are foundations of educational theory and practice.
 - Selection of such members, their numbers, and terms of service are recommended to the School by the Standing Committee on Membership.
3. Supervisors of Teacher Education who have served three or more years as full-time officers of instruction in the School of Education.
 - On matters concerning which the Faculty makes recommendations to the Berkeley Division, these Supervisors may participate and vote;
 - On matters concerning which the Faculty takes final action on authority delegated by the Senate, they may participate as non-voting members.

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76. COLLEGE OF ENGINEERING (Am. 9.91)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. Deans of the Colleges of Chemistry, Environmental Design, Letters and Science, and Natural Resources; and Deans of the Walter A. Haas School of Business and the School of Public Health. (CC. 11.8.05)
2. All members of the Division who are members of departments assigned to the College of Engineering.
3. Chairs of the Departments of:
Chemistry Mathematics
Chemical Engineering Physics
Geology and Geophysics Statistics
4. One representative nominated by each other department giving courses prescribed in the curricula of the College of Engineering.
5. Such other members of the Senate as the Dean of the College may nominate because of their contribution in teaching or research to the field of engineering.

78. COLLEGE OF ENVIRONMENTAL DESIGN

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of the Departments of Architecture, City and Regional Planning, or Landscape Architecture.
2. Such representatives of related Departments as are appointed by the Chair of the Faculty.

80. GRADUATE SCHOOL OF JOURNALISM

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. Dean of the Graduate Division;
2. All members of the Division giving instruction in the School;
3. As non-voting members, all other persons giving instruction in the School during each term in which they are teaching.

82. SCHOOL OF LAW

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of the Department of Law.
2. Those members of the Division who give courses that are required for the degree of Juris Doctor.

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84. COLLEGE OF LETTERS AND SCIENCE

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of departments or divisions of departments assigned to, or offering a major program in, the College of Letters and Science.
2. One representative designated by each other department which offers courses in satisfaction of specific requirements of curricula of the College of Letters and Science. Any school or college on the Berkeley Campus which this leaves without a representative is entitled to designate one. (EC.00)

86. SCHOOL OF INFORMATION (Am. 4.22.03; CC. 6.26.06)

In addition to *ex officio* members, By-Law 64, members of this Faculty are all members of the Division who are members of the School of Information.

88. COLLEGE OF NATURAL RESOURCES (Am. 9.91)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Berkeley Division of the Academic Senate who are members of Departments assigned to the College of Natural Resources.
2. Four representatives from the College of Letters and Science, including at least one from the biological sciences, one from the social sciences, and one from the humanities.
3. One representative each from the:
 - Colleges of Chemistry, Engineering, Environmental Design;
 - Walter A. Haas School of Business, Schools of Education, Public Health;
 - Graduate School of Journalism, Richard and Rhoda Goldman School of Public Policy. (CC. 7.1.97)
4. Up to five members of the Berkeley Division at large to be appointed by the Executive Committee in its capacity as the Committee on Committees.

Each representative designated under Sections 2,3,4 above serves one year or until a successor is selected.

90. SCHOOL OF OPTOMETRY

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who give instruction in optometry or physiological optics.
2. One representative designated by each of the Departments of:

Chemistry	Physics
Integrative Biology	Psychology
Mathematics	Public Health
Molecular and Cell Biology	Statistics (CC. 8.89)
3. One representative of the School of Medicine (San Francisco), appointed by the Dean of the School of Medicine upon nomination by the Department of Ophthalmology.

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91. SCHOOL OF PUBLIC HEALTH¹² (En. 11.8.05)

In addition to *ex officio* members, By-Law 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.

92. RICHARD AND RHODA GOLDMAN SCHOOL OF PUBLIC POLICY (CC. 7.1.97)

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Division who are members of the Department of Public Policy.
2. For one-year terms, such other members of the Division up to a total of five as are appointed by the Dean of the School.

94. SCHOOL OF SOCIAL WELFARE

In addition to *ex officio* members, By-Law 64, members of this Faculty are:

1. All members of the Academic Senate who are members of the Department of Social Welfare.
2. Three members of the Academic Senate holding appointment in allied professional schools at Berkeley and San Francisco; and
 - Three members of the Academic Senate holding appointment in the social sciences departments at Berkeley.
 - These six members shall be appointed by the Dean of the Graduate Division on nomination of the Executive Committee of the Faculty after consultation with the Deans and Department Chairs concerned.
 - They shall serve for one year and may be reappointed.

PART IV. DEGREES

100. DEGREES, CERTIFICATES, HONORS (Am. 11.5.09)

- 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.

PART V. LEGISLATIVE BUSINESS

160. VOTING REQUIREMENTS (Am. 3.89)

- Enactment, amendment, or repeal of the By-Laws requires a two-thirds vote of those present and voting or of those voting by mail ballot.
- Modification of Regulations requires approval of a majority of those present and voting or of those voting by mail ballot.
- All other business requires a majority of the votes cast.
- Abstentions will not count in the calculation of the two-thirds vote required for approval of By-Laws or the majority necessary to pass Regulations, or modification of either.

161. ELECTRONIC OR MAIL BALLOT (En. 3.89; Am. 11.8.07)

An electronic or mail ballot must be held on any issue, including modification of legislation, if a majority of the voting members present at a meeting of the Division so orders. Electronic and mail ballots are held in accordance with Senate By-Laws 95 and 340 and Berkeley Division By-Laws 9.A and 9.D.

162. PRIOR NOTICE (Am. 3.89, 11.13.08)

A. Legislative Changes

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

B. Business Not Noticed

1. At a Regular Meeting, the Division may take up any other business, except legislation as noted in By-Law 162.A above, whether or not noticed in the call to meeting. But, if not so noticed, such business can be acted upon finally only after members present have consented so to act by two-thirds of the votes cast. (CC. 3.89)
2. At a Special or Emergency Meeting, Business Not Noticed in the call to meeting can be taken up only after unanimous consent, and can be acted upon finally only after members present have consented so to act by two-thirds of the votes cast.

BY-LAWS OF THE BERKELEY DIVISION

163. PARLIAMENTARY AUTHORITY (En. 10.19.00)

Questions of order not covered by legislation are governed by *Robert's Rules of Order*.

164. CONSENT CALENDAR

- Those items of business which the Chair and the Vice Chair of the Division deem to be non-controversial may be placed on a Consent Calendar printed in the Notice of Meeting under Special Orders. (CC. 10.89)
- Approval of all business on the Consent Calendar requires a single unanimous vote. If there is objection to any item on the Consent Calendar, it is thereby removed and becomes the subject of New Business.

166. DEFINITIONS (from the By-Laws of the Academic Senate)

- The term "**modification of legislation**" means enactment of new legislation and amendment or repeal of existing legislation. (En. 3.89)
- The term "**legislation**" denotes only By-Laws and Regulations of Senate agencies.
- The term "**memorial**" designates a declaration or petition addressed to the President for transmission to The Regents.
- The term "**resolution**" designates a declaration or petition to the President not intended for transmission to the Regents.
- The term "**legislative agency**" denotes only:
The Assembly of the Academic Senate;
A Division of the Academic Senate;
An assembly of the Division.

PART VI. BUDGET

170. DIVISIONAL BUDGET

When requested, the Chair of the Division submits an annual budget to the Chancellor to support the work of the Division.

BY-LAWS OF THE BERKELEY DIVISION

ENDNOTES

- ¹ By-laws 1 and 2 are excerpts from the Standing Orders of The Regents, 105.1. As voted at the 3.92 meeting of the Division, the By-laws have been altered where necessary to remove gender designations.
- ² To place the newly enacted "Divisional Council" in proper sequence in the Manual, it was renumbered "By-law 4" instead of "By-law 8" as proposed. Subsequent By-laws in Part I were renumbered accordingly.
- ³ By-law 9 contains sections of By-laws that were amended at the 4.26.01 Division meeting.
- ⁴ Committee on Committees members are elected at large (By-law 17) and Divisional Council members are *ex officio* or elected at large (By-law 4).
- ⁵ Committee on Committees members are elected at large (By-law 17) and Divisional Council members are *ex officio* or elected at large (By-law 4).
- ⁶ If a student is unable to attend a meeting, then she or he must attempt to inform the committee chair or staff in advance of the expected absence.
- ⁷ The following by-laws have been repealed: 1) 18 (Elections, repealed 10.25.94), 2) 27 (Senate Policy; Divisional Council superseded Senate Policy, effective 10.10.89), 3) 28 (Committee on University-Emeriti Relations; repealed 5.1.14; membership and duties incorporated into Committee on Faculty Welfare).
- ⁸ Formerly "University Welfare" (UWEL). This by-law was moved and renumbered after its name was changed. Subsequent by-laws in Title III have also been renumbered.
- ⁹ The following By-laws have been repealed: 1) 34 (Council on Educational Development, repealed 3.92), 2) 36 (Council for Ethnic Studies Curricula, repealed 4.25.05), 3) 41 (Council for Special Curricula, repealed 4.25.05), 4) 46 (Preparatory Education, repealed 10.25.94), 5) 48 (University Extension, repealed 11.3.10), 6) 38 (International Education, repealed 10.29.14), 7) 42 (Status of Women and Ethnic Minorities; repealed 5.1.14; replaced by Committee on Diversity, Equity, and Campus Climate), 8) 44 (Student Diversity and Academic Development; repealed 5.1.14; replaced by Committee on Diversity, Equity, and Campus Climate); 9) 43 (Student Affairs, repealed 05.03.17), 10) 36 (Educational Policy, repealed 05.03.17).
- ¹⁰ See By-law 13.C.
- ¹¹ Representative Assembly (formerly Part III, By-laws 64-70) repealed 3.14.89; subsequent By-laws were renumbered with conforming changes.
- ¹² The Assembly of the Academic Senate repealed Senate By-law 235, which established the School of Public Health as a faculty that reported to the Assembly of the Academic Senate, on December 12, 2005.