

DRAFT
MINUTES OF THE MEETING
BERKELEY DIVISION OF THE ACADEMIC SENATE
Tuesday, May 3, 2016

The spring meeting of the Berkeley Division was called to order at 3:10 p.m. on Tuesday, May 3, 2016, in Sibley Auditorium, Bechtel Engineering Center, pursuant to call. Professor Robert Powell, chair of the Berkeley Division and professor of political science, presided. A quorum of 50 Senate members was confirmed. He explained the need for the time extension and a strict two-minute time limit during the open discussion.

The agenda was approved as presented.

I. Minutes (Enclosure 1)

ACTION: The minutes of the November 5, 2015 meeting of the Division were approved without objection.

II. Announcements by the President

President Janet Napolitano was unable to attend.

III. Other Announcements

A. Chancellor Nicholas Dirks

The Chancellor presented his remarks under Item IX, University and Faculty Welfare.

B. Berkeley Division Chair Robert Powell

Due to time constraints, Division Chair Powell chose to restrict his remarks to updates on the two special meetings held in April.

Since the special meeting on sexual harassment, a Chancellor's committee on sexual harassment/sexual violence (SH/SV) has just been announced and will be co-chaired by College of Letters and Science (L&S) Executive Dean Carla Hesse and Interim Executive Vice Chancellor & Provost (EVCP) Carol Christ. A report will be made at the fall 2016 Division meeting.

The second special meeting focused on academic realignment. The campus deficit is expected to grow, resulting from the state's disinvestment in higher education, debt financing, and expenses such as seismic upgrades. The fiscal crisis threatens Berkeley's excellence. Next steps will generally fall into the following broad categories:

- Administrative initiatives: The campus must gain financial accountability and control over its budget, create appropriate incentives, and control non-academic personnel growth.

¹ Recordings of Divisional Meetings are available online at <http://academic-senate.berkeley.edu/division-meetings>. Contact <acad_sen@berkeley.edu> for more information.

- Revenue-development: We will develop new sources of revenue, including revenue-generating academic programs.
- Academic initiatives: The Senate participated in a joint Senate-administrative working group on academic initiatives that, in Division Chair Powell's understanding, either saved funds and /or FTE or, over the longer-term, made organizational changes to increase efficiencies and improve how we deliver our mission. The way these initiatives were communicated may not have clearly conveyed the underlying rationale, and some were not well received. The Data Sciences Initiative is a good example of an idea developed with strong faculty input, while the reorganization of the College of Chemistry did not have support. These are hard choices needing very careful consideration.

C. ASUC Academic Affairs Vice President Melissa Hsu

ASUC Vice President Hsu was unable to attend as scheduled.

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. Per Division bylaws the consent calendar is approved in the absence of a quorum.*

The Committee on Rules and Elections reviewed the following legislation and found it to be consonant with Berkeley Division bylaws and regulations. Divisional Council (DIVCO) also approved the proposed legislation.

A. Proposed amendments to Berkeley Division Bylaw 30 governing the Committee on Academic Planning and Resource Allocation

The Committee on Academic Planning and Resource Allocation (CAPRA) proposes the following amendments to their governing structure to reflect that the Budget and Interdepartmental Committee (BIR) Chair no longer attends CAPRA meetings, to clarify that the ex-officio members are voting members of the committee, and to make explicit that the "one additional student member" is the Campus Affairs Vice President of the Graduate Assembly.

30. ACADEMIC PLANNING AND RESOURCE ALLOCATION (Am. 9.91, 3.92, 4.24.08)

A. Membership

This Committee has at least twelve members: including a Chair, a Vice Chair, ~~and at least four~~ six Senate members ~~at large,~~ appointed by the Committee on Committees; and the following four ex officio voting members: Vice Chair of the Divisional Council, ~~Chair of the Committee on Budget and Interdepartmental Relations,~~ Chair of the Library Committee, the ASUC Vice President for Academic Affairs; ~~and one additional student member.~~ the Campus Affairs Vice President of the Graduate Assembly.

B. Duties

1. Confer with and advise the Chancellor on policy regarding

- academic and physical planning, budget, and resource allocation, both annual and long range.
2. Initiate studies in planning and budget matters, and if necessary to accomplish the study, authorize establishment of ad hoc committees.
3. Maintain liaison with other Committees of the Division on matters relating to budget and planning.
4. Report regularly to the Divisional Council and to the Division.

B. Proposed amendments to Berkeley Division Bylaw 36 (Diversity, Equity, and Campus Climate DECC)

The Committee of Diversity, Equity, and Campus Climate (DECC) believe that the by-law approved last year when SDAD and SWEM merged lacked sufficient focus on student issues and concerns involving diversity, equity, and academic support. Therefore, they wish to amend their charge to revise this focus as well as to include specific language regarding representation on UCAAD and UCOPE, especially since this representation was agreed to at the time of the merger. The Henkin Award now falls under DECC purview as a result of the merger.

Proposed revision: DIVERSITY, EQUITY AND CAMPUS CLIMATE- BY LAW 35 (En. 5.1.14)

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.

B. Duties

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

- 5) 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 program; and,
- 8) nominate to the Division annually the recipient(s) of the Leon C. Henkin Citation for Distinguished Service.

C. Proposed revisions to Berkeley Division Regulations 550-563 (College of Engineering)

According to the College, these regulations applying to undergraduates have been outdated and inaccurate for some time. The Faculty of the College have voted over the years to make changes to the regulations but never brought the changes to the attention of the Academic Senate until now (though the College's policy and procedure handbooks were updated and students were advised of the new policies). The regulations now appear to be in line with the College of Letters and Science's regulations.

550. STUDY LISTS AND REGISTRATION (Am. 3.83)

A. Study Lists

1.
 - Before the student enrolls in his or her courses, the student's study lists must be approved each semester prior to enrollment by a faculty adviser, appointed by or an authorized representative of the Dean of the College. The faculty adviser enforces the policies of the Committee on Undergraduate Study.
 - Study lists must be countersigned by the Dean of the College, or an authorized representative, before they will be accepted at the Registrar's Office.
2. Students must enroll in at least 12 and not more than 20.5 units per semester, except with approval from a Dean or Dean's representative.
3. Study lists must include a minimum of two technical courses, three units or more, required of the student's declared major curriculum.

B. Registration Semester Limit

A student who has attempted more than 130 semester units shall not be permitted to register in the College of Engineering without permission of the Dean of the College. If permitted to register, the student shall be subject to such supervision as the Faculty of the College directs.

1. A student admitted to the University as a freshman who

has completed eight semesters shall not be permitted to register for any additional terms without permission of the Dean of the College. If permitted to register, the student is subject to such supervision as the Faculty of the College directs.

2. A student admitted to the University as a transfer who has completed four semesters shall not be permitted to register for any additional terms without permission of the Dean of the College. If permitted to register, the student is subject to such supervision as the Faculty of the College directs.
3. A student admitted to the University as a transfer lacking three or more lower division courses required of the major curricula shall be granted one additional semester.
4. A student who participates in an approved Education Abroad program during a Fall or Spring term shall be granted one additional semester.
5. A student may complete an unlimited number of units beyond the minimum 120 semester units required for graduation on condition that the student graduates within the maximum semesters (8/4) allotted.

551. BACHELOR OF SCIENCE DEGREE (Am. 3.83; 10.25.93)

The degree of Bachelor of Science is granted upon the following conditions. The candidate must have:

- Degree credit in the College of Engineering is granted upon completion of an approved curriculum in Engineering, including not less than 120 units of study, and meeting the requirements noted below (for an exception, see SR 642). No more than a total of 10 units of 199 courses, supervised Independent Study, or 16 units of 98, Directed Group Study; 99, Supervised Independent Study by academically superior lower division students; 197, Field Studies; 198, Organized Group Study; and 199 combined courses, 4 units of Physical Education courses, and 3 units of "English as a Second Language" courses, may be counted toward the B.S. degree.
1. Completed not less than 120 units.
 - a) No more than 16 units total of 97, 98, 99, 197, 198, 199 courses may be counted toward the B.S. degree
 - b) No more than 4 units total of Physical Education units may be counted toward the B.S. degree
 2. Completed all requirements for an approved curriculum in Engineering.
 3. •Satisfied the General University Requirements, (see SR 630, 634, 636, 638, 640, 642; and Berkeley Regulation 300). (CC. 4.89)
 4. Satisfied all aspects of Regulations 556 and 557.
 - Degree credit in the College of Engineering is not allowed for any course (such as trigonometry) which is equivalent to a matriculation subject listed as a prerequisite for a required course in the College of Engineering.
 - Credit assigned in a particular subject by the Board of Admissions and Relations with Schools to a student entering the

College of Engineering may be applied in satisfaction of the prescribed work in that subject in the curriculum of the College only insofar as proper authorities of the College, acting on recommendation of the department concerned, approve the substitution.

5. ~~•~~ Of the total number of units required for the B.S. degree at least the final 30 units characteristic of the curriculum selected must be completed while the student is registered in the College of Engineering (See SR 630.B).

556. **CURRICULA REQUIREMENTS** (Am. 3.83, 10.25.93)

1. ~~1.~~ Curricula in those fields of Engineering in which the College is prepared to offer instruction shall be published in the Berkeley Academic Guide General Catalog or the The College of Engineering Undergraduate Guide Announcement of the College of Engineering after approval by the Faculty of the College.
2. ~~2.~~ Each curriculum (Except for the curriculum in those offered through Engineering Science) (Regulation 560) and interdisciplinary program (Regulation 561), each curriculum must include at least no fewer than 20 units of upper division courses in the major engineering department offering the curriculum, and must include at least 30 units of upper division courses offered by the College of Engineering, a minimum of 45 units of engineering coursework.
3. ~~3.~~ In addition, 6 courses of at least 3 units each in humanities and social studies selected from an approved list of courses will be required of single major students and 5 such courses will be required of double major students. Of these, at least one must be in English composition, one must be from a list of selected courses in History and Cultures, one must be from a list of selected courses in Literature and Values, and two must be upper division courses. The English composition course and either the course in History and Cultures or that in Literature and Values must be taken for a letter grade. A minimum of two courses, at least one of which is in the upper division, must be taken from a single department. All courses taken in satisfaction of the humanities and social studies requirement must be selected from a list of courses which is reviewed and approved annually by the Committee on Undergraduate Study.
3. ~~3.~~ All technical courses (math, science, engineering), whether required of the major or not, must be taken on a letter graded basis, unless only offered on a P/NP basis.
4. ~~4.~~ Six courses, of a minimum three semester units each, in humanities and social sciences, selected from an approved list, are required of all curricula for the Bachelor of Science in Engineering. Two of the six courses must be from the approved Reading & Composition course list (one from list "A", and one from list "B"), and two must be upper division courses. The Reading and Composition courses must be taken for a letter grade; a minimum grade of C is required. Courses taken in satisfaction of the six course humanities and social sciences requirement must be

selected from a list approved by the Undergraduate Study Committee.

- ~~5. 4. Each student must elect one of the approved curricula. A student must be admitted to, and officially declared in, one of the approved Engineering curricula, and follow the curricula as prescribed.~~
- ~~a. Students admitted to the College as undeclared must officially declare a major by no later than the end of the fourth semester.~~
 - ~~b. Transfer students are not eligible to change majors, including adding a second major in the College of Engineering.~~
- ~~6. Credit assigned in a particular subject by the Board of Admissions and Relations with Schools to a student entering the College of Engineering may be applied in satisfaction of the prescribed work in that subject in the curriculum of the College only insofar as proper authorities of the College, acting on recommendation of the department concerned, approve the substitution.~~

557. DEGREE ELIGIBILITY

To be eligible for the B.S. Degree, a student must have achieved at least a C average (2.00 GPA) in all courses of upper division level ~~offered~~ taken in satisfaction of the technical subject requirements and restricted electives of the student's curriculum and option.

~~558. ELECTIVES~~

~~Subject to approval of the Committee on Undergraduate Study, students may choose elective courses from any department of the University.~~

~~559. EXAMINATIONS~~

~~The Faculty of the College of Engineering may prescribe special or comprehensive examinations or otherwise test student preparation and achievement and may withhold granting the B.S. degree on the basis of these examinations or tests even though all other requirements have been satisfied.~~

560. UPPER DIVISION REQUIREMENTS IN ENGINEERING SCIENCE (Am. 3.83)

A. Curriculum

The upper division of the curriculum in Engineering Science must include at least 40 units of approved technical subjects (mathematics, statistics, science, engineering), of which at least no fewer than 15 units must be upper division courses in engineering.

~~B. Upper Division Standing~~

~~Students will be advanced to the upper division in Engineering Science~~

~~upon satisfying the following requirements:~~

- ~~1. Satisfactory completion of the lower division requirements in Engineering Science; and~~
- ~~2. Achievement of at least a 3.0 grade-point average.~~

561. **INTERDISCIPLINARY AND JOINT MAJOR CURRICULA** (Am. 10.25.93, 3.83, 11.2.11)
- A. Interdisciplinary Curricula**
- The College may offer interdisciplinary curricula in Engineering after approval by the Faculty of the College of Engineering.
 - These curricula must include at least 30 units of upper division courses offered by the College of Engineering and must include humanities and social science courses according to Regulation 556.
- B. Joint Major Curricula in Engineering**
- The College may offer joint major curricula in Engineering after approval of the Faculty of the College.
 - This joint major curricula must include at least 40 units of upper division engineering courses pertinent to the major engineering fields, and must include humanities and social science courses according to Regulation 556.
- C. Joint Major Curricula (Chemistry and Engineering)**
- The College may offer, in conjunction with the College of Chemistry, joint major curricula in Chemical Engineering and an engineering department, subject to approval of the Faculties of both Colleges.
 - The joint major curricula must include upper division courses in the College of Engineering appropriate for the engineering department(s) concerned, and upper division courses in the Department of Chemical and Biomolecular Engineering.
 - The curricula must also include humanities and social science courses which satisfy the requirements of the the College of Chemistry (Regulation 400).
562. **HONORS** (Am. 3.83)
Honors at graduation may be awarded to students who meet the minimum criteria of Regulation A270.
563. **DISMISSAL AND CONTINUED ENROLLMENT**
- ~~_____~~ A student in the College of Engineering is subject to dismissal if at the end of any term the student fails to:
 1. ~~• _____~~ during any term the student fails to attain at least a C average (2.00 GPA) in all courses for which he or she was enrolled (semester GPA); or
 2. ~~• _____~~ at the end of any term the student has failed to attain at least a C average (2.00 GPA) in all courses undertaken in the University to date (overall GPA); or.
 3. Attain at least a C average (2.00 GPA) in courses taken in satisfaction of the technical subject requirements and restricted electives of the student's curriculum and option;
or
 4. Attain at least a C average (2.00 GPA) in upper division courses taken in satisfaction of the technical subject

- requirements and restricted electives of the student's curriculum and option; or
- 5. Make normal degree progress toward the Bachelor of Science degree and the officially declared major.
- 6. • Computation of a grade-point average must not include courses graded P, S, NP, U, I, and IP.
- A student who becomes subject to the provisions of this Regulation is under the supervision of the Faculty of the College, as described in Regulation A240. (En. 3.83) The Dean, or a designated agent of the Dean, has the power to:
 - Dismiss from the University students under its supervision who fail to maintain minimum standards of Regulation 563;
 - Suspend the provisions of the Regulation and permit the retention in the University of a student who is subject to dismissal;
 - Authorize the return to the University of a student who has been dismissed under this Regulation.

D. Proposed amendments to Berkeley Division Regulation 602.A (College of Environmental Design)

This amendment would remove the reference to transfer credit from *junior colleges*, and refer instead to *lower division* transfer credit. This change is consonant with L&S regulations, which were updated in the fall of 2015.

602. BACHELOR OF ARTS DEGREE (Am. 3.83, 5.2.12)

The degree of Bachelor of Arts will be granted upon the following conditions. The candidate must have: (EC.00)

- A. Completed at least 120 units, of which at least 40 must be from outside the College of Environmental Design and at least 34 in upper division courses. No more than 60 units in upper division courses of any one department will be counted toward the B.A. degree. Not more than 70 units of lower division transfer credit will be counted toward the degree for students transferring from junior colleges.

ACTION: The Consent Calendar was approved as presented.

V. Reports of Special Committees

None

VI. Reports of Standing Committees

A. Committee on Rules and Elections

Division Secretary Daniel Melia, chair of the Committee on Rules and Elections (R&E), reported that 578 valid ballots were counted in the Divisional election. The results of the election were:

Divisional Council (DIVCO)

Christopher Kutz (Law / JSP)

Kristofer Pister (EECS)

Satish Rao (EECS)

Committee on Committees (COMS)

Lisa Garcia Bedolla (Education)
Teresa Head-Gordon (Chem/Bioeng)
Marti Hearst (SI/EECS)
Patrick O'Grady (ESPM)

Secretary Melia congratulated these Senate members and thanked all the nominees.

B. Committee on Faculty Awards (Written report only – Enclosure 2)

The Committee on Faculty Awards (FAC) reported on its activities for the past year:

Edward A. Dickson Emeriti Professorship: Awarded to Professor Emeritus John Casida (Environmental Science, Policy, and Management, and Nutritional Science and Toxicology) and Professor Emeritus Jack Kirsch (Molecular and Cell Biology) for 2016-17.

Constantine Panunzio Distinguished Emeriti Award: A Berkeley emeritus was nominated for this award.

2016 Clark Kerr Award: Honored for distinguished contributions to higher education: George Breslauer, faculty director of The Magnes Collection of Jewish Art and Life, Professor of the Graduate School in The Charles and Louise Travers Department of Political Science, and Berkeley's executive vice chancellor and provost, emeritus.

Berkeley Faculty Service Award: Honored Professor George C. Johnson (Mechanical Engineering), and Harry N. Scheiber (Law) for outstanding service to the campus in Fall 2015. Nominated Janet Broughton, vice provost for the faculty and professor of philosophy, and Bob Jacobsen, L&S interim dean of undergraduate studies and professor of physics. Both were approved to receive the award in 2016.

FAC also publicized new calls for nomination for external awards throughout the year.

C. Committee on Faculty Research Lectures (Written report only – Enclosure 3)

Thomas Laqueur (History) and James Sethian (Mathematics) were selected as the Martin Meyerson Berkeley Faculty Research Lecturers for 2017.

VII. Petitions of Students

None

VIII. Unfinished Business

None

IX. University and Faculty Welfare

A. Discussion of the current leadership situation and possible paths forward

Chancellor Nicholas Dirks acknowledged that this has been a very difficult period and the administration is making numerous changes in response to the two special meetings.

- Academic strategic planning: The Office of Strategic Initiatives is being dissolved. A joint Senate-administrative committee will oversee new academic initiatives, and there will be greater consultation with the Senate and other academic leaders.
- Financial reform: A broad-based approach to reduce the deficit will include debt restructuring, fund-raising, and other revenue generation.
- Academic restructuring: The deans and Academic Senate will take the lead in this area.
- Administrative restructuring: The Chancellor acknowledged that Campus Shared Services has not lived up to its promises. In collaboration with academic, administrative, and staff leadership, planning will be redirected toward successful regional, integrated models, such as the Engineering Research Support Organization (ERSO).
- Sexual violence/sexual harassment (SV/SH): Findings of Title IX investigations of faculty will now be sent directly from the Office for the Prevention of Harassment and Discrimination (OPHD) to the Chancellor, EVCP, and vice provost for the faculty. The Chancellor recognized Dean Hesse as interim lead on the coordination of campus SV/SH procedures.
- Research: Global initiative efforts will be focused on campus and funding for core research areas will be strengthened. Study Abroad will be emphasized. He reiterated that campus funds are not, and will not be allocated to support the Berkeley Global Campus.
- Intercollegiate athletics (IA): A new task force will focus on IA finances, in partnership with the Senate. A report will be made at the fall Division meeting.
- Administration: A search will be initiated for a new vice chancellor for administration and finance. An internal search for a new EVCP will also be undertaken.

The Chancellor then introduced Interim EVCP Carol Christ. In brief remarks, she said her first priority would be to address the budget situation and to develop a 3-part plan by the end of July that would include capital/debt, enrollment/revenue, and expense reduction sections. Berkeley faces multiple challenges including a crisis of governance, and greater bureaucracy than she remembers from her previous time here, but she was optimistic that in partnership with the Senate and others, Berkeley would recover and be stronger than ever. Berkeley will need creative thinking and new models to adapt to this new reality.

In the open discussion that followed, the governance of the campus and the UC system was questioned. But some considered the advisability of replacing the Chancellor in the current political environment. Several reaffirmed the principle

of shared governance and emphasized the need for consultation, transparency, and a renewed commitment to Berkeley's mission.

X. New Business

A. Resolution concerning campus administration's response to the issue of sexual harassment

Division Chair Powell specified that the noticed resolution had been reworked, in collaboration with the signatories, but maintained the sense of the original. As it could be interpreted as being outside the Senate's purview, any action taken on the resolution would constitute a 'sense of the Senate' vote only. Comments were limited to two minutes each.

Presentation of the main motion by Professor Michael Burawoy

Professor Michael Burawoy (Sociology), a signatory of the resolution, introduced a new version of the noticed resolution. He stated that the resolution was written in accord with the sense of the special meeting on sexual harassment, that such behavior is unacceptable on campus and that violators will be held accountable. The resolution would ensure Senate participation and use of faculty expertise in the faculty disciplinary process, and calls for the creation of a new Senate committee empowered to oversee the disciplinary process and propose sanctions. Professor Celeste Langan (English) specified that the new text added to the noticed version makes more explicit the rights of the faculty, through shared governance, to participate in the faculty disciplinary process *before* sanctions or settlements are determined.

Main motion:

[Inserted text is indicated by underlining and deleted text by strikethrough].

The response of UC Berkeley's administration to sexual harassment has been deeply flawed in both its procedures of investigation and its application of sanctions. We therefore move (a) that any body that will review and/or revise procedures concerning sexual harassment and sexual assault call on expertise within the Berkeley faculty;

and (b) that all cases of faculty (including faculty-administrators)

~~found to be in violation of the policy on sexual harassment~~

~~reported by the Office for the Prevention of Harassment and~~

~~Discrimination to be in "likely" violation of sexual harassment~~

~~policy [1] be sent for review and proposed sanction to a~~

~~new Senate committee explicitly established for this purpose. We~~

~~make this motion in consideration of the faculty right to~~

~~"participation in the governance of the University," outlined in~~

APM 0-15, "Faculty Code of Conduct" pertaining to 5(e): "discipline of members of the faculty and the formulation of rules and procedures for discipline of students."^[2]

[1] <http://policy.ucop.edu/doc/4000385/SVSH>

[2] http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

The motion was moved, and seconded by Associate Professor Celeste Langan (English).

Discussion:

- The Committee on Privilege and Tenure (P&T) has limited authority in the oversight of disciplinary cases involving administrative sanctions, and could serve the oversight function if its charge were to be expanded. A friendly amendment to Clause B of the main motion was proposed that would delete "new" preceding "Senate committee", to allow this possibility. Professor Burawoy demurred, and the friendly amendment was withdrawn.
- L&S Executive Dean Carla Hesse welcomed greater Senate leadership and greater transparency in the faculty disciplinary process. The Chancellor's committee on SH/SV that she will co-chair has Senate representation and would be empowered to recommend faculty sanctions. She proposed that a Senate member could be appointed co-chair (a position vacated when Professor Christ became interim EVCP). Secondly, UC President Janet Napolitano has called for campus review of SH/SV procedures and a peer review panel on disciplinary cases. These two groups may respond to the concerns stated in the resolution, so the decision about a new committee could be delayed.
- There was criticism of the Title IX (OPHD) office as being more concerned about saving the University's reputation than addressing violations. It was countered that the lengthy processing time is more likely the cause of the problem, rather than the staff themselves. There was also concern about non-reporting due to the onerous process.
- Some spoke to the significance of forming a new Senate committee outside of P&T. In part because of the specialized training in complex SV/SH issues, members should be expected to serve for an extended term.
- A recommendation was made to expand the purview of the new committee to also cover other forms of discrimination.

Presentation of a motion to amend by Professor Eric Naiman

Professor Eric Naiman (Comparative Literature and Slavic Languages & Literatures) proposed to amend Clause B of the main motion by assigning the responsibility for review of faculty cases to the Division's Committee on Privilege and Tenure instead of a new Divisional committee, as follows:

Motion to amend Clause B

...sanction to a new Senate committee explicitly established for this purpose the

Privilege and Tenure committee of the Academic Senate.

Division Chair Powell ruled the motion 'out of order' as the Senate cannot change the disciplinary process; the resolution could convey only the 'sense of the Senate.' He also questioned whether the amendment would preclude early resolution, although Professor Naiman felt his proposal did not address that issue.

The motion to amend was moved and seconded.

Discussion:

There was opposition to the amendment because it would not change or improve present practice and could create a conflict of interest for P&T, which is charged to defend the rights of faculty. At this time a vote was taken.

Vote: The motion to amend failed.

Reintroduction of the Main Motion:

The main motion was returned to the floor.

Discussion:

There was continued discussion as to the function and need for the proposed committee and how it would fit into established campus efforts to improve the handling of SH/SV cases.

Motion to call the question:

A motion to call the question was made and seconded; a two-thirds majority would be needed for approval.

Vote: The call for the question passed by a two-thirds majority.

Final vote on the main motion:

Main motion:

The response of UC Berkeley's administration to sexual harassment has been deeply flawed in both its procedures of investigation and its application of sanctions. We therefore move (a) that any body that will review and/or revise procedures concerning sexual harassment and sexual assault call on expertise within the Berkeley faculty and (b) that all cases of faculty (including faculty-administrators) reported by the Office for the Prevention of Harassment and Discrimination to be in "likely" violation of sexual harassment policy [1] be sent for review and proposed sanction to a new Senate committee explicitly established for this purpose. We make this motion in consideration of the faculty right to "participation in the governance of the University," outlined in APM 0-

15, "Faculty Code of Conduct" pertaining to 5(e): "discipline of members of the faculty and the formulation of rules and procedures for discipline of students." [2]

[1] <http://policy.ucop.edu/doc/4000385/SVSH>

[2] http://www.ucop.edu/academic-personnel-programs/_files/apm/apm-015.pdf

Division Chair Powell called for a 'sense of the Senate' vote on the main motion, including the Senate members seated in the lounge.

Vote: The main motion passed as the 'sense of the Senate'.

In favor: 100

Opposed: 77

B. Resolution concerning academic realignment and restructuring on campus

Presentation of the main motion:

Two sponsors of the resolution were introduced. Professor Paul Fine (Integrative Biology) was highly critical of the Office of Strategic Initiatives and its actions this year, which signatories to the resolution believe violated the principles of shared governance. He recommended that restructuring be more thoroughly thought out and academics protected from erosion. Professor Carolyn Merchant (Environmental Science, Policy, and Management), spoke to the far-reaching damage to Berkeley's excellence and morale that could result from cutting academic programs. She showed a graph of the growth in campus administration over the past 15 years and recommended reducing the administration to a level proportional to the size of the faculty, with resultant salary savings.

Main Motion:

Be it resolved that:

All proposals for mergers or closures of academic programs, departments, schools, and colleges shall be removed from current plans by the UC Berkeley administration to reduce UC Berkeley's structural deficit.

Professor Fine moved the main motion and was seconded.

Discussion:

Division Chair Powell noted that because of the limited time left, further discussion could require an extension of the meeting or postponement to fall 2016. There was no discussion.

Motion to call the question:

A motion to call the question was made and seconded. A two-thirds majority would be needed for approval.

Vote: The call for the question passed by voice vote.

Final vote on the main motion:

Vote: The main motion was adopted by a majority.

In favor: 94

Opposed: 86

The meeting was adjourned at 5:18 p.m.

Daniel Melia
Secretary, Berkeley Division