

Divisional Council, Berkeley Division of the Academic Senate Annual Report 2016-2017

Submitted to the Divisional Council
August 28, 2017

Chair's Summary

It has been my pleasure and privilege to serve as chair of the Berkeley Division of the Academic Senate since March 2016 when the former chair, Benjamin Hermalin, was named incoming vice provost for the faculty. I summarize here some of the major issues the Division has faced during my time as chair. But before doing so, I want to thank the many Senate colleagues who have dedicated an immense amount of time, energy, and effort to helping Berkeley navigate through extraordinarily challenging times. This level of commitment has risen far above and beyond the call of duty and the normal expectations of shared governance. I also immensely grateful to the Senate staff without whom the Senate could not function.

Senate Resolutions

The Division passed two sense-of-the Senate resolutions at its spring 2016 meeting. Insofar as the resolutions called on the Division to do things that are beyond its power, the resolutions could not be implemented directly. Rather, they expressed goals and desires. Here I report what has been done to meet the spirit of the resolutions.

In dealing with the very important issue of sexual harassment and sexual assault, the first resolution called on the administration to draw on relevant expertise in the Berkeley faculty as the campus reviewed and revised its procedures concerning sexual harassment and sexual assault. The resolution also called for the creation of a new Senate committee that would review any case in which a member of the faculty had been found by the Office for the Prevention of Harassment and Discrimination (OPHD) to be in violation of UC policy. The committee would also propose the appropriate sanction.¹

The Chancellor's Senate/Administration Committee on Sexual Violence and Sexual Harassment did draw on the expertise of the Berkeley faculty.² A faculty peer review committee has also been created. The committee will advise the Chancellor and vice provost for the faculty as they develop a response to a finding of a violation of UC's policy on sexual violence and sexual harassment. While not a Senate committee, the Senate will provide a slate of names from which the Chancellor will appoint members.³ Divisional Council (DIVCO) believes that these steps meet the spirit of the resolution to the extent practicably possible.

The second resolution called for dropping any proposals to merge or close academic programs, departments, schools, or colleges from the plans for eliminating Berkeley's structural deficit.⁴ This resolution reflected in part faculty concern that the administration had focused

¹ http://academic-senate.berkeley.edu/sites/default/files/final_resolution-administrations_response_to_sexual_harassment.pdf

² <http://chancellor.berkeley.edu/chancellors-committee-sexual-violence-and-sexual-harassment>

³ https://ophd.berkeley.edu/sites/default/files/peer_review_committee_approach_for_faculty_member_violations_of_uc_policy_on_sexual_violence_and.pdf

⁴ http://academic-senate.berkeley.edu/sites/default/files/final_resolution_concerning_academic_realignment_and_restructuring.pdf

disproportionately on “academic restructuring” during 2015-16 rather than on other administrative areas where expenses had grown most rapidly. The approach to eliminating the structural deficit by 2020, which Interim Executive Vice Chancellor and Provost (EVCP) Christ adopted shortly after assuming that post in May 2016, did not envision merging or closing academic programs or units.

Free Speech on Campus

The threat of violence prevented at least two outside speakers from appearing on campus during the spring semester of 2017. This is unacceptable at any great university and especially so at the birthplace of the Free Speech Movement. Policies and procedures that have worked reasonably well in recent years to provide safe and secure venues for controversial speakers have broken down in the face of groups from both the left and right that are prepared to use coordinated violence to disrupt an event.

The Senate and administration have begun working together to formulate new policies to deal with these new realities. These policies must strike a balance between, on the one hand, providing a meaningful venue and, on the other hand, reducing the risk that violence or the threat of it may be able to shut an event down. Striking the right balance will require extensive consultation in the coming year.

Data Science Initiative

Developing a Data Science Initiative offers tremendous opportunities to the campus. DIVCO devoted significant attention in the fall 2016 to responding to the report of the Faculty Advisory Board (FAB) of the Data Science Planning Initiative. DIVCO enthusiastically supported a rapid and aggressive move into the intellectual space of Data Science. DIVCO further recommended that this move should be externally visible, properly resourced, and fiscally responsible. It should take the form of a new division and the next step following its creation should be to develop a detailed proposal for the structure of the new division. This structure should reflect the bottom-up desires of the faculty involved; it should further the important goal of a data science initiative that is deep, broad, and rich; and it should allow for the evolving nature of the fields involved.

Others made similar recommendations, and DIVCO is pleased that Interim EVCP Christ followed this course with the creation of a Division of Data Science and the appointment of an interim dean. The Senate looks forward to working with the administration and the interim dean in developing this initiative.

Intercollegiate Athletics’ Ongoing Deficit

The Senate is gravely concerned about the Department of Intercollegiate Athletics’ (IA’s) ongoing deficits. IA has run a significant deficit much more often than not for at least the last 20 years. These deficits stretch back across many chancellors and many athletics directors. They long predate the stadium. There has been a chronic failure of leadership on this issue.

Last August, then-Chancellor Nicholas Dirks established a Task Force on Intercollegiate Athletics (TFIA) and charged it with identifying a financially sustainable model for IA.⁵ The

⁵ <http://chancellor.berkeley.edu/task-force-intercollegiate-athletics>

members of the task force reflected a very wide range of backgrounds and perspectives, including faculty, trustees, and donors, as well as recent and “less recent” former student athletes. The advantage of such a diverse group is that it provides an enormous boost to whatever consensus recommendations the task force makes. The disadvantage of this diversity is that it makes finding a consensus on hard decisions more difficult. Unfortunately, “[t]he task force was unable to reach a consensus on a number of important issues...,” including identifying a sustainable model for IA.⁶

Nevertheless, a sustainable model for IA must be found. IA is currently being asked to do the impossible. As the task force observes, “the following three things cannot hold at the same time for the current 30-sport program or any other NCAA Division I program with fewer sports:” IA cannot simultaneously (i) cover the entire interest expense for the stadium and high-performance athletic center; (ii) receive \$5 million from central campus in nominal institutional support, and (iii) balance its operating and capital budget.⁷

One or more of these conditions must fail, and it has generally been the third. IA has failed to balance its budget. In 2015-16, for example, the Chancellor’s office transferred \$23M to IA to cover its deficit in addition to the \$5M in nominal institutional support.⁸ This level of de facto campus support is unacceptable. IA’s operating and capital expenses must be aligned with its revenues. This will almost surely entail some increase in the level of nominal campus support for IA or transferring to central campus a portion of the interest expense, possibly that do to the seismic work on the stadium. But there must also be a substantial reduction in the level of de facto support.

Ongoing Budgetary Challenges

The most profound challenge Berkeley has faced over the last 18 months and will continue to face for some time is the structural deficit. Had Berkeley not taken action, the deficit was projected in the fall of 2015 to rise from \$150M in FY2016 to more than \$260M in FY2020. These estimates are broadly consistent with those made in the fall of 2013 by then-Vice-Chancellor for Administration and Finance John Wilton in his report “Time Is Not on Our Side.”⁹

In order to eliminate the structural deficit by 2020, the campus reduced the projected deficit by \$60M to bring the projected 2017 deficit down from \$170 to \$110M. Half of the \$60 million reduction was achieved by deferring much need maintenance yet again. Plans were finalized this summer to cut the \$110M deficit in half by summer 2018 with an additional reduction of about \$55M to be made over the subsequent two years.

These cuts, coupled with ongoing limitations on tuition and state funding and new restrictions on nonresident enrollment, pose a significant threat to Berkeley’s future excellence. After a six-year tuition freeze, the Regents wrestled with raising tuition by 2.5% even though increases tied to inflation were envisioned as part of the May 2015 Committee-of-Two agreement between the

⁶ http://chancellor.berkeley.edu/sites/default/files/tfia_report_june_2017.pdf

⁷ The minimum number of sports an NCAA Division I program can have is 14. See <http://www.ncaa.org/about/who-we-are/membership/divisional-differences-and-history-multidivision-classification>.

⁸ http://www.calbears.com/documents/2017/1/20//Cal_Athletics_Financial_Statement_Published_on_Website.pdf?id=8467

⁹ http://vcaf.berkeley.edu/sites/default/files/Time_is_not_on_our_side_1_11.29.13_FINAL.pdf and <http://vcaf.berkeley.edu/sites/default/files/Time%20is%20not%20on%20our%20side%20%20%2011.29.13%20FINAL.pdf>

Governor and UC President which The Regents subsequently approved. This spring The Regents, faced with strong pressure from the state legislature, capped nonresident undergraduate enrollment. In brief, Berkeley does not control most of its major revenue levers.

But the threats to Berkeley's future excellence are not solely external. Berkeley needs significant internal administrative reform as the Committee on Academic Planning and Resource Allocation (CAPRA) made clear in their "2017-18 Budget and Policy Recommendations".¹⁰ Most fundamentally, the report urges that "the Chancellor, Provost, and Vice Chancellors pay careful attention to the development of a culture of accountability and professionalism that strives at all times to support the core campus activities of *education, research, and service to the State of California*." In particular, "The quality and professionalism of all financial reports and financial systems needs to be substantially improved with the goal of enhancing our ability to understand our spending and to allow us to make rational, well informed decisions."

Berkeley also needs a new process for reviewing and approving significant capital projects. Reforming this process is a high priority for our new Chancellor, Carol Christ (as of July 1) and I am pleased that she agrees that CAPRA and the Senate must have a very strong voice in this process.

The ongoing challenge for the future is to find a sustainable financial model for Berkeley that preserves not just access, but access to *excellence*.

Respectfully submitted,

Robert Powell
Chair, 2016-2017
Berkeley Division of the Academic Senate

¹⁰[http://academic-senate.berkeley.edu/sites/default/files/capra_budgetpolicyrecommendations2017-18 - final rev 0.pdf](http://academic-senate.berkeley.edu/sites/default/files/capra_budgetpolicyrecommendations2017-18_-_final_rev_0.pdf)

List of Activities

The following summarizes Divisional Council and Divisional activities and actions for 2016-2017, including the date(s) of the action. Please refer to the Divisional Council approved minutes and communications for details.

Academic Programs

- Forwarded comments on the academic program review of the Department of Statistics to the vice provost for academic and space planning. (9/26/16)
- Forwarded recommendations and comments to the vice provost for the faculty on a proposed transfer of Media Studies from the Letters and Sciences Division of Undergraduate Studies to the Division of Arts and Humanities. (10/10/16)
- Forwarded comments on the academic program review of the School of Journalism to the vice provost for academic and space planning. (10/10/16)
- Forwarded comments on the academic program review of the Department of Philosophy to the vice provost for academic and space planning. (10/24/16)
- Forwarded recommendations on the Data Science Planning Initiative to the Interim executive vice chancellor and provost (EVCP). (10/24/16, 11/7/16)
- Forwarded endorsement to the vice provost for the faculty for a proposal for a graduate group and degree name change from International and Area Studies to Global Studies. (11/7/16)
- Forwarded comments on the academic program review of the School of Public Health to the vice provost for academic and space planning. (11/21/16)
- Forwarded comments on the academic program review of the Department of Industrial Engineering and Operations Research to the vice provost for academic and space planning. (11/21/16)
- Forwarded its endorsement of a proposal for the Master of Information and Cyber Security (MICS) degree program to the vice provost for the faculty. (1/23/17, 2/13/17, 3/13/17)
- Endorsed a proposal for a Master of Real Estate Development and Design (MRES+D) degree program; forwarded comments to the vice provost for the faculty. (1/23/17, 2/13/17)
- Forwarded endorsement of a proposal for a Certificate in Global Urban Humanities to the vice provost for the faculty. (2/27/17)
- Forwarded comments on the academic program review of the Department of Psychology to the vice provost for academic and space planning. (2/27/17)
- Endorsed a proposal for a Master of Molecular Science and Software Engineering (MSSE) degree program; forwarded comments to the vice provost for the faculty. (2/27/17)
- Forwarded endorsement of the proposal for name change of the Forestry and Natural Resources degree program, and establishment of two specializations, to the vice provost for the faculty. (3/13/17)
- Forwarded comments on the academic program review of the School of Information to the vice provost for academic and space planning. (3/20/17)
- Forwarded comments on the academic program review of the Department of Bioengineering to the vice provost for academic and space planning. (4/10/17)
- Endorsed the report of the Visioning Team for Journalism, Communications, and Media and forwarded comments to the Interim EVCP, vice provost for academic and space planning, and the vice provost for the faculty. (5/8/17)

Policies

- Approved a DIVCO statement on the suspension of a student-facilitated (De-Cal) course. (9/19/16, 9/26/16)
- Responded with recommendations on the report of the Chancellor's Joint Administrative/Senate Committee on Sexual Violence and Sexual Harassment. (9/26/16)
- Approved key points to present to the UC Berkeley chancellor search committee on Campus Day. (9/26/16)
- Forwarded its endorsement of a request to suspend two provisions of the 2010 self-supporting degree programs (SSGPDP) policy to the Interim EVCP and graduate dean. (10/24/16, 11/21/16)

- Forwarded comments on proposed revisions to APM 015 (Faculty Code of Conduct), APM 016 (University Policy on Faculty Conduct and the Administration of Discipline), and Senate Bylaw 336 (Privilege and Tenure hearings), to Academic Council. (11/7/16)
- Forwarded comments to Academic Council on a draft new presidential policy on international activities. (11/7/16)
- Declined to endorse a statement of principles submitted by the Committee on Demonstrations and Student Actions, on the response to student demonstrations. (11/21/16)
- Forwarded comments to Academic Council on proposed changes to the presidential policy on nondiscrimination and the APM 015 (Faculty Code of Conduct). (12/5/16)
- Forwarded comments on the draft presidential unmanned aircraft system policy to Academic Council. (4/10/17)
- Forwarded endorsement of a proposed title change for Lecturers with Security of Employment (LSOE) to Academic Council. (4/24/17)
- Declined to endorse other proposed revisions to APM sections pertaining to the LSOE series, and recommended new language to Academic Council. (4/24/17)
- Declined to endorse a proposed presidential policy on export controls and forwarded comments to Academic Council. (5/8/17)

Legislation

Enacted Legislation

All items placed on the Fall and Spring Division meeting consent calendars were approved.

- Approved proposed amendments to Berkeley Division (B.D.) Bylaw 25 (Committee on Research) for the Special Orders-Consent Calendar of the fall Division meeting. (10/10/16)
- Declined to endorse proposed amendments to Senate Bylaw 182 (International Education) and forwarded comments to Academic Council. (12/5/16)
- Endorsed proposed amendments to Senate Regulation 630 pertaining to requirements for senior residence, and forwarded comments to Academic Council. (2/27/17)
- Approved the proposed withdrawal of B.D. Bylaw 43 (Student Affairs) for the Special Orders-Consent Calendar of the spring Division meeting. (3/13/17)
- Approved the proposed amendment of B.D. Regulation A230 (Special Studies) for the Special Orders-Consent Calendar of the spring Division meeting. (3/13/17)
- Approved the proposed amendment of B.D. Bylaw 32 (Committee on Computing and Communications), creating a new Committee on Computing and Information Technology, for the Special Orders-Consent Calendar of the spring Division meeting. (3/20/17)
- Approved the proposed amendment of B.D. Regulation A291 (senior residence) for the Special Orders-Consent Calendar of the spring Division meeting. (3/20/17)
- Approved the proposed amendments of B.D. Bylaw 47 (Undergraduate Council) and B.D. 30 (Committee on Academic Planning and Resource Allocation). (4/24/17)
- Approved the withdrawal of B.D. Bylaw 36 (Committee on Educational Policy), for the Special Orders-Consent Calendar of the spring Division meeting. (4/24/17)

Faculty/University Welfare

- Forwarded comments to the vice provost for the faculty on a proposal to augment teaching evaluations with a question about the degree of inclusivity in the classroom environment. (3/13/17)
- Forwarded recommendations on a proposal regarding the adjunct professor title. (4/10/17)
- Authorized Division Chair Powell to provide an update at the spring Division meeting on the campus's efforts to respond to the AY15-16 'sense of the Senate' resolution on sexual violence and sexual harassment, and to restructure the relevant campus policies. (4/24/17)

Budget and Planning

- Forwarded comments to Academic Council on a proposed revision of Regents Policies 3103 and 3104, regarding professional degree supplemental tuition (PDST). (12/5/16)
- Forwarded CAPRA's 2017-18 budget recommendations and DIVCO's comments to the Chancellor and Interim EVCP. (5/8/17)

Awards and Honors

- Approved a recipient of the 2016 Leon A. Henkin Citation for Distinguished Service. (8/29/16)
- Approved a recipient of the 2017 Clark Kerr Award. (12/5/16)
- Approved five recipients of the 2017 Distinguished Teaching Award. (3/13/17)
- Approved two recipients of the 2017 Berkeley Faculty Service Award. (3/20/17)
- Approved two Martin Meyerson Berkeley Faculty Research Lecturers for 2018. (4/10/17)

Senate Management

- Approved a conflict of interest policy for DIVCO. (8/29/16)
- Held a faculty forum on the campus budget. (9/19/16)
- Confirmed appointments to standing committees of the Academic Senate. (9/26/16, 10/10/16, 10/24/16, 11/21/16, 12/5/16, 1/23/17, 2/6/17, 2/27/17, 3/13/17, 3/20/17, 4/10/17, 4/24/17, 5/8/17)
- Reauthorized the Senate Athletics Council (SAC) for 2017-18. (10/10/16, 12/5/16)
- Referred reconsideration of COMP's charge and bylaw to the Committee on Rules and Elections. (10/10/16, 3/20/17)
- Held Division meetings on 11/1/16 and 5/3/17.
- Held a faculty town hall with the Chancellor's Joint Task Force on Intercollegiate Athletics. (12/5/16)
- Approved authorization for the Division chair to act on behalf of Divisional Council during winter break until Council reconvened in spring 2017. Approved a similar authorization for the Division vice chair to act on behalf of the Division chair in his absence during this time. (12/5/16)
- Approved the 2015-16 annual report for the Division. (2/6/17)
- Conducted an electronic election for the Division. (3/1/17)
- Approved a merger of the Committee on Educational Policy into the Undergraduate Council. (4/10/17, 4/24/17)
- Approved authorization for the Division chair to act on behalf of Divisional Council during summer break and until Council reconvenes in fall 2018. Approved a similar authorization for the Division vice chair to act on behalf of the Division chair in his absence during this time. (5/8/17)

Senate Events

- Held a Senate leadership orientation on 9/6/16.
- Held an award ceremony for the Henkin Citation on 2/7/17.
- Held a combined end-of-year service recognition and Berkeley Faculty Service Award reception on 5/9/17.