

**APPROVED MINUTES
BERKELEY DIVISIONAL COUNCIL
Monday, February 25, 2019 – 12:00 – 2:00 PM
Academic Senate Conference Room, 310 Stephens Hall**

Divisional Council (DIVCO) met on Monday, February 25, 2019, in the Academic Senate Conference Room in 310 Stephens Hall. Division Chair Barbara Spackman presided. A quorum was present as shown on the attached attendance chart. The guest for Item V. B, Professor Marianne Constable, chair of the Committee on Privilege and Tenure (P&T), participated by videoconference.

I. MINUTES of the Meeting of February 11, 2019
Enclosure 1

Division Chair Spackman proposed a clarification of the discussion in Item V.B on academic boycott of Israeli academic institutions.

ACTION: The minutes were approved as revised.

II. CONSENT CALENDAR
None

III. ANNOUNCEMENTS

- Academic boycott of Israeli academic institutions: Since DIVCO's last discussion, Chancellor Carol Christ released her clarifying response on the chancellors' statement to the Berkeley Faculty Association. The letter satisfied Divisional Council's concerns about the statement regarding academic freedom. Division Chair Spackman will convey DIVCO's comments to Academic Council at the discussion of their draft resolution on the same subject.
- University of Hong Kong (HKU) dual degree program proposal: The dean of Summer Sessions, Study Abroad, and Lifelong Learning responded to DIVCO's concerns about the proposal, and forwarded a letter from College of Letters & Science deans about the program's academic rationale. It was noted that HKU will now be able to provide some financial aid for Berkeley students. Divisional Council will discuss the response at its March 18th meeting.
- Update from the deans' and chairs' retreat: 75-80 new faculty FTE searches have been approved. An Academy of Emeriti proposal will come to the Senate for review.
- Negotiations with online publisher Elsevier continue.
- Faculty ombuds: The Division's faculty ombuds role is under review as there is a concern that Berkeley's ombuds are not professionally trained and therefore are not confidential resources with respect to sexual harassment/sexual violence (SV/SH). The Division is conducting a survey on how other UC campuses handle the roles.
- Celebration of women at Cal: Division Vice Chair Oliver O'Reilly was credited for initiating a 150th anniversary celebration of the decision to enroll women here. A task force will be convened to plan this campuswide event.

IV. UNFINISHED BUSINESS

None

V. **NEW BUSINESS**

A. **Review of the Department of Mathematics**

Enclosures 2a – 2f and Handout A

Divisional Council considered at length statements in the external review committee's (ERC) report and a letter from the Noetherian Ring (Handout A) about a very poor climate for women that has permeated the student experience, affected enrollment, and eroded collegiality in the department. Divisional Council calls for the department to find ways to resolve their differences so they can work on improving climate. It was noted that the current department chair has made some progress, but needs support to continue these efforts. DECC also noted the department's efforts with respect to racial diversity, which should be expanded to include women of color. Council requested an annual report from the department addressing progress on these climate issues until they are resolved.

Council acknowledged the important campus service performed by the department through its undergraduate offerings, but believes the department could better use the resources it already has available to address workload and other issues. The department should undertake a comprehensive review of its undergraduate program, look for possible efficiencies and standardization, and reconsider how the use of non-Senate faculty and graduate student instructors (GSIs) could alleviate ladder-rank faculty workload. Consultation with other departments that offer large enrollment courses is highly recommended. New FTE may not be available, but the department could fundraise for additional faculty, particularly if they desire closer relation to the new data science division. Council also raised concern about the diagnostic exam for graduate students, and improving graduate mentoring and GSI training.

ACTION: Divisional Council authorized Division Chair Spackman to forward its comments to the vice provost for academic planning, with a request for an annual climate report until problems are resolved.

B. **Proposed revisions to Academic Senate Bylaw 336**

Enclosures 3a– 3d

"Faculty disciplinary procedures for the Berkeley campus" is available here:
https://apo.berkeley.edu/sites/default/files/disciplinary_procedures_nonsvsh.pdf

P&T Chair Constable (on videoconference) outlined issues of great concern to the Senate in the proposed revision of Bylaw 336 (Privilege and Tenure: Divisional Committees—Disciplinary Cases), procedures for handling disciplinary cases involving sexual violence/sexual harassment (SVSH). The way in which the California State Auditor's recommendations were incorporated as requirements undermines the Senate's authority in the disciplinary process.

Council believes that the proposed revisions are unworkable and that a more flexible, realistic timeframe is needed to ensure due process for accused faculty. Commitment to a scheduling timeline more like the current timeline used (a pre-hearing meeting within 30 days and a hearing held within 120 days) was

accepted. Council discussed the consequential implications of the revisions, which include a potential for litigation stemming from due process concerns. It was reaffirmed that only the Senate has the authority to change its bylaws. Council will recommend revisions that address these serious concerns.

ACTION: Divisional Council authorized Division Chair Spackman to forward its comments and recommendations to Academic Council.

C. Proposed Revisions to Investigation and Adjudication Frameworks for Senate and Non-Senate Faculty and for Staff and Non-Faculty Academic Personnel under the Presidential Sexual Violence and Sexual Harassment (SVSH) Policy
Enclosures 3b – 3c and 4a – 4b.

Discussion of this item was intermeshed in the discussion of Item V.B. DIVCO strongly objected that the proposed revisions to the adjudication framework grant greater authority to the Title IX office.

ACTION: Divisional Council declined to endorse the proposal and authorized Division Chair Spackman to forward its comments and recommendations to Academic Council.

D. Open access for theses and dissertation proposed policy – 2nd review

Enclosures 5a – 5d

To protect graduate students, Council supported Graduate Council's recommendation to include the option of a six-year embargo, to address the concerns raised by those in book-based disciplines.

ACTION: Divisional Council authorized Division Chair Spackman to forward comments to Academic Council.

E. Forward*: UC transfer guarantee proposal

Forwarded to the committees on Admissions, Enrollment, and Preparatory Education, and Diversity, Equity, and Campus Climate

F. Forward*: Latin American Studies grad group disestablishment

Forwarded to the Committee on Budget and Interdepartmental Relations

G. Forward: recommendation to increase phase 2 enrollment limit

Forwarded to the Committee on Courses of Instruction

VI. INFORMATIONAL ITEMS

A. Committee on Budget and Interdepartmental Relations, 2017-18 annual report

Enclosure 6

The meeting was adjourned at 1:55 p.m.
Recorder: M. Kwock, Assistant to the Chair

Handout A: Noetherian Ring Statement for External Review Committee [on the Department of Mathematics, 2018].

DIVCO – ATTENDANCE, SPRING 2019

DIVCO MEMBERS	1/28/19 Cancelled	2/11/19	2/25/19	3/18/19	4/1/19	4/15/19	4/29/19	5/13/19
Ahn, David		P	P					
Ashmore, Robert		P	P					
Battles, John		P	P					
Carson, Cathryn		P	P					
Colford, John		P	P					
Frede-Montemayor, Victoria		P	P					
Hendershott, Terrence		P	P					
Johnson-Hanks, Jennifer		P	P					
Levy, Jonah		P	P					
Milnes, David *		P	P					
Navarrete, Ignacio		P	A					
O'Reilly, Oliver		P	P					
Ray, Raka		P	P					
Sanyal, Debarati		P	P					
Scheffler, Richard		P	A					
Spackman, Barbara		P	P					
Steen, Shannon		A	P					
Taylor, Ula		P	P					
Wallace, R. Jay		P	P					
INVITED GUESTS *	1/28/19 Cancelled	2/11/19	2/25/19	3/18/19	4/1/19	4/15/19	4/29/19	5/13/19
Ogundele, Olufemi		P						
Constable, Marianne			P					

SENATE STAFF	1/28/19 Cancelled	2/11/19	2/25/19	3/18/19	4/1/19	4/15/19	4/29/19	5/13/19
Green Rush, Andrea		P	P					
Kwock, Marilyn		P	P					

P=Present A=Absent * Non-voting