

**APPROVED MINUTES
BERKELEY DIVISIONAL COUNCIL
Monday, March 14, 2022 – 12:10-2:00 PM
South Hall, Room 210**

Divisional Council (DIVCO) met on Monday, March 14, 2022 in 210 South Hall. Division Chair Ronald Cohen presided. Quorum was present, as shown on the attached attendance chart. DIVCO approved a reordering of the agenda to accommodate the guests.

I. A. MINUTES of the meeting of February 28, 2022

ACTION: The minutes were approved as presented.

II. CONSENT CALENDAR

A. Proposed revisions to the Presidential Policy on Supplement to Military Pay

B. Proposed simple name change: Chicanx Latinx Studies

C. Proposed revision to Senate regulation 424.A.3

D. Distinguished Teaching Award nominations

ACTION: Items II.A., II.B., and II.D., on the Consent Calendar were approved. Item II.C. was moved to New Business for further discussion.

III. ANNOUNCEMENTS

Division Chair Ronald Cohen

Chair Cohen shared that the amended SB 118 passed unanimously in the California State Assembly and the Senate. The bill ensures that student enrollment at a college campus is not treated in the same way as building projects under the California Environmental Quality Act (CEQA), with the consequence that Berkeley does not have to decrease student enrollments for Fall 2022.

The next DIVCO meeting, scheduled for March 28, 2022 will be cancelled, unless a time-sensitive issue arises.

A large group of department chairs signed a letter to the Executive Vice Chancellor and Provost and the Vice Provost for the Faculty regarding cumbersome processes in the new Unit 18 lecturers' contract, as well as bureaucracy issues on campus. Chair Cohen and Vice Chair Smart met with the Vice Provost for the Faculty, and he seemed responsive to the Chairs' concerns.

The information item at the bottom of the agenda regarding mandated recording of classes and the Disabled Students' Program (DSP) is a response to student protest at UCLA. Chair Cohen urged DIVCO members to be aware of these issues.

IV. UNFINISHED BUSINESS

A. Discussion/action: Proposed revisions to BDB 19 and 20

As context for the proposed bylaw changes, Chair Cohen explained that he had been troubled by the lack of diversity in recipients of campus awards and began thinking about ways to address equity in faculty awards. One initiative is to restructure the Committees on Faculty Research Lecture (FRL) and Faculty Awards (FAC). These two committees have differing feelings on merging into one committee.

DIVCO did not have sufficient time to discuss this item, and discussion will be continued at the next DIVCO meeting.

V. NEW BUSINESS

A. Discussion only: Systemwide recommendations for department political statements

Guest: Sean Gailmard, Chair of the Committee on Academic Freedom (ACFR)

Chair Cohen asked DIVCO members to consider this issue with a view both to formulating comments on the systemwide University Committee on Academic Freedom (UCAF)'s memo on political statements by departments and in relation to broader issues of academic freedom and free speech.

ACFR Chair Gailmard explained that ACFR understands academic freedom as specifically applying to the activities of faculty involved in teaching and scholarship. While it does have connections to corporate speech and departments, ACFR does not believe that corporate speech is protected the same way that an individual would be protected by the principles of academic freedom. Some members of ACFR felt that departments should not make statements at all, while others argued that in some fields statements that articulate core values in the field are valuable.

ACFR recommended if departments make political statements two conditions must be met:

1. Departments should make clear that they are not speaking on behalf of the university;
and
2. Statements should be signed by the individuals who endorse them, so that those who disagree are not implicated, which would infringe on their academic freedom.

The Chair of the Committee on Diversity, Equity, and Campus Climate (DECC) explained that DECC's response to the UCAF memo was guided by the campus's Principles of Community. DECC highly values freedom of expression and believes that departments should be allowed to make political statements. DECC recommended that the Senate create guidance for departments on how to deliberate about which issues call for public response. DECC also stressed that silence is not neutral: failure to speak on a charged issue should not be understood as neutrality but rather as an endorsement of the status quo or the dominant paradigm.

Both DECC and ACFR supported both of UCAF's recommendations, but requested clarification on the second part of Recommendation #2, specifically on what was meant by granting "proportionate opportunity" for minority views to be aired.

DIVCO endorsed the main points made by ACFR and DECC. The consensus was that departments should be permitted to make political statements, but that such statements should not be encouraged. DIVCO members expressed concern about the use of university resources and the appropriate channels for communicating minority views.

ACTION: DIVCO authorized Chair Cohen to draft a cover letter and forward committee comments to the Chair of the systemwide Academic Senate.

B. Discussion only: Vice Provost for the Faculty search

Members of the search committee for the Vice Provost for the Faculty (VPF) as well as DIVCO members discussed the tasks and responsibilities of the VPF, and the skills and qualities desirable for the role.

C. Discussion only: Vice Provost for Undergraduate Education search

Members of the search committee for the Vice Provost for Undergraduate Education (VPUE) as well as DIVCO members discussed the tasks and responsibilities of the VPUE, and the skills and qualities desirable for the role.

D. Proposed revision to Senate regulation 424.A.3

A DIVCO member requested that this item be removed from the consent calendar due to committee discussion on the language of the guidelines, and the concern of how the language would be viewed.

During the discussion DIVCO members agreed that, while the use of the words "race" and "critical" in close (as in "critical analysis" or "critical consciousness") might indeed be taken by some as an endorsement of teaching Critical Race Theory at the secondary level, it does not in fact constitute such an endorsement and the Senate cannot control how this language may be read by unfriendly audiences.

ACTION: Divisional Council authorized Chair Cohen to draft a cover letter endorsing the proposal and forward to the Chair of the systemwide Senate.

E. Forward*: Department review – South Southeast Asian Studies

F. Forward*: Proposal for a UCB Committee on Climate Change

VI. INFORMATIONAL ITEMS

A. Recommendations to Senate Divisions on the Mandated Recording of Classes

The meeting was adjourned at 2:00pm
Recorder: Haniya Ferrell, Administrative Assistant

DIVCO – ATTENDANCE, SPRING 2022

DIVCO MEMBERS	1/24/22	2/7/22 - CANCELLED	2/14/22	2/28/22	3/14/22	3/28/22 - CANCELLED	4/11/22	4/25/22	5/9/22
Aguilera, Adrian	P		P	P	P				
Catanese, Brandi	P		P	A	P				
Cohen, Ronald	P		P	P	P				
Doremus, Holly	P		P	P	P				
Fernald, Lia	P		A	P	A				
Gilles, J. Keith*	P		P	P	P				
Glaunsinger, Britt	P		P	P	P				
Hesse, Carla	P		P	P	P				
Kern, Richard	P		P	P	P				
Leonard, Thomas	P		P	P	P				
McMains, Sara	P		A	P	P				
Olney, Martha	P		P	A	P				
Ozer, Emily	P		P	P	P				
Plaut, Victoria	P		P	P	P				
Sayre, Nathan	P		P	P	P				
Siu, Lok	P		A	P	P				
Smart, Mary Ann	P		P	P	P				
Sweetser, Eve	P		P	P	P				
Tarica, Estelle	P		P	A	P				
INVITED GUESTS *	1/24/22	2/7/22 - CANCELLED	2/14/22	2/28/22	3/14/22	3/28/22 - CANCELLED	4/11/22	4/25/22	5/9/22
Hallett, Christopher				P					
Gailmard, Sean					P				
Lee Wilby, Kristine					P				

Hermalin, Benjamin					P				
Gutierrez, Kris					P				
Whissel, Kristen					P				
Sitar, Nicholas					P				
Johnson-Hanks, Jennifer					P				
Baranger, Anne					P				

SENATE STAFF	1/24/22	2/7/22	2/14/22	2/28/22	3/14/22	3/28/22	4/11/22	4/25/22	5/9/22
Allen, Patrick				P					
Banaria, Jocelyn Surla	P		P	P	P				
Corley, Linda									
Dobin, Deborah									
Ferrell, Haniya	P		P	A	P				
Lynch, William									
MacIntyre, Courtney									
Marias Dezendorf, Rachel									
Mitchell, Lanayah									
Quiggle, Sumei									

P=Present A=Absent * Non-voting